



## Avoiding the Election Error in Tunisia Why U.S. Policy Should Focus on Real Reform, Not Votes

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*Tunis residents wait in line to buy bread, March 10, 2024.  
REUTERS*

The year 2024 is bountiful for election-watchers.\* Tunisia is among the many countries with an election planned for the current year, but this election is fraught with uncertainty, and excessive attention to it could actually further damage the country's now-stunted democratic transition. The United States should therefore focus its attention on three interrelated, longer-term goals for Tunisia: supporting economic growth and stability, preventing erosion of the civic space, and staving off Russian and Chinese influence.

While Tunisia has receded from policymakers' attention since early 2023 amid unsuccessful U.S. efforts to encourage President Kais Saied to return to a democratic path, Washington should not fully turn its back on what was once

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the sole democratizing country in the Arab world. Tunisia's stability matters for U.S. national security as the surrounding environment becomes more uncertain. Largely thanks to American assistance, Tunisia's armed forces have grown into a security exporter, on display most recently during the annual U.S.-led multilateral African Lion military exercise. But as extremism proliferates in the Sahel, both the U.S. and Tunisian militaries would benefit from continued cooperation.

On the political front, despite several significant setbacks for Tunisian democracy, all hope is not lost. Many domestic actors remain committed to revitalizing Tunisia's democratic transition, and it would be premature for the United States—which has invