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# Tunisia 2021: Anatomy of a Coup Foretold

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Tunisia began 2021 assuming the rotating presidency of the United Nations Security Council, where it was a non-permanent member for the 2020-2021 period. In early January, Tunisian President Kais Saied presided, by videoconference, over the session “Maintenance of International Peace and Security: Challenges of Maintaining Peace and Security in Fragile Contexts.” Although Tunisia’s action during its term on the Security Council focused on the “fragile contexts” of Palestine and Libya, the session title could just as well have referred to the situation Tunisia itself was experiencing at that time, slightly more than a year after the presidential elections that had brought Saied to power with strong popular support. Tunisia’s fragility had been evident since the 2011 revolution that had toppled the Ben Ali dictatorship, but also created uncertainty amongst investors and driven off the tourism that was the country’s main source of livelihood. Establishing the rule of law and “learning democracy” – to paraphrase the title of a book by Khadija Mohsen-Finan about the decade from 2011 to 2021 – was an arduous process in this fragile context consisting of a deteriorating social climate due to a lack of jobs, especially amongst young people, compounded by the emergence of terrorism and the thorny understanding between political forces and powerful divergent interests.

A balance seemed to have been reached with the consensus-based approval of the 2014 Constitution, but the years following its implementation exposed the contradictions inherent to the constitutional system itself, which was strongly parliamentary, in stark

contrast to the rigid presidentialism of the two previous stages since the country’s independence.

Kais Saied reached the presidency in October 2019, in elections that bore witness to the population’s disaffection from the country’s prevailing party system. A constitutional law professor in the Tunisian university system and an outsider in the world of parties, which he targeted in an electoral campaign that focused on the need to reform the Constitution and on criticism of the elites, he won 72.7% of the vote in the second round of the presidential elections, which saw a turnout of just 55%. In his view, the elites had corrupted the system, and he presented himself as the champion of the youth and spokesperson of the people, under the slogan *ash-sha'b yurid* or “the people want.” He has clung to that legitimation in the ballot boxes since starting his term, with an unwavering will to impose a change of system despite his limited powers under the 2014 Constitution.

One year into his presidency, the book *Kais Ier, Président d'un bateau ivre*, by the journalist Nizar Bahloul, editor of the digital newspaper *Business News* founded in 2008, offered a portrait of the man, revealing his lines of action even when Saied himself still played his cards close to the vest. The title, a metaphor from a poem by Rimbaud, alluded to the fragility of Tunisia’s situation as a ship adrift and suggested the presidential enthronement of Kais Saied as someone with the will to endure.

The book exposed some of Saied’s flaws – he is a poor communicator, has difficulty finding people to work with, is obsessed with conspiracies and foreign interference, is a conservative but not an Islamist – but also described him as having a strong character that has allowed him to stand up to the dominant political formation, the Islamist Ennahdha party. This party had imposed itself through its hegemony in Parliament since its legalization at the

constituent moment of 2011, then in the Assembly of the Representatives of the People (ARP) following the adoption of the 2014 Constitution, and even later in the 2019 legislative elections, despite having lost a large share of its voters.

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The 2014 Constitution establishes a balance of power centred on three presidencies that must cooperate closely for the system to work: the head of state, based out of Carthage Palace; the prime ministry, which has de facto control of the executive and is headquartered in Kasbah; and the presidency of the ARP, on which the government's stability depends, based in Le Bardo. In practice, however, this balance is shattered and drifts when there is no harmony between them, to the point of impeding the country's progress. Saied's presidency has revealed the worst side of a three-headed system whose leaders have proved incapable of cohabitating.

From the start of his term, the country has been caught up in an ongoing duel between the President and another powerful figure in the public arena, the Islamist leader of Ennahdha, Rached Ghannouchi, who managed to win the presidency of the ARP, establishing an alliance – some say an *unnatural* one – with the second most voted party, Qalb Tounes, led by the businessman Nabil Karoui, who has been accused of corruption and was Saied's opponent in the second round of the presidential elections. The alliance also included the Al Karama Coalition, considered a radical Islamist formation and an offshoot of Ennahdha. This three-party coalition has controlled the Assembly and made and unmade governments at will, in clear confrontation with the President.

