



REFLECTIONS ZAID AL-ALI

Zaid Al-Ali studied at Harvard (LL.M.), the University of Paris I Pantheon Sorbonne (Maitrise), and King's College London (LL.B). He has over twenty years of experience in international arbitration and litigation and fifteen years of experience supporting constitutional negotiations and implementation and more recently peace negotiations. His previous academic experience includes teaching Trade Law at Sciences-Po's School of Law, African Constitutionalism at the Central European University, and Arab Constitutionalism at Princeton University. He is the author of *The Struggle for Iraq's Future* (Yale University Press, 2014), *Arab Constitutionalism: The Coming Revolution* (Cambridge University Press, forthcoming), and many academic articles on constitutionalism in Arab countries. He is currently the senior adviser on constitution building to the International Institute for Democracy and Electoral Assistance, working on supporting peace negotiations in Yemen, constitutional negotiations in Sudan, and the implementation of Tunisia's constitution. – Address: International IDEA, 7 rue du Lac el Biban, Les Berges du Lac, 1053 Tunis, Tunisia. E-mail: zalali@idea.int.

It is probably very common for Fellows to arrive at the Institute with very clear plans for what they want to achieve and to be able to achieve only a small portion of that. Before arriving, I intended to learn German, finish my book on Arab constitutions, and start another on peace processes. As it turns out, I did not take a single class in German and only barely finished the one book, without being able to make progress on the other.

The Institute obviously provides a great setting for someone like me. Because I am not a full-time academic, I do not have access to the types of library facilities that some of my

colleagues do. Ordinarily, when I am in Cairo or Tunisia, it can be quite difficult to get access to books and primary resource materials, and I end up having to spend my own funds to gain access to materials and to do a lot of chasing around myself, which is obviously not very sustainable. In addition, during my regular professional work in Cairo, Tunisia, and elsewhere, I am under considerable stress, mainly because of the type of work that I do and the general environment that I live in (including constant travel). The main advantage that the Institute provided for me was that I could access all the materials that I wanted without difficulty and that the working environment was extremely serene in comparison with what I am used to. Obviously, the Institute's staff and leadership are what make this possible.

COVID-19 turned out to be a major problem for the work that I was planning on doing. I started writing my book in January 2020, and it occurred to me as I started drafting that I had lots of time to finish. I therefore modified the outline to make the work more comprehensive, thinking that I would be done in April or May, leaving enough time to start my second project. Instead of one survey chapter that provided a quick overview of the post-2011 transitions in a few of the countries that were affected, I decided that the book should consist of two parts, the first a comprehensive overview of eight of the countries that underwent transitions. The act of writing that first part would remind me of the many twists and turns that would then feed into and improve the analysis that I would engage in in part II. When the lockdown started, I was already deeply invested in my new expanded outline, but then suddenly found myself having to look after two young children and to do homeschooling on most days. Productivity declined massively and only picked up after my wife relented and allowed me to return to full-time work. The nursery eventually reopened full time, which contributed to the sense of normality, but by then, there was barely enough time to finish the book project. I ended up staying at the Institute for an additional month during July 2020, without which I would not have been able to finish the book. I sent it to the publisher a few days after landing back in Tunisia. My writing project on peace processes will have to wait until some other time.

The Institute's interdisciplinary environment was a major question mark for me throughout the year. I struggled to figure out how I could benefit, what it was designed to achieve, and if it was indeed working. In the end, and here I speak for myself only, it did not provide huge benefits to me, for a combination of reasons. I will try to summarize these here:

- i. I would say that I did not take sufficient advantage of the opportunities that the interdisciplinary environment offered me. Obviously there were only a small number of lawyers among the Fellows, only two of whom had detailed knowledge of constitutional law and negotiations. There were others who were not connected to my field, but who were very well placed to provide useful input into the work that I do, including for example the sociologists in the group. If I could start over, I would probably make a more concerted effort to organize a small number of these individuals specifically to ask them for feedback on specific issues on a regular basis. One possibility that occurred to me only after it was too late was to gather a small group of 4–6 of the other Fellows on a semi-regular basis throughout the year to ask them for feedback on specific ideas that I was considering.
- ii. My field of interest is somewhat particular, because it attracts some interest internationally and is deeply politicized in ways that are not particularly obvious to non-specialists. So everyone knows that there is conflict in countries like Iraq, Libya, Syria, and Yemen, but the little information that they have on the details tends to be deeply influenced by Western commentators and editors, whose views are either politicized or orientalist in nature. In practice, what that means is that, when speaking to non-specialists, I am regularly confronted with very problematic but firmly held opinions. This manifested itself very clearly during my Tuesday Colloquium and in the other events that I spoke at during the year. Very many of the comments that I received at those events were based on culturalist assumptions that there is something wrong with Arabs and Muslims. Sadly, I encounter that type of opinion very frequently. I'm not sure if there is a solution to this problem, but I offer some modest thoughts on this below.

Another issue is that the body of Fellows at the Institute was extremely Western in background. Despite the professional diversity, there was very little cultural, racial, or geographic diversity, which also meant that there was not much diversity in terms of political perspective. To give but one example, I was the only Fellow in my year who is normally based on the African continent. I don't even count as a real African, given that I was raised and educated in the West and given that my family background is Iraqi. There were tiny numbers of Asians in my year, most of whom had left Asia many years before. I don't believe there was anyone who is currently based in Latin America. I don't think there was anyone in my year who hadn't already spent a very considerable amount of time in Western institutions before they arrived at the Institute. One of the indirect

consequences of these arrangements is a lack of diversity in political perspectives. To give but one example, had any of Fellows in my year voted for Trump, Boris Johnson, Marine Le Pen, etc.? I can't say for certain, but probably not. I remember engaging in deep and heated arguments with my classmates at all three of the law schools that I attended. With age, people become more polite and tend to shy away from argument, but it is probably still notable how much people agreed with each other during my year at the Institute. It's possible of course that I simply missed all the fun arguments.

Ideally, the body of Fellows should be more diverse, but I am not sure how best to reach the type of people who were not represented in my year. To be clear, I am not arguing that the Institute should make a concerted effort to make sure that every single constituency is well represented. That wouldn't make sense for many reasons. I think what I am saying is that there are probably ways to improve the selection process, which, if implemented, would result in a more diverse group.

If there is hidden treasure out there in the world, it takes the form of scholars who are working in the developing world and who are doing cutting-edge research unknown to Western academic institutions and on issues that are likely to relieve poverty and inequality in the countries that they live in. Many publish in languages other than English. In my view, a greater effort should be made to integrate these individuals into the Institute. I'm not sure how one can find them, particularly if there are language barriers. If there is a way to find them, it obviously cannot be achieved overnight. It must involve a long-term effort to build a presence (which can be done by proxy) in countries throughout the world with a view to building relationships with local research institutions specifically for this purpose. Some Western academic institutions are already doing this – for example, Harvard, Columbia, and others have opened permanent presences in Tunisia, specifically with a view to coordinating with local research institutions. (This should not be confused with what is happening in the Gulf, where many Western universities are opening local branches.)

If I could have a second stay at the Wiko, I would try to do things differently. I would try to form a group of other Fellows from other fields who would provide me with feedback a few times during the year. I would keep to my original plans and stay modest about what I try to achieve. I would also try to identify points of disagreement with my colleagues and try to resolve them through discussion (otherwise known as “argument”).