

Tunisia: Towards Democratic Collapse

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In 2022, Tunisia, the country that was once perceived as a role model for the Arab world for its advances in democracy and public freedoms, entered a collapse of the political and economic system with an evident return to authoritarianism under President Kais Saied.

Tunisia has been immersed in a political identity crisis since President Saied declared a state of emergency on 25 July 2021, shut down parliament and assumed all state powers, in principle temporarily.

2022 was the year of the consecration of the authoritarian drift, as evidenced by the promulgation of a new constitution that gives the President unchecked power, the holding of legislative elections without parties, and the promulgation of Decree 54, which is extremely harmful to public freedoms.

Background: Elections in a Context of Extreme Disaffection

The 2019 legislative and presidential elections were held in a context of extreme disaffection. The neglect of the social agenda, the worsening economic crisis and the internal crises of the main parties frustrated the electorate. In December 2018, the young journalist Abderrazak Zorgui set himself on fire as Bouazizi did in 2010, leaving a message calling for the continuity of the revolution for the improvement of social conditions and claiming the lack of alternatives for young people.¹

In this context, the major party of the secular right, the ruling Nidaa Tounes, imploded, accentuated by the death of its leader and President of the republic, Beji Caid Essebsi, causing the fragmentation of this political spectrum into numerous candidacies.

In this panorama of great volatility, new populist candidates emerged in an attempt to capture the disaffected voter, from the conservative secularism of media magnate Nabil Karoui (Qalb Tounes, i.e. Heart of Tunisia) and the neo-Ben-Ali-ism of the Free Constitutional Party to the militant Islamism of Al-Karama.

A particular case is that of Kais Saied, a university professor, popular thanks to his participation in television talk shows. Saied ran for president without a party or structure, and declined to run in the legislative elections. His letter of introduction was a populist message of an anti-establishment nature with which he attacked the entire political system that emerged from the 2014 constitution and, in particular, the political parties, which he blamed for the failure of the revolution.

Kais Saied's message managed to mobilize the young electorate and propelled him to a resounding victory in the presidential elections. The legislative elections resulted in a highly fragmented parliament (32 political formations) with a large number of previously unrepresented parties (Qalb Tounes, Free Constitutional Party, Al-Karama), with the historic moderate Islamist party, Ennahda, receiving the most votes.

Saied's Defiance of Tunisian Institutionalism (I): October 2019 to July 2021

The outcome of both elections opened a scenario of great political uncertainty, as the change in the po-

¹ *Business News*, Abderrazak Zorgui's last message, 24/12/2018, (www.youtube.com/watch?v=yWPMH26srHQ).

litical system promised by Saied could not be implemented without the Parliament's cooperation.

The political climate deteriorated due to President Saied's unwillingness to negotiate with Parliament, and the latter's inability, as a result of its fragmentation, to challenge him. One of the elements that most clearly highlighted the tensions between the two institutions were the appointments of heads of government, who were to be proposed by the President, usually from among members of the majority party, for investiture by Parliament.

First, Kais Saied imposed the candidacy of Elyes Fakhfakh, a member of an extra-parliamentary party, after threatening to dissolve Parliament. Fakhfakh's mandate was heavily marked by the Covid epidemic management and the constant confrontation between the President of the republic, Kais Saied, and the President of parliament, Ennahda leader Rachid Ghannouchi. In July 2020, Fakhfakh resigned for his alleged involvement in a corruption case.

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To replace the head of government, Saied again ignored parliamentary majorities and pressured Parliament with the candidacy of the independent Hichem Mechichi, so as to form a government without parties. As the economic and health crisis worsened, Mechichi sought parliamentary backing to be able to exercise his constitutional functions, which brought him into conflict with his former mentor.

Saied's Defiance of Tunisian Institutionalism (II): Since July 2021

On 25 July 2021, President Saied declared a state of emergency, invoking a dubious interpretation of the 2014 Constitution, and decided, among other measures, to dismiss the Prime Minister, personally assume executive power and freeze Parliament *sine die*.

