



Bawader / Commentary, 5 January 2022

Tunisian society finds itself stuck in silence and limbo post-July 25

→ Zied Boussem



Tunisian President Kais Saied chairs the weekly cabinet meeting in Carthage Palace in Tunis, Tunisia on December 02, 2021. © Tunisian Presidency / Handout / AA



Arab Reform Initiative

On 25 July 2021, Tunisian President Kais Saied declared a state of emergency, along with several other drastic decisions in response to what he considered a disintegration of the State. These emergency measures first targeted the Assembly of the Representatives of the People, which was suspended, and whose members were stripped of parliamentary immunity. Under these exceptional measures, the legislative power and part of the judicial power were vested in the president who may hereafter enact legislative decrees and preside over prosecution. Lastly, the Hichem Mechichi government – supported by parliamentary parties such as Ennahdha, Qalb Tounes, and Karama – was dissolved without notice.

These measures took the Tunisian political scene by storm. Key parties in power, which were democratically elected in 2019, found themselves on the bench as the president – albeit without party affiliation – gave himself complete powers without any official consultations.

Against the backdrop of the last ten years of democratic transition in Tunisia, 25 July will probably go down in history for the drastic changes and the level of uncertainty it brought about by force onto the country. These changes have particularly impacted the future of the democratic institutions established in Tunisia over the last decade. As the president justified these measures by claiming that the State was under imminent threat, his rhetoric was inconsistent and vague – indefinitely extending the deadline for appointing a government, thus placing the whole country at grave and certain risk.

On 29 September 2021, President Saied finally tasked Najla Bouden with forming a government, an endeavour completed on 11 October. The new leader at the helm of the Tunisian government – although unknown in the political scene – is now taking the presidential strategy in a new direction.

At this critical moment in Tunisian democracy – and in a strained political context – supporters and opponents of the president and the political parties have been engaged in heated debates, reminiscent of Tunisia in 2011. Many of these discussions were about whether or not to consider the current events a coup d'état, or as a course adjustment for the transition. However, many of the usual participants in these debates were absent. Tunisian civil society – the beating heart of the revolution to this day – had surprisingly remained silent. Spearheaded



Arab Reform Initiative

by the Tunisian General Labour Union (UGTT) and the Tunisian Union of Industry, Trade, and Agriculture (UTICA), unions in Tunisia have also remained silent, randomly issuing a few press releases to reiterate the principles of democracy, or posting on social media to express “concerns.” This wait-and-see approach was interpreted by some as an implicit endorsement of the emergency measures – and by extension, a rejection of the prevailing state of affairs until 25 July. Others believed it exposed civil society’s inability to respond to grave risks threatening the country’s democratic transition with a new dictatorship, ten years after the ouster of Ben Ali.

All civil society actors mentioned in this paper – from organizations to unions, journalists, activists, and social movement members – will undoubtedly have to take a stance in the upcoming months and years as to how the country can achieve a smoother democratic transition. They will also have to address how the country can go about empowering institutions, guaranteeing rights and obligations, and creating a new economic model. But for now, their deafening silence – with the exception of a few timid voices heard since July – poses a danger of creating divide between civil society and the general public that they are meant to mobilize. This divide will not only undermine their ability to raise awareness and act, but it can also damage their credibility as opposition movements that should be capable of preserving and strengthening the foundations laid since the 2011 revolution.

If Kais Saied continues on the path he paved on 25 July, freezing parliament activities should logically lead to a call for new legislative elections. In this scenario, elections are set to be held in 2022. Most probably, according to different regulations, they will also include a change in the electoral system. Kais Saied has referred to this matter on several occasions: single-member voting must replace list-based voting. Will civil society take a stand and weigh in on the choice of electoral system in order to ensure transparent elections and participation?

On another note, the president also announced a deeper reform process because he believes that the entire political system does not align with his popular vision of the State’s powers. He has already revealed certain aspects of this system in his speech in Sidi Bouzid on 20 September. This system – as he envisions it – is allegedly designed to replace representative democracy with a direct system on a



local level, from which an upward series of delegations emanate reaching national level. As vague and poorly discussed as this vision sounds, it is indeed the most probable scenario considering Kais Saeid's confidence today.

