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# The Tunisian Parliamentary Elections: Adding Fuel to the Fire?

Unit for Political Studies

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### Unit for Political Studies

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On 17 December 2022, the first parliamentary elections were held in Tunisia since President Kais Saied's 2021 power grab seeking to overturn the 2014 constitution. These elections mark the culmination of Saied's roadmap, which has seen him roll out a referendum on a new constitution, in a fraught political environment amid deteriorating living and economic conditions.

## I Customized Elections

Five months after orchestrating his 2021 *autogolpe*, Saied revealed his new political roadmap, presenting measures to build an autocratic presidential regime masked as a "new political system." Describing them as a "path to reform," Saied's measures included a national consultation process via digital platforms in January and February this year, the appointment of a committee to draft a new constitution and submit proposals for political, constitutional and electoral procedures, and the subsequent organization of a referendum on 25 July, all of which would culminate in parliamentary elections, organized according to the new laws, on 17 December 2022.<sup>1</sup> Furthermore, after initially suspending it, Saied dissolved Parliament on 30 March, 2022.

Following his digital consultation process, in which just 5.9% of all Tunisians over 16 years old participated, Saied formed a "National Consultative Commission for a New Republic" to prepare a draft constitution and new electoral law but most of the party representatives, academics, and politicians invited to contribute boycotted the initiative. Shortly after submitting their draft, the committee were surprised by Saied's publication of a draft that bore little resemblance to the one he had received, leading chair of the committee, Sadok Belaid, to accuse Saied of paving the way for "a disgraceful dictatorial regime."<sup>2</sup> On 25 July 2022, Saied held a referendum on his draft constitution, but the Instance Supérieure Indépendante pour les Élections (ISIE), appointed under Saied by presidential decree, recorded a participation rate that did not exceed 27 percent, while other sources insisted that the true rate was much lower.<sup>3</sup>

Further to his preparations for parliamentary elections, on 13 February 2022, Saied issued a decree dissolving the Supreme Judicial Council, elected according to the 2014 constitution, and appointed the new council, ISIE, in its place. On 15 September, a presidential decree amended the electoral law to prevent people from voting for lists and forcing candidates to run as individuals, effectively banning political parties.<sup>4</sup> This enables the election of unconnected representatives, weakening the possibility of forming strong and cohesive parliamentary blocs that could challenge the president and his policies.

<sup>1</sup> "Can Kais Saied Resolve the Crisis in Tunisia?" Situation Assessment, ACRPS, 21/12/2021, accessed on 18/12/2021 at: <https://bit.ly/3VejvVc>

<sup>2</sup> Tarek Amara, "Tunisian constitution panel head blasts president's draft," *Reuters*, 3/7/2022, accessed on 18/12/2022 at: <https://reut.rs/3v9bc2c>

<sup>3</sup> "The total number of voters for Monday 25 July," Instance Supérieure Indépendante pour les Élections, Facebook, 25/7/2022, accessed on 18/12/2022, at <https://bit.ly/3v1vVvy>

<sup>4</sup> "Article 107 of Decree No. 2022 - 55 of 15 September 2022, related to the revision of Basic Law No. 2014 - 16 of 26 May 2014 related to elections, referendum and its completion," Presidency of the Republic of Tunisia, accessed on 15/12/2022, at: <https://bit.ly/3Pnf2hs>



## II Parliament Paralyzed

Contrary to the 2014 constitution, which grants Parliament broad legislative and oversight powers, Saied's constitution has reassigned most of Parliament's authority to the President, including some legislative powers, while shielding the President from accountability. In place of Parliamentary oversight, the government appointed by the President to implement policies will be monitored and reviewed by the executive himself. Saied also assigned himself the role of presenting draft laws, proposing treaties and drafting state budgets, emphasizing that the President's projects have priority for consideration.<sup>5</sup>

In addition, further limiting the powers of the legislative authority, the new constitution stipulated that "the [popular] mandates of members of the Parliament can be revoked in accordance with conditions set out in the elections law,"<sup>6</sup> while the electoral law stipulated that "a legislator can be impeached if ten constituents decide to withdraw their confidence. This can only happen once per term, and candidates cannot be impeached before the first legislative session or in the last six months of their term."<sup>7</sup> MPs would thus be under the constant threat of impeachment, especially given the broad promises most candidates make to their constituents regarding development, legislation, and political and administrative reform. These promises are difficult to fulfil at the best of times let alone in a Parliament with such limited powers. Moreover the new constitution gives legislative power to the newly created second chamber of Parliament, the National Council of Regions and Districts.

