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Tunisia's Deadlocked Situation: President Saied Takes the Authoritarian Exit

by Mats Radeck¹

1. Introduction

On the 25th of July 1957, Tunisia was stripped of its monarchical superstructure and became a republic. 64 years later, this day is still special to Tunisians. However, besides festivities and protests, it has recently gained a further meaningful dimension. Following popular unrest in the country and several political crises, Tunisian president Kais Saied announced in the evening of July 25, 2021, that he sacked prime minister Hichem Mechichi, froze the work of the parliament, and lifted the immunity of all parliamentarians. The three actors, namely president, parliament, and prime minister are, according to the constitution, supposed to share power. Yet, two of these were then taken out of the equation, and their competencies were combined under the executive oversight of the third, President Saied who has now been ruling by decree.² Paradoxically, this very constitution was also what enabled Saied to make his move in the first place. Using article 80, Saied evoked a state of emergency to fight an “imminent danger” to the state.³ Amidst his claims to be combatting corruption and restoring good governance in Tunisia,⁴ President Saied's opponents denounced the move as a coup to consolidate power in the hands of one strongman.⁵

Either way, the situation is a tough test for the young democracy that has only shortly seen the tenth year of the Arab Spring and the ousting of dictator Zine al-Abidine Ben Ali. Since then, the yet unconsolidated democracy has found itself in a state of liminality, closely monitored and analysed using a dichotic scale between democracy and authoritarianism.⁶ This state of liminality is marked by severe crises which negatively impact good governance.⁷ Therefore, the question of whether Tunisia is returning to autocratic rule suggests itself. However, without profound background knowledge, the answer to this question is easy to become victim to stereotypical assumptions about the country and the whole region. Analysing the matter from two different perspectives, this brief will therefore lay out two possible trajectories for Tunisia's ongoing political crisis. Firstly, Saied's move can be seen as a mark hinting at the return to authoritarianism. Secondly, the opposite assumption which regards the current state of exception as a vehicle toward functionality in governance can also be suggested. After analysing the two possibilities, the article concludes its findings, arguing that Tunisia is on the path toward one-man rule. It should be noted that the unexpected Jasmine revolution ten years ago has already shown that Tunisia is always capable of surprising policymakers and observers alike. In this case the only factor that can really tell the trajectory of North Africa's only democracy will be time.

2. Tunisia Marked by Crisis

When Tunisians took to the streets in early 2011, the country not only witnessed change in the presidential palace, but it also entered a state of liminality in its journey from authoritarianism to being a consolidated democracy. In this very state, uncertainty over the political system and its democratic transition trumped political stability.⁸ This uncertainty struck down in the form of at least two crises which in total added up to a system being deeply disappointing to the people living in it.

First, a political crisis led to political sluggishness including a parliamentary deadlock in which progress became hostage to a multidimensional rivalry between different political actors. The Tunisian constitution, set in 2014, has been a product of compromise to overcome the political trench wars after the revolution.⁹ In subsequent years, however, the focus on compromise took bizarre forms which ironically weakened democracy instead of consolidating it. Successive technocratic and national unity governments failed to deliver peoples' demands, namely fight unemployment, countering regional inequalities and corruption, or improving the quality of public services.¹⁰ Instead, Tunisian governments were recurring rickety power-sharing agreements that served compromise over competitiveness, and therefore catered deadlock instead of functionality.¹¹ An example of such is the first government formed after the 2014 election. Although support by Ennahda, a strong Islamist political party, was not needed, it was nevertheless included in a modernist government.¹² It is therefore being argued that, although fragmented, the political landscape of Tunisia (which included 20 parties in the last parliament) has not precipitated competitive choices for Tunisia's citizens but rather the reinforcement of political paralysis.¹³

This very paralysis has been further stirred up by the constitutional power-sharing agreement between the president, prime minister, and parliament which led to constant situations of power bargaining and conflict.¹⁴ Fighting between Saied, prime minister Mechichi and the parliamentary coalition led by Ennahda also preceded the evocation of Article 80.¹⁵ Moreover, the legislature did not manage to set up a constitutional court, although this was six years overdue. The 2014 constitution had called on the legislature to nominate four out of twelve judges for the constitutional court. However, due to the political fragmentation, and President Saied's unwillingness to pass a bill reducing the number of votes necessary for respective elections, this court has never been set up.¹⁶ This political havoc forestalled problems which now play out in a situation in which judiciary problem-solving would be decisive.

