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Future of Democratic Transition in Tunisia After Essebsi

Unit for Political Studies

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On the 25th of July, Tunisia announced the death of President Beji Caid Essebsi, following an illness that had resulted in his hospitalisation a month previously. Essebsi's death – which comes after nearly seventy years spent in politics, and in a contentious moment only two months before two elections are due – has raised questions about the future of the democratic process in the country, the map of the future political scene and political agents' capacity to retain some minimum of the consensus that the late president placed such an important role in establishing, and which have helped to protect the democratic process.

Elections due: political calculations and legal regulations

Tunisian democracy has stood calm through the death of the President. The speaker of the parliament has assumed the presidential office temporarily, and elections have been scheduled to take place. The independent electoral commission had already begun preparations for new elections at the beginning of this year, with the first set to take place on 6 October and the second on 17 November of this year. Although some political groups, including the wing of the Nedaa Tounes party who backed the late president, have repeatedly expressed their desire to delay elections,⁽¹⁾ Essebsi settled the controversy by approving the electoral commission's decision. But the president's death has demanded a change in the schedule. According to the constitution, presidential elections must be held no later than ninety days after the presidential office is vacated,⁽²⁾ meaning they must be held before 25 October. The electoral commission has thus brought the presidential elections forward to 15 September.⁽³⁾ This means that candidates are obliged to submit their candidacy between 2 and 9 August, i.e. within the ten day period between the announcement of elections and the closing of nominations.

Despite the constitutional justifications cited by the president of the electoral commission for choosing this date, objections have been raised against holding the presidential elections before those for the legislature. Although most of these objections have centred on the narrow window of time made available and the difficulty of completing all of the necessary preparations before the public heads to the ballot box, there are also political calculations at work on all sides. All parties and alliances know that the results of the presidential elections will be influential, to varying degrees, on the share of the vote they win in the legislative elections, and that determining each party's electoral weight requires that it participate in the presidential elections. This is an option that some of the competing parties are trying to avoid, for various reasons. The Ennahda movement, despite its position that it will not be neutral and will take a position in the presidential elections, has maintained

1 For example Youssef Chahed, the head of the government: "Tunisia: New controversy over timing of the 2019 legislative and presidential elections," *Alaraby Aljadeed*, 03/09/2018 (accessed on 03/07/2019 at: <https://bit.ly/2Yq9ZAU>); "To delay the elections... From fierce desire behind the scenes to coy intentions in the open," *Assabah Attunsi*, 26/06/2019 (accessed on 30/07/2019 at: <https://bit.ly/30YOLf4>).

2 See parts 54, 85, 86 of the Constitution of the Republic of Tunisia.

3 See "Expanded meeting to announce early presidential elections," official Facebook page of the Independent Supreme Authority for Elections, 30/07/2019 (accessed on 30/07/2019, at: <https://bit.ly/2GCAhJY>).

a degree of ambiguity on whether it will nominate its own candidate or support another candidate – with the second option more likely from the statements of its leader, Rached Ghannouchi.⁴ Despite the fact that it has the largest number of seats in the parliament, and has led the field consistently in elections since the Revolution, one wing of the party is wary of the regional red lines that the victory of a candidate from Ennahda – considered to be an Islamist party – would cross. But the movement is also aware that supporting another party's candidate may mean increasing that party's electoral share at their own expense.

Other parties' calculations do not differ markedly from those of Ennahda, although the reasons and considerations may differ. The parties that splintered from Nadea Tounes (Essebsi's party) know that they are going to the presidential and parliamentary elections in a context very different from that of the elections of 2014. The breakdown of the political and electoral alliance that in 2014 brought Essebsi to power and made NT the largest bloc in parliament means that it will be difficult to replicate that victory. Despite the fact that neither Hafez Caid Essebsi (the late president's son and head of NT's steering committee), Yousef Chahed (head of the government and of the NT splinter party Tahia Tounes) or Mohsen Marzouk (head of Machrouu Tounes, also an NT splinter) have officially announced their candidacy for the presidential elections, most indications suggest that they will be represented, either by nominating themselves or by nominating leaders from their parties. The heirs of Essebsi and Nadea Tounes know that the fragmentation of the mother party will affect their vote share to varying degrees. Although the requirements of the legislative elections will encourage them to nominate their own individual candidates, the option of tactical voting for a single candidate remains open – an option which allowed Essebsi and his party to make gains in the 2014 elections.

Unlike the parties, the independent candidates appear unconcerned with parliamentary calculations, at least directly, with the exception of those 'independent' candidates affiliated with particular parties. Various independents are expected to present their candidacy to the electoral commission, particularly given that polling has indicated they are likely to do well. Regardless of the debate over how seriously these polls should be taken, previous presidential elections show that the likelihood of an independent candidate winning the presidential elections does not depend on objective data.

