

COMMENTARY

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Bringing Tunisia's Transition to its Security Sector

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The spread of protests in Tunisia since mid-January reveals the depth of its unresolved and festering socio-economic crisis. It also exposes just how little has changed for the better in the relationship between the police and the general public since the 2011 uprising. The “security state” built by then President Zain al-Abdin Ben-Ali did not survive his ouster, but the security sector—the various police forces, internal security agencies, and customs branches under the control of the ministry of interior—has resisted all subsequent attempts to restructure or reform it. The ministry is run by shadowy networks of officials and competing police unions that act as clientilistic “lobbies” or “clans” working for their own separate interests, while asserting their collective autonomy from the national government.

Five years after the 2011 uprising, it is time for the Tunisian government to lead the ministry of interior through its own transition. The previous opportunity was missed, and as a result the security sector has regained its old bad habits: the police and security agencies continue to use excessive force against protestors and enter homes at gunpoint, especially in low-income and peripheral areas of the country; officers periodically besiege courthouses where colleagues are being tried for unlawful use of violence against citizens; various branches are implicated in cross-border smuggling and protection rackets in the informal economy; journalists and activists who are critical of the security sector are subjected to intimidation and arrest on charges of defamation and “indecentcy;” and as both Human Rights Watch and Amnesty International recently detailed, the use of torture in police detention has not ended despite the ratification of international protocols prohibiting it after 2011 and a law subjecting police facilities to inspections by human rights monitors in 2013.

But Tunisia's ongoing crisis offers a new opportunity to reform the security sector. Several steps taken over the past year moreover indicate that the political will to do so may be building up. Since early 2015, Prime Minister Habib Essid has dismissed over a dozen commanders—including the head of police in the capital Tunis—and senior security officials—including the governor of Sousse and the Secretary of State for Security Affairs—for failing to prevent a series of dramatic terrorist attacks. In December, Essid also revived the post of director-general of national security, granting greater authority to the permanent senior civil servant overseeing the ministry of interior. And the following month he created a new Ministry of Local Affairs, taking responsibility for local government away from the ministry of interior and reducing its jurisdiction, and removed his own appointee as Interior Minister, Ben-Ali era judge and former governor Mohamed Najem Gharsalli, who was seen as ultimately responsible for the continuing ineffectiveness of the security sector.

But the replacement of Gharsalli with Hédi Majdoub as part of a wider cabinet reshuffle on 6 January 2016 does not go far enough. Majdoub, a graduate of the National Defence Institute, which trains senior defence and security officers and civil servants for state management, is Tunisia's sixth minister of interior since February 2011. The high turnover reflects the paralysis of the post, itself a function of constant rivalry between the main political camps in parliament and the council of ministers and of the refusal of the cliques and factions within the ministry of interior to accept any external authority, whether that of the government, judiciary, or parliament.

The security sector's stance of non-engagement is ironic, as both Majdoub and the new director-general of national security were veterans of the interior ministry, having previously served in it under Ben-Ali. Indeed so had Essid, who was briefly minister of interior in 2011. And yet barely a week after his appointment, Majdoub was confronted with calls of "dégage" (resign) by the police unions, which announced they would not deal with him. This reveals the faulty assumptions behind appointing ministry "insiders:" that they know how to operate inside the "black box" and that the security sector will not be hostile towards them, enabling them to successfully negotiate changes.

Certainly, whoever takes responsibility for reforming the security sector must grasp the professional and operational challenges facing it. But at least as important, if not more so, is familiarity with the human resources needs and institutional dynamics involved—just as for any large institution or public sector service, such as health or education. Those in charge do not need to have a security (or defence) background—that is a pure fallacy—but rather must devote their full attention to the task and enjoy the united and sustained support of the government, parliamentary political parties, and civil society organizations.

Majdoub has the advantage over his predecessors of being close to Essid and backed by both the Nidaa Tounes and Ennahda parties. But the government is still falling back on old means, and has yet to design a far-reaching plan for the reorganization of the interior ministry and reform of its operating procedures, let alone endorse these through a broad consultative process involving the parliamentary establishment, civil society and media, and the security sector itself. If Majdoub is to succeed, then he must do better than reproduce the conventional approach based on political horse-trading between Nidaa Tounes, Ennahda, and the police unions—which was how Gharsalli was appointed a year ago.

The post-2011 experience offers several valuable lessons. The most important failing of the transition was that initial efforts to launch security sector reform were not sustained by sufficient unity of purpose, effective political coalition building and social consensus, or coherent reform policies. In the reigning atmosphere of secular-Islamist polarization, a “White Paper” submitted by a specially appointed delegate minister for reform in October 2011 was dismissed out of hand by Ennahda’s Ali Laarayedh when he became interior minister soon after, while his party’s efforts to appoint new senior officials generated accusations that it sought to assert partisan control of the security sector and “Islamize” it. Conversely, the preference of both Ennahda and of Nidaa Tounes has been to appease the security sector—mostly with salary increases, looser legal controls, and new equipment—has only allowed it to retrench and resist being made transparent and accountable.

To succeed this time round, Tunisia’s national unity government must agree on removing the security sector reform process completely from party politics—whether in cabinet and parliament or in public—and on fully empowering the minister of interior regardless of his (or her) political affiliation. It must also commit unequivocally to a consultative process to develop a new institutional design for the security sector, set parameters for security policymaking that uphold the rule of law and citizens’ rights, and ensure compliance. One way of doing this is to establish a permanent joint commission for security sector reform comprising relevant ministries and parliamentary committees, the judiciary, and civil society organizations, similar to the commission proposed in the counter-terrorism law passed in July 2015 or to the national reform committees previously suggested by Essid for education, health care, social welfare, and other areas.

Engagement with the security sector is also crucial. Its professional experience and technical expertise are important in identifying priorities and designing implementation and oversight mechanisms. But dialogue is a two-way process: the security sector must be held to clear benchmarks and submit unambiguously to oversight. Improvements in professional capabilities, pay and service conditions, and recruitment and promotion policies should be tied to improvements in performance and compliance with legal, political, and financial accountability. Some compromises are unavoidable, but the government should stand firm on ending security

sector impunity, setting policy and budgets, and making or ratifying senior command appointments.

In adopting such an approach, Tunisia's government has important allies. Many in the security sector have a real stake in reform: they, too, wish to improve its management capability, end police brutality and petty corruption, and reverse the clientelism that has hollowed out the interior ministry. And without reform and a new approach to security sector governance, it will continue to fail badly in countering terrorism. The government should also derive strength from its citizens, who want security restored but fear the return of a police state. They support the security sector's fight against terrorism and smuggling, but also want it balanced by structural reforms and accountability.

Everything now depends on the parties sharing government, and on their parliamentary opposition. Their politics could go either way. The weakening of Nidaa Tounes following the defection of around one-quarter of its parliamentary bloc compels it to work more closely with Ennahda, while the latter needs to demonstrate that it can bring progress to citizens in order to reinforce its chances of victory in the municipal and regional elections scheduled for late 2016. The new party to be formed by the Nidaa Tounes defectors can exert a positive influence in support of security sector reform whether they remain in government or move into parliamentary opposition, a goal long advocated by former President Moncef Marzouki, who recently launched the new Al-Irada (the Will) party.

But if the governing parties simply reproduce past partisan politics, rather than agree new ground rules for reforming and overseeing the security sector, then they risk seeing the country slip further into crisis.

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