This prevailing political paralysis was no longer sustainable in a state in dire need of political reform. Unsurprisingly, in his electoral campaign in 2019, Saied has always spoken out in favour of respective systemic change as well.¹⁷

Secondly, the stagnant economy of Tunisia failed to serve its citizens and respective prospects were not looking good either. The theme of instability that marks Tunisian politics also branded the country's economy. Successive governments were unable to create a stable environment for economic flourishing. Reasons such as stagnation, unemployment, high inflation,¹⁸ solvency, or low GDP made the country turn towards the International Monetary Fund (IMF) and World Bank for financial help in return for tough austerity measures and reform programs for public institutions. This deep embarrassment disclosed the government's inability in economic policy.¹⁹ With the main political actors being unable to improve economic conditions, grievances arose in a tense social climate. Protestors called upon the state to overcome the imposed neoliberal developments of increased austerity and privatization, and rather channel economic benefits to the people.²⁰

The economic situation turned even worse when Covid struck. In 2021, Tunisia experienced the worst Covid spike in Africa causing its health system to collapse. Furthermore, deficiencies in its vaccination strategy and its Covid handling, in general, were laid bare which have long been sparking discontent.²¹ GDP contracted by almost 10% in 2020, tagging unemployment along on its way down. Furthermore, an 80% decline in passenger arrivals hit the tourism-dependent industry of Tunisia hard as well.²² This prevailing economic crisis which deteriorated through Covid, therefore contributed to the context that is necessary to understand the current political crisis in Tunisia.

In this very context, a tense situation marked by contentious politics gained ground. Desrues and Gobe conceptualise this situation in Tunisia as a protest democracy. In a state of liminality between discarded authoritarianism and immature democracy, protest becomes an expression of discontent with, but also of political immobilism and the economic crisis itself.²³ A series of such protests and public discontent is also what caused President Saied to evoke article 80 of the constitution in an attempt to overcome the political stickiness of this liminality.

3. President Kais Saied Intervenes

Following months of political deadlock and popular protests in which the people brought their discontent about the political and economic situation, as well as about the state's Covid handling to the streets,²⁴ President Kais Saied announced that he will evoke emergency rule under article 80 of the constitution with the help of the army.²⁵ This brought the months-long controversies between the President, the Prime Minister, and the Parliament to a climax as both Prime Minister Mechichi and the work of the parliament were dismissed and frozen.²⁶ With no existing constitutional court, the situation is juridically deadlocked.²⁷

According to Saied's opponents, spearheaded by Ennahda, the Islamist party with the biggest share of parliament seats, the president did not have the powers to make his move under the constitution. Respectively, they denounce his actions as a coup warning for renewed authoritarianism.²⁸ Contrary to his critics, Saied's supporters argue that article 80 of the constitution gave him the power to make his move as the country was threatened by an "imminent danger to statehood, national security, and the country's independence" reflected in the situation of crises.²⁹ In this regard, Saied aimed to overcome the state of liminality in which Tunisia rests by taking matters into his own hand and establishing good governance. Both arguments suggest paths for Tunisia to get out of its paralysed state of liminality, and both seem plausible.

4. Possible Trajectories for Tunisia

Kais Saied's move to evoke article 80 of the constitution carries at least two contradicting meanings for the future of Tunisia. First, the developments could be a sign of the country's return to authoritarianism. Secondly, the developments could eventually terminate in Tunisia becoming a presidential democracy established by the active exercise of power by the president. For both, arguments can be made, hence both are in theory viable.

4.1. Tunisia's Return to Authoritarianism?

Several reasons can be pleaded to support the hypothesis that Saied works on consolidating a system of one-man rule in Tunisia. First, Saied overstretched the powers that even an extensive reading of article 80 had granted him. He extended the suspension of parliament indefinitely, although the constitution would only allow him to freeze the institution's work for one month.³⁰ Furthermore, evidence also rejects the claim that the parliament has been confined following the procedures of the constitution. The speaker of parliament Rached Ghannouchi, for instance, claims that he has not been consulted beforehand, although this would have been necessary according to the constitution.³¹

Second, Saied has been gradually minimalizing outside interference in his rule. The president has recently announced to forbid external funding of the work of NGOs within Tunisia. Although it has been argued that this move shall decrease foreign interference,³² it could also be understood as an attack on civil society.