Meanwhile, the President has had a conflictive relationship with the two prime ministers, the first, Elyes Fakhfakh (from February to September 2020), selected by Saied himself from a troika appointed by

the different parties in parliament, and the second, Hichem Mechichi (until 25 July 2021), likewise chosen by Saied for his loyalty as Interior Minister in the Fakhfakh government. The actions of both prime ministers – who had to deal with the adverse circumstances of the Covid-19 pandemic during their respective terms of office – were conditioned by the will of the ARP, which withdrew its confidence from the former on suspicions of corruption and then installed the latter on 2 September 2020, in a session in which Ennahdha and Qalb Tounes imposed their majority criteria.

From the outset, the Mechichi government bore the stamp of Saied, who sought to impose an apolitical, technocratic character on it, under the name of a “government of competences.” Hence the friction between the presidencies that led the country to an interim government lasting more than half a year, from when Mechichi decided to reshuffle his cabinet in January 2021, changing 11 ministers, which Saied opposed with his veto, until his dismissal on 25 July in a controversial change of tack by the President.

However, beyond these political diatribes, Tunisia's real problem was the economic and social crisis denounced by institutions such as the Central Bank of Tunisia, which warned that external debt had already surpassed 100% of GDP in late September 2020, having more than doubled in the last ten years, exacerbated by the 7.2% contraction in the country's economy in 2020. The country could not pay off its debts or pay its civil servants' salaries unless it took out an 18.5 - billion - dolar dinar loan, Finance Minister Ali Kooli told Parliament in April 2021.

## The President took advantage of the absence of a mediating body such as the Constitutional Court to establish himself as the arbiter and judge of the situation

Despite the precariousness of its interim nature, the Mechichi government was aware of the urgency of undertaking reforms such as those demanded by the IMF in the talks initiated in Washington in May to se-

cure credit. These reforms, which included wage bill containment, reduced subsidies for basic necessities, and a public investment programme to relaunch the economy, had to be agreed with the political forces and were difficult to undertake for fear of the social consequences of unpopular measures.

Pursuit of a national dialogue, such as the one the Tunisian General Labour Union (UGTT) had advocated since November 2020, seemed to be the only way out. Such a dialogue had provided the solution to the crisis Tunisia had experienced in 2013, under the leadership of a quartet including the UGTT, the Tunisian Confederation of Industry, Trade and Handicrafts (UTICA), the Tunisian Human Rights League (LTDG), and the Tunisian Order of Lawyers, who together earned Nobel Prize for their mediation. But in 2021, there were deep divergences over how to approach such a national dialogue. For the President, it should not be done in the traditional way, with political and social forces, but should include the participation of young people, something difficult to achieve and “chimerical,” according to the trade union. Furthermore, in Saied’s view, the dialogue should also exclude groups such as the Free Destourian Party (PDL), Qalb Tounes and Al Karama, accused of colluding with the former regime, corruption or close ties to Islamist terrorism. To hinder a possible national dialogue, Saied made it clear in his speeches throughout the year that such a dialogue would not be possible with anyone of questionable patriotism or who was wanted by the courts.

The President took advantage of the absence of a mediating body such as the Constitutional Court (CC) to establish himself as the arbiter and judge of the situation. Under Article 148, paragraph 5, of the Constitution, the CC should have been created within one year of the date of the first legislative elections. This did not happen due to the failure of the parliamentary groups to reach an agreement: they were unable to achieve the necessary two-thirds (145) of the votes to choose the four members the ARP was to appoint to the 12-member body after eight different attempts. In an effort to remedy this situation, an amendment to the Statute of the CC was passed in the current legislative period, on 25 May 2021, to reduce the number of votes needed to 131 (60%), but the President rejected the amendment on 4 April on the pretext that the

deadline for establishing the CC had passed and it was mandatory to amend the Constitution.