Ultimately the Parliamentary institution has been stripped of any real power, serving only as a façade to legitimise the President's decisions.<sup>8</sup>

## III Electoral Boycott

As with the digital consultation, the popular response to the legislative elections was best described as tepid. In addition to low voter turnout, candidacy was low. Ten Tunisian constituencies, 9 of which were in the capital, had only 1 candidate in addition to 2 overseas constituencies in France and 1 in Italy. A further 7 overseas constituencies received no candidacy applications. This stands in stark contrast to previous elections that saw dozens of lists competing at home and abroad.<sup>9</sup>

<sup>5</sup> "Article 68 of Presidential Decree No. 578 of 30 June 2022, related to the publication of the new draft constitution for the Republic of Tunisia, the subject of the referendum scheduled for Monday 25 July 2022," Presidency of the Republic of Tunisia, accessed on 15/12/2022, at: <https://bit.ly/3VY8M2u>

<sup>6</sup> "Codifying Autocracy: the Proposed Tunisian Constitution in Light of International Law and Standards," International Commission of Jurists, July 2022, accessed on 21/12/2022 at: <https://bit.ly/3BOIEPy>

<sup>7</sup> Sarah Yerkes and Mohammad Al-Mailam "Tunisia's New Electoral Law Is Another Blow to Its Democratic Progress," Carnegie Endowment for International Peace, 11/10/2022, accessed on 21/12/2022 at: <https://bit.ly/3v8UfVE>

<sup>8</sup> For more, see: Adam Youssef, "Tunisia: 10 Amendments to the Electoral Decree that Immobilize Parliament," *Al-Araby Al-Jadeed*, 16/12/2022, accessed on 21/12/2022, at <https://bit.ly/3FEWkxB>

<sup>9</sup> "Tunisia elections: 1058 candidates run, 7 electoral constituencies without candidates," *Middle East Monitor*, 5/11/2022, accessed on 21/12/2022 at: <https://bit.ly/3Vhr1YJ>

The modest number of candidates, the absence of party lists from the race, and the running of unknown personalities with no history of involvement in politics and public affairs led to a complete absence of the electoral rallies that Tunisians have become accustomed to in every electoral event since the revolution, and limited campaigning in the street or on television. On the other hand, many candidates became subjects of ridicule on social media due to the generous promises they made regarding development and prosperity, employment, and even major international disputes, evidencing their ignorance of political culture with sweeping statements.

In contrast to previous elections, queues were conspicuously absent from the desolate polling stations. While ISIE was quick to describe the turnout as “moderate” in the hours after voting began in the absence of credible local and international observers, live broadcasts, journalists, and observations by specialised organizations revealed that the day was characterized by reluctance. ISIE later announced that the total turnout of eligible voters was just 11%,<sup>10</sup> the lowest ever recorded in Tunisia.<sup>11</sup> In a subsequent press conference, the National Salvation Front claimed that the true turnout was less than 2%.

Saied is yet to comment on the low turnout, while ISIE president Farouk Bouasker attributed the result to “the change in the polling system and the lack of political money,” as, in his opinion, “for the first time pure and clean elections have been held.” His comments represent a clear insult to the Tunisian people, insinuating that their votes are bought and that only the 11% who voted are not motivated by money.<sup>12</sup>

The National Salvation Front, which includes an alliance of opposition parties and personalities, considered the low turnout at the polls tantamount to the “death” of Kais Saied’s project and called on him to step down, declaring that it no longer recognizes him as the legitimate president of the country. Leader Najib Chebbi did not miss the opportunity to call on the opposition to unify to “prevent the country’s collapse.”<sup>13</sup>

In the same context, Ennahda expressed its satisfaction with the outcome of the elections. In a brief post, the opposition movement thanked the Tunisian people for boycotting the elections,<sup>14</sup> while the General Labour Union and the parties supporting the president, foremost among them the Echaab Movement, have yet to comment.

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<sup>10</sup> Instance Supérieure Indépendante pour les Élections – ISIE Page, Facebook, 17/12/2022, accessed on 18/12/2022, at <https://bit.ly/3YGIbcS>

<sup>11</sup> Turnout in the Constituent Assembly elections in 2011 was 52%, and in the Parliamentary elections in 2014 it was 69%, falling to 41.3% in 2019.