Third, it seems as if Saied consolidated his rule by surrounding himself with allies. The newly appointed prime minister Najla Bouden and her government are all close, as well as inferior to the president.³³ According to regime theory, elite consolidation is key to authoritarian persistence which hints at the country's development towards authoritarianism.

Fourth, the military has been on Saied's side since it helped the president to suspend the parliament and prime minister.³⁴ The prominent debate on authoritarian resilience, which regards the Middle East as a stronghold of autocratic rule and a difficult environment for democracies, highlights the role of the army as an imperative pillar of support for authoritarian consolidation.³⁵

Fifth, comparisons with Egypt can be drawn where President Al-Sisi used a situation of instability to elevate himself to power and dethroned the Muslim Brotherhood with the help of the army in 2013. The situation mirrored in Tunisia, with Islamist party Ennahda being stripped of its powers and a president that seemingly disregards power-sharing agreements in a state of crises, can trigger anxieties about the future of the country.³⁶

Accordingly, Kais Saied can be seen as a 'trickster politician' that has been managing to surf the wave of instability in a crisis-driven liminal space to consolidate his powers and drag the country back into authoritarianism.³⁷

4.2. Tunisia's Development into a Presidential Democracy?

On the contrary, several reasons can be pleaded to support the prospect of Tunisia becoming a presidential democracy and thus soon experiencing a fundamental systemic change in its political system. First, President Saied has always been transparent with his ambitions to change the political system of the country. Even before he evoked emergency law under article 80 of the constitution, he has spoken out in favour of a presidential, but a participatory system, as well as a referendum on a new constitution. Saied's decisions were neither surprising nor do they seem to be indefinite. Preceding his move, he had already made his considerations clear to react to the political stalemate with appropriate laws.³⁸ Reasons for the change that he strives for are the political deadlock, rampant corruption, as well as the fragmented political party landscape which was regarded by many as rather divisive than unifying.³⁹

Second, civil society is on the president's side. Right after the political crisis started, Saied met with representatives of various social groups to ensure societal backing of his endeavour. Several of these, such as the powerful UGTT trade union, granted him such.⁴⁰ Considering that civil society played a massive role in the recent democratisation process of the country,⁴¹ support of authoritarianism seems implausible.⁴²

Third, the situation in Tunisia is incomparable to that in any other country and the narrative of a return to authoritarianism rather originates from stereotypical views on the region. Tunisia is not Egypt, Ennahda is not the Muslim Brotherhood and Kais Saied is not Abdel Fatah Al-Sisi. Although this narrative is often being reproduced, and of course supported by the political situations in Middle Eastern countries and the proximity between Egypt and Tunisia, it still paints an incomplete picture. While Al-Sisi is a military field marshal, Saied is a constitutional law professor. While the Egyptian army helped Al-Sisi to coup his predecessor, the Tunisian army is small and has historically been uninvolved in politics.⁴³ The discourse of rampant and resilient authoritarianism in the Middle East, which is often being served by Western analysts, is, in the light of this argument, too short-sighted and dangerously simplifying the case of Tunisia's political crisis.⁴⁴

Respectively, Saied's move can also be seen as a well-intentioned attempt to fix something wrong and overcome the immobilism of the current political system. Accordingly, his tough line of action is necessary as it marks the only possibility to move beyond the situational stalemate and bring good governance and democratic functioning to Tunisia.⁴⁵ The perceived consolidation of his rule is therefore a temporary vehicle to rescue the country from the sticky state of liminality and thus move past stagnation and away from even more severe crises.⁴⁶ A presidential democracy in which power-sharing does not lead to deadlock would be the logical outcome and the one that President Saied has spoken out for.⁴⁷ Up to now, Saied has not been declaring dictatorial ambitions but rather introduced a plan for new elections, a referendum on a new constitution, and the end of his rule in December 2022.⁴⁸ Regarding the situation from this perspective thus makes it seem as if Saied's actions are the means to a greater democratic end.

