



(Tunisie Numérique, 2019)

Tunisia's 2019 Elections: Presidential Plebiscite and Governmental Uncertainty

Tunisia's 2019 legislative and presidential elections have resulted in contradictory outcomes. The historical support gathered by president-elect Kais Saied contrasts with a highly fragmented newly-elected parliament, rendering the formation of a government a complicated and lengthy task.

06/11/2019

On the 13th October 2019, Tunisia's electoral marathon – following the sudden death of former president Beji Caid Essebsi – ended with the sweeping victory of Kais Saied, a constitutional law professor that had not assumed any previous political position, having gathered more than 72% of

votes¹ in the second round. This paper will analyze the reasons behind this plebiscite and the current difficulties facing the victorious party in the legislative ballot to form a viable government².

The Victory of an “Ordinary Man”

Although Kais Saied’s sudden rise remains a topic of analysis for internal and external observers alike, his popularity did not emerge during the 2019 campaign as it has been established throughout the years following the 2011 uprising.

Allying social conservatism and a frank revolutionary narrative³, Kais Saied was one of the main shapers of the 2014 Tunisian constitution through the creation of the Tunisian Center of constitutional law for democracy⁴ in 2011. He was then appointed as part of the experts’ committee tasked with reviewing the constitution’s draft.⁵

Depicted as a conciliator, he is believed to have contributed to Ennahdha and Nidaa Tounes reaching a consensus over the highly controversial first article of the constitution⁶ during the preparatory work, according to a former colleague⁷. Since he has assumed office, this conciliatory approach has been continuing as he has been meeting with all political components of the country, conveying an image of a unifying president. His campaign slogan “the people want”, his insistence on the supremacy of the law, and the necessity to apply it equally on all Tunisians, as well as his perceived engagement against corruption, were essential components in his popularity. Although far from being the only candidate that could be branded with the anti-corruption axe, his perceived “righteousness” combined with the absence of previous political responsibility (as opposed to Mohamed Abbou⁸ per

¹ <https://www.jeuneafrique.com/842757/politique/tunisie-kais-saied-elu-president-dapres-les-resultats-preliminaires-officiels-de-lisie/>

² For a detailed analysis of the results of the first round of presidential elections and legislative elections see: <https://www.bic-rhr.com/research/tunisia-2019-presidential-and-parliamentary-elections-anti-establishment-ballot-and>

³ https://mobile.francetvinfo.fr/monde/afrique/tunisie/tunisie-kais-saied-est-conservateur-sur-le-plan-des-convictions-personnelles-mais-pour-le-reste-c-est-un-revolutionnaire_3661675.html?fbclid=IwAR04aRUAqM1hAJ7aW8OcwofaSBXyf8GUZkqWX9Ls31Ngy8aL91ESSTCVKqA#xtre f=acc_dir

⁴ Centre de Tunis de droit constitutionnel pour la démocratie

⁵ <https://www.businessnews.com.tn/Biographie-de-Kais-Sa%C3%AFed,520,91020,3>

⁶ The article was extensively debated as whether to mention Islam as the State’s religion or not during a heated identity-period in the country. The final form selected is “Tunisia is a free, independent, sovereign state; its religion is Islam, its language Arabic, and its system is republican.”

⁷ Ibid.

⁸ https://www.lepoint.fr/afrique/tunisie-un-incorruptible-nomme-mohamed-abbou-13-09-2019-2335551_3826.php

instance) and an off-media campaign helped form an image of an incorruptible, modest figure⁹, or what some has called the “citizen-president”¹⁰.

His discourse specifically appealed to the country’s youth that voluntarily mobilized for his campaign, evoking his bottom-up approach to governance, notably through proposals such as decentralization or the possibility of revoking the mandate of parliamentarians¹¹. The result was an unprecedented plebiscite on behalf of young voters as 90% of Tunisians between the age of 18 and 25 who voted in the second round chose Kais Saied.¹²

A Renewed Electoral Mobilization

The evident anti-systemic tendency of the 2019 elections paradoxically resulted in electoral mobilization. Voters’ turnout in the second round of presidential elections (58.5%)¹³ is close to the rate of voters during the 2011 elections (54.1%)¹⁴, immediately after the overthrow of former dictator Ben Ali when hope was at its quintessence in the country. However, it is slightly less than the 60% of voters that showed up during the 2014 presidential elections¹⁵, a sign that although Tunisians demonstrated an evidently higher interest in the presidential elections than the legislative ballot, they remain defiant towards their political class. The electoral *ras-le-bol* could be derived from the fragmentation of the new parliament combined with the high level of abstentionism in legislative elections.

Although Tunisia has chosen the path of a semi-parliamentarian regime after 2011, in a clear discontinuation with the former omnipotence of the president figure, the unprecedented voting consensus that Kais Saied obtained might entail he will assume a greater role than expected in the country’s upcoming five years. With 2, 777, 931 votes in his favor in the second round, Kais Saied obtained 39. 27% of the votes of all Tunisians registered to vote and 72.71% of the total of votes.¹⁶ In

⁹ <https://www.theguardian.com/world/2019/oct/14/tunisia-election-exit-polls-point-to-landslide-win-for-robocop-kais-saied>

¹⁰ <https://plus.lesoir.be/255781/article/2019-10-23/tunisie-kais-saied-le-citoyen-president-accede-au-pouvoir>

¹¹ <https://orientxxi.info/magazine/tunisia-for-president-kais-saied-democracy-can-be-a-new-idea,3402>

¹² <https://www.bbc.com/news/world-africa-50032460>

¹³ <https://www.jeuneafrique.com/842621/politique/en-direct-presidentielle-en-tunisie-vivez-la-soiree-electorale-du-second-tour-avec-jeune-afrique/>

¹⁴ https://www.lepoint.fr/monde/resultats-definitifs-des-elections-en-tunisie-14-11-2011-1396033_24.php#

¹⁵ <https://www.webmanagercenter.com/2019/10/14/440003/tunisie-presidentielle-entre-les-chiffres-des-elections-de-2014-et-2019/>

¹⁶ <https://www.webmanagercenter.com/2019/10/14/440003/tunisie-presidentielle-entre-les-chiffres-des-elections-de-2014-et-2019/>

comparison, the former departed president Beji Caid Essebsi, an everlasting popular figure among Tunisians, only gathered 55.68% of total votes in the 2014 presidential elections.¹⁷

The New Government: An Impossible Consensus?

