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Since the outbreak of the Tunisian revolution in late 2010; Tunisia has been moving towards democratic transformation at a steady pace, unlike the rest of the Arab experiences, where revolutions were either aborted through counter-revolutions, amid popular despair; or they were not strong enough to go ahead on the path towards democracy. Thus, the Tunisian experience has been considered an exception and an ideal model for liberation from the grip of tyranny prevailing in the Arab world.

However, although the "independent" Kais Saied came to power through democratic procedures as an elected president, he did not refrain from creating political and administrative disputes that have undermined state agencies, disrupted government action and posed threats to public interests. The end result was that instead of addressing and solving the state's problems, he further exacerbated them.

With the outbreak of the Covid-19 Pandemic among Tunisian citizens and the high rate of infections and deaths, in coincidence with the collapse of the health system, the crises multiplied until they formed a stimulating environment for Saied's ambitions, as he took advantage of these crises and the chaos that accompanied them to carry out his coup against other authorities. In order to achieve this, Saied adopted a populist discourse, and exploited his constitutional powers, including being head of the army, to impose his coup and dominate all powers. Now, for the first time in nearly ten years, Tunisia's democratic path appears to be at a dangerous crossroads.

In order to understand events in Tunisia, we have to review the Constitution and the military, as two basic elements in this context.

Tunisian constitution and political system

Following success of the Tunisian revolution, a new constitution was drafted as an essential step before formation of a democratic system in the country. This took nearly three years that were full of tensions and political disputes. At that stage, there was fear of granting the President wide powers,

so as not to repeat the authoritarian experience of Zine El Abidine Ben Ali, where the President of the Republic used to dominate all powers¹.

The new constitution that was issued in 2014 clearly defined the three powers, especially the executive power, represented by the president and the head of government; and the legislative power, represented by parliament, in a hybrid system of the presidential and the parliamentary systems. For example, Chapter 77 of the Tunisian Constitution gives the President of the Republic the right to "represent the state and control public policies in areas of defense, foreign relations and national security related to protection of the state and the national territory from internal and external threats, after consulting the Prime Minister..." More importantly, Chapter 77 grants the President of the Republic the right to "... dissolve the Assembly of the Representatives of the People in cases stipulated by the Constitution..."². According to Chapter 89 of the Constitution, the President of the Republic gives the candidate of the party or electoral coalition that obtains the largest number of seats in the Assembly of the Representatives of the People the right to form a government, to be accountable to him, according to Chapter 95³.

Also, the new Constitution gave the President of the Republic the powers to appoint ministers and issue orders within the limits of the state's general policies, while the powers of the legislative power are limited to legislative tasks and oversight over the government⁴. In general, it can be said that the new constitution has succeeded in distributing competence in a balanced manner between the three powers⁵.

Commitment to the democratic path

In the post-revolution phase, the political parties and their leaders have adhered to the rules of democratic action and respect of the Constitution, in accordance with requirements of the transitional period, where Beji Caid Essebsi assumed presidency of the interim government until election of the

¹ Samir Bahy. The relationship between the legislative and executive powers in the post-2011 Arab political systems : a comparative study of the Tunisian and Egyptian models. Research and Studies Journal, pp 152-153, 1 July 2019, [link](#)

² Tunisian Constitution 2014, Chapter 77, [link](#)

³ Ibid.

⁴ Samir Bahy, op. cit., 144-146

⁵ Mounir Kasho. Political System and Representative Democracy in the Context of Democratic Transition: the Case of Tunisia, Arab Center for Research and Policy Seminar, 21 April 2021, [link](#)

Constituent Assembly, in which the Ennahda Movement won relative majority and agreed with other political forces to form a coalition government (Troika). This was followed by the election of Moncef Marzouki as President of the Republic. After the end of Marzouki's term of office, Essebsi was elected President of the Republic⁶, in line with the principle of peaceful transfer of power, the essence of democratic practice. Despite his attempt to infringe on the powers of the prime minister at the time, Essebsi ultimately adhered to the limits of his powers, which put down political disputes that never escalated to the point of disrupting the work of the government⁷.

Despite the critical stages of the Tunisian democratic experience, commitment of political leaders to exercise political action through consensus and partnership between various parties and keenness of peaceful transfer of power through elections, represented a consistent approach in Tunisia. Thanks to commitment of political leaders to adhere to the limits of their powers, and offer necessary concessions to ensure stability, the transition process has been successful⁸.