In the following months, he issued a series of decrees that revealed a clear authoritarian political drift in the country: a sudden travel ban on many Tunisian citizens with no open legal case, house arrest of more than 50 opposition MPs, changes in the judiciary and the freezing of constitutional checks and balances.

The country's deep political and social crisis meant that the President's coup d'état initially enjoyed strong popular support. Most parties, Ennahda in particular, opposed the measures. However, the powerful trade union UGTT gave the President a vote of confidence in the hope that he would clarify his proposal for a road map.

On 29 September 2021, Saied appointed the unknown Najla Bouden as Prime Minister, making her the country's first female Prime Minister and the least powerful head of government since the beginning of the transition.

The long-awaited roadmap announced by the President in July was not unveiled until December and is aimed at dismantling the Tunisian political system and consolidating his absolute power. Among the measures announced were the permanent suspension of Parliament, the announcement of a constitutional reform, the calling of legislative elections under a new electoral law and the stiffening of penalties for those who attack the State and its people. This last precept opens a new avenue for further abuses of power against opponents.

2022: The Year Tunisian Democracy Was Dismantled

2022 is set to be the year Tunisian democracy was effectively dismantled. The year in which temporary changes, contextualized in a declaration of a state of emergency, became permanent and constitutional. January saw an intensification of repression against opponents, such as the house arrest of Ennahda's number two, Noureddine Bhiri, and former President Moncef Marzouki's sentencing *in absentia* to four years for his criticism of the President's measures. In order to amend the constitution, a popular consultation was organized via the internet, characterized by its opacity and the exclusion of parties and civil society organizations. Although the process lasted from January to March and the voting age was lowered to 16, the turnout was barely 9 percent. Despite the poor

popular response to the referendum, the President called a constitutional referendum on 25 July to coincide with the first anniversary of his institutional coup. Institutional dismantling continued with the dissolution in February of the Supreme Council of the Judiciary, the country's last independent institutional bastion, in February. This dissolution was justified on the basis of accusations of corruption in the institution. In the months leading up to the referendum, protest demonstrations over the state of the economy overlapped with strikes in important social sectors such as judges and magistrates and in the public sector. The referendum campaign took place in a situation of chronic economic crisis, with an unemployment rate of over 18% and negotiations with the International Monetary Fund (IMF) not coming to fruition. Citizens, more concerned about their personal finances than about the institutional reform submitted for consultation, were apathetic. In this complicated context, the President attacked his adversaries, whom he described as enemies of the country, especially the parties, invoking the need to dismantle the political system that emerged from the 2014 constitution. The content of the proposed constitution was made public on 30 June, although several articles of the text were modified a few days before the vote. The text consolidated a hyper-presidentialism without counterpowers. Among the strengthened presidential prerogatives were the ability to dissolve Parliament, control over legislative initiative and control over the election of the judiciary. The legislature was emptied of real powers and divided into two chambers, with the addition of the Assembly of People's Representatives (ARP), a second chamber of territorial representation. Moreover, the new constitution did not provide for any procedure to remove the President from office, nor did it set a minimum turnout for the referendum to be considered valid. In the face of the constitutional referendum, the political opposition – including the five major parties – and the social opposition called for a boycott of what they considered a democratic farce. A large number of protests in the weeks leading up to the referendum were met with an extremely high level of police repression, as denounced by the organizing entities and also by the UGTT. Although the polls were kept open for 18 hours, the turnout was only 30%, with 94.6% of voters endorsing the new constitution. The President succeeded in

constitutionalizing his personalist drift of 25 July 2021, leaving the 2014 constitution, considered a reference of political consensus in the Arab world, without effect. During the summer, the country suffered a sharp contraction of its economy caused by internal factors and the impact of the war in Ukraine on the international front, and shortages of basic products such as rice, semolina, milk, water, sugar and petrol began to occur in large parts of the country. Despite the President's accusations that the shortages were the result of hoarding by speculators, the reality is that the lack of foreign currency and the rise in prices as a result of the conflict in Ukraine were the cause.

