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Mats Radeck



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Follow-Up: Saied's Project of Democratic Backsliding

by Mats Radeck *

1. Background

- In 2011, the Jasmine revolution put an end to Tunisia's president Zine el-Abidine Ben Ali regime, an entrenched dictatorship (nytimes.com, 2011). The momentum further spread to other countries of the Middle East and North Africa (MENA) and initiated a protest movement today known as the "Arab Spring."
- Being regarded as the greatest democratic hope in the aftermath of the Arab Spring, Tunisia initiated various reforms to the political system to support a democratic transition immediately aftermath. To date, this transition has not yet been finished as key institutions are still flawed or have not been set up, including a constitutional court (Goldstein, 2021).
- During the last couple of years, however, a political deadlock and economic crisis (Radeck, 2022) have been in tandem shaking Tunisia. The situation has been immensely worsened by the impacts of the Covid crisis.
- On October 13, 2019, amid this crisis, Tunisians elected an independent political outsider, a professor of constitutional law Kais Saied as president (BBC News, 2019). Saied's anti-elitist stance at first sparked enthusiasm about him appearing as a reformer willing to overcome the problematic situation the country found itself in.
- On July 25, 2021, Saied declared to have dismissed the government and frozen the work of the parliament (Why Tunisia's Democratic Transition Still Matters, 2021). This unexpected move was the first of many that made Tunisia set sail for renewed authoritarian rule (Radeck, 2022).
- On September 29, Saied named Najla Bouden Romdhane as the prime minister (Amara & Mcdowall, 2021). While she is the first woman to have ever fulfilled this role in the Arab world, her powers were also subordinated to the president making her less influential than her predecessors.
- Since then, Saied has gradually assumed more power in the country. Such autocratic power grabs include attacks on the judiciary, such as the dismissal of judges (Deutsche Welle, 2022), or the replacement of the electoral commission (MEE Staff, 2022).
- On July 25, 2022, Saied put the changes in the country's state structure to the vote in a constitutional referendum marking the centrepiece of Saied's plan to establish a presidential system in Tunisia (Chulov, 2022). Opposition groups boycotted the voting (Volkman, 2022). Thus, while only about a third of Tunisians eligible to do so voted, the new constitution passed with a sweeping majority of 95%.
- In reaction to the referendum, opposition groups denounced the referendum as illegitimate (Volkman, 2022), and its result as not credible. Meanwhile, Western governments, such as the USA (Tunisia's July 25 Referendum, 2022) and the European Union (Tunisia: Declaration by the High Representative on Behalf of the European Union on the Constitutional Referendum, 2022), expressed their concerns about the state of democracy in Tunisia.

Analysis

1. Tunisia's New Constitution and Criticism

On July 25, Tunisians voted on a draft constitution brought forward by President Kais Saied. In general, the proposed constitution sets the basis to conform Tunisia's hybrid presidential-parliamentary system into a solely presidential one. Among other things, it, therefore, weakens the standing of the judiciary and the parliament, while it beefs up the powers of the president (Reuters, 2022).

* Mats Radeck is a research assistant intern at Beyond the Horizon ISSG.

Many articles of this new constitution go headstrong against tenets of representative democracy. For example, Article 101 states that the President has the exclusive power to appoint government members. This differs from the former constitution according to which the parliament had antecedence in choosing government members. Article 112 underscores this point by making the government responsible to the president who fulfils the executive function according to article 87. Also, article 68 weakens the legislative process of the parliament by giving a higher priority to the president's right of initiative than to that of the parliament.

Furthermore, article 96 says that "exceptional measures" are to be taken by the president "if there is an imminent danger threatening the republic, the security of the country and its independence." A similar article has been at the centre of debates surrounding Saied's power grab (Chettaoui, 2021). Article 80 of the former constitution was seen by many as the Achilles heel of the charter and arguably enabled Saied to make his move in the first place (Al-Dahni, 2021). It is thus interesting that Saied's new constitution mirrors the old wording forasmuch as it grants him power.

