



A Third Government in Less Than A Year: Analysis of Tunisia's Political System's Crisis

An assessment of Tunisia's constant political and institutional blockage, governmental instability and parliamentary chaos, paving the way for a necessary political and constitutional reform.

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ANALYSIS
SEPTEMBER 2020

RETHINKING
SECURITY IN
2020 SERIES

Introduction:

Tunisia will celebrate its revolution's tenth anniversary this upcoming January. In parallel, its ninth government since 2011 assumed office recently. On the night of 1st September, the Tunisian parliament granted its confidence to a new government, the third in less than nine months.¹ 137 votes for and 67 against, out of a total of 201 parliamentarians present and 217 in total.² Hichem Mechichi, unknown a few months ago, has risen to power by the choice of Kais Saied having been the President's former adviser, then Minister of Interior.³ The Mechichi government gathered a larger support than expected, yet the country's political crisis has actually deepened.

KEY TAKEAWAYS

- > Governmental instability has characterized post-revolution Tunisian politics. Since 2011, the country has witnessed nine governments. In 2020 only, there have been three attempts to form a viable government.
- > The parliament is so ideologically fractioned it is unable to conduct its primary task: debate and vote legislations. The current electoral formula prevents the emergency of a clear majority.
- > There is an insidious presidentialization of the post-2011 regime as heads of governments are often picked by the presidents without having tangible representation in the parliament.
- > Tunisia needs a more simplified and coherent constitution that allows for the unity of the executive branch and a clear majority within the parliament.

¹ https://www.lemonde.fr/afrique/article/2020/09/02/le-parlement-tunisien-approuve-le-gouvernement-de-hichem-mechichi_6050638_3212.html

² Ibid.

³ [https://www.middleeasteye.net/fr/decryptages/tunisie-hichem-mechichi-gouvernement-kais-saied?fbclid=IwAR2-R_7s-](https://www.middleeasteye.net/fr/decryptages/tunisie-hichem-mechichi-gouvernement-kais-saied?fbclid=IwAR2-R_7s-PeltR_Gy4Atq4AyDhs6Mk2q_f9ibCtu9yz3WlnXNfippZfxLb4)

[PeltR_Gy4Atq4AyDhs6Mk2q_f9ibCtu9yz3WlnXNfippZfxLb4](https://www.middleeasteye.net/fr/decryptages/tunisie-hichem-mechichi-gouvernement-kais-saied?fbclid=IwAR2-R_7s-PeltR_Gy4Atq4AyDhs6Mk2q_f9ibCtu9yz3WlnXNfippZfxLb4)

Kais Saied's Presidentialist Drift: What System of Governance is Tunisia in?

Tunisia's 2014 proportional representation with rule of highest remainder formula⁴, imagined as a guard rail against a return to presidential authoritarianism, has proven to be highly problematic. In theory, the equation is simple. The parliament, the country's supreme power, is directly elected by the people and all winning political formations are represented within the legislative body. The executive branch is bicephalous, shared between a Head of Government and a Head of State. The latter theoretically only holds "residual" prerogatives, mainly related to defense and diplomacy. Yet, the reality of Tunisian politics since 2014 has proven different.

Both Beji Caid Essebsi and current President Kais Saied have been highly influential in the political scene, often being in direct confrontation with both the parliament and the Head of Government. This situation has become aggravated since Saied assumed office, having built his political acumen around his hostility towards political parties and the necessity to modify the political system. The President's constitutional expertise⁵ coupled with his wide popularity allowed him to self-proclaim as the interpreter of the constitution, in the absence of a much-needed constitutional court. This leverage allowed him to push for two Heads of Government against the will of the parliament's majority parties, especially Ennahda and Kaleb Tounes⁶.

A New Government Lacking a Political Bedrock ... Again

Since 2011, it has been common for Tunisian governments to either lack political support at the parliament or to be in direct confrontation with the Head of State. In the case of the Mechichi government, it is both. Being a government of announced technocrats, a formula used before in the era of Mahdi Jemaa, political parties are excluded from being represented in the present government. Moreover, Kais

Saied's method in designating a Head of Government, completely excluding political parties both in representation and from suggesting names, was meant to ensure the alienation of the current government. Yet, the Mechichi government found itself in confrontation with the President without a genuine parliamentary support at the same time.