In all scenarios, presidential manoeuvres should lead to the amendment of the Constitution – at least the chapters regulating the three powers (executive, legislative, and judicial) – and also perhaps the chapter related to local powers. If he were to go through with the amendment project, the president must submit his modifications to a referendum and convene first a committee of experts, whose transparency and inclusiveness should be prioritized. At this point, civil society must fulfil its watchdog role preferably before these events take place in order to be able to counter any attempts of deviation or concentration of powers. International commitments and standards must be reiterated and the president must provide the necessary guarantees to pursue and consolidate the democratic transition.

Tunisian Unions: Distant Observers of Political Turmoil

Anyone closely following the Tunisian public, political, or labor scene knows that unions play a crucial role in this country. With several dozens to several hundreds of thousands of members, the UGTT and UTICA represent both workers and employers. They are the first point of contact for the government. Without these labor-focused groups, no reforms, key legislations, or any public policy developments are imaginable.

In 2013, these two union giants formed, along with the National Tunisian Order of Lawyers and the Tunisian League of Human Rights (LTDH). The quartet then lead Tunisian national dialogue to pull the country out of a deep political crisis at a time when opposition groups left the Constituent Assembly and interrupted the constitutional process. The role they played as pillars of political discussions had even earned them a Nobel Peace Prize in 2015.

However, the day after Kais Saied announced emergency measures in July 2021, the UGTT expressed its unconditional support for the president, reiterating the



Arab Reform Initiative

organization's commitment to the Constitution. Although it was often a regular point of contact and sometimes ally to previous governments and various parliamentary majorities, the UGTT shocked observers with how quickly it approved this political shift.

Despite the UGTT's appeals to the State on 26 July to adopt a roadmap that complies with the Constitution and to announce major reforms across all sectors, the group was rather quiet about the prolonged state of these emergency measures and the absence of reforms. The union's overall deafening silence was only interrupted by one statement in two months on 22 September 2021. This was after the President of the Republic granted himself by virtue of Presidential Decree (n°2021-17) almost absolute free rein to rule by decree, placing himself at the top of the executive branch and suspending a large section of the Constitution without any consultations. Only then did the UGTT through its assistant secretary-general Anouar Ben Gadour simply express its "disappointment" and rejection of any circumvention against the gains of the revolutions in terms of fundamental rights and liberties.

Despite being accustomed to such power plays, the key union remains remarkably passive against the measures declared by the Presidency of the Republic. Its capacity to mobilize the streets and to force different components of the government to comply is being called into question.

UGTT spokespersons love to refer to the union as "an impenetrable wall against manoeuvres aiming at hijacking the democratic and civil values of the Tunisian State." However, seeing how the situation has evolved, it is only adequate to question if the union is capable of fulfilling its role and if it still has the ear of the presidency. Far from suggesting that the workers' main union is weakening, this passive attitude reflects a repositioning of UGTT interests. Indeed, UGTT leaders had been exasperated by the different decisions of the Mechichi government, and generally, by the decisions of the Ennahdha-supported governments. Moreover, it reflects instant adjustment to changes that go beyond the union's control, as we have already seen in 2011, for example.

As for the UTICA, it has maintained a wait-and-see attitude post 25 July. The Tunisian business world was singled out by Kas Saied for its level of corruption,



Arab Reform Initiative

politician-backed clientelism, and its economic and financial appetite at the expense of the people. On 4 September 2021, the president received for the second time¹ a UTICA delegation led by its president, Samir Majoul – to whom President Saied expressed all his concerns regarding employers, while commending “businessmen with integrity”.

Besides principled statements on the importance of respecting the Constitution and the need to safeguard social peace, the two major unions have undoubtedly remained lagging behind, observing and submitting to the declared measures just like everyone else in the country. Despite their protests, social actors were made secondary by the president in their efforts to manage the political crisis and resolve the so-called imminent risk allegedly looming over the country.

