

Tunisia: Anti-Constitutional Coup or Legal Last-Ditch Effort to Save the State?

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*Observers are divided over whether Tunisian **President Kais Saied**’s controversial decision on Sunday to suspend parliament for 30 days as well as its members’ legal immunity, remove the Prime Minister, and take over the general prosecutor’s office with support of the military – which blocked off parliament and the state television station – was an anti-constitutional coup or a legal last-ditch effort to save the state per the vague powers vested within him by Article 80 in response to increasingly chaotic socio-economic protests.*

The cradle of the theater-wide [Color Revolution](#) campaign popularly described nowadays as the “[Arab Spring](#)” is once again the center of global attention after Tunisian President Kais Saied’s [controversial decision](#) on Sunday. The democratically elected leader who’s only been in office for less than two years suspended parliament for 30 days as well as its members’ legal immunity, removed the Prime Minister who represents the parliament’s largest party Ennahada that’s denied prior accusations of its ties to the Muslim Brotherhood, and took over the general prosecutor’s office with support of the military, which blocked off parliament and the state television station.

President Saied defended his decision on the basis of the vague powers vested within him by [Article 80](#) and thus presented his efforts as a legal last-ditch attempt to save the state in response to increasingly chaotic socio-economic protests. That relevant part of the constitution reads that “In the event of imminent danger threatening the nation’s institutions or the security or independence of the country, and hampering the normal functioning of the state, the President of the Republic may take any measures necessitated by the exceptional circumstances”. Furthermore, the Speaker of Parliament or thirty of its representatives could call upon the Constitutional Court to review this decision within 30 days of it entering into force.

There are [two legal problems](#) with President Saied’s decision: (1) Article 80 doesn’t explicitly stipulate the course of action that he ultimately undertook; and (2) the Constitutional Court for adjudicating such disputes has yet to be established. It’s for this reason that his opponents accused him of staging an anti-constitutional coup. [Financial Times](#) quoted senior Ennahda official Saied Ferjani who speculated that the UAE, Egypt, and France were behind President Saied’s move. The Turkish Foreign Ministry, which is considered supportive of

Ennahda for ideological reasons due to the group's alleged alignment with the Muslim Brotherhood that Ankara backs throughout the region, said in a written statement that it's "[deeply concerned](#)" by what just happened.

President Saied's supporters at home and abroad hailed his decision for supposedly emulating that of Egyptian President Sisi nearly a decade ago when he decisively moved against the Muslim Brotherhood's control of his country. It's relevant to mention that the Tunisian authorities also [stormed](#) Al Jazeera's office in Tunis, which has been accused by some of sympathizing with the Muslim Brotherhood due to its Qatari state patron's support of the group. The optics certainly suggest that this was a coordinated military move legitimized by President Saied's controversial invocation of the vague powers vested within him by Article 80 to crush what they and their alleged foreign allies seem to regard as the Muslim Brotherhood's Ennahda proxy.

The domestic and international context in which this happened is also pertinent to keep in mind. Tunisia experienced increasingly chaotic socio-economic protests the day of the decision. The growing destabilization could have naturally presented fertile ground for extremist groups and/or their political proxies to seize power or at the very least provoke further unrest. This isn't exclusive to Tunisia but is simply part of the dynamics associated with such protests, especially in the Middle East-North Africa (MENA) region per the precedent set a decade ago during the so-called "Arab Spring". It's unclear whether the protests were organized or organic, but all that's important is that they appeared to be reaching a dangerous climax before Sunday evening's decision.

The international context is such that there's a theater-wide rivalry occurring at the moment between the Muslim Brotherhood that's backed by Turkey & Qatar and the comparatively more secular authorities supported by the UAE, Egypt, and France. Libya was the latest flashpoint between them prior to Sunday, but the ideological situation there and elsewhere across MENA can be described as complicated. These societies are divided between very passionate supporters of both camps. There's also differing degrees of state suppression against their opponents depending on which of them is in power in any given country. Muslim Brotherhood supporters regard secular governments as dictatorships while the latter's regard the group as terrorists.

As it stands, the secular Tunisian authorities seem to have at the very least temporarily neutralized Ennahda's political power in parliament with full support from the military, which is also maintaining control of the situation in the streets, but it's unclear whether this legally constitutes a coup or not due to the fact that the Constitutional Court hasn't yet been established to adjudicate such. The most accurate assessment that an observer can make is that both camps have compelling points: President Saied's are correct to claim that the situation was truly "exceptional" and posed an "imminent danger" to the state while their opponents are also right to describe it as an unprecedented political move against Ennahda.

What remains to be unseen is whether the authorities and/or their military backers level charges against Ennahda's parliamentary representatives whose legal immunity was just suspended together with their peers'. The basis for such can only be speculated upon in that scenario at this time but could possibly involve some sort of accusations related to an alleged attempt to seize power and/or cavort with terrorist groups. Ennahda's political future is also uncertain since it might theoretically be banned on national security pretexts or at the very least purged of its most popular and/or ideological members on the aforementioned

legal basis. Another unknown is whether some Ennahda sympathizers will resort to unconventional warfare/terrorism.

Looking ahead, the next week or two will of course be pivotal per the precept of Steven R. Mann's 1992 article about "[Chaos Theory And Strategic Thought](#)". He postulated that the initial conditions disproportionately shape the outcome of complex processes such as what the chain of events that President Saied set into motion can be described as. It'll also be worthwhile to keep an eye on any foreign support that he, the military, and/or Ennahda receive during this time, especially tangible manifestations thereof such as arms. Even in the best-case scenario that nothing dramatic transpires again anytime soon, stability might only be illusory since it's possible that some members of the opposition will become radicalized by what happened and push back at a later date.

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