Marketed as a politically neutral formation, the current government was soon denounced by political parties as being under the grip of Kais Saied. Per instance, the current Minister of Interior is the Head of State's former regional campaign director⁷ and the Minister of Defense, his former colleague at the University of Tunis.⁸ In the course of the negotiations on the government formation, Mechichi rebelled against the Head of State and obtained the support of the newly-formed troika⁹, composed of Ennahda, Kaleb Tounes, and Al Karama.

This support came with the implicit understanding there might be profound shifts in the present governmental composition to accommodate partisan demands. This implies that all current ministers are at risk of being replaced in a few months, which will hardly motivate any of them to initiate reforms. Even if the cabinet reshuffle does not occur, the government will be highly dependent on parliamentarians. It will need to build a majority for every vote. Without the support of the Head of State, as it was at least the case for the last government, Mechichi and his ministers are starting their mandate on a rough path.

An Unviable Political System

The 2014-born political system does not allow for a clear majority in the parliament, which pushes for counter-natural fragile alliances. This is aggravated by the extreme polarization of the local political scene, and the recent revival of the old Islamists vs. anti-Islamists friction through the rise of the Parti Destourien Libre (PDL). This polarization has been a permanent characteristic of Tunisian politics since 2011 but has never been as paralyzing as in the present parliament in which debates are almost impossible to hold, and every draft law falls victim of a partisan logic. In parallel, a government that lacks the support of the parliament in a semi-

4 <https://www.tuess.com/fr/leaders/30545>

5 Kais Saied used to be a long-time constitutional law professor before running for office.

6 The two winning parties of the latest legislative elections.

7 https://www.la-croix.com/Monde/En-Tunisie-gouvernement-haute-pression-2020-09-02-120111942?fbclid=IwAR1CvCFPoZosgGp3Prw329RFeiDV_Di7q-

D1he2ZI06Mpgm011bhjd57w

8 <https://www.webmanagercenter.com/2020/08/27/455098/qui-est-brahim-bartagi-propose-au-poste-de-ministre-de-la-defense-nationale-dans-le-gouvernement-mechichi/>

9 In reference to the country's first post-revolution tripartite government, which Ennahda was part of.

parliamentarian regime is a government that cannot enact laws in addition to being permanently at risk of a censure motion.

The Tunisian parliament is currently paralyzed as it is neither possible to debate nor enact laws due to the deep ideological fractures between represented political formations, principally opposing the Islamists of Ennahda and Al Karama to the PDL, and the absence of a clear parliamentarian majority. Additionally, the open struggle between the Head of State and political parties, mainly Ennahda and Kaleb Tounes, is preventing the formation of any viable government.

The Mechichi government is a perfect example of the incoherencies of the system. The possibility for the current government to be dismissed in the upcoming months and, by default, to move towards anticipated elections remains a reality. In less than a year following the October 2019 legislatives, consecutive political failures occurred: in January 2020, Ennahda, the elections' first winner and hence in charge of forming a government, failed to gather sufficient votes for its chosen formation to assume office¹⁰; the same month the Head of State, who then had to choose the 'best candidate' in consultation with political parties, opted for a personality that was far from being favored by the parliament's parties¹¹; in July the parliament spent weeks discussing a censure motion against the parliament's president, which ultimately failed¹²; the former government resigned after only five months in office the same month¹³; and most recently, the Head of State chose another personality to form a third government in less than a year, neither consulting political parties nor representing them in the new government¹⁴.

The professor emeritus in law Rfaa Ben Achour compared¹⁵ the current Tunisian system to France's IVth republic characterized by institutional paralysis, the simultaneous presence of multiple majorities within a single parliament, and the absence of governmental stability¹⁶. Since 2014, Tunisia has lived under four governments, the current being the fifth. Even if most political counterparts agree on the necessity to reform the present system, they differ greatly in the modalities of this reform.

A Constitutional Reform: The Way Forward?