The weakness of Tunisian unions lies in their inability to consult their base regularly and rapidly, as well as their structural incapacity to act proactively. To their supporters, they are seen as the guardians of the rights of the weak, and to their opponents, they are the enemies of democracy. As such, the past few weeks have been a major challenge to the role they claim to play.

Most recently, on 4 December 2021, the UGTT finally released a statement after observing the developing situation and the increasing social movements in the country, in which the union distanced itself from President Saied and called for national dialogue to bring together all political and social players in the country. The UGTT pointed out that while the presidency is not excluded from this dialogue, it is not being called upon to assume a central role in the dialogue, a role that the union itself plans on filling. UGTT representatives made rounds on Tunisian media (audio-visual, radios, and press) to denounce the president’s assumed monopoly of power and to demand the protection of individual and collective freedoms.

The National Tunisian Order of Lawyers (ONAT) also held a questionable and surprising stance. On 27 July 2021, the ONAT issued a press release supporting the emergency measures and called on the president to reopen cases of corruption, to amend electoral law, and to pursue electoral violations noted in 2011. The Order still maintains its position, despite reservations expressed in September against the blatant violations of rights and freedoms.



Civil Society Groups Caught Off-Guard by the Unfolding Events

Similar to unions, civil society organizations in Tunisia were left confounded and stunned for the most part by the president's rather abrupt and serious measures. Large national organizations were taken by surprise and voiced their concerns before the president invited them to do so. On 28 July, the Tunisian League of Human Rights (LTDH) – another member of the 2015 Nobel laureate quartet – the National Union of Tunisian Journalists (SNJT), and the Tunisian Association of Democratic Women (ATFD) were invited by the presidency to listen to the president and to express their views. They emphasized the need to safeguard fundamental rights and freedoms and to respect the existing constitutional framework. During this meeting, these organizations agreed on the chaotic situation of the country up until 25 July and the opportunities these measures could provide, as long as they remain provisional (not exceeding 30 days) and civil (no military intervention, setting a roadmap, committing to safeguarding rights, etc.).

However, numerous security blunders have occurred since summer. Immediately after the measures were declared, the police on 26 July raided the offices of Al Jazeera, a renowned television station and ally of the Islamists. Journalists and staff were expelled from the premises, which are still closed to this day. Many journalists were physically or verbally assaulted, mostly by security forces, but also by the president's supporters. The protests of 25 September, organized by a number of citizens opposing the adopted measures, reflected the extreme pressure facing journalists. Moreover, the SNJT issued two press statements in less than 48 hours denouncing the repeated attacks against journalists doing their job and the arbitrary restrictions imposed on the freedom of the press and the media.

These were not the only freedoms that were being restricted. Several scandalous house arrests were imposed on political leaders, as well as travel bans² on relatives of male and female politicians, and the arrest of Nabil Karoui, the president of Qalb Tounes in Algeria, attested to the presidency's efforts to silence civil society and opposition. Other individuals also paid a heavy price, including MP Yassine Ayari, who was detained for several weeks on vague charges of



Arab Reform Initiative

“harming the dignity of the national army and the dignity of the President of the Republic”. He went on hunger strike following his arbitrary arrest and temporarily released on 22 September 2021. However, the charges brought against him by the State were not dropped.

Despite their timid expression of concern over the return of dictatorship or the indefinite nature of the arbitrary state of emergency, major national organizations are seriously dodging the issue. It is an undeniable rejection of the status-quo pre-25 July, during which a conservative Islamist coalition was formed with political movements deemed corrupt (Qalb Tounes) or extremist (Karama). Civil society’s deafening silence could be interpreted as support to Kais Saied. This is the same civil society which has repeatedly over the past decade mobilized the streets nationwide, occupied the press and social media, and released statements and held press conferences. Now, they have decided – seemingly in an uncoordinated manner – to neutralize their rhetoric and actions.

It wasn’t until 26 September that civil society organizations and opposition parties finally decided to mobilize for their first protest against the president’s emergency measures. A few thousand protesters marched towards the Habib Bourguiba Avenue, a highly symbolic location, to protest against what they called an assault on civil rights and freedoms.

