



Institut de recherche et débat sur la gouvernance
Institute for research and debate on governance
Instituto de investigación y debate sobre la gobernanza

International meeting process for Debate and Proposals on Governance

Perspectives from North Africa

Tunis Colloquium

12, 13 & 14 March 2012

Terms of reference



I- The Institute for Research and Debate on Governance (IRG)

- The IRG: an international forum and network for critical analysis

Founded in 2006, the Institute for Research and Debate on Governance (IRG) is an international forum for reflecting and making proposals on public governance, based in Paris with a branch in Bogota. The IRG works with networks of partners around the world. It sets about facilitating and sustaining the debate on public governance by providing expert knowledge, setting up training modules, organising seminars. It gathers and disseminates (on line and in print) documents designed to help in devising public policies and development programs, and also to flag up new fields of study.

Rejecting a dogmatic approach and eschewing a set definition thereof, IRG focuses its **analysis** on what defines it, namely the **interactions between the multiple actors contributing today to public action** at every level (local, national, regional, international). Between government and governance, the difference lies with the number of actors involved in public action and the modalities of their participation.

This frames in a new way the questions and issues bound in the exercise of power, its social anchorage, institutional reforms, questions about its evaluation and the modalities for devising (coproducing) public policies. We have accordingly chosen to organise our thematic analyses around these current issues and vectors of change. IRG has therefore structured its activity around **five programs**: *legitimacy and the rootedness of powers; coproduction of the public good and of multi-actor partnerships, institutional engineering and public action reform; training in public affairs; scrutiny and evaluation of public action.*

- The IRG: an approach

The IRG's methodology is based on a multi-cultural, multi-disciplinary, multi-actor approach applied to both the problematics in hand and the processes and forums set up to address them. Beyond the range of viewpoints and analyses afforded by a "multi-cultural, multi-disciplinary, multi-actor" program, the idea is to shift into a dialogical dynamics wherein the multiplicity and diversity of viewpoints are, along with potential antagonisms, taken into account then overridden in order to seek to devise a shared (cross-disciplinary, inter-actor, inter-cultural) project and/or analysis.

The **intercultural** approach represents a mainstay in IRG methodology in that it allows for taking into account the diversity of mindscapes, practices, analyses and answers to governance issues as they arise in the societies involved.

The **cross-disciplinary** approach is self-evident as these problematics are at the crossroads of the social, economic, cultural, environmental, anthropological, legal fields, and more besides. The better to understand the modalities of public action and the interactions between the many actors today contributing to the devising of a regulatory system shared by all, it is necessary to take into account all these aspects of governance,

As for the **inter-actor** dimension, it aims to bring and bind together the vast array of actors (researchers, institutions/public administrations, traditional or religious authorities, civil society organisations, private sector, etc.), stakeholders all of them, at different scales of governance.

The **inter-scale** dimension aims to take into account the link and overlapping between the diverse tiers of governance. Each tier interacts with the others and cannot be considered in isolation.

II- The international meeting process for debate and proposals on governance

- The international meeting process: a major process in IRG “legitimacy and rootedness of power” program

Wherever we look, whether in Europe, in the Americas or in Africa, the existence of a constitution, the running of elections, etc. has not been enough to enlist the support of the populations for political power. On the contrary, the news supplies examples every day of more or less violent rifts between populations, their public institutions and their leaders. The connection between official power and society has broken down while State regulation is not conducive to the effective structuring of a material and symbolic interest to act for all the actors involved (public institutions, civil society, private sector, etc.). **Hence the question of legitimacy, a value added to power that founds the populations’ acceptance and compliance.** What is the foundation of authority and how do power organisation models evolve and get institutionalised in the face of social realities? The issue of legitimacy therefore touches on the very foundation of the links between State and society, the same that validate State authority. It ties in with the understanding that societies and authorities have formed of their rationale and of their duties. The question of the legitimacy and organisation of power thus calls for a **pragmatic approach**, based on the observation of the hard facts of social diversity expressed in representations, practices and relations to power and derived from the processes by which existing states came into being over time.