Internal divisions and mistrust among opposition members have led to a lack of unity in both action and criteria

In the framework of this “slow-motion coup,” a new attack on public freedoms took place on 13 September, with the promulgation of decree 54. This decree allows anyone who spreads false information about the State on social networks to be sentenced to up to 10 years in prison. This text, strongly contested both internally and by international organizations such as Reporters Without Borders and Amnesty International, led to the arrest of *Business News* journalist Nizar Bahloui and blogger Ahmed Bahaa the same month it was approved, heightening the fear of reprisals in all organizations critical of the President. A few days later, Saied published another decree modifying the electoral system before the legislative elections scheduled for December. With a unanimous two-round framework, the new system prohibits political parties from participating and eliminates public funding. The disappearance of lists eliminates many elements that had favoured the presence of women candidates in previous elections. Coinciding with the anniversary of the start of the Tunisian revolution in 2010, the first round of the legislative elections was held on 17 December, with the boycott of all the country's major political parties and the apathy of a citizenry that displayed a total lack of knowledge about the candidates running. The turnout was only 11.4%, 30 points lower than in 2019.

Opposition to the Authoritarian Drift

Most of the country's relevant parties and social organizations have expressed their opposition to Saied's authoritarian drift. Despite this agreement on the essentials, internal divisions and mistrust among opposition members have led to a lack of unity in both action and criteria. During this period, three main currents within the opposition could be observed:²

- a) Those seeking unity of action, including all those grouped in the Citizens Against the Coup movement, which promotes united action by the entire opposition. Its heterogeneous leadership does not include members of Ennahda, but believes that it is necessary to reach an agreement with this party.
- b) Those who oppose Kais Saied, but also the 2014 political system and its dysfunctions, blaming Ennahda for them. This group includes secular parties such as Attayar, Afek Tounes, Ettakatol and Joumhour. Their opposition to Ennahda means they do not collaborate with Citizens Against the Coup.
- c) Those who oppose Kais Saied's movement, but at the same time seek a dialogue with him. This group includes the UGTT trade union and the Tahya Tounes party.

Particularly surprising has been the lack of political action by what is probably the only actor with the capacity to unite, the UGTT trade union. During the first months after 25 July 2021, the UGTT kept a low profile regarding the gradual dismantling of democracy in the country. Its internal divisions have often led it to give contradictory messages to the public. For example, it refused to participate in the national dialogue for the drafting of the constitution, calling it a farce and showing its opposition to what it called a process of democratic dismantling, but did not formally oppose holding the referendum, giving its members the freedom to vote.

Perspectives

The authoritarian drift that began on 25 July 2021 was consolidated in 2022 with the constitutional formalization of the President's personal power without counterbalances.

The political opposition has been hard hit, with dozens of political prisoners across the political spectrum in the country. Political persecution reached Ennahda leader Rachid Ghannouchi in April 2023, who was imprisoned after intense judicial harassment that began the previous summer and led to several appearances before the anti-terrorism court, from which he was acquitted.

Despite this, the chronic division of the opposition sends a message to the public that there are no alternatives, which strengthens President Saied despite the difficult economic situation and his declining popularity.

The first months of 2023 were marked by stalled and interrupted negotiations with the IMF, on which the country's solvency and ability to continue paying public salaries ultimately depends. The delicate socio-economic situation has led to an increase in emigration to Europe, while President Saied has embraced populist arguments of the European far right, invoking the replacement theory according to which Sub-Saharan Africans living in Tunisia are endangering the survival of the country's Arab and Islamic identity. The deteriorating situation has caused alarm within the EU. The head of foreign policy, Josep Borrell, warns of the risk of mass migration towards Europe if Tunisia collapses, while Italy has emerged as the main advocate for Tunisia to avoid this collapse and obtain the release of the loan that it is negotiating with the IMF.

The Tunisian case invites us to reflect on the complexity of democratic transitions in resource-poor countries with no previous democratic tradition. Their inability to address the country's social problems can end up being a breeding ground for the emergence of authoritarian populist leaderships.

² MARKS, M., "Can a Fragmented Opposition Save Tunisia's Democracy from Saied?" *Dawn*, February 2022.