

# How to Engage with Tunisia's New Constitutional Republic

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## ABOUT THE AUTHORS

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Brief Analysis

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**Although anti-democratic measures continue to mount, now is not the time for cutting assistance, but rather for bolstering the country's imperiled private sector, robust civil society, and compromised judiciary.**

**O**n July 25, Tunisian voters turned out in disconcertingly low numbers to approve a new constitution. Drafted largely by President Kais Saied and adopted through a deeply flawed process, the charter returns the government to a presidential system that is sorely lacking in democratic checks and balances. For Washington—and many Tunisians—these changes represent another significant step in [a year-long path \(https://www.washingtoninstitute.org/policy-analysis/timeline-tunisi-as-constitutional-crisis-and-us-response\)](https://www.washingtoninstitute.org/policy-analysis/timeline-tunisi-as-constitutional-crisis-and-us-response) toward re-institutionalizing the authoritarianism cast off by the 2011 revolution. Although halting this trajectory will be difficult, the United States can still do much to help protect Tunisia's democratic gains over the past decade, keep migration into Europe at a manageable level, create a buffer against instability in Libya and the Sahel, and support the livelihood of millions of Tunisian citizens. Rather than hollowing out its financial and security assistance, Washington would be better off advancing programs that strengthen the country's economy and civil society—albeit while establishing redlines for continuing aid and urging Tunis to restore judiciary independence.

## Stabilizing the Economy

**S**everal factors helped produce this situation: the consensus-based 2014 constitution led to institutional blockages and successive fractured governments, and both of these problems were exacerbated by the inexperience of Tunisia's political parties, persistent corruption, and personality-driven conflicts among parliamentarians. In response, many citizens lost confidence in the system and its institutions.

Thus, when Tunisia's economic crisis worsened dramatically over the past two years, it greatly undermined an already fragile democratic project. Successive administrations had failed to implement necessary fiscal reforms, thanks to the influence of labor union officials (who opposed measures such as reduced spending on public sector benefits) and the unwillingness of consensus governments to tackle controversial issues. Following Saied's 2019 election, the coronavirus pandemic struck a massive blow to the economy and unleashed a major health crisis,

providing him with an opportunity to declare (and later extend) a state of emergency, dismantle parliament, and issue a series of decrees weakening other institutions. Besides being built on democratically shaky pillars, the resultant constitutional republic lacks broad-based legitimacy—the referendum’s official turnout of 30 percent was already low and has been challenged by opposition activists, who claim the tally of roughly 2.5 million votes cast was inflated by at least 400,000.

Yet despite Saied’s worrisome actions, now is not the time to suspend assistance to Tunisia. For one thing, the \$85 million in U.S. Economic Support Funds provided in fiscal year 2022 was an important complement to Tunisia’s roughly \$12 billion in expenditures, and reducing this support would worsen the country’s dire economic conditions. More significantly, Washington will only hurt the Tunisian people if it continues to withhold the \$500 million Millennium Challenge Corporation compact, which facilitates water projects and rural development. The MCC has suspended this assistance “until Tunisia is back on a democratic path,” but Saied’s responsiveness to such sticks is still unpredictable. Accordingly, Washington should not risk provoking him into more drastic moves that might precipitate humanitarian suffering and mass migration.

The best near-term hope for mitigating Tunisia’s financial woes is securing a new IMF loan package. Although some consider this outcome more likely now that Saied has concentrated power in his hands, implementing unpopular IMF-imposed reforms such as cutting public salaries will still be difficult, and he has not shown much interest in undertaking structural economic reforms. Nevertheless, helping Tunisia avoid financial collapse is necessary for maintaining stability, so whether or not the IMF loan goes through, the United States and its partners should continue programs aimed at promoting private sector growth and workforce development for the time being—including funds removed from the Biden administration’s proposed FY 2023 budget.