A significant factor in the crisis of the Political, the break in the dialectics between legality (formal and official organisation) and legitimacy is at the core of the analyses developed in IRG’s “Legitimacy and rootedness of powers” program. This question is framed in a specific way in Africa as a result of the continent’s history marked by the major break caused by the Arab then Western colonisations. This phenomenon has weighed heavily on the issue of power legitimacy in that it made for the transfer of new foundations and new power organisation models in an environment where regulations pre-existed that had not disappeared before foreign inroads. Quite the reverse, as time went by, the external imports merged with societies’ past, bringing forth very complex systems with institutions, customs, ancient traditions, religions as well as ideology and State models from the West, all this in the context of globalisation. There followed a plurality of representations and practices of power the symbiosis of which is a better reflexion of today’s realities than the proclamation of nation-States born of African independence and grounding power exclusively in a “legal-rational” bedrock. In broad terms, a person in Africa can envision itself and relate to power in a way in which their belonging to a community and their reference to a State find an expression, simultaneously or separately; they may turn to nationality and State legality but also to the sacred, to irrational and other norms for the grounding of power. Recent research shows that over 90% of land litigation in Mali, hardly a maverick case in Western Africa, continues to be handled according to customary law. However this reality is not exclusive: State law and State justice are not rejected, they co-exist with customary normative references and traditional approaches to conflict resolution; they are used after a range of register. Bypassed, avoided or in some cases misused, they are in other cases called upon in preference to custom or extra-State justice. The blend will depend on the actors’ interest to act, whether material or symbolic, within a context and a given situation. It is worked out upon comparison of the estimated benefits and occasionally leads to overlaps between diverse regulatory systems. The same conflict, particularly in land cases can accordingly pass from one system to another depending on whether a party has obtained satisfaction or otherwise. Family law throws up many more examples. For instance the decision of Senegalese couples to have their marriage confirmed by the registrar owes less to the compulsion of the norm as stated in positive law than to advantages such as family benefits that derive from it. It so happens that, even though customary marriage is legally valid, only marriage as recorded by the registrar is receivable by the State. In this instance the traditional celebration of marriage stands as socially necessary whereas its recording by the registrar is at best subjected to the aims that underpin it. These regulatory

systems are not cast in stone. On the contrary, they are constantly shifting depending on the background, the way they are called upon by diverse actors and depending even more on the interaction (cross-fertilization, overlap, competition) between them and the other regulatory systems at play. They all are sources of power legitimacy; for the actual legitimacy of the State results from the mix, both specific and variable, of a range of sources of legitimacy. The sources of power legitimacy are worth less on their own merits than through the dynamics of their interaction. The legitimacy of power is born and shaped out of practices.

Thus the social regulation of a given country is effected through **a range of channels and regulatory sub-systems** (law, religion custom, etc.). This observation is valid for all societies: to any given situation will apply a number of regulatory systems. This plurality can become problematic for a country's governance when these regulations develop and operate in competition with one another, sometimes driving the states into fragility, wherein they have limited capacity to govern or rule their society and more broadly to develop with them mutually constructive and mutually "reinforcing" relationships. Such States are defined by their inability to be acknowledged as the supreme authority (the legitimate power) on their territory.

What are the regulatory systems operating at a given time? What characterises those systems (what values underpin them, on which normativity and authorities do they rely)? What are the interactions between these regulatory systems, these sources of legitimacy? What are the fields best suited to the analysis of these interactions (land rights, family law, constitutions)? What are the implications of taking this diversity into account for State regulation and public policies?

With a view to better grasp and analyse these processes, IRG and its partners¹ developed an interpretive framework of the sources of power legitimacy in order to study this question through a pragmatic lens. This typology lays no claim to exhaustivity. Neither is this about locking in a grid a dynamic reality the interest of which lies precisely in its shifting nature. This is about attempting to **register the diversity of sources of legitimacy called upon by the actors** and the shape they take, and to understand their nature and the part they play in power legitimization processes. This typology evolves alongside our analyses and conventions.