International organizations in Tunisia – so far equally quick to denounce the shortcomings of Tunisian governments – had taken their time in reacting, and when they did, it was strictly within the scope of violated freedoms. As for the arbitrary restriction of the freedom of movement, the freedom of assembly and association, and the freedom of the press, denunciations did not elaborate on the need to limit the duration of, or at least set an exact deadline, for the state of emergency, or the need for a clear roadmap in the absence of parliament and the government, pending the formation of the Bouden government. It was only on 27 September that international and national organizations issued the first joint statement calling for the reinstatement of order into the declared measures.

This silent “wait-and-see” attitude may be setting a precedent in the history of the Tunisian and international civil society, undermining the credibility of civil action, which chooses its allies and adversaries without reiterating the principles and



causes. Many observers have highlighted the similarities between this silence in Tunisia and the one in Egypt in 2012/2013, when General Sisi ascended to power. Like many other Arab leaders, Sisi had extended his full support to Kais Saied.

Is civil society’s “wait-and-see” approach justifiable?

The wait-and-see approach adopted by these actors likely points to at least two established facts: first, the political situation in Tunisia up until 25 July had effectively reached the pinnacle of what many Tunisians rejected; second, the existing institutional, constitutional, and legal structures established during the democratic transition of the past decade remain extremely fragile.

The first point raised relates to the disintegration of political institutions in the country, mainly reflected in the Assembly of the Representatives of the People of Tunisia (ARP), paralyzed by internal struggles. Often marked by verbal and physical confrontations within the hemicycle, the Islamist majority, allied with the political expediency of Qalb Tounes, would frequently find itself cornered into decisions relating to current management of public affairs, despite the number of seats.

The Hichem Mechichi government swiftly relegated the ARP to the backdrop by relocating political negotiations and discussions on strategic matters from Bardo (seat of ARP) to Kasbah (seat of Government), before Kais Saied took over this power on July 25 in Carthage (seat of the Presidency of the Republic). Ennahdha endorsed the weakening of the Assembly, despite Rached Ghannouchi’s chairmanship as Speaker – the historical leader of the movement and Speaker of the Assembly since the 2019 elections – and despite the movement’s appeal to the parliamentary regime.

The alliance with Qalb Tounes, following the legislative elections, was also not well-received by these same bases. All concessions made to actors deemed corrupt, clientelist, or monopolistic were settled on the account of the party. The hundreds of resignations from the party on this 25 September 2021 was a direct result of the conflicts that had been surfacing over the past two years, topped by the differing



Arab Reform Initiative

viewpoints regarding the movement's response to the announcements of 25 July.

On another note, the weakness of Tunisian democratic institutions had become blatantly evident on 25 July. Without a constitutional court to limit the powers of the president in accordance with [article 80 of the Constitution](#), he was able to silence both the legislature and the judiciary, all while dissolving the other executive branch (namely the government) until Najla Bouden was appointed.

No independent body or constitutional commission was able to decide on the legality or legitimacy of these measures. Today, Tunisians can only choose either to believe in the president's good faith or assume he has good intentions because no other institution can validate or negate his right to enforce such measures.

The presidential decree adopted at the end of September went as far as suspending the implementation of the Constitution, while maintaining the first and second chapters (general provisions, rights, and freedoms). Numerous rumours were in circulation these past two months, later confirmed by Kais Saied during [his vociferous speech on 21 September](#), in Sidi Bouzid. The president is set on amending the electoral law in order to modify voting methods: from list to single-seat. Furthermore, he is planning on amending the Constitution to reposition to the President of the Republic at the head of the executive power, subjecting the prime minister to his command – just as it was before 2011.

In light of these informal announcements, and the expectation of one or more popular referenda to endorse these decisions, civil society is still struggling to mobilize. No real coalition was formed or made official to this date, giving the president all the space and time he needs to tailor his ideal political regime.

In this context of uncertainty and tension, the first victims are individual and collective freedoms, which continue to suffer attacks from all forces that reject democracy. Repressive security forces and the old regime are now joined by supporters of Kais Saied, according to whom democracy has brought nothing good to Tunisia.

