Tunisia and the rise of Constitutional authoritarian populism

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DEMOCRACIES USED TO DIE IN A MILITARY COUPS

BUT DEMOCRACIES CAN ALSO DIE IN THE HANDS OF THE CONSTITUTIONS

HOW AUTOCRATS ARE REINVENTING
POLITICS FOR THE 21ST CENTURY

THE
REVENGE
OF
POWER

MOISÉS NAÍM
BESTSELLING AUTHOR OF *THE END OF POWER*

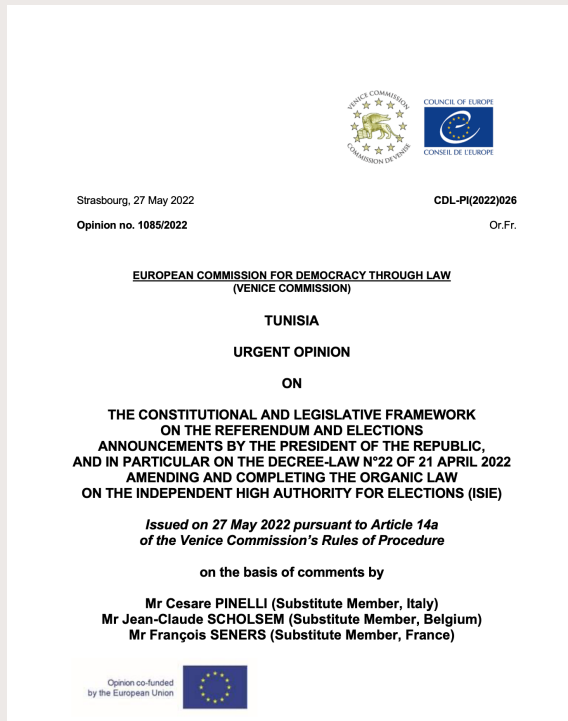# MODERN DICTATORS' PLAYBOOK, AS MASTER OF CONSTITUTIONALISM

➢ Populist rhetoric ("us v. them")

➢ Constitutional formalities (emergency decrees, exceptional powers, constitutional courts)

➢ Authoritarian measures (concentration of power, accountability decimation, human rights violations)

➢ Non-intervention principle

TUNISIA´S CONSTITUTIONAL AUTHORITARIAN POPULISM

➢ Populist rhetoric: protect the people from a corrupted system and the 2014 Constitution´s "locks"

➢ Through "constitutional" emergency decrees, President Saied exerted absolute power and promoted a constituent process that didn't follow the 2014 Constitution procedure

➢ Beyond the layers of constitutionality, the measures adopted are authoritarian (African Court on Human and Peoples' Rights)

HOW TO RESTORE DEMOCRACY?

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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

TUNISIA

URGENT OPINION

ON

THE CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK
ON THE REFERENDUM AND ELECTIONS
ANNOUNCEMENTS BY THE PRESIDENT OF THE REPUBLIC,
AND IN PARTICULAR ON THE DECREE-LAW N°22 OF 21 APRIL 2022
AMENDING AND COMPLETING THE ORGANIC LAW
ON THE INDEPENDENT HIGH AUTHORITY FOR ELECTIONS (ISIE)

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of the Venice Commission's Rules of Procedure*

on the basis of comments by

Mr Cesare PINELLI (Substitute Member, Italy)
Mr Jean-Claude SCHOLSEM (Substitute Member, Belgium)
Mr François SENERS (Substitute Member, France)

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➢ Looking beyond constitutional formalities

➢ The 2014 Constitution is still in force

➢ Register and denounce human rights abuses: accountability towards the international community

➢ Who are the people? Art. 3, 2014 Constitution

➢ Only free and fair elections provide legitimacy