- **Legitimacy "by process"** (or input legitimacy) is to do with the way the State operates. State legitimacy is bound in rules and procedures whereby mandatory decisions are devised and adopted (participative process, bureaucratic management, justice). The notions of participation, responsibility, transparency, in short the mechanisms involved in the relations between the State and its citizens come into play here.
- **Legitimacy "by result"** (output legitimacy) is concerned with what the State does. It is defined according to the efficiency and the quality found in the services provided as measured against the populations' expectations (security, social services, etc.). It is often at this level that competition between sources of legitimacy is observable, when some organisations provide basic services instead of, in competition with or alongside the instituted power
- **International legitimacy** is concerned with the external recognition of the states, regimes and governments as well as the role of external actors within the states. It is founded in international normativity. Whether as a result of international law or of international institutions, this legitimacy has a major impact on the rights of States, notably of developing or fragile states. In these states, it is clear that, most of the time, citizens' expectations do not

¹ *L'État en quête de légitimité. Sortir collectivement des situations de fragilité* ; p.21 ; Editions Charles Léopold Mayer ; Séverine Bellina, Dominique Darbon, Stein Sundstol Eriksen, Ole Jacob Sending (N.B. : Book published following a study commissioned by France and Norway – and also financially backed by the United Kingdom – in the framework of the INCAF group of the OECD's Development Assistance Committee.)

match those of international actors. State and social regulation in these countries are also affected by the presence of multinationals.

- **Symbolic legitimacy** relies on *shared beliefs*. Those underpin the recognition of the State as the supreme political authority by the populations; and they consecrate it as the incarnation of a community of meaning and identity shared by the society involved. Often underrated, indeed ignored, this legitimacy is for us key to any understanding of the facts on the ground and thus to any claims to define more legitimate policies. The analysis of practices shows the extent of the influence of this source of legitimacy on the populations' support for and their trust in power and thus of the latter's effectiveness and efficiency. Elections for instance are a tool helping to collect opinions. They take a different meaning when people share beliefs and thus express a "collective will". If they do not embody these shared beliefs the elections will be nothing more than a formal exercise.

The "**International meeting process for debates and proposals on governance**" coordinated by IRG has no other object than to seek, in every sub-region of the world (be it in Africa, Latin America, Europe or Asia) **to understand the sources of legitimacy, as well as the processes of political power legitimization.**

- **The international meeting process : a long term process**

What are the sources of power legitimacy? How do they manifest themselves? Which values, norms and authorities characterize each of them in a given moment? How do they interact in a particular context? How do they evolve? What interactions are the most conducive to the process of State power legitimization? Which are the institutional balances most adapted to encourage those relations?

Here are the leading questions presiding over the international meeting process for debates and proposals on governance initiated by IRG in 2007 in Bamako (Mali). Their contextual specificity has made it possible to observe the creativity each society calls upon in order to answer its own challenges while remaining anchored in its History but it also feeds into a range of global challenges that we must answer together. This approach based on the pragmatic analysis of legitimacy has also led us to use, for example **land** matters as a case in point, a live laboratory of interactions between diverse sources of power legitimacy. **Constitutional** matters have also proved a rich terrain towards the devising of proposals looking at the constructive dovetailing of sources of power legitimacy. A working group developing proposals on this theme is being created alongside the meeting process. **Accordingly, we decided with our partners to extend this set of colloquiums beyond Africa, to link them and build it up to an international meeting process.** We propose to visit other regions of Latin and North America and roam over Europe.

The African round of this meeting process is currently the most advanced. It started in 2007 with a colloquium in Bamako for Western Africa, was continued in 2008 in Polokwane for Southern Africa, in 2009 in Arusha for Eastern Africa, in 2010 in Yaoundé for Central Africa, in 2012 **in Tunis for North Africa** and it will conclude in Addis Abeba. In parallel, a first colloquium for the Ando-Amazonian region took place in Pachacamac-Lima (Peru) in December 2011. Meanwhile in May 2011, we opened in Saarbrücken (Germany) the European round of the process