Crucial reminder of Revolutionary



Values

For many local observers and activists, this silence and the ensuing wait-and-see approach do not indicate danger due to the predominant belief that if oppression increases, the response will be greater. Tunisian social media is riddled with posts from activists and analysts lauding the ability of the Tunisian masses to overthrow the worst of dictators, promoting the driving forces of the country who had been present throughout the ten years of post-revolutionary transition, and showcasing the capacities of social actors to maintain the democratic course. However, the country stands at a crossroad: no one since Ben Ali has seized all powers, monopolized so much authority, and held the reins of the country as much as Kais Saied does today.

Accepting an indefinite state of emergency, arbitrary power without safeguards, and a vaguely-planned manoeuvre threatens to send the country down a path that is not so easily reversible. If Kais Saied ends up taking a real democratic step forward, he would have inadvertently established a precedent that his successors might be all too happy to follow.

Now more than ever, civil society organizations, unions, journalists, and society's biggest sectors must mobilize the streets and strategic spaces, demanding a roadmap. This roadmap must be created in a transparent, joint, and inclusive manner with all social actors. The presidency's rhetoric needs to integrate more guarantees to reassure people and ease the uncertainty of the current situation.

This roadmap must also guarantee, explicitly and without reservations, that all rights and freedoms will remain an indisputable red line. The president's statements on the freedom of association, for example, should be a red flag for civil society. Najla Bouden's government must resume the efforts started by the administration and launch new economic and social reforms in order to control raging inflation, which has gone over 6 percent during the first trimester of 2021. This new government must rebuild trust in the economy, drive social and economic development, and support the weakest businesses affected by the global pandemic. In the end, the regime does not matter much in the absence of institutions. The priorities of this government – undoubtedly submitted to Kais Saied – must be clearly enumerated – or better yet, thoroughly discussed and



endorsed.

If the president wishes to undertake his political and institutional project, he must do so by respecting the provisions of the 2014 Constitution, even if they were to be amended, in order to prevent this scenario from perhaps being replicated by his adversaries. Key institutions, outlined in 2014, must be established. This means starting with the Constitutional Court, whose project adopted in 2015 remains in the pipeline. Independent bodies must have their powers and their independence set in stone. The judiciary must regain its autonomy all while undergoing thorough reforms. Economic, social, and developmental matters must be brought to the forefront as absolute priorities for the State.

Without these requirements, the path taken by the populism of Kais Saied and other candidates, threatens to throw the country in an abyss, as is the case of other countries in the region. The danger culminating as civil actors remain silent could – once and for all – annihilate the democratic transition that only Tunisia was able to maintain for so long in the region.



Endnotes

1. A first meeting was organised between the President of the Republic and the head of the UTICA on 28 July. The meeting was livestreamed on the Presidency's page and can be found on the [following link](#).
2. The President of the Republic ended up addressing this controversy regarding the arbitrary travel bans, noting that these measures only concern wanted persons or those subject to a warrant of arrest or committal.



Arab Reform Initiative

About the author



Zied Boussen

Zied Boussen is a Tunisian activist and researcher on governance, public policies and human rights. His research focuses on institutional and legal reforms in transitional contexts. He holds a master's degree in International Law with a focus on post-conflict state-building and reconstruction from the University of Aix-Marseille, France.

About Arab Reform Initiative

The Arab Reform Initiative is the leading independent Arab think tank working with expert partners in the Middle East and North Africa and beyond to articulate a home-grown agenda for democratic change. It conducts research and policy analysis and provides a platform for inspirational voices based on the principles of diversity, impartiality and social justice.

- We produce original research informed by local experiences and partner with institutions to achieve impact across the Arab world and globally
- We empower individuals and institutions to develop their own concept of policy solutions
- We mobilize stakeholders to build coalitions for positive change

Our aim is to see vibrant democratic societies emerge and grow in the region.

Founded in 2005, the Arab Reform Initiative is governed by a Plenary of its members and an Executive Committee.

arab-reform.net

contact@arab-reform.net



© 2022 by the Arab Reform Initiative.
To view a copy of this licence, [click here](#)