Moreover, the constitution makes the president the supreme commander of the armed forces with reporting by the security forces to be done to the president directly (Murphy, 2022). Also, it tasks the state with working towards the goal of Islam (Yerkes, 2022), an unusual goal setting considering that Saied himself has spoken out against political Islam (Tunisia: Islam Will Not Be State Religion, Says Saied, 2022). Yet, the new constitution attempts to entrench Islam deeply in government procedures.

Saied himself is set to preserve his mandate. The new constitution even makes it possible for him to run for two more terms, enabling him to possibly stay in power until 2034 (Boussen & Lakhhal, 2022). In theory, this grants Saied enough time to further develop and consolidate his authoritarian project. While in power, the president can also not be held accountable by other state branches. Neither can he be impeached by parliament, nor does the weakened judiciary pose a severe risk to his influence.

The constitution has been subject to broad critique by many following the situation closely. Some critics assign a theocratic, as well as an autocratic risk to the proposed paper (Mekki, 2022). The constitution is seen to abolish institutional safeguards for fundamental human rights (Amnesty International, 2022) while it fosters almost unchecked powers of the president (Tunisia: Questions and Answers on the Draft Constitution, 2022). The constitution as the centrepiece of Saied's accused dictatorship building (O'Grady, 2022), therefore, presents attempted legalisation and consolidation of his extensive power grab. Meanwhile, Saied argues that the new constitution is necessary to overcome the political and economic paralysis that the country finds itself in.

The polling process presents another factor of potential criticism. With a turnout of 30 %, Saied was able to motivate only one third of Tunisians to cast their vote. What might defame the popular legitimacy of his new constitution on the one hand, also shows how his voter base is consolidating considering that a sweeping majority of 94 % voted "yes" (Boussen & Lakhhal, 2022). In deeply divided Tunisia, this number showcases the political power of Saied.

Further, a criticism brought forward includes that the constitution's drafting process has been too untransparent. The head of the constitutional panel tasked with overseeing the drafting process even distanced himself from the final version (Amara, 2022). He declared that the version put to the vote was nothing like the version his panel had written, instead, it was unstable and dangerous. Further, he said that it could "pave the way for a dictatorial regime."

The campaigning process did also not proceed as accustomed in democracies. While there was no room created for discussing the content beforehand, Saied shot down criticism with propagandistic calls to vote yes (Lettre De Kais Saied: Dites Oui! À La Nouvelle Constitution, n.d.). As if there was no time to lose, Saied also rushed the publication of the constitution in the official journal without awaiting the official results of the referendum (Boussen & Lakhhal, 2022), raising doubts about the original intent of the referendum being a mere coverage for a political move he would have executed anyway.

However, the criticism has not resonated enough within the opposition to sufficiently mobilise the population and stop the referendum or Tunisia's slow democratic regress. This also nourishes doubts about the opposition's capacity to renew democracy in the future. Besides the opposition itself being fragmented, a great part of Tunisia's society is simply disenchanted with the political scene as a whole. Statements like the one by Ennahda (N., 2022), an Islamist party having assumed a forerunner role in oppositional work throughout the crisis, proclaiming a failure of the constitution were therefore hardly talked about.

In the timespan of only one year, Saied's rule challenged the state of democracy in Tunisia and revealed the vulnerability of its fragile constitutions. Therefore, whatever the criticism put forward may be, the outcome of the referendum matters, nevertheless. Both for Tunisia domestically, as well as externally, the path that Kais Saied has chosen, and which he has now reinforced, holds severe repercussions for the country.

2. Domestic Repercussions for Tunisia

The new constitution, as well as Saied's overarching power grab, does not appear to solve the problems that the country suffers from, although declared so by Saied. Rather, it further enforces an authoritarian system and scotches the democratic successes of the Arab Spring.

This condition can be exemplified by the fact that Saied seems not to show any interest in the country's economic recovery. The economic crisis has so far wracked havoc on Tunisia without showing any signs of improvement. Saied's promises that once made him capable of mobilising popular grievances and assuming the presidency in 2019 have not been a raving success, leading to the country still enduring ongoing deterioration.