Each convention along the international meeting process is thought as a four-dimensional forum, **intercultural, cross-disciplinary, inter-actor and inter-scale.** This formula represents for IRG a **methodological requirement inherent to the very notion of governance.** This entails the attendance at the conventions organised in Africa of European and Latino-American speakers who scrutinize notions of governance and power legitimacy in the five regions of the continent, in the

knowledge that they will be quizzed in turn in Latin America, then in Europe and in Central Asia by their African counterparts. In this respect, the colloquium that took the meeting process to Lima (Peru)² in the Ando-Amazonian region sprung a surprise: beyond the differences, it brought up a great many similarities between the South-American and African continents regarding the challenges arising from these issues. These came to the fore notably in connexion with the management of plural sources of legitimacy and the affirmation of sources competing with that of State legitimacy, regarding issues of security and the delivery of basic services. For its part, the colloquium organised in Saarbrücken (Germany) highlighted the degree to which, in the last decade, economics had been superseded by finance as a source of power legitimacy, resulting in the weakening of politics and of the states, and betraying the growing gap between the elites and the people. Our approach does indeed open avenues for cross-analytical research in this field.

Since 2007, this meeting process has been backed primarily by the MAEE³ (for the African round) and the Charles Léopold Mayer Foundation-FPH. The Alliance to Refound Governance in Africa (ARGA) is a partner of IRG for all the colloquiums of the African meeting process and has taken part in the colloquiums on the other continents. The first colloquium in 2007 was co-organized by IRG and ARGA. Columbia University (United States) has also been an IRG partner for the whole of the African round. Furthermore, at each stage of the meeting process, new, more specific partnerships are formed whether at an international level, (*Agence Universitaire de la Francophonie*⁴) or at the local level in the regions where the colloquiums are run.

- **Aims of the international meeting process and anticipated results**

For IRG, the aims of this international meeting process for debate and proposals on governance are essentially:

- **To advance a cross-disciplinary and intercultural understanding** of the notion of legitimacy and its relation to legality, including the creation of a checklist of enquiry that would promote a dynamic and pragmatic approach to those questions. This approach offers a **fresh analytical lens** providing openings for **research and training**.
- **To devise proposals on processes and favourable means for legitimation and refoundation of the power of the State.**
- **To facilitate a network of actors**, more particularly the setting up of an **international group of analysis and proposals on constitutions**.
- **To publish the resulting analyses** through a range of media (video, website, print, etc.).

² *Debate and Proposals on Governance in Latin America: Ando-Amazonian Prospects*, Pachacamac - Lima (Peru); 15-17 February 2009

³ Ministère français des Affaires étrangères et européennes (French Ministry of Foreign and European Affairs)

⁴ Agency for French-speaking Academia

III- The international colloquium of Tunis: the fifth stage in the African meeting process

- The North African background

- *A region at the crossroads of several geo-cultural areas:*

In accordance with the methodology observed in the process' conventions, this regional colloquium will focus on five North African countries sharing a coast with the Mediterranean sea, namely Algeria, Egypt, Libya, Morocco and Tunisia.

North Africa generally refers to Africa's north territories set between the Moroccan Atlantic coast and Eastern Egypt and between the South of the Sahara desert and the Mediterranean.⁵ These countries lay astride two geopolitical entities, Maghreb and Mashreq,⁶ and they form besides the interface between two continents, Africa and Europe. This specific geographic positioning, where trade routes and civilisations converge, accounts for the breadth of influences and frames of reference that may complement or vie with each other within North African societies.

The cursory study of the languages is a good starting point towards grasping this diversity. Whilst Arabic, in its national and infra-national dialects is in current use in the five countries, there exists besides other local languages such as Berber and the former colonial powers' languages. These languages coexist, crossbreed and mirror migratory movements, exchanges and periods in its history that left their mark on North Africa.

The North African fringe shares with Europe the Mediterranean sea and with Africa the Saharan desert. This geographic specificity helps explain the tangled relationship that unites but also sets apart its northern and southern edges. History has recorded the close trade links initiated by the Phoenicians and reinforced by the Romans who, from their trading posts, crossed the Saharan desert and sought commodities as far as Central Africa. In the sweep of the 7th century conquest, Islamo-Arab forces, reinforced with Berber units from North-Africa crossed the Straits of Gibraltar endowing Spain, especially Al-Andalus with a seven-century legacy. With a North African presence entrenched north of the Mediterranean, the Arab peoples also developed relations with sub-Saharan Africa, laying the foundation to the Sahel's golden age; its decline coinciding with the arrival of European navigators who bypassed the desert via sea routes.