The current system is self-sabotaging. It results in unstable and fluctuant parliamentarian coalitions, an incapacity for the parliament to carry out his legislative function, a dangerous dualism of the executive characterized by regular episodes of tension between the heads of state and government, a chronic governmental instability, a chronic absence of parliamentarian support for the government, and an insidious presidentialization of the system as most proposed governments are presidential creations.¹⁷

The 2014 electoral law is a copy of the format chosen for the 2011 national constituent assembly (ANC), in itself hardly an authentic parliamentarian system¹⁸

Parties are not clearly and strongly represented but rather form a mosaic within the parliament, an option that worked for a process of constitution-making that is inclusive of the multiple ideological facets of post-revolutionary Tunisia but that fails to be a long-term, viable representative system. A remedy should necessarily opt for a more simplified and coherent constitutional framework.

Regarding the simplification, it mostly concerns the way public authorities are organized. The unity of the executive branch should be reestablished and the relation between the executive and the parliament should be reviewed, either by choosing a frank presidential system or by dosing the parliamentarian representation in a way that would ensure a clear legislative majority.

The procedural and institutional overburden of the constitution should also be remediated. Most urgently, the constitution should be amended as to avoid conflicts of prerogatives between the two heads of the executive. In parallel, the designation of the constitutional court's members should be subtracted from partisan logic as the current court's designation format will lead to the politicization and perhaps,

¹⁰ <https://plus.lesoir.be/272269/article/2020-01-11/tunisie-le-rejet-du-gouvernement-jemli-signe-lechec-dennahda>

¹¹ <https://plus.lesoir.be/274294/article/2020-01-21/elyes-fakhfakh-le-pari-de-kais-saied-pour-diriger-le-gouvernement-tunisien>

¹² <https://www.webmanagercenter.com/2020/07/30/454358/assemblee-la-motion-de-retrait-de-confiance-a-rached-ghannouchi-ne-passe-pas/>

¹³ https://www.rtbf.be/info/monde/detail_tunisie-demission-du-chef-du-gouvernement-elyes-fakhfakh?id=10543417

¹⁴ [https://www.rtbf.be/info/monde/detail_tunisie-le-ministre-de-l-interieur-hichem-](https://www.rtbf.be/info/monde/detail_tunisie-le-ministre-de-l-interieur-hichem-mechichi-designe-chef-du-gouvernement?id=10549459)

[mechichi-designe-chef-du-gouvernement?id=10549459](https://www.rtbf.be/info/monde/detail_tunisie-le-ministre-de-l-interieur-hichem-mechichi-designe-chef-du-gouvernement?id=10549459)

¹⁵ <https://www.tuess.com/fr/leaders/30545>

¹⁶ France's 4th republic witnessed twenty-four governments in its twelve-year span (1946-58).

¹⁷ [https://www.leaders.com.tn/article/30540-yadh-ben-achour-la-revision-constitutionnelle-entre-utopie-et-realisme?fbclid=IwAR1EuGt-](https://www.leaders.com.tn/article/30540-yadh-ben-achour-la-revision-constitutionnelle-entre-utopie-et-realisme?fbclid=IwAR1EuGt-M1571WVQyU75BftpDf1RG0iPMSkv8ChNiFbaxqQrsekHKAShuVA)

[M1571WVQyU75BftpDf1RG0iPMSkv8ChNiFbaxqQrsekHKAShuVA](https://www.leaders.com.tn/article/30540-yadh-ben-achour-la-revision-constitutionnelle-entre-utopie-et-realisme?fbclid=IwAR1EuGt-M1571WVQyU75BftpDf1RG0iPMSkv8ChNiFbaxqQrsekHKAShuVA)

¹⁸ Ibid.

incompetence of its members. A partisan constitutional court will only deepen the country's political blockages.¹⁹

Conclusion

Tunisia's current political system is blocking vital socio-economic reforms. Civil society organizations, law experts, politicians and political commentators have long offered solutions to either rationalize the current hybrid system or move towards a fully parliamentarian or presidential system. The ball is now in the court of the parliament which can initiate a constitutional reform in this sense. However, in the current state of matters in which the most basic debates are made impossible due to ideological frictions and the primacy of partisan interests, a reform of the Tunisian political system is unlikely to occur. Considering the implosive social and economic crises, the viability of the country's democratic transition is at high risk.

¹⁹ Ibid.

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