Several economic indicators have hit record highs in an economy that has been slowing since the Arab Spring in 2011 and so far (Reuters, 2022; Amara & Mcdowall, 2022), there are no signs of Saied taking on this problem. Among these is inflation soaring at about 8%, rising youth unemployment (Unemployment, Youth Total, n.d.), and a worsening sense of corruption (Network 20/20, 2022), with the fight against the latter being a political emphasis of Saied's agenda.

Meanwhile, budget and trade deficits are mounting (World Bank Group, 2022). Such increases are impactful in an economy with such large public sector expenditures as it risks the functionality of the state. Thus, while the country's expenses stretch on wages of public service workers, the unstable public finances of the country make Tunisia susceptible to further economic insecurities. Most recently, the war in Ukraine has triggered a crisis in commodity prices and food insecurity which is also felt by ordinary Tunisians (Lynch, 2022).

The poor economic conditions of the country also raised concerns about its ability to pay back debts. Both Fitch Ratings (FitchRatings, 2022), as well as Morgan Stanley (Staff, 2022), have issued negative outlooks for Tunisia's economy with the latter even ranking the country among the world's most likely defaulters. However, Saied's plan to pull the economy out of this misery seems to rest exclusively on a potential, not yet sealed, deal on an unpopular IMF bailout loan (Gallien, 2022).

Thus, while Saied has invested great ambitions into changing the state structure, he has not delivered economic reforms. Instead, the severely needed economic agenda rests on conditions which the IMF will issue. In a dire economic state, such an unpromising agenda is set to fuel social unrest.

Many of Tunisia's citizens have therefore also rejected the new constitution through massive protest (Volkman, 2022), showing disapproval of Tunisia's authoritarian development. The country is therefore setting sail for domestic instability fuelled by increasing authoritarian development and economic hardship. Considering the nature of authoritarian responses to protest, Saied's future administration will most likely answer by the means of intolerance and coercion.

3. Repercussions for Tunisia in Foreign Politics

The developments in Tunisia will also have severe repercussions on its foreign relations. Especially the relationship between Tunisia and the United States at a critical brink. Saied's steering of the country towards authoritarianism could trigger a diplomatic crisis which would in turn negatively impact the country's domestic condition.

Considering Tunisia's pioneering role in the Arab Spring, as well as Tunisia's geographic position in Northern Africa, the country holds great importance to several Western democracies. In this context, Germany, the European Union, and the United States, for example, are the three biggest donors of foreign assistance to Tunisia (FA.gov, n.d.). The EU's support for Tunisia even resembles the biggest aid transfer per capita among all receiver countries worldwide (Bobin, 2019). Furthermore, Tunisia's economy is closely tied to Europe's, hinting at the strong trade partnership as well as the massive investment inflow (EU Trade Relations with Tunisia, n.d.). These strong economic ties are testimony to the Western interest in a successful democratic transition and political stability, alongside showing Western diplomatic weight in Tunisia.

Especially the foreign policy of US president Joe Biden highlights the West's ambition to stem authoritarian aspirations in the world (Feinberg, 2021). Saied's attempts thus pose a challenge to Biden whose credibility will be assessed by a strong stance towards Saied. Domestically, Biden already experiences pushbacks urging his government to act (Farooq, 2022).

Most significantly, US secretary of state Antony Blinken has voiced concerns about the future state of democracy in Tunisia (Reuters, 2022). Consequently, his counterpart and foreign minister of Tunisia, Othman Jerandi called upon the acting US envoy to refrain from interference in his country, marking a rise in tensions in the diplomatic relations between the two countries.

Other western players have expressed concerns about Tunisia and issued travel warnings to their citizens. In the European Union, both the parliament (Motion for a Resolution on the Situation in Tunisia, 2021) and the high representative for foreign affairs and security policy Josep Borrell (Al Arabiya English, 2021) have expressed their concern about Saied's power grab with the latter having highlighted the possibility to delay European macro-financial assistance in response to the developments which amounted to 800 million Euros since 2011 (Dejoui, 2022). Similarly, Germany, for example, reaffirmed its commitment to a democratic transition and issued travel warnings to its citizens regarding Saied's political moves

Saied's decisions to rebuild the state structure and dismantle democratic institutions have, therefore, triggered repercussions beyond Tunisia's border. Powerful western players with big leverage in the country disagree with the developments. Perspectively, Tunisia's new constitution could, therefore, not only strengthen the authoritarian power of the president but could also lead to diplomatic tension and crisis with important partners, in turn fuelling an economic decline that worsens living standards of Tunisians.