Although controversy over the date recommended by the electoral commission is likely to continue and increase, the principle that elections *should* be held, and soon, is not up for dispute. Even if the date is amended to push the elections back further – which is very unlikely for both constitutional and political reasons – the difference will be one of a few weeks at most, and the decision will depend on broad consensus. Respect for constitutional limitations on the transfer of power after Essebsi's death is an additional motivation for parties to commit to the process, including holding elections at the appointed times.

⁴ See: "Rached Ghannouchi: Ennahda is looking for an ideal candidate to support in the elections," France 24, 20/05/2019 (accessed on 30/07/2019, <https://bit.ly/2YrX9X3>).

Political consensus: What future?

Essebsi invested in his political and leadership capital, before the 2014 elections, as a symbol and a modernist alternative to the conservative project offered by Ennahda (considered an Islamist movement). This helped bring political polarisation in the country to a boiling point in the summer of 2013, even as various regional projects to break with the successes of the Arab Spring and revive despotic regimes reached their peak in various Arab countries (Egypt in particular). Although this polarisation played an important role in the creation of the broad political alliance that won him the presidency, from the formation of the first government after the elections Essebsi chose to seek consensus with Ennahda. Ennahda's participation in the 2014 government fell well short of their electoral representation, and was limited to less important portfolios. But while consensualism may have helped to soften internal polarisation somewhat, it also led to the fragmentation of Nidaa Tounes (Essebsi's own party) and the defection of various figures opposed to any engagement with Ennahda. Regionally, the policy of seeking accord with Ennahda also weakened the president's relationship with various allies who had supported his bid for the presidency.⁽⁵⁾

Although the political accord between Essebsi and his party on the one hand and El Ghannouchi and Ennahda on the other has experienced setbacks in recent months – against the background of a conflict between the president and the head of the government in which Ennahda backed the latter – both parties have insisted on continuing relations, and meetings between Essebsi and El Ghannouchi have continued.⁽⁶⁾

The personalities of Essebsi, a veteran politician present at the birth of independent Tunisia, and El Ghannouchi, who lived through his movement's various confrontations with the Bourguiba and Ben Ali regimes, helped to preserve a minimum of consensus and prevent Tunisia experiencing some of the negative outcomes experienced by more than one Arab country. The Tunisian context – including an electoral law that makes it difficult for any given party to obtain a majority allowing it to rule alone – also encouraged a political consensus encompassing alongside Ennahda other smaller parties.

The same is likely to happen in the coming parliamentary elections. No single party is likely to win a majority that might allow it to form a government alone. Consensus will thus continue to be an indispensable political requirement. This is one of the positive aspects of the parliamentary system for the transitional period: elections do not produce a winner and loser, but different forces obliged to form coalitions and negotiate to secure a majority. The details of the coalitions will be governed by the result of the presidential elections and the parliamentary map produced by the legislative elections. Reproducing the previous accord between Ennahda and Nidaa Tounes's splinter parties is still possible, assuming the polls published in the last few months are correct and these parties as a whole take more than half of the seats in the parliament.

5 See for example "Official documents prove Emirati funding for major National Salvation Front parties", Noon Post

6 See "The End of the Consensus Government in Tunisia: A New Challenge for Democratic Transition," Situation Assessment, ACRPS, 17/12/2018 (accessed on 31/07/2019 at: <https://bit.ly/2MBqnwn>).

In principle, it will make no difference even if votes are divided between the various lists, producing a parliament of small blocs: consensualism will still be necessary in order to produce a government. But this may mean a more contentious and less homogenous administration, the same problem that triggered government crises under Habib Essid (2015-2016) and Yousef Chahid (2016-2019). In this case it is most likely that Nidaa Tounes will suffer further fragmentation. The forces making up the party that took the most votes in the parliamentary and legislative elections of 2014 are entering the 2019 elections with a number of candidates and on a number of different lists. The municipal elections held in May 2018 showed that repeated divisions have worn down the party, reduced its vote share and divided its voter base.⁽⁷⁾

Conclusion

Whatever the result of the coming elections may be, legal and political requirements will push all parties towards the consensus option. The electoral law, based on list voting and the 'largest remainder' method, prevents any party from gaining a majority that would allow it to form a government on its own, and the experience of recent years has allowed Tunisia to overcome several major political crises in spite of difficult economic circumstances. But the question remains as to which parties will be involved in the new consensus government and whether they can reproduce Essebsi and Ghannouchi's experience or whether the new consensus will come with new details and different actors.

⁷ See: "Municipal Election Results and their Repercussions in Tunisia," Situation Assessment, ACRPS, 15/05/2018 (accessed on 31/07/2019 at: <https://bit.ly/2SWme74>).