



Tunisia: A Hero? Another Coup? Or a Return to Authoritarianism?

Commentary

by Christel Haidar¹

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Introduction:

Creating the spark in the regional fire following the 2010 Arab Uprising, Tunisia was the first Arab country to depose its dictator. The first story of success, as widely considered, as its people managed to make reversal from dictatorship as early as 2011. Yet, Tunisian experience with democracy has been somewhat turbulent. Since the second President Zine El Abidine Ben Ali fled the country in January 2011, the country has seen 9 different governments. The latest government formed by [Hichem Mechichi](#), a “bureaucrat” with clean history in various state positions at various echelons, took oath following 6 months Elyes Fakhfakh government that had to depart due to a corruption scandal.

The Tunisians’ disenchantment in political elites and their handling of governance is nothing new. Since the country’s first free election in October 2011, where the Islamist party “Ennahda” won most of the seats in the parliament, the economy is going downhill. The citizens are displeased with high rate of unemployment and rising inflation.

It is the same disenchantment that pushed Tunisians make a detour in their preference for the new president after death of former President Beji Caid Essebsi. In October 2019, Kais Saied, a constitutional law professor that does not come from political background was elected president with [72.71%](#) of the votes in the second round. One of the main reasons behind popular support to the newly elect President was his rhetoric “putting the people first” in the political debates. Every time he was asked about his agenda, his answer would be giving assurance to the people that his priority would be the needs of Tunisians. He enjoys popular support and attracts especially the support of the citizens who do not approve the Ennahda party.

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A memorable day:

25 July 2021 marked the 62nd anniversary of Tunisia's Republic Day. In this year's holiday, instead of celebrations, the Tunisian streets witnessed protests amid deteriorating economic situation, failure of the government to contain and address COVID-19 pandemic, and police brutality. Tunisians' widespread anger and dissatisfaction from the government caused President Saeid to deliver a speech that moved his country to a new phase. A speech that received endorsement and discontent.

Accordingly, the President unexpectedly [decided](#) to invoke Article 80 of the country's constitution. He froze the parliament for 30 days, sacked Prime Minister Himech Mechichi, and announced the lifting of immunity from all members of the parliament. According to Mokhtar Ben Nasser, president of the Tunisian Center for Global Security Studies and former spokesman for the Ministry of Defense, up until today, the military forces [stand by](#) the President and "*must execute his orders, while remaining neutral.*" However, it must not shutdown protests and inflict any harm upon protesters and civilians.

After these announcements, some Tunisians celebrated while some others feared a path towards dictatorship. Many Tunisians filled the streets, considering this a victory and pointing out, "this is the President we love and were promised of". However, many others feared that this would be the beginning of a "coup d'état" leading to foreign intervention, as France and US have already called for the creation of a government capable of meeting Tunisians' aspirations. [US national security adviser](#) Jake Sullivan demanded President Saied on a phone call formation of a new government to stabilize the economy, confront the pandemic, guarantee a return of the elected parliament, and outline a swift return to the democratic path.

Article 80 of the Tunisian constitution:

[Article 80](#) states², "*In the event of imminent danger threatening the nation's institutions or the security or independence of the country, and hampering the normal functioning of the*

² The verbatim text of Art.80 of Tunisian 2014 Constitution is as follows:

In the event of imminent danger threatening the nation's institutions or the security or independence of the country, and hampering the normal functioning of the state, the President of the Republic may take any measures necessitated by the exceptional circumstances, after consultation with the Head of Government and the Speaker of the Assembly of the Representatives of the People and informing the President of the Constitutional Court. The President shall announce the measures in a statement to the people.

The measures shall guarantee, as soon as possible, a return to the normal functioning of state institutions and services. The Assembly of the Representatives of the People shall be deemed to be in a state of continuous session throughout such a period. In this situation, the President of the Republic cannot dissolve the Assembly of the Representatives of the People and a motion of censure against the government cannot be presented.

Thirty days after the entry into force of these measures, and at any time thereafter, the Speaker of the Assembly of the Representatives of the People or thirty of the members thereof shall be entitled to apply to the Constitutional Court with a view to verifying whether or not the circumstances remain exceptional. The Court shall rule upon and publicly issue its decision within a period not exceeding fifteen days.

state, the President of the Republic may take any measures necessitated by the exceptional circumstances, after consultation with the Head of Government and the Speaker of the Assembly of the Representatives of the People and informing the President of the Constitutional Court.”