In the 16th century, the great North African dynasties gave way to Ottoman hegemony but the Ottoman Empire waned in its turn as European colonisations started. In Tunisia (1881) Morocco (1912) the French established their Protectorates while the British did the same in Egypt (1914). In 1848, Algeria had been proclaimed a French *département* whilst a Tripolitanian Republic achieved a status of partial autonomy from Italy in 1919.

As a result of struggles for independence, the African colonial regimes fell one after another giving way to new states. These states adopted different models, ranging from socialist republic to kingdom.

In the nineties the North African states came unstuck in the face of growing internal and external pressures toward political liberalisation. Those were met with cosmetic reforms as the governments

⁵ In the United Nations' definition "North Africa" also includes the Nile Valley countries, that is, the Republics of the Sudan and of South Sudan.

⁶ The Greater Maghreb (West) includes Libya, Tunisia, Algeria, Morocco, Western Sahara and Mauritania. The Mashreq (East, the Levant) as opposed to the Maghreb is comprised of Egypt, the Palestinian Territories, Israel, Lebanon, Jordan, Syria, Kuwait and Iraq.

traded on Western mutually reinforcing fears of Islamism and terrorism to tighten their grip on power. However social protest within the states could no longer be contained. The Tunisian spark of 17 December 2010 rekindled the social revolts that lead to the fall of three regimes and deepened the reforms in progress in Algeria and Morocco. We have reached an “era of accelerated change”⁷.

- ***The imports of power legitimacy in the sub-region***

In post Arab Spring North Africa any talk of political power legitimacy calls for an even deeper rooting in History because of the complexity and simultaneity of the current mutations. The 2010 developments have raised more questions than they proposed solutions as they opened a revolutionary “cycle facing a great many vicissitudes before its prime objectives be reached”⁸

A survey of 19th and 20th century history provide a much needed perspective to analyses seeking to get to the roots of recent upheavals, particularly concerning the decoupling process between State, elites and societies. An understanding of what in this sub-region founds the adhesion to power – its legitimacy – represents a major stake in the midst of redefinition or renegotiation of the “pact” or social contract and the shared mindscape of these societies. Indeed, such values, regulations and authorities (religious, traditional, economic, governmental, etc.) with which societies identify and which they support are the very principles that it falls to the social contract and public institutions to embody.

Whether here or anywhere else, Europe included, the key question boils down to the management of diversity (be it cultural, social, religious, etc.). And the question, wherever it is posed, is to know whether the Nation State, as defined by Western modernity along the principle of the integration of diversity in unity, still embodies its societies at a time when governance has come to entail actor plurality, and when supra-State exchanges intensify by the day in physical, geographical or digital, network-based dimensions.

The North African context brings the nature of the State into question through the immediacy of its issues of refoundation of the State as well as through its socio-historical specificity, notably in its relation to the main faith, namely Islam. Religion, ingrained in everyday life and a shared mindscape, will struggle to engage with the affirmation of a State liable to embody social, hence religious pluralism. Where, in this context, are the modalities of its interaction with other sources of power legitimacy (resistance, charisma, legality, etc.)? How can constitutions facilitate such constructive imbrications? In order to mirror and embody the diversity of its society, the State faces huge challenges in order to become more legitimate and thus more effective in its action.

⁷ G. CORM, "Première approche d'une contextualisation des révoltes populaires arabes", *Chroniques de la Gouvernance*, 2012

⁸ G. CORM, op. cit.

- Topics to be discussed and organisation of colloquium sessions

Since the Bamako convention (2007) **factoring in the actual plurality of the sources of power legitimacy has been confirmed as a mainstay of governance in Africa**. The recognition of this *de facto* pluralism has hence been a premise to the conventions in the legitimacy cycle. While in Bamako participants stressed the regulations falling under the “shared values” category, and notably tradition, the following colloquiums (Polokwane 2008, Arusha 2009, Lima 2009 and Yaoundé 2010) have helped fine-tune the inventory of actual sources of legitimacy according to regions: tradition, religion, so-called modern legality (e.g. constitutions), liberation movements, weaponry, need for security, ethics, strong leadership, etc.. So that, from Lima to Arusha violence and armed actors were pointed up as praxis driven sources of legitimacy (associated in particular to a need for security scarcely met by the State). From Polokwane to Arusha, the role of the profit-making and international actors, of legality (be it national or international) weighed heavily on the proceedings.