Tunisian army before and after revolution

Since the independence of Tunisia, the army has grown away from politics and government⁹. Both President Habib Bourguiba and President Zine El Abidine Ben Ali have pursued a policy of marginalizing the army and keeping it away from political life¹⁰, where the activity of the army remained confined to limited areas. Bourguiba, who had reproduced the principle of removing the army from politics from the European model¹¹, reduced the power of the army, limited its potentials, and prevented it from acquiring any experience in managing the state or any of its organs¹², so that it could not reach power and overthrow him¹³.

⁶ Samir Bahy, op. cit., 140-143

⁷ The Political/Constitutional Crisis in Tunisia: Reasons and Prospects, Political Studies Unit, Arab Center for Research and Policy Studies, 27 April 2021, accessed 26 July 2021, [link](#)

⁸ Islam Ait Ahmed, and Malika Amarouche. Political consensus as a mechanism for democratic transition, the Tunisian experience (2011-2017), Master's Thesis, Mouloud Mammeri University, Tizi Ouzou, 2016-2017, 144-145, [link](#)

⁹ Teibi Ghamari. The soldier, the state and the Arab revolutions. (Doha, Arab Center for Research and Policy Studies, 2019, p. 167, [link](#)

¹⁰ Ibid. p. 169

¹¹ Ibid. p.168

¹² Hamza Mustafa. Armies and Democratic Transition in the Arab Region: A Comparative Study of the Role of the Military Institutions in Tunisia, Egypt and Syria, Doha, Arab Center for Research and Policy Studies, 2019, p. 711, [link](#)

¹³ Al-Araby. The Military Institution in the Tunisian and Libyan Revolutions, Doha, Arab Center for Research and Policy Studies, 2019, p. 669, [link](#)

As for Ben Ali, he also maintained the policies of marginalization and exclusion of the army, keeping it away from state institutions, preventing it from obtaining resources, delaying promotions and imposing compulsory retirement¹⁴. However, Ben Ali, on the contrary, relied on the security forces that exceeded the army, in terms of number, readiness and power¹⁵, which transformed Tunisia, under his rule, into a police state¹⁶. Accordingly, the Tunisian army can be considered a professional army, that is, it has been subject to the civil authority and abided by its orders, remaining neutral, isolated from political life¹⁷.

With the eruption of the Tunisian revolution, the army sided with the people, refusing to respond to Ben Ali's orders to shoot demonstrators, even though he was the supreme commander of the armed forces, which caused the fall of Ben Ali and his escape. In light of the marginalization suffered by the army during the eras of Bourguiba and Ben Ali¹⁸, the revolution was an opportunity to get rid of this situation¹⁹, where it seems that the army's marginalization policies were not in the interest of both presidents. The army played a role in the fall of both Bourguiba and Ben Ali, refraining from protecting any of them or helping them remain in power. Rather, the army preserved the peaceful transfer of power and did not monopolize it in either case²⁰.

After success of the Tunisian revolution, the army maintained stability and security of the state apparatus, ensuring completion of the political transition process. Having no intention to seize power, the army adhered to neutrality and expressed itself as the protector of democracy and the people²¹. Therefore, it has been a professional and impartial army, concentrating its activities on military areas, and remaining subordinate to the orders of the civil authority²².

Also, the new constitution emphasized this professionalism, as it stipulated that the President of the Republic is the Supreme Commander of the Armed Forces. According to the constitution, the army's

¹⁴ Ibid., 673-674.

¹⁵ Ghamari, op. cit., 176-177.

¹⁶ Hamza Mustafa, op. cit., 712

¹⁷ Ghamari, op. cit., 169-170.

¹⁸ Al-Araby, op. cit., 682-683.

¹⁹ Ghamari, op. cit., 181

²⁰ Al-Araby, op.cit., 691.

²¹ Ibid., 683-687

²² Ghamari, op. cit., 170.

job is to implement the orders issued by the president of the republic who is elected by the people, with the aim of preserving the democratic process²³ and ensuring that the army would not attempt to seize power as the situation in many authoritarian countries.