## The rapprochement with the army, also seemed to be part of Saied’s strategy to control the situation

By then, in mid-March 2021, the groups in the parliamentary majority began to suspect that the President was planning to seize control of the situation, using the parliamentary finance committee, chaired by a member of the pro-Carthage Democratic Group, to call for the establishment of a state of economic emergency and invoke Article 80 of the Constitution, which would make it possible to declare a state of exception and enable the President to assume emergency powers. Two months later, the accusations of a constitutional coup d’état would make their way into public opinion via pro-Islamist websites such as the Qatar-funded *Middle East Eye*, which reported on the existence of a document by Nadia Akacha, Saied’s chief-of-staff, floating the possibility of invoking the aforementioned Article 80 under the pretext of the pandemic and the country’s financial straits to enable the President to take control of the situation by neutralizing the Prime Minister and President of Parliament and tasking General Khaled Yahyaoui, director of the President’s personal security unit, with overseeing the Ministry of the Interior.

Far from dispelling these rumours, which rocked the political scene, President Saied fuelled them at a 26 May meeting with Mechichi, in his capacity as acting Interior Minister, and the Defence Minister, stating that application of Article 80 was the President’s constitutional prerogative in a situation that had already called for exceptional measures such as those adopted since the outbreak of the pandemic. This meeting, the first with Mechichi since January, enabled Saied to recall his role as Commander-in-Chief of all the armed and security forces, as well as reproach parliament for not lifting the immunity of more than twenty members accused of corruption. The rapprochement with the army, an institution that had always kept its distance from politics in Tunisia, also seemed to be part of Saied’s strategy to con-

trol the situation. The severity of the pandemic in Tunisia offered it the opportunity to play a civilian role, putting much of the campaign to vaccinate the population in its hands.

On 25 July, Republic Day, Saied followed the script that some had predicted, dismissing the Prime Minister, suspending the ARP for 30 days, and lifting the immunity of members of parliament, backed by popular demonstrations in various parts of the country that welcomed the application of Article 80 in the hope that it would deliver solutions to the crisis. The measure was immediately rejected by the Ennahdha party, whilst much of the political class, including the UGTT and the UTICA, maintained a wait-and-see attitude. One month later, Saied extended the exceptional measures, promising to appoint a head of government and publish a roadmap as demanded by various international institutions (the US Senate, the European Commission, G7 ambassadors) that had expressed their concern for the course of events.

On 22 September, the President went even further, issuing Decree 2021-117 on transitional provisions, suspending the powers of the ARP, assuming all legislative, executive and judicial power, suspending the constitution, and tasking himself with drawing up reforms to achieve a “true democratic regime with the people as the source of power” and thus fulfil the objectives of the 17 December 2011 revolution. A few months earlier, in an interview with *France 24*, he had described his direct democracy project as the only way out of the crisis, considering the government, parties and financial lobbies his enemies.

One week later, he appointed Najla Bouden as Prime Minister. Bouden surrounded himself with close associates of Saied. Concern for the Tunisian situation was expressed abroad. The US House of Representatives devoted a session to the Tunisian situation, whilst the European Parliament voted en masse on 21 October in favour of a resolution expressing its deep concern for “the indefinite concentration of powers in the President’s hands.” The IMF contin-

ued to monitor developments closely. In Tunisia, these warnings were denounced as interference both by official circles and the UGTT, which had not yet defined its position with regard to the drift.

## Closing the circle Saied again changed the rules of the game, issuing a presidential decree that will allow him to choose three members of the election monitoring authority

Saied did not publish the roadmap until 13 December. It consisted of the suspension of parliament, the holding of an online popular consultation on the reform between 1 January and 20 March 2022, a referendum on a new Constitution on 25 July, to be prepared by a committee which he would appoint, legislative elections on 17 December of the following year, and a criminal conciliation for business people accused of financial crimes.

A few months on, all the unanswered questions remain. The online popular consultation barely affected half a million Tunisians, who voted for a presidential list regime, and insecurity grew in some political circles as a result of arbitrary arrests and the President’s frontal attack on the judiciary, which had spoken out against its loss of independence, culminating in the dissolution of the High Judicial Council on 12 February 2022.

Closing the circle, on 22 April 2022 Saied again changed the rules of the game, issuing a presidential decree that will allow him to choose three members of the election monitoring authority, the ISIE, including its president. The path has been paved for him in the upcoming referendum and legislative elections, which, if nothing happens to prevent them, will take place in 2022.