As for the North Africa region, though we will find there most of the sources of legitimacy identified in other regions of the continent, some will, in the current context prove less relevant or significant than others. Accordingly, **Session 1** (Monday 12 March), will be given over to mapping out the **sources of legitimacy** in the sub-region; **Session 2** (Tuesday 13 March) will analyse the nature and the vectors of the **imbrications** between these sources of legitimacy through the lens of **land issues** and finally in **Session 3** (Wednesday 14 March) we shall study the impact of such questioning on the **constitutions**.

Session 1: The sources of power legitimacy in North Africa

This session will focus on a finer identification of the sources of legitimacy best attuned to the notion of power within North African societies.

The region has just been shaken by momentous political, economic and social events, be they revolutions (Tunisia, Egypt), conflict (Libya), or indeed elections, recent or still to come, affecting all of the countries concerned. Every one of these events raises questionings that challenge the legitimacy of power and its foundations

The backgrounds to the revolutions in Tunisia or Egypt have notably highlighted acts of resistance and opposition as vectors of **symbolic or charismatic legitimacy** for political authority. More broadly what vectors of legitimacy are being developed that may contribute to the recognition of an authority or a power? How are they received in the individual mindscapes in terms of representation or embodiment of a political power? When it comes to ensuring solid political transitions, are such legitimacies factored in when setting up new political authorities or elites? What are the issues, the limits and the potential time frames arising from the shift from resistant fighter to political leader, from counterpower to power?

Where do **electoral processes** come in within movements of transition or political reform? How does the “symbolic” legitimacy as arising from a resistance struggle even out with that conferred by the ballot box? Do elections reflect these “revolutionary” – whether militant or charismatic – legitimacies?

What is the role of **legality** in such cases? What are the frames of reference for legality in the region? Is there a reference to, an overlapping with **international normativity**?

Faith holds a foremost place in the culture of North African countries as well as in the relation to political power. How is this shared value invested in the regulation of North African societies? Is it a vector of political power legitimation? Is it a vector of State political power legitimation? How do the diverse faiths extant in the region co-habit with one another? Is there any regulation by public action of the religious diversity? How is the resort to this faith-bound frame of reference called upon by the political authorities in public action?

Session 2: interactions and overlappings between the sources of power legitimacy

Because it helps better to grasp in their tangible manifestations what are sources of legitimacy and how they hinge on each other, **land tenure** will be the subject of the first part of this second session.

What norms are called upon towards an effective handling of land rights in this North African region? How is the confrontation between **political, social, economic – indeed religious and traditional** land-related functions settled? How does it impact on land management processes and the overlapping of diverse regulatory systems? Regulatory systems concerning land tenure are quite different from one country to the next in the region. Which regulatory systems are implemented in everyday life? What local or legal regulations are called upon to manage land tenure?

If the study of actual land rights implementation cases helps grasp the “hitches” and interactions between the sources of power legitimacy, it behoves to weigh up the legitimacy of these sources. For the second part of this second session, we will therefore focus on the **aspirations and demands** which, when taken into account, **legitimate legitimacy**.

From a **trade-unionism** ferrying aspirations social justice, to the counterpower role claimed by **civil society** organisations, down to the bloggers’ radical positions relayed by the social media, and the underlying needs for political and economic stability, for order and security, where are the markers of legitimacy to be found? Which aspirations and demands are *legitimizing*? Do these sources contradict each other, compete, or can they be reconciled so as to coexist? How would they impinge on the refoundation of public action towards a legitimate public governance?

Session 3: Constitutions and constitutionalism in North Africa?