Opposers base their claims on the fact that this article does not explicitly authorize the president to suspend the Parliament. The measures that this article aims at achieving are that the President “*shall guarantee, as soon as possible, a return to the normal functioning of state institutions and services. The Assembly of the Representatives of the People shall be deemed to be in a state of continuous session throughout such a period. In this situation, the President of the Republic cannot dissolve the Assembly of the Representatives of the People and a motion of censure against the government cannot be presented.*”

In a state of emergency, [Article 80](#) does not bestow unrestricted powers to the president and the parliament should be in a state of continuous session throughout this period. Hence, the president cannot dissolve the parliament. The phrase “a motion of censure against the government cannot be presented” denotes that the state of emergency does not permit a constitutional dictatorship. It neither implies the concentration of the government’s three branches in the hands of the president nor does it permit the suspension of the separation of powers.

What is more, Article 80 reads: “*Thirty days after the entry into force of these measures, and at any time thereafter, the Speaker of the Assembly of the Representatives of the People or thirty of the members thereof shall be entitled to apply to the Constitutional Court with a view to verifying whether or not the circumstances remain exceptional. The Court shall rule upon and publicly issue its decision within a period not exceeding fifteen days.*” In the absence of a Constitutional Court that has not been formed due to disagreement between Tunisian MPs, head of government and Tunisian Parliament have basically no organization to turn to challenge President’s judgement of existing “exceptional circumstances”.

Thus, the President based his measures on a superficial explanation of the Article and expressed his aims as to revive the country and return social peace, but he exercised his

These measures cease to be in force as soon as the circumstances justifying their implementation no longer apply. The President of the Republic shall address a message to the people to this effect.

powers beyond the scope and conditions stated in the constitution. Article 80 is ambiguous and vague with loopholes, which allowed the occurrence of this event.

The chronic economic crisis and mismanagement of COVID-19 by the government presents to a degree an exceptional circumstance. Yet, in the absence of a Constitutional Court and based on the President's seizure of wide scope of measures exceeding constitutional measures prescribed in the Art.80, it is legitimate to have concerns regarding the heading of the country.

Antagonists' reactions:

Behind the celebrations and convoys lays a good number of politicians and citizens that one cannot disregard, who completely rebuff the new policies.

Out of the 12 leading political parties, [six](#) have plainly stated their opposition to the President's move and condemned it as illegitimate. This includes Ennahda and its allies Qalb Tounes and Karama, in addition to the social-democratic political party Attayar, the centrist liberal party Al Joumhour and the Marxist-Leninist political party Hizb al-Ummal. Meanwhile, the two other parties, the Democratic Forum for Labour and Liberties Ettakatol *"opted for a wait-and-see approach and offered limited support to the president while voicing their concerns for the country taking an authoritarian turn following the move"*.

Thereupon the speech, members of the parliament were [denied entry](#) into the parliament. Prime Minister Mechichi, backed by Ennahda the largest party in parliament, called the actions of the President "a coup". Similarly, Rashid Ghannouchi, head of the Ennahda Party and Parliament Speaker, condemned the Presidents decisions and described them not only as unconstitutional and a coup, but also as an "attack on democracy." On [July 29, 2021](#), he called for the organization of a national dialogue and declared that if a settlement is not reached regarding the creation of a next government and presented to the Parliament, he will call his supporters to take the street to defend their state's democracy and move to lift the locks on the Parliament.

Another antagonist is [Moncef Al Marzouki](#). Al Marzouki is the first democratically elected president of Tunisia after the 2011 Arab Uprising. He addressed the citizens through a [televised speech](#) and denounced the President's pronouncements. He claimed the uprising gave the country a ticket towards entering a civilized and developed world, but the new decisions are only going to drive Tunisia backward. *"After becoming a democratic country and solving political problems through peaceful political ways, this is now threatened to end. The issue at stake now is not defending Ennahda or the Parliament but defending the country's*

Democracy". According to Al Marzouki, what happened on the 25th is a "coup d'état", the President broke the constitution and seized executive control. He demanded the citizens to reject this "coup" and gather towards protecting the country's constitution and democracy. He addressed the delighted citizens celebrating against Ennahda by alarming them that the economic, social, and health sectors would only deteriorate from then on. For him, this was not a step towards a solution, but a slippery slope towards a situation that would only go towards a complete collapse. He also warned them that they were attaching themselves to illusions and hoped they would put an end to this charade and in the next elections they wouldn't gamble politically.