Tunisia after Saied assumed power

On 13 October 2019, Saied won presidential election as an independent candidate that did not have a political program, where his electoral campaign focused on his personality, credibility, support for the revolution, and direct speeches with the people. His victory was a sign of the public opinion that tended to support independent candidates²⁴ who had nothing to do with partisan tensions among various political forces. Saied was frank about his independent position and his rejection of the form of the political system stipulated by the constitution, where he even expressed intention to change the political system, even in the period prior to his election as president²⁵.

At first glance, a review of the constitutional issue regarding separation of powers within the articles of the Tunisian constitution may suggest that the constitution has clearly separated the three powers by defining the competence of each power and the boundaries that separate it from other powers. However, this issue remains in the first place subject to the dilemma of the "presidential system and the parliamentary system" within the framework of the ongoing political debate in Tunisia²⁶. On the other hand, the issue of the separation of powers remains hostage to the constitutional loopholes that leave the door wide open for interpretations resulting from the lack of clarity in responsibilities and competence of these powers, and absence of means of action in the event of intersection of powers (between the President of the Republic and the Prime Minister, for example)²⁷.

President Saied has entered into disagreements and conflicts with the government, parliament, and various political forces. However, these disagreements were not ideological, but rather a struggle on power that Saied sought to control²⁸. The most significant disagreements centered on forming

²³ Barani Zoltan. The Armed Forces and Democratic Transitions, Doha, Arab Center for Research and Policy Studies, 2019, p. 513, [link](#)

²⁴ Bishara Azmi. In Answer to the Question: What Is Populism?, Doha, Arab Center for Research and Policy Studies, 2019, p. 134

²⁵ Badri Fatima. Is Tunisia changing its hybrid political system? Daraj, 17 February 2021, accessed 26 July 2021, [link](#)

²⁶ Tunisia: A Political Crisis with a Constitutional Cover, Al Jazeera Center for Studies, 28 February 2021, accessed 7 September 2021, [link](#)

²⁷ Samir, op. cit. p.148,146

²⁸ Arabic Post. Scenarios of the Tunisian crisis.. Can Parliament remove Kais Saied from his post or overthrow the last Arab democracy?, 27 July 2021, accessed 28 July 2021, [link](#)

governments and choosing candidates and ministers. These disputes expanded, where Saied was the most prominent actor through his continuous encroachment on the powers of the government and parliament. For example, he encroached on the prime minister's competence to select ministers, rejected ministers being sworn in before him, and refused to ratify establishment of the Constitutional Court after Parliament's approval²⁹.

Saied inaccurately interpreted some provisions, under the pretext of being a legal and constitutional expert, in an effort to increase his powers and authority. For example, on 18 April 2021, Saied declared in a speech he delivered in the presence of the Prime Minister. and the Speaker of Parliament that he is the supreme commander of both the armed forces, both military and civil (the army and the security forces).

In this speech, Saied demonstrated his strength and powers and threatened those that he considered his opponents³⁰, arguing that the constitution did not specify the entity to which the civil security forces belonged, and that the constitution provided a general definition of the armed forces, claiming that this means subordination of both the army and the civil security forces to the president of the republic, despite the fact that these powers overlap with the Prime Minister's responsibilities³¹. In fact, this declaration was a prelude to Saied's exploitation of his constitutional powers and the use of the army in the current coup against other powers. The end result is that the continuous disputes that Saied used to raise have disrupted the government and paralyzed the work of the state and its organs.

As for the claim that he has just activated some articles of the constitution, Saied only relied on his personal interpretation of Article 80 of the constitution, ending the duties of the prime minister, freezing the work of Parliament for a period of 30 days (that is constantly extended), lifting the immunity of MPs, and assuming the executive power for a period of time before appointing a government of his own selection.

²⁹ Political Studies Unit, op. cit.

³⁰ Facebook. "The President of the Republic's Supervision of the Procession Celebrating the Day of the Internal Security Forces," Tunisian Presidency, 18 April 2021, [link](#)

³¹ Political Studies Unit, op. cit.

Abdel-Razek Al-Mukhtar, a legal expert, believes that Saied's activation of this chapter is an unconstitutional act, because, in the first place, this requires existence of the Constitutional Court. In addition, Article 80 of the constitution, according to al-Mukhtar, does not grant the president the right to terminate the government's work and freeze the parliament, but rather stipulates that it must remain in session throughout the exceptional phase³².