Conclusion: Is Tunisia Doomed to Fail?

The recent developments in Tunisia, including the constitutional referendum and the new constitution, have shown that Kais Saied is not willing to divert from his authoritarian path. Instead, the past months have exhibited systematic attempts to amassing powers formerly held by state institutions in the hands of the president.

Underscored by a low voter turnout and a population deeply disenchanted with the political parties, the democratic regress, therefore, provides a reason to worry. Although passed by a majority of the votes, Saied's referendum does not appear to be actively supported by a majority of Tunisians which raises questions of democratic legitimacy.

However, it is not the only issue to worry about. Tunisia's plunging economy is risking default which heavily impacts the lives of its citizens, many of which are on the brink of poverty. Meanwhile, Saied has not yet introduced an economic agenda to tackle the economic problems of the country. Instead, he has relied on money from Western donor states and a prospective IMF deal. By doing so, Saied repeats the mistakes of former administrations since the Arab Spring that prioritised changes to the political system over improvements in living standards.

Furthermore, the developments in recent months have also begun to trigger diplomatic tensions, mostly between Tunisia and the USA which denounces Tunisia's consolidating one-man show. Saied's power grab has brought international criticism to the arena signalling disapproval and potential sanctioning of his actions.

The mix of democratic setback, economic aggravation, and diplomatic alienation has created a suspense-packed situation in which a disunited, but dissatisfied opposition faces a president who appears more powerful than his public support let assume. These tensions are likely to escalate into unrest soon. For the sake of consolidation of his newly formed authoritarian regime, Saied is most likely going to answer these by force. Worryingly, the opposition has not been able to stop the onset of renewed authoritarianism in the country. A respective consolidation of it will only hamper the opposition's capabilities to act.

Tunisia's opposition, therefore, faces not only the growing authoritarian power of the country's president but also a loss of trust and confidence by the population due to the political class not having been able to take up responsibility in the past and deliver on popular grievances. Hence, stopping Saied's authoritarian state-building involves a broader overhaul of oppositional structures, including leadership personnel and revised party manifestos, to regain citizens' trust.

With its authoritarian path, Tunisia presents a symbol to the Middle East. While it once used to celebrate a democratic success story in the wake of the Arab Spring, Tunisia now runs the risk of becoming yet another case study to exhibit the authoritarian resilience and the weakness of democracy in the region. The symbolic power of failing democracy, therefore, extends beyond Tunisia's border, maybe even beyond the whole region signalling a surge of authoritarianism. Considering the general instability of authoritarian regimes, Saied risks Tunisia's failure in the long-term if not soon.

Meanwhile, Tunisia's Western partners find themselves confronted with the decision to navigate between a tough Biden doctrine and the use of foreign policy tools, potentially beyond diplomatic reprimand, and support for Tunisia's crippling economy. However, withdrawing European assistance is no real option as it would bowdlerise the main pillar of Tunisia's shaky groundwork of social cohesion and could catalyse the development of the described worst-case scenario.

In such complex circumstances, the West should stick to its principles and remind Saied of the value of democracy and democratic freedoms. Support for the democratic transition in Tunisia should be upheld, also for the sake of elevating the living conditions of ordinary Tunisians. Such support goes hand in hand with the prospective IMF deal for which Tunisia's partners could urge Saied to open room for public debate, prospectively reaching

the conditions potentially asked for by the IMF. Step by step, such a tactic of depicting improvements could help Tunisia to return to democracy.

In tandem with abovementioned approach, support to civil society and its freedom to express its thoughts and feelings, and to organize itself to take collective action gains extreme importance. Moreover, support to free media to allow public's reach to independent and impartial reporting and analysis is equally important.

The situation requires continuous observation. The implementation of the prospective IMF deal or the upcoming parliamentary elections on December 17, 2022, President Saïed's subsequent moves regarding freedom of speech and media, and judiciary are developments to look out for in this regard.

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