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Tunisia's democracy is under pressure

The intense power struggle between President Saied and the parliament is threatening to destroy the democratic achievements of the Arab Spring

For a long time, Tunisia was considered to be the only successful democratic model to emerge from the 'Arab Spring'. Since 2011, three parliamentary and two presidential elections have been held, and the country has a constitution and liberal institutions. But unfortunately, Tunisia has been facing an unprecedented crisis for several months now, which has raised doubts about the country's future stability.

Starting with a power struggle brought about by the 2019 elections. On one side stands Kais Saied, a President elected by an overwhelming majority but with few powers, and on the other the Tunisian Parliament, controlled by a coalition led by the Islamist *Ennahda* party, which has dominated political life until now. These two sides engaged in a bitter exchange of blows for two years before the President finally resorted to what in political science is known as an *autogolpe* (self-coup), in which an elected President seizes all power - rather than, for example, the army overthrowing the government.

Power struggle gone wrong

On 25 July 2021, the anniversary of the founding of the republic in 1957, the President dismissed the head of government and suspended parliament before finally dissolving it altogether. On 22 September, he suspended the 2014 constitution, which was the result of three years of public deliberation. He claimed absolute power and decreed that his actions could not be challenged in any court. He based all this on Article 80 of the constitution, which allows him to take extraordinary measures in the event of a direct and immediate threat. However, the chamber of representatives must be in permanent session for the duration of such measures and cannot be dissolved.

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president's actions with a famous phrase from Schmitt's Political Theology: 'Sovereign is he who decides on the exception.'

'commissarial dictatorship', in which a president delegates power to a *commissar* for a limited period of time, in the manner of a Roman dictator. Here, Schmitt refers to Article 48, paragraph 2 of the Weimar Constitution, which is in some respects the equivalent of Article 80 of the Tunisian Constitution. Even in the Tunisian media, some jurists justify the president's actions with a famous phrase from Schmitt's *Political Theology*: 'Sovereign is he who decides on the exception.' Saied, however, is no sovereign. His power was conferred on him by the constitution

It must be admitted that the first measures taken on 25 July last year were initially greeted with relief. Tunisians had previously been compelled to watch helplessly as clashes broke out in parliament, which Saied falsely equated with a 'direct and immediate threat'. Early elections failed because of the Islamist party, which had set draconian conditions for the dissolution of parliament. The vast majority of Tunisians, however, were angry mainly because of the disastrous economic situation, which was blamed on the Islamic-secular coalition. The coalition had made it possible in the first place for the Islamists to be integrated into the democratic structure and to make themselves indispensable, since the coalition was dependent on the votes of *Ennahda*.

One man against his people

Saied is a populist whose political career is based on a slogan from the 2011 revolution: *Le peuple veut!* - The people want! As his only genuine electoral agenda he proposes, as an alternative to representative democracy, the introduction of councils at the local, regional, and national levels. He consistently describes his opponents as enemies of the people, as traitors plotting conspiracies, as foreign stooges, and as 'vermin' who must be crushed. He has declared war on the political parties. He has excluded them from the 'national dialogue' in order to create a 'new republic' modelled on the *Estado Novo* of the Brazilian Vargas in 1937.

To this end, he held a referendum, using a digital platform which turned out to be a complete fiasco. Over a period of more than two months (January to March 2022), less than 10 per cent of Tunisians filled out the online form. But the tenacious Saied was not deterred by this. He announced a constitutional referendum for 25 July (his favourite date), without any information on the content available as of yet. Early parliamentary elections on 17 December 2022 are intended to complete

the new era.

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In the meantime, Saied secured the loyalty of the Independent Supreme Electoral Authority by appointing the new steering committee, whose members were elected by parliament, and expressed doubts about the usefulness of international election observers. In early May, he issued a decree dismissing 57 judges, who now face the prospect of criminal charges. The judges were dismissed for 'concealing terrorist activity', 'corruption', 'sexual harassment', 'collusion' with political parties and 'disrupting the functioning of the judiciary'.

Saied is trying to go it truly alone. Most political parties and civil society organisations are calling for a boycott of the coming elections. And the repeated appeals from the US and European institutions to engage in inclusive dialogue and return to democratic government are falling on deaf ears with Saied.

The President is opposed by two blocs. One bloc – 'National Salvation' - consists of an Islamic-secular coalition under the leadership of Ahmed Néjib Chebbi, one of the leading figures in the history of the democratic resistance. The other bloc consists of a 'coordination' of secular and social democratic parties who reject the Islamists and the dictatorship. Tunisians are desperately concerned about the deterioration of their living conditions. The economic situation is universally regarded as catastrophic. The International Monetary Fund is reluctant to hand over its life-saving aid - almost 6 bn euros - because it has had enough of unfulfilled promises to carry out genuine reforms. It is very likely that the fate of Tunisian democracy will be decided over the next few months. Although what that will be is difficult to predict at the moment.



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