5. Deducing the Likely Scenario: Tunisia is on Track Towards Authoritarianism

As expatiated on, there are at least two viable scenarios for the future of Tunisia. Arguments for the likelihood of either of them can be made. However, a more thorough analysis discloses Tunisia's likely trajectory. Saied claimed to overcome the political and economic crises, as well as the impacts of Covid. However, respective developments after Saied's move in July 2021 provide valuable clues for a rather negative outlook for the country. Thus, an evaluation of Tunisia's situation since Saied's power grab, both politically and economically, hints at the country steering back towards authoritarianism. Furthermore, the roadmap for Tunisia's future that the President has laid out gives room for concern.

First, President Saied has cracked down on free speech and, on the opposition, and attacked the democratic division of powers in the country. When the parliament held a virtual meeting in March of 2022, President Saied grew furious. He accused members of parliament to be planning a coup and called on the minister of justice to launch a prosecution on conspiracy against state security. Shortly after, 121 members of parliament were invited for questioning by an anti-terrorism unit.⁴⁹ Furthermore, Saied officially dissolved the parliament and not just froze its work in reaction to the incident. A clearly unconstitutional decision. Neither is the President allowed to dissolve the parliament in a state of emergency,⁵⁰ nor can he decide to do that without a motion of no confidence passed by the parliament itself.⁵¹ Moreover, with presidential decree 11 of 2022, the president has also dissolved the High Judicial Council, an institution in charge of overseeing judicial independence and independence of the judges in the country.⁵² Saied, therefore, exploits his presidential power and counter-terrorism measures to crack down on the legislature, as well as on the judiciary, a procedure that violates the democratic division of powers in Tunisia.

Additionally, free speech has been suffering since Saied claimed power. Besides closing oppositional news outlets,⁵³ critics of Saied have been prosecuted and silenced in civilian, as well as military courts using charges like "insulting the president" or "defaming the army." An example of such a case includes social media commentator Selim Jebali who has been sentenced to six months in prison for calling Saied a "dog" and a "coup maker" on his private Facebook page. The targeting of critics also includes members of parliament who, after being lifted off their immunity, now fear repression.⁵⁴ Saied is being seen to lead a campaign of arrests and suppression that also alarms journalists.⁵⁵ Such disproportionate coercive measures hint rather toward authoritarian tactics than to further democratisation.

Lastly, the political opposition is divided and not acting decisively against Saied. This political crisis within the opposition has also reached the Ennahda party, Saied's biggest foe. Responding to deficient action by the party's leadership against what Ennahda calls a coup, more than 100 prominent officials have resigned from the party.⁵⁶ In the political sphere, Saied has therefore created a situation marked by a weakened opposition, coercive measures to control free speech, as well as a nearly complete disintegration of the democratic division of powers. The developments since July 2021 therefore clearly read like a recipe for authoritarianism.

Second, although cited as reason for his power grab, the economic situation has not perceptibly improved since July 2021. Although GDP is expected to rise again with the Covid crisis fading, other indicators still paint a negative outlook. Besides rising inflation that counters spending, dwindling exports, a high debt level of about 100% of GDP, a highly pompous public sector,⁵⁷ or a high unemployment rate between 14% and 18%,⁵⁸ the country is now also facing decreasing interest by foreign investors alarmed by the country's political uncertainty.⁵⁹ Although analysts like the OECD recognise the steps that have been made to deal with the Covid crisis, it calls, among other things, for deep structural reforms, as well as political certainty to surmount the economic crisis.⁶⁰ Something that Saied has not yet delivered on.

To overcome its massive debt problem, the Tunisian government has instead announced its plans to again borrow from the International Monetary Fund. Such a deal will include painful austerity measures that could steer up social tensions.⁶¹ Furthermore, the government plans to introduce further taxes to counter financial shortcomings in the state's budget,⁶² a decision that will hit ordinary people hard in a situation of an economic crisis that also includes widespread poverty. The problems of the people became even more severe considering the Ukrainian war. As Tunisia's food system is heavily dependent on imports, rising prices on the world markets for necessities such as grain led to price hikes and food shortages.⁶³ This situation could well intensify in the future and cause a more serious food crisis, as well as increasing social tensions. Consequently, the uncertain and ambiguous political situation that Saied has created since July 2021 is also amplified and reinforced by enduring economic hurt. It seems as if President Saied is not interested in improving the economic situation for his people, although this has been a reason cited for his move.