As previously discussed¹⁸, the absence of a clear parliamentary majority – a permanent feature of the post-2011 electoral system – has triggered a lengthy process of negotiations over the next government's composition.

Ennahdha, the victorious party, seems to insist on suggesting a head of government from within the party¹⁹, even advancing the controversial name of Rached Ghannouchi²⁰ in accordance with its internal rules of procedure²¹. Although the general belief is that Ghannouchi is aiming to head the parliament²², this is believed to be a leverage strategy as well as to reaffirm his leadership within his own party.

Kaleb Tounes, who came second in the legislative ballot, seems to have accepted the defeat of its leader and former presidential candidate Nabil Karoui.²³ However, the party has renewed its refusal to be part of a government headed by Ennahdha.²⁴

The Democratic Current (Al Tayar) has requested three primordial ministries, including the interior and justice²⁵, as well as an independent head of government²⁶ in order to be part of a coalition involving the Islamists. These demands seem unlikely to be granted by Ennahdha.

¹⁷ Ibid.

¹⁸ <https://www.bic-rhr.com/research/tunisia-2019-presidential-and-parliamentary-elections-anti-establishment-ballot-and>

¹⁹ <https://www.jeuneafrique.com/845409/politique/tunisie-ennahdha-veut-un-premier-ministre-issu-de-son-parti/>

²⁰ <http://www.rfi.fr/afrique/20191024-tunisie-tractations-formation-gouvernement-saied>

²¹ The party's internal regulation provides that, in case it is concerned by the head of government position, the candidate has to be party's leader

²² Ibid

²³ <https://www.reuters.com/article/us-tunisia-election-karoui/tunisia-nabil-karoui-concedes-election-defeat-to-kais-saied-idUSKBN1WT1S8>

²⁴ <https://www.aa.com.tr/fr/afrique/au-c%C5%93ur-de-la-tunisie-ennahdha-est-responsable-de-lexclusion-de-nabil-karoui/1600306>

²⁵ <http://www.rfi.fr/afrique/20191024-tunisie-tractations-formation-gouvernement-saied>

²⁶ <https://www.webmanagercenter.com/2019/10/31/440645/tunisie-le-courant-democrate-reitere-son-exigence-dun-chef-de-gouvernement-independant/>

The only political formation which seems to be fully ready to engage with the victorious party is Al-Karama – a movement formed after Ennahdha’s announcement of separating politics and religious preaching²⁷ – considering its ideological proximity with the Islamic movement.²⁸

In all cases, the administrative tribunal has issued its final decision regarding the appeals on the legislative elections on the 4th November²⁹, which render the results quasi-definitive (awaiting the electoral commission’s final symbolic announcement). Thus, following the constitutional dispositions of article 89, the president of the Republic will task the victorious party with forming a government within a maximum of a week’s time following the final results’ announcement.³⁰ Ennahdha will thus have a period of one month, renewable once, to form a government.³¹

The Islamic party is attempting to balance necessary concessions as to reach a consensus with political counterparts and internal party discipline, especially considering the increasing contestation of Rached Ghannouchi’s legitimacy within the party³². However, so far, internal cohesion seems to have the upper hand, further isolating Ennahdha as most concerned parties clearly expressed their unwillingness to be part of a government led by the Islamists.

The second constitutional possibility in case of failure to reach a consensus within a maximum of two months³³ seems to have become a probable scenario. The head of State would then consult with the different parties, coalitions and parliament blocs to designate an independent figure as a head of government. If the two mentioned scenarios fail, the country will have to endure another legislative ballot, which outcome could further divide political counterparts and paralyze Tunisia for additional months.

²⁷ <https://www.jeuneafrique.com/807467/politique/tunisie-les-deserteurs-salafistes-dennahdha-peuvent-basculer-dans-la-radicalisation-violente/>

²⁸ https://www.huffpostmaghreb.com/entry/seifeddine-makhlouf-porte-parole-dal-karama-nous-navons-aucun-inconvenient-a-faire-une-coalition-avec-ennahdha_mg_5d9b157fe4b03b475f9c9494

²⁹ https://www.huffpostmaghreb.com/entry/election-legislative-les-decisions-du-tribunal-administratif-sur-les-recours-en-appel_mg_5dc014cbe4b0615b8a9627a6

³⁰ <http://www.legislation.tn/sites/default/files/news/constitution-b-a-t.pdf>

³¹ Ibid.

³² <https://www.businessnews.com.tn/Rached+Ghannouchi,+ce+chef+qui+na+pas+su+rassemble+!,519,92452,3>

³³ <http://www.legislation.tn/sites/default/files/news/constitution-b-a-t.pdf>

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AUTHOR

Yasmine Akrimi
North Africa Research Assistant



Avenue Louise, 89 - 1050 Brussels - Belgium

Tel: +32 02 725 84 66

www.bic-rhr.com

info@bic-rhr.com