<sup>12</sup> Commentary by ISIE President on voter turnout in the legislative elections,” 17/12/2022, Instance Supérieure Indépendante pour les Élections – ISIE Page, Facebook, 18/12/2022, accessed on 18/12/2022, at <https://bit.ly/3G1r1yc>

<sup>13</sup> “National Salvation Front press conference by on the preliminary results of the legislative elections,” National Salvation Front page, Facebook, 17/12/2022, accessed on 18/12/2022, at <https://bit.ly/3Pj1bn>

<sup>14</sup> Ennahda page, Facebook, 12/17/2022, accessed on 12/18/2022, at <https://bit.ly/3G0UsQV>



## IV Elections Fan the Flames of the Crisis

To date, ISIE has not announced the names of the candidates who won in their constituencies and then secured their seats without going through to the second round. However, according to the results announced in each constituency separately, it seems that there will be competition in the second round between those who came first and second.

In the absence of party lists and the overrepresentation of obscure candidates who, for the most part, lack any political resume, it will not be possible to present a political reading or to talk about a majority or a minority, even after the second round. Moreover, the lack of party loyalties and political competition suggests that tribal and family ties have played a decisive role in the results for constituencies in the Tunisian interior, while financial considerations and hidden administrative support played a role in advancing candidates in the greater urban constituencies.

Despite the unprecedented low turnout, it is unlikely that Saied will acknowledge the failure of his roadmap or review his project, given that he previously hailed his digital consultation and referendum as successes. But he is losing steam as his social incubator recedes from what it was in the first five months of his takeover. Evidently, the opposition will seek to take advantage of this low turnout to question his legitimacy, and, for the first time, the major opposition blocs have clearly declared that they no longer recognize Saied as the legitimate president of the country, demanding he hand over power to a reputable judge to hold early presidential elections.

The greatest challenge facing Saied however is not the growing strength of the albeit fractured opposition, expected to soon translate into active demonstrations, but economic conditions and declining living standards. Social unrest is likely to spread as confrontations have plagued suburbs of the capital for weeks. Although the 2022 fiscal year is nearly over, the budget has fallen short of an estimated \$5.7 billion, while the 2023 state budget is yet to be announced.<sup>15</sup> In the context of these unprecedented financial pressures, the government continues to dispense of subsidies on fuel, electricity and water, all the while rationing commodities. Inflation rates also continue to soar, approaching 10% for the first time.<sup>16</sup>

Representing another setback for the Saied government, the International Monetary Fund cancelled a meeting of its Executive Board scheduled for 19 December 2022 to which was supposed to finalise its agreement to a \$1.9 loan programme for Tunisia. This implicitly suggests that despite the Tunisian government taking a gamble on receiving the funds before the year was up, it has not implemented any of the pledges it made to the IMF experts in October.<sup>17</sup>

<sup>15</sup> See: Iman Al-Hamdi, "Tunisia's elections in an atmosphere of frustration: The IMF blows up candidates' promises," *Al-Araby Al-Jadeed*, 16/12/2022, accessed on 18/12/2022 at: <https://bit.ly/3WpCf59>

<sup>16</sup> Iman Al-Hamdi, "Tunisia: Gradual abolition of bread subsidies similar to fuel," *Al-Araby Al-Jadeed*, 13/12/2022, accessed on 18/12/2022 at: <https://bit.ly/3UQU7od>

<sup>17</sup> Hassan Ayadi, "The IMF and the Long-Term Agreement with Tunisia: Absence of Political Support and Delay in Issuing the Budget Complicate Negotiations," *Lemaghreb newspaper*, 15/12/2022, accessed on 18/12/2022 at: <https://bit.ly/3YxXHH8>



## Conclusion

Kais Saied managed to hold the first round of the Parliamentary elections on the date he set, in accordance with the constitution and electoral law that he drafted himself, supervised by an electoral commission that he appointed. But despite the extensive procedures undertaken by Saied to manipulate the political, legislative, administrative, and judicial context for this event, low turnout along with difficult economic and living conditions indicate the deepening of the political impasse in the country, enabling the opposition to question the legitimacy of Saied's process and putting them at an advantage. How this advantage plays out remains subject to the ability of the active political and social forces to overcome their divisions and agree on a national project that protects the country from the repercussions of a social meltdown already foreshadowed by recent clashes in the marginalised suburbs.