Some even compared President Saied to the [Egyptian President](#) Abdel Fatah al-Sisi, who toppled the Muslim Brotherhood's Mohamed Morsi in 2013. Imad Ayedi, an Ennahda member, said, "*Saied is a new Sisi who wants to collect all authority for himself ... We will stand up to the coup against the revolution.*" What both events have in [common](#) is that "*They were both made possible by fabricated readings of the two countries' respective constitutions.*"

The President's Pledge to Fight Corruption:

On 25 August, President Saied had pledged to fight corruption in all its sectors and confront crooked businessmen. He asked the traders, suppliers, and pharmacies to lower prices. Then, on 31 August, he requested the banks to lower interest rates, banned gatherings of more than three people, and set a curfew from 10 p.m. to 5 a.m.

President Saied's pledge to instigate a campaign to fight corruption in all its sectors also included the judiciary system. On 31 August, Judge Bechir Akremi was placed under [house arrest](#) for 40 days, due to accusations of concealing terrorism-related files. These files include the cases of the 2013 assassinations of the two secular leaders, Chokri Belaid and Mohamed Brahmi, who due to the marches that they led the government was overthrown. Regardless of Judge Akremi's close ties to Ennahda party, it denies the allegations that links it with the Judge and its interference in the hidden judicial files.

Successively, on [August 2](#), both the finance and economy ministers and the communications and technologies ministers, who are also acting agriculture and water resources ministers, were both relieved from their tasks and new ministers were named. A day later, the "Tunisian Presidency" Twitter account issued a presidential decree statement relieving the Tunisian Ambassador Nejmeddine Lakhhal to Washington and the governor of Sfax from their duties without citing any explanation.

Conclusion:

A divide among public in the streets occurred after the President's announcements, putting them in two camps as supporters and opposers. Supporters took to the streets and cheered his measures, which reflected their political frustration. They are fond and optimistic about how the President handled the situation. For them, he demonstrated courage and attentiveness to the demands of the Tunisians. They do not perceive his move as a "coup d'état", since until now his actions do not imply that. Nonetheless, understanding human nature and behaviour, the citizens cannot fully put their trust in the President and surely fear that in the future he could seize the situation to bolster his own agenda and rule. The opposers, on the other hand, believe that the President has abused Article 80. Rashid Al Ghannouchi, among others, felt attacked and that the new measures are a major step backwards from democracy; a system that the country fought and paid a huge price for.

It is not possible to dispel concerns in many capitals across Europe and the US over risks of reversal to dictatorship. The US already called on the country to revert back to the path of democracy. Until now, President Saeid has denied claims about conducting a de facto "coup d'état". He emphasizes that his academic background as a constitutional law professor has guided him to take those extensive measures and argues his actions are legitimate and conform to the constitution. He started meeting with civil society groups to face these accusations and show that he is aware that Tunisians will "not accept an [Egypt-style coup](#)" in their country.

Norms instead of the contextual argumentation should dominate assessments. The President should give assurance to the Tunisians and the international community that his actions are temporary and propose a calendar with clear deadlines for "a return to the normal functioning of state institutions and services" as delineated in the Constitution. This will defuse the pressure inside and create a clearly trackable guide to see how well Tunisia remains loyal to the democracy. As this event has shown, lack of a constitutional court removes a layer of oversight over decisions of the President. Its formation should be hastened once the dust settles. In the midst of this crisis, it will not be possible to disentangle the issue from the clout of politics. So far, the military and police have remained apolitical in this affair. Their neutrality should be maintained and not compromised to political provocations. Media has the overall importance to communicate what happened to the citizens and the outer world. So far, no restrictions have been put on its functioning. Citizens should stay alert about if limitations are placed on press freedom. Last, Tunisians should guard their freedoms and democracy. Democracy makes

Tunisia a destination for foreign investment and international aid. Losing this will mean losing its shine which will further push the country into deeper economic crisis and cut it from outer world.

