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# Tunisian Presidential Coup Threatens a National Crisis

Unit for Political Studies

## Tunisian Presidential Coup Threatens a National Crisis

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### Unit for Political Studies

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On 22 September 2021, Tunisian President Kais Saied announced a partial suspension of the constitution and other extraordinary measures that allow him to rule by decree and abolish the constitutional monitoring body for laws, preparing draft amendments to the political system. These measures do not come as a surprise, but may serve as a wake up call to those who have denied the undemocratic steps taken by the president in his coup against the constitution. Saied has now taken definitive actions to cement his authoritarian leadership after beginning his coup by dismissing the prime minister and suspending parliament, along with the immunity of its members, on 25 July 2020. Saied's recent actions follow increased voices warning of the country's return to autocracy, the expansion of protests, and in the context of worsening economic and social conditions.

## Unilateral Rule

The procedures declared by Saied came in four chapters published in the Official Gazette. The first lays out general provisions related to “exceptional procedures,” while the second chapter deals with “measures specific to the legislative authority.” The third chapter details “measures related to the exercise of executive power”, and the fourth lists the “final provisions”.

The preamble to Presidential Decree No. 117 of 2021, under the title “Exceptional Measures,” affirmed that “the Tunisian people have expressed, on more than one occasion, their rejection of the mechanisms related to the exercise of sovereignty and the ways of expressing it,” and that “the wheels of the state have been disrupted and the danger has become not imminent but a reality, especially within the Assembly of the People's Representatives.” The first chapter of the order confirmed the continuation of the measures taken by Saied on 25 July<sup>1</sup> regarding his decision to suspend and lift the immunity of parliament and added to this the suspension of grants and privileges granted to the Speaker and its members.

Based on the continued suspension of parliament, the second chapter of the presidential order empowers the president to issue legislation as “presidential decrees” to be promulgated “after deliberation by the Council of Ministers.” Presidential decrees pertain to all areas and jurisdictions such as justice, media, parties, unions, army, security, education, health, personal status, sanctions, finance, elections, environment, jobs, local authorities, constitutional bodies, and so forth. These decrees are not liable to appeal.

The President also assigned himself to “represent the state and control its general policy and basic choices,” assuming “the general command of the armed forces [...] creating, annulling and amending ministries and state secretaries and controlling their competencies and authorities,” as well as the ability to “dismiss members of the government,” and “appoint and terminate all jobs.” In the event that the position of the President of the Republic becomes vacant, the Presidential decree stipulates that the Prime Minister shall assume the duties of the presidency. If the Prime Minister is unable to

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<sup>1</sup> “Context and Projected Outcome of the Presidential Coup in Tunisia,” Situation Assessment, ACRPS, 28/7/2021 accessed on 25/9/2021 at: <https://bit.ly/39LO2nS>.



do so, the matter is delegated to the Minister of Justice. The government is charged with “ensuring the implementation of the general policy of the state in accordance with the directives and choices set by the President of the Republic,” and is exclusively accountable to him.

The decree stipulated the suspension of all chapters of the constitution except for “the Preamble, Chapters One and Two thereof, and all constitutional provisions that do not contradict this presidential order.” It also stipulated “the abolition of the temporary body to monitor the constitutionality of legislation,” and that “the president shall prepare draft amendments related to political reforms, with the assistance of a committee organized by presidential decree.”<sup>2</sup>

The decree goes far beyond the measures taken by the President on 25 July to take almost total power, concentrating all executive and legislative powers in his hands. Although he has not officially announced the dissolution of Parliament and the abolition of the constitution, the decree has effectively suspended the constitution and established a presidential system of government. Saied has consequently reversed the most important achievements of the Tunisian revolution; the 2014 constitution, which guarantees rights and freedoms, distributes executive powers between the president, the government and parliament, and regulates balance and mutual oversight among them. The emphasis on preserving the preamble of the constitution and its first and second chapters has no political value, as this part of the constitution relates to issues such as the state’s civility, religion, borders, flag, and tasks. In any case, the presidential decree is, in effect, a temporary constitutional declaration, painting over the 2014 constitution. This is if the Tunisian people and elites do not defend their constitution.