Also, Iyadh Ben Achour, a lawyer, stated that what Saied has done is a coup in the true sense of the word, because the conditions for activating Chapter 80 of the Constitution were not met. Ben Achour emphasized that the beginning of Saied's coup was since he refused to ratify formation of the Constitutional Court³³.

On his part, Azmi Bishara, an Arab thinker, stressed that the presence of the Constitutional Court in a mixed and complex system such as the Tunisian system becomes an urgent necessity, and that its absence is considered a disaster, given that it (the Constitutional Court) protects the constitution and preserves balances and limits of the powers of the president, government and parliament³⁴. Therefore, it has been a mistake to place sensitive powers hostage to the President of the Republic, and not to place restraints in front of his transgressions.

When one compares Saied's behavior with the behavior of previous presidents who ruled Tunisia after the revolution, it is clear that Saied has not adhered to balanced democratic behavior in management of the country affairs. Instead of seeking achievement of consensus between him and the parliament and the government, he worked to inflame differences. Also, his practices towards his opponents were arbitrary and violent; where according to reports by press sources, Saied had planned to lure the Speaker of Parliament and the Prime Minister to come to the presidential palace and then detain them there³⁵. Also, leaked documents indicated that Saied had planned to place senior officials under house arrest and to impose full control over the state³⁶. However, the most prominent of these reports

³² Al Jazeera Net. Tunisian divisions over Kais Saied's interpretation of Article 80 of the Constitution, 26 July 2021, accessed 27 July 2021, [link](#)

³³ Rasd News Network. Iyadh bin Ashour: What Qais Saied did was a coup in the full sense of the word, 26 July 2021, accessed 28 July 2021, [link](#)

³⁴ Facebook, Azmi Bishara, 28 July 2021, [link](#)

³⁵ Arabic Post, op. cit.

³⁶ Al Jazeera Net. Middle East Eye: The Prime Minister of Tunisia was physically assaulted in Carthage Palace before he was sacked. 29 July 2021, accessed 30 July 2021, [link](#)

was about exposing the prime minister to torture at the coup night, to force him to resign and accept Saied's decisions³⁷.

According to Mounir al-Kasho, a professor of political philosophy, it can be said that Saied's practices have been within the scope of transforming democratic behavior based on political consensus into a fundamental disagreement, hostility and polarization among political parties³⁸.

Azmi Bishara also considered Saied's behavior as an exploitation of the populist discourse that questions representation of parties, affiliation of opponents and their loyalty to the homeland³⁹, where these practices were the biggest evidence of Saied's lack of awareness of the requirements of his position as the president of the republic elected by the people⁴⁰.

Popular reaction to Saied's coup

In view of Saied's misuse of the Tunisian Constitution deficiencies and the consequent fueling of populist discourse, the people's pro-coup reaction can be interpreted as being in line with Saied's practices and rhetoric. Opinion poll results have showed that the rate of Tunisian people's support for Saied's coup against democracy reached nearly 87%⁴¹, which means that the vast majority of the people do not see Saied's procedures as a coup, but rather as a correction of the political course.

The attitudes and orientations of the Tunisian people in favor of Saied's coup can be interpreted as being due to the disappointment that afflicted them after success of the revolution. Although the revolution brought down Ben Ali's authoritarian regime, it has failed to improve the living conditions of the Tunisian people. This led to questioning the appropriateness of the democratic system, given the fact that the competitive democratic culture was not deeply instilled in people. On the other hand, Tunisians had high hopes towards the outcomes of the revolution, thinking that it would immediately end corruption and poverty and directly initiate reform and achieve social and political justice and equality. When these reforms were delayed, the blame fell on the democratic political system and

³⁷ Ibid

³⁸ Kasho, op. cit.

³⁹ Bishara, What is populism?, op. cit., 190.

⁴⁰ Al-Araby, Azmi Bishara: Tunisian democracy in the face of populism, 27 July 2021, accessed 28 July 2021, [link](#)

⁴¹ Poll by Emrhod Consulting institute, official Facebook page, 29 July 2021, [link](#)

political forces, not on the government. That is why the majority of Tunisian people supported Saied's coup.

Also, the populist tendencies remain one of the most significant interpretations of the people's pro-coup stances, given the fact that the populist rhetoric elevates the people and their sovereignty, showing hostility to the elites⁴² and political institutions⁴³ amid criticism of parliamentary governments and the whole election process⁴⁴. In Saied's case, his rhetoric may express a kind of radical democracy based on his populist rhetoric, an approach that he considers alternative to the "troublemaking" liberal democracy⁴⁵.