Third, the roadmap that President Saied has announced does not satisfy critics. It rather supports fears of Saied exploiting democratic tools to consolidate his power. Analysts have described how Saied has outmanoeuvred his political opponents, especially Prime Minister Mechichi, as well as the speaker of parliament Ghannouchi, right from the beginning.⁶⁴ The roadmap that Saied has announced in December 2021 includes a societal dialogue preceding a referendum on a new constitution in July, as well as renewed parliamentary elections in December of 2022. However, critics have pointed to the untransparent nature of the approach,⁶⁵ as well as to the fact that there will be no division of powers in place to check on the new constitution in July.⁶⁶ In this critical light, the roadmap can be regarded as an elaborated plan to consolidate power while legitimising authoritarian rule through seemingly democratic procedures. It must be expected that Saied's rhetoric is deceptive and that his actual moves cater a consolidation of his powers.

Although there are at least two plausible trajectories for Tunisia after President Saied had frozen the parliament's work and dismissed the Prime Minister in July 2021, a great number of clues hint at the country steering back in the direction of its authoritarian past. Saied's decision to rule by decree has not yet led to economic improvements,⁶⁷ nor has it brought political stability. The interwoven political and economic crisis which motivated Saied to invoke the state of emergency under article 80 has arguably even worsened. Besides, Saied's apparent schedule to return to good governance is dubious. The developments of Tunisia's crisis, therefore, paint a picture in which the president does not aim to restore functionality in governance, but rather aims at consolidating one-man rule by dissolving democratic institutions and cracking down on opposition and critics. Currently, Kais Saied is still enjoying widespread popular support. However, protests pick up. Especially in the educated segments of society, the tides are turning. After all, Saied's popularity will be measured by his responses on the crises.⁶⁸

6. Conclusion

The current political situation in Tunisia is tense and insecure. Following a months-long political deadlock, fighting between political actors, and disappointment over the government's delivery on economic challenges and its handling of the Covid-19 pandemic, President Kais Saied introduced emergency law under article 80 of the constitution, making him eligible to rule by decree. Since then, he has been on a crackdown mission targeting his political opponents, as well as the legislature and judiciary. While Saied has been justifying his undertaking with the fight against corruption and the aim of returning social peace and saving the state,⁶⁹ his opponents, spear-headed by the democratic Islamist party Ennahda, have been denouncing it as a coup. Both standpoints have been accompanied by protests which stir up social tensions.

Consequently, the future of Tunisia's political system seems unclear. However, based on available data, analysis, and literature, two scenarios appear most plausible. First, Saied's recent moves are the beginning of a return to the state of authoritarianism that the country has only recently shaken off when it ousted dictator Ben Ali in the Arab Spring. Secondly, Saied's recent moves are ambitious attempts to manually restore functionality in governance in Tunisia and overcome the political deadlock and crises by installing a presidential democracy. Both these scenarios are to a certain extent reasonable.

However, Saied has not delivered on solving the crises situations with which he justified his power grab making the authoritarian scenario more credible. Economic struggle and political uncertainty still brand mark Tunisia. Furthermore, the country is gradually narrowing the space for political criticism, considering the deteriorating state of the division of powers or the ailing right to free speech. Moreover, Saied has brought a plan forward that includes a constitutional referendum on July 25, 2022, as well as a renewed parliamentary election at the end of 2022.⁷⁰ Although, this latter point holds potential to indicate democratic ambitions of the president, these plans are, nonetheless, denounced by the opposition as tactics to legitimise one-man rule. Considering these developments, it becomes clear that President Saied currently steers Tunisia towards the authoritarian exit of the country's deadlocked situation. However, the politics of Tunisia have always been surprising to policymakers and observers alike. Even though the situation is alarming, at the latest the Arab Spring has shown that the only factor that can really tell the country's future is time.

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