As a source of power, a constitution will unavoidably have to address the problematics of the relationship between legitimacy and legality. Between mimicry and participation, the growth of devising processes of the constitutions carries with it a major paradox. It has no doubt allowed the undeniable progress of democratic values and human rights, notably since the early nineties but it also gives rise to “growing scepticism and serious doubts as to both the effectiveness of this constitutionalism and its suitability to the societies it is supposed to rule”. There is more: according to some, constitutionalism and its institutions are seen in practice as an extra source of tensions and crises presented in the event as evidence of the inadequation of the founding texts to the context in which they operate. Now succeeding in readjusting the Constitution to the new terms of the social contract even as it is being renegotiated in North African societies is indeed of the essence in the ongoing constitutive processes or constitutional reforms

A few elements of this analysis have already been put together, both in West Africa (May 2008 Lomé workshop organised by ARGA on the actuality of constitutionalism in West Africa, and in Southern Africa (Polokwane Colloquium). In both these conventions, the object of constitutionalism, of national constitution reform and of factoring social pluralism in the constitutions was at the core of the debates. In Polokwane the link with the work conducted in West Africa cast these debates into sharp perspective. Indeed, from Polokwane to Lima the recognition of diversity represents a key element of constitutionalism. Over and above the recognition of local languages and traditional communities, Latin American constitutions make indigenous populations subjects of rights. French speaking African countries, having lived under French colonisations are more driven by a unifying outlook which found its expression at normative level in juridical and institutional organisations that sought to homogenise social order. The recognition of cultural, notably ethnic diversity was seen as a danger to national unity, although it was affirmed in several constitutions.

Post independence, North African constitutions borrowed as much from their former colonial power as from Islam-specific references, from socialism as from fundamental rights. The recent constitutive processes or constitutional reforms started in North African countries just over a year ago place the constitutions at the heart of the revolutions, transitions or political reforms' ambitions. What import is assigned to these constitutions or constitutive processes? What is their impact on power legitimisation? Surfing on social movements, political crises and revolutions, how do they take into account the symbolic and material aspirations asserted by the populace? Who are the actors of these constitutions and constitutive processes? From texts essentially juridical and declaratory – though hardly born out in practice, are they in the process of becoming more meaningfully political, echoing society's deep aspirations, its values and its shared mindscape? What devising, drafting, and implementation processes were adopted against the backdrops of transition and reformation and to what ends? All those questions deserve to be debated and shared through the prism of diverse perspectives, experiences and analyses offered by participants hailing from the North Africa region, Latin America, sub-Saharan Africa (both French and English speaking), North America and Europe.

- **Working methodology**

The Tunis Colloquium will be held over three days on the 12, 13, 14 March 2012. To ensure the quality of the debate and room for contributions from the floor, the colloquium will host 40 guests plus the organisers, which comes to a total of **some fifty participants**.

Each session will be organised as follows:

- The **chair** will introduce the theme and the speakers and will facilitate the debate;
- The **main speakers** will make their presentation (around 15 minutes each);
- The **contradictors** will challenge these presentations and will set forth the challenges they entail (10 minutes each) in order to open the debate;
- The **summing up** will be delivered by a closing speaker

- **Documentation and follow up**

As for each of the conventions in the international meeting process, the Tunis colloquium will result in the **publication** of a report of the debates and proposals. Furthermore the end of the African meeting process will be the opportunity for the publication of an overview of the issues of power legitimacy and governance in Africa, including in particular considerations on the constitutions.

IV- Participants

The Tunis Colloquium is an international convention centred on the North African region. Given the requirements concerning participation (a maximum of 50 participants) aimed at ensuring wide discussions and the quality of debate, most of the participants will hail from Egypt, Libya, Tunisia, Algeria and Morocco.

Equally, as has already been mentioned, the meeting process belongs in an international project, aimed at exchanging experiences and analyses and nurturing the construction of an international network on these questions. To that end, **colleagues from preceding stages in the meeting process** in Western, Southern, Eastern and Central Africa and from Latin America **will take part in the debates**, as will those coming from Europe and North America.

Whilst not claiming to arrive at an exhaustive representation, the convention will seek to bring together **quite a range of the major categories of governance actors in North Africa**, that is: civil society organisations, (nongovernmental organisations, religious authorities, youth organisations, media, trade unions, etc,) pan-African and regional institutions; representatives from local and national institutions; the private sector; international technical and financial partners; national and international academics and specialists.