

The 2022 Tunisian Legislative Elections: Itinerary of a Debacle

BUILDING RESILIENCE IN THE SOUTH SERIES – COMMENTARY

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The Tunisian legislative elections that took place on the 17th of December 2022 sparked little interest both in Tunisia and internationally. They are the last halt of President Kais Saied's controversial process, following a constitutional referendum in July and an online consultation in the beginning of 2022. By 6pm on voting day, the High Independent Electoral Body (known by its French acronym ISIE) announced the preliminary voting rate, a historically low 8,8 %, or 803 638 voters. The updated percentage is slightly higher, 11,22 % or just over a million voters. Final results for the 161 electoral districts will be announced in March, following the second round.

The percentage is the lowest in the country's history, especially compared to almost 28 % of participation in the July referendum, and almost three million voters for Kais Saied in the second round of the 2019 presidential elections. For observers of Tunisian politics, the elections' results do not come as a surprise. No political parties, no public funding for campaigns, a ramping economic crisis, a new, confusing electoral system, too many signatures required, new electoral districts and ... a voting during the World Cup frenzy are a recipe for an electoral disaster.

A POLITICAL LIFE WITHOUT POLITICAL PARTIES

To set the tone, it is no secret that the economic crisis in Tunisia is unprecedented and has only worsened since President Saied grabbed all powers in July 2021. Tunisians are now victims of regular basic commodities' shortages, skyrocketing inflation and rising unemployment. The latest negative development is the deprogramming of discussions on the loan of 1.9 billion dollars Tunisia was set receive from the International Monetary Fund (IMF)'s agenda. Discussions were postponed until further notice, which most likely means the financial institution did

not receive enough reform guarantees from the Tunisian government. Even if an agreement with the IMF is reached, the Tunisian state is far from being in an ideal position to manage the post-dismantling phase of the subsidy system for basic commodities and hydrocarbons. Needless to mention, Tunisians' priorities have mainly been of economic nature for a while.

President Saïed's hostility towards intermediary bodies is also no secret. Political parties were hence banned from formally taking part in the legislative elections with the single-member ballot system on two rounds. One could only vote for a person, not a list. Political parties could still unofficially support a candidate, yet most have been boycotting the post-25th July process. This entails supporters of Kais Saïed have likely formed the majority of candidacies.

Additionally, the electoral law provides for no public funding to run campaigns, which severely limits the visibility of candidates and filters out those who do not have the financial means to campaign. The absence of feasible political programs on which basis parliamentary groups could be formed is a real problem. The result is a flawed representation. Only 1058 candidates took part in the elections, compared to 15737 in the 2019 legislative elections. Only 122 candidates were women. Almost 45% of all candidates fit in the 46-60 age bracket. Ten electoral constituencies saw only one candidate running, and that person has been automatically elected per the electoral law's provisions. Even more worrying, Tunisia's youth did not care about this ballot as only 5,8 % of voters are aged between 18-25, just under 5000 votes.

A PARLIAMENT WITHOUT PREROGATIVES

The new constitution approved on the 25th of July of this year by a relative majority (71,9 % of voters either boycotted or voted against the project, yet no electoral threshold was in place) gave the president large prerogatives with almost no counter-powers, moving the country from a semi-parliamentarian regime (2014-2022) to presidentialism.

The legislative branch, now called the "legislative function", has limited prerogatives and is politically irrelevant. It now consists of two chambers, a Parliament and a National Assembly of Regions and Districts. Both can be dissolved by the president if a motion of no confidence against his government is presented twice in a single presidential term. The no confidence vote is basically the only supervisory authority

the legislative branch will have, yet it can only pass by two-thirds of both chambers' members, an almost impossible criterion to achieve. In parallel, the mandate of parliamentarians is revocable. More importantly, the legislative's most significant role of controlling the executive has been undermined. The parliament no longer has the power to introduce a motion to remove the president from office in case of serious misconduct. There is therefore no way of controlling or sanctioning the country's highest and only real authority, in charge of determining the country's national policies and enforcing them through a government which he has absolute control over.

This means potential candidates with real programs and competencies had little incentives to be take part in the legislative elections as everyone is aware the parliament will be acting as a "cash register" for the president's policies.

THE EXCLUSION OF TUNISIANS LIVING ABROAD

Many Tunisians living abroad have been let down by the president's choices for the elections. First, their representatives' seats went from 18 to 10, in addition to the impossible criterion of obtaining 400 certified signatures for someone's candidacy to be eligible. These endorsements should respect gender equality (200 men and 200 women) and youth representation (at least 25% of signatures for a single candidate must be from citizens under the age of 35). Noteworthy, the electoral commission initially proposed 100 signatures, but it was the president who settled on 400.

The required number of signatures required for a valid candidacy were clearly not made proportional to the number of voters in each electoral district, especially as electoral districts went from 6 to 10. In large constituencies where Tunisians are spread out, it is almost impossible to get that many certified signatures, especially running on personal funding.

Moreover, sponsors are required to have a national identity card when many Tunisians, especially those who were born and grew up abroad, only have Tunisian passports.

More than anywhere, elections abroad were set to fail and dismiss the political role of the diaspora. Unsurprisingly, seven electoral constituencies abroad did not have any candidate.

The seven seats will remain unoccupied as the electoral law does not provide for the possibility of new elections once the parliament starts its mandate. This stalemate situation has no clear solution either. If the electoral commission leaves the sponsorship rule as it is but decides to organize new elections for representatives abroad, likely little will change for those candidates who wanted to run but did not manage to gather enough signatures. If on the contrary, it decides to change the number of signatures required, then this would constitute a grave violation of both the principles of equality and legitimacy, between candidates who managed to gather 400 signatures and others who were allowed to run on less.

Overall, the low participation and voting rates in the 2022 legislative elections are indicative of Tunisians' disapproval of President Saied's leadership's efficiency, although not necessarily meaning he is automatically losing his popularity. Although a decent number of voters mobilized for the 25th of July's referendum to put a final end to the post-2011 clumsy political transition, Tunisians were much more hesitant to take an active part in what is essentially the consolidation of a one-man rule, especially considering they have had the time to experience President demagogic approach to running the country. Tunisians are tired and unsatisfied with their political leadership. The elections' results should not be perceived as a disengagement from politics, but rather as an active boycotting of electoral politics when voting has arguably never improved the country's political and, above all, economic situation.

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