## Supporting Free Elections

**A**s Secretary of State Antony Blinken noted in a July 28 statement, Washington should also keep a close eye on Tunisia’s upcoming parliamentary election, currently scheduled for December 17. Last month’s referendum was widely criticized for not being free and fair, and the next vote is unlikely to be different. Troubling initial signs suggest that Saied will restrict media and campaign laws or even ban certain political parties and candidates outright.

Blinken’s statement—which included sharp criticism of the referendum process and other “alarming” moves—quickly caused backlash in Tunis. The Foreign Ministry summoned Chargee d’Affaires Natasha Franceschi the following day and criticized the statement as “interference” in Tunisia’s internal affairs, while protests were reported outside the U.S. embassy. The response reflects the narrow space left for Washington to encourage sound electoral legislation without pushing Saied to extremes.

Hence, the Biden administration will need to coordinate closely with European partners to establish triggers for withholding direct support to Tunisia’s government. (The EU provided an estimated 362 million euros in aid last year, along with approximately 600 million in macro-financial assistance.) A clearly undemocratic electoral law or increased repression of peaceful protests seem like appropriate redlines, so long as they are agreed to after detailed U.S.-European discussions.

## Focus on Civil Society

**T**he United States can also oppose Saied’s undemocratic actions by supporting Tunisia’s robust civil society. Since 2011, civil society has played a key role in establishing human rights monitoring, promoting transparency initiatives, and otherwise building the country’s democratic practices. Over the past year, this sector has been instrumental in standing up to Saied, in part by organizing strikes and boycotts in response to his decrees.

Thus far, Saied has not targeted civil society with the same vigor shown in his attacks on high-level political

opponents. Earlier this year, however, a draft law was leaked that would require NGOs to receive government authorization to operate and subject their foreign funding to prior approval from the Central Bank. The leak prompted an outspoken reaction by civil society and human rights organizations, and nothing further has been heard about the law since. Yet the international community should keep a close eye on this issue and ardently oppose any such threats to freedom of association.

In his July 27 confirmation hearing, ambassador-designate Joey Hood **noted** (<https://www.foreign.senate.gov/hearings/nominations072722am>) that the United States should continue supporting civil society voices—a promising stance that may help dissuade Saied from instituting even more draconian measures. Congress should confirm his nomination swiftly rather than leaving the most senior diplomatic position in the country in an “acting” role. Moreover, high-level U.S. embassy officials should hold meetings with civil society representatives as a way of further demonstrating Washington’s intent to remain a committed democratic partner. This engagement should include a focus on organizations working to engage youths who are fed up with the older generation of political elites.

## Conditioning Military Assistance, Supporting the Judiciary

**A**nother important component of U.S. assistance is military aid, which has helped advance key counterterrorism goals for years. Since 2011, Washington has provided Tunisia with substantial Foreign Military Financing and aid intended to strengthen and reform law enforcement, but the Biden administration’s budget proposal calls for heavy cuts to this assistance: \$61 million in FY 2023, down from \$112 million. Decreasing this aid would leave Tunisia more vulnerable to **extremist attacks and recruitment** (<https://www.washingtoninstitute.org/policy-analysis/tunisian-jihadism-shadow-coup>)—already a risk given the high unemployment rate.

At the same time, Washington must ensure that its military and law enforcement assistance does not embolden Tunisia’s security forces to use (or expand) repressive tactics against civilians. Besides demonstrating America’s genuine commitment to safeguarding human rights, fulfilling this imperative is also inscribed in U.S. law.

Another key point emphasized by Hood was continued U.S. insistence on an independent judiciary. Tunisia’s prospects for maintaining a fair judicial system have been severely jeopardized by the new constitution. To improve these prospects, Washington should discourage the use of military courts for civilian trials. Although this practice has increased over the past year, it does not appear to be of central importance to Saied. Convincing him to quietly abandon it could help restore some trust among the people.

## Conclusion

**W**ashington can support stability in Tunisia without sacrificing its commitment to democracy. By coordinating with European partners to encourage reforms and leverage critical economic assistance, and by doubling down on civil society and human rights, Washington can help prevent a worst-case scenario. Such efforts would also contribute to preventing destabilization across the region.

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**RECOMMENDED**

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