Behind the army's support of Saied

Although the military had been far from potentially threatening democracy in Tunisia, given its role in maintaining the democratic transition after the revolution⁴⁶, its recent attitude toward Saied's practices has led some observers to question its impartiality and professionalism.

However, the army's participation in Saied's coup can be interpreted within the framework of:

- First, response to Saied's orders as the Supreme Commander of the Armed Forces, as stipulated in Article 77 of the Constitution.
- Second, consensus of the army perceptions - considering itself the protector of the revolution, the people and democracy - with the perceptions of Saied as a democratically elected president after the revolution, promoted by his speeches, in which he claimed that the aim of his procedures was to quell state crises that threaten its stability, due to differences between political parties. A similar argument was reflected by a statement by retired military general Ahmed Shabir about the coup, where he stressed the "need to put an end to the absurdity of politicians..."⁴⁷.

⁴² Cas Mudde and Cristóbal Rovira Kaltwasser, *Populism: A Very Short Introduction*, translated by Said Bakkar and Mohamed Bakkar, Beirut, Arab Center for Research and Policy Studies, 2020, p. 23, [link](#)

⁴³ *Ibid.*, 32.

⁴⁴ *Ibid.*, 37

⁴⁵ Mudde and Kaltwasser, *op. cit.*, pp. 23-24

⁴⁶ Al-Araby, *op. cit.*, 687

⁴⁷ Al Jazeera Net. The fever of revolution and democracy.. Tunisia's army is in the heart of the storm, 26 July 2021, accessed 26 July 2021, [link](#)

What then?

It seems that the course of Saied's coup in Tunisia has taken on a constitutional characteristic, albeit mere formal, away from the classic, materialistic form of coups, where the president's populism boosted his procedures with no need to resort to violence or use of force, as happened in the Egyptian coup.

With the accelerated pace of events, it is difficult to guess what Saied's next step may be. However, there may be some outlets through which the course of events may be changed.

For example, according to Article 80, if the exceptional procedures last for 30 days, the Speaker of Parliament or thirty MPs, may decide whether to continue or stop the procedures and refer the decision to the Constitutional Court⁴⁸ (but unfortunately there is no constitutional court in place currently). Also, the Parliament can dismiss the President of the Republic in accordance with Article 88 of the Constitution, and refer the decision to the Constitutional Court to decide⁴⁹. However, the conditions for activating these articles remain incomplete because the Constitutional Court, in the first place, does not exist, which weakened the powers of the government and Parliament, while the President continues to transgress the Constitution.

Conclusion

The Tunisian democratic transition experience has passed through two stages: first, implementation of reforms, and mitigation of restrictions on civil and political life; second, laying new foundations for the political system and institutions, most notably the drafting of a new constitution, formation of parties, and holding elections.

It can be said that the most important factor for the success of these two phases was the fact that political parties made many concessions to achieve political consensus and advance toward democracy⁵⁰, in addition to the leaders' commitment to the limits of their powers and the peaceful transfer of power through elections.

⁴⁸ Samir, op. cit., p. 147

⁴⁹ Arabic Post, op. cit.

⁵⁰ Ait Ahmed and Amarouche, op. cit., pp.145-146

However, Tunisian President Kais Saied's move against democracy and his seizure of all powers constituted a turning point in the face of completion of the third stage of the democratic transition, that is the stage of stabilization, where the democratic conduct becomes deeply established among actors and institutions, with the peaceful transfer of power through elections becoming a basic rule in the state. Thus, Saied's actions could constitute a turning point that could harm the whole process of Tunisia's democratic transition.

What made things more difficult was the fact that the democratic transition in Tunisia did not occur gradually as it was the case in historical democracies, which led to fueling the populist threat to democracy⁵¹. Also, it seems that there is a change in the key factors that preserved continuation of the democratic transition in previous years, such as the army's commitment to stay away from politics, and the commitment of leaders to limits of their powers stated in the Constitution⁵².

However, the most significant element in the Tunisian case, in particular, remains that success of democracy requires achievement of consensus among all political forces based on democratic conduct and values and ways to manage differences among themselves⁵³.

⁵¹ Bishara, What is populism?, op. cit., p. 123

⁵² Ibid., p. 135

⁵³ Kasha, op. cit