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"Tunisia's Landmark Constitution: What You Need to Know about the Text, Context, and What's Next"

POMED, Middle East Institute, American Tunisian Association

Monday, February 10, 2014 11:00 am-12:30 pm

Rome Auditorium, Johns Hopkins SAIS

1619 Massachusetts Ave, NW

"Tunisia's Landmark Constitution: What You Need to Know about the Text, Context and What's Next" was an event held by Project on Middle East Democracy (POMED), Middle East Institute, American Tunisian Association and SAIS. **William Zartman**, Professor Emeritus at Johns Hopkins SAIS moderated the panel. Panelists **Duncan Pickard**, Nonresident Fellow at the Rafik Hariri Center for the Middle East at the Atlantic Council, **Nathan Brown**, Professor of Political Science and International Affairs at The George Washington University Elliott School of International Affairs, and Ambassador of the Republic of Tunisia to The United States **Mohamed Ezzine Chelaifa**, participated in the discussion.

Bill Lawrence, President of the American Tunisian Association gave opening remarks and introduced the panelists. **William Zartman** then gave an introductory statement, prompting the featured speaker, **Duncan Pickard** to begin. Pickard began by giving a recent history of the events in Tunisia leading up to the finalization of the constitution last week. He highlighted four main points that were unique to Tunisia's newly established Constitution saying that the constitution is the "birth of the second Republic of Tunisia." He highlighted that this is the first "tangible fruit," of the revolution, the constitution is the first sustainable constitution in the Arab Spring, the constitution was consensual and agreed upon by all parties, including the Ennahda (Muslim wing of the Tunisian government), and that success came after a series of immense roadblocks. Pickard then zoomed in on two main points of the success of the Constitution, those being a genuine commitment to consensus and a commitment to the rule of law. Pickard then explained the progression and transition of the Tunisian government beginning with the explanation of the Ben-Al Shur commission that initially strove to amend the constitution with the help of the constituent assembly and the Ennahada coalition that formed late in 2011. He explained the early debates about the constitution, those being the division of executive powers and the role of religion in society and the constitution. Pickard explained that the Ennahda party wanted a strong parliament and a weak executive where the secularists wanted a strong executive and weaker parliament. Additionally he mentioned two other roadblocks caused by the assassinations of two prominent Tunisians in 2013 that marked the lowest point in the Tunisian transition. Following this low point, Pickard explained the rise of the National Dialogue that sought to resolve the appointment of the members of the elections commission, an agreement on the constitution, a date for elections, and who would take over the government if the Prime Minister was to step down. Pickard concluded his in depth history and analysis by looking forward in Tunisia's transition with the new Prime Minister, **Mehdi Jomaa**, and the success of a finalized constitution that established a new constitutional court, included "progressive language" on women's rights, healthcare, climate change etc., and was not based on Islamic law. Pickard said he is optimistic and happy about Tunisia's accomplishments but stressed that the implementation process remains to be seen.

Nathan Brown then began his analysis by making some comparisons and contrasts to Egypt, highlighting that the process and structure in Tunisia was far more successful than in Egypt. Brown touched upon a comparison between the Ennahda party in Tunisia and the Muslim Brotherhood in Egypt, stating that he believed The Brotherhood was more experienced at "enacting state power," but that Tunisia successfully came to a consensus. He also highlighted the strong military presence in Egypt but weak presence of the military in Tunisia. He then pointed to the fact that Tunisians made enormous changes to their system and began a difficult process of inclusionary politics but that the "real democracy" and "real politics" are ugly, and Tunisia has yet to see these "real processes." He described the greatest challenge will be when social issues are not codified into the constitution but fall into the hands of politicians during the political process and this will be the start of "ugly politics in Tunisia."

William Zartman then made a few brief comments stating that the "constitution is something to be proud of," but that the liberal side thinks there are things in the constitution that Islamists will take advantage of if they come into power in the next election cycle, and Islamists think liberals are trying to keep them out of elections. Zartman also predicted that Ennahda will be less popular in the parliamentary elections and that there will be enormous difficulties if the Prime Minister and President are of different parties.

Ambassador Chelaifa then gave a brief statement, saying that the constitution in Tunisia is a historic breakthrough but the success remains "fragile and unfinished." He highlighted two problems, one being that despite democratic and secular elements, the constitution is not valuable if not accepted by the people and, additionally, that the "emerging democracy" needs to be consolidated and protected and it cannot rely solely on "western allies." He concluded by saying that Tunisia hopes to build a mutual strategic agenda with the U.S. through security, economics, trade, and investment, which would help Tunisia's democratic transition.

The floor was then opened for questions and New York Times journalist **Thomas Friedman** asked if it was a coincidence that the country with the least U.S. involvement had the greatest success out of the Arab Spring. Pickard responded saying, "correlation doesn't equal causation," and that Tunisia was out of the spotlight for a number of reasons, which gave them more space to make internal, independent decisions. He added that now there is a greater call for U.S. involvement in Tunisia for mutual economic benefits. Brown added, in response to Ambassador Chelaifa's ambition to form a greater relationship with the U.S., "It's not too late for U.S. involvement and investment."