In the same context, the decision to continue to freeze parliament indefinitely, assume all legislative tasks, abolish the temporary authority to monitor the constitutionality of laws, and form a committee working under his supervision to prepare draft constitutional amendments, indicates that the dissolution of Parliament has become a *fait accompli*, despite remaining formally unannounced. By suspending all articles of the constitution related to the system of government, the separation of powers and constitutional bodies, assuming all executive and legislative tasks, immunizing his decisions from appeal, and cancelling any constitutional oversight on presidential decrees, Saied has effectively made himself an absolute ruler in a presidential system in which the president enjoys total power.

## Reactions to the Coup

Some Tunisian political parties backtracked on their original reactions to President Saied’s new decisions, with some retreating from their original support for the president, earlier in the coup against the constitution. Other parties and organizations have shifted from pledging absolute support to the president to conditional support contingent on drawing up a road map and preserving revolutionary gains. But the president has rightly mocked the term roadmap. He knows what he wants and where

<sup>2</sup> *Official Gazette of the Republic of Tunisia*, Wednesday 9/22/2021, Law 164, Issue 86, Presidency of the Republic of Tunisia, 22/9/2021, accessed on 23/9/2021, at: <https://bit.ly/2Zl3xkj>.

he is going and those who demand a roadmap are avoiding confronting the president's clear plan, evident in public statements prepared in advance, and which he made with the encouragement of political forces that ignored his words and actions to elevate partisan animosity above protecting the democratic system.

The Democratic Current's response appears to be the most gradual, moving from support to opposition, lifting the veil of legitimacy from the president's actions and describing his last step as a "coup." The party issued a joint statement with the Republican Party, Ettakatol and Afek Tounes, asserting that the president had "lost his legitimacy with his departure from the constitution," and that "everything built on this basis is void and does not represent the Tunisian state, its people and its institutions," holding the President "responsible for all the possible repercussions of this dangerous step."<sup>3</sup>

In the same context, the Popular Republican Union parties, Al-Irada, the People's Will Party, and the Wafa Movement, issued a joint statement announcing the formation of a "democratic front" to "coordinate its efforts in the face of Kais Saied's coup," stressing that "the incumbent president of the Tunisian Republic has lost legitimacy after announcing the new measures and confirming his abandonment of the constitution and his rebellion against the law."<sup>4</sup>

Ennahda considered the recent measures taken by the president "a clear step towards absolute authoritarian rule and a blatant coup against democratic legitimacy and the principles and values of the Tunisian revolution," and that "this unconstitutional rambling adds to the country's complex crises, the crisis of government legitimacy, threatening the existence and unity of the Tunisian state and pushing the country into a state of vulnerability unprecedented in the history of Tunisia."<sup>5</sup>

Despite maintaining its reservations about the president's actions and a cautious stance, a remarkable shift appeared in the recent statement of the Tunisian General Labour Union executive office. It warned of "the dangers of concentrating powers in the hands of the head of state in the absence of constitutional amendment structures," considering that "the amendment of the constitution and the electoral law is a matter that concerns all sections of society, including state structures, organizations, associations, political parties and national personalities," rejecting "the president's monopoly on amendments," as a "threat to democracy."<sup>6</sup>

In contrast, five parties, including the People's Movement, the Tunisian Ba'ath Movement, and Tayyar Chaabi, renewed their support for the president and praised his recent decree, describing it as "an important step towards cutting with the decade of ruin, destruction, corruption and corruption and with

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3 "Joint statement," Democratic Current page, Facebook, 23/9/2021, accessed on 25/9/2021 at: <https://bit.ly/2ZndaiS>.

4 "Declaration of the Establishment of a 'Democratic Front,'" Al-Irada Facebook page, 23/9/2021, accessed on 25/9/2021, at: <https://bit.ly/2Y3fZ8t>.

5 "Statement: Ennahda Refuses to Suspend the Constitution of the Republic and Replace it With a Temporary Organization of Powers, Warning against Absolute Unilateral Rule that has Lost Legitimacy." Ennahda Movement, 24/9/2021, accessed on 25/9/2021, at: <https://bit.ly/2WbcH23>.

6 "Statement of the Executive Office of the Tunisian General Labour Union", the Tunisian General Labour Union, 24/9/2021, accessed on 25/9/2021, at: <https://bit.ly/3i50cNq>.



the choices of governments that were nothing but a front for the rule of mafia barons led by Ennahda and its allies,” calling on “progressive and patriotic forces to engage in correcting the course of the revolution, the goals of which were abandoned by the parties that ruled the country for the last decade.”<sup>7</sup>

In addition to the parties and organizations, a new actor emerged, represented by a civil movement called “Citizens Against the Coup,” which organized a sit-in protest in the heart of the capital, on 19 September 2021, condemning the president and his decisions, calling for a return to the constitution, and warning of the dangers of authoritarian governance. The success of this rally and its breaking of the fear barrier following the 25 July coup, prompted this movement to mobilize thousands of people in a march in the capital on 26 September. This was in spite of security restrictions and the shutdown of entrances to the capital preventing thousands of protesters from other cities from reaching the demonstration. The 26 September action was not limited to the capital. Protests and marches rejecting the president’s decisions ignited around the country.<sup>8</sup>

## Saied’s Options in Dealing with the Opposition

Although the shifts of some parties, organizations and the General Union of Labour is an important indicator of the decline support for the president, the emergence and expansion (both geographically and demographically) of the civil movement may be the biggest challenge facing the president in the coming period, especially with the exacerbation of the economic and living crisis, and his failure to fulfil his promises to address it, in addition to the growing restrictions on rights and freedoms.

The citizens against the coup movement, which was behind the protests of 19 and 26 September, has distanced itself from any partisan or ideological currents, and contented itself with slogans rejecting individual rule and the coup against the constitution, calling for a return to the democratic path, and the preservation of rights, freedoms and the gains of the revolution. Despite the clear participation of some party bases, the public figures who attended were mostly academics, lawyers, bloggers and intellectuals. Some local and Arab media promoted the idea that the coup was simply an ongoing power struggle between Ennahda and the President but Ennahda’s internal crisis, the confusion of its position regarding the president’s coup against the constitution, and the resignation of more than a hundred of its leaders and affiliates,<sup>9</sup> had an impact on its ability to mobilize and organize, pushing it away from the activities on the streets, where it was clearly understood that the polarization is between democracy and the state of citizenship on the one hand and, on the other, a return to unbridled totalitarian rule.

<sup>7</sup> “Joint statement,” People’s Movement Facebook page, 24/9/2021, accessed on 25/9/2021, at: <https://bit.ly/3m1JZcO>.

<sup>8</sup> “A massive Demonstration in the Tunisian Capital against the Actions of President Kais Saied and Dozens Gather to Support Him”, *Al Jazeera Net*, 26/9/2021, accessed on 26/9/2021, at: <https://bit.ly/3lYhYmt>.

<sup>9</sup> “Tunisia: More than 100 Ennahda Leaders Resign in Protest against the Party Leadership’s ‘Wrong Political Choices’”, *France 24*, 25/9/2021, accessed on 26/9/2021, at: <https://bit.ly/2WdGPlt>.

In the same context, the security response to the protests seems balanced thus far, with the exception of some restrictions on arrivals to the demonstrations by closing the roads leading to the heart of the capital. However, this may not last long if the president instructs the army and security forces to suppress the protests, an option that is not guaranteed results.

There is no doubt that the Tunisian street is divided over its response to the presidential coup against the constitution. However, the president's opponents are more organized and their demands are clear — and they are increasing, while the president's supporters lack clear mutual ground and are unable to mobilize. This was evident in the stand called for by the pro-president coordination groups, on 25 September; the number of participants did not exceed a few dozen. They were content with chanting slogans in support of the president, burning copies of the constitution, accusing their opponents of terrorism and banditry, and stigmatizing them as workers abroad.<sup>10</sup> Accordingly, there is unlikely to be any “street versus street” confrontation, while the “street versus security apparatus” equation remains a valid possibility, the results of which are not guaranteed. The outcome depends on the extent to which the army and security services go in supporting the president and the extent of the popular opposition.

## Conclusion

The 22 September presidential decree suspending most of the articles of the constitution, and handing Kais Saied almost unlimited power, signals a new chapter in the presidential coup against the constitution. Meanwhile, opposition to the president's actions has intensified, and the positions of a number of parties, organizations and unions have undergone fundamental changes since the decree was issued. In the midst of these developments, the escalating protest movement remains the biggest challenge facing the president in the coming period. Although Saeed may resort to security repression and the employment of state agencies to confront the protests, this does not guarantee results and may lead to escalation, ushering in a cycle of turmoil as the economic crisis grows and when the state budget needs huge financial assistance to fulfil its internal and external obligations.

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<sup>10</sup> “Burning and Tearing Up Copies of the Tunisian Constitution in a Demonstration by Saeid Supporters on Bourguiba Street,” *The New Arab*, 25/9/2021, accessed on 26/9/2021, at: <https://bit.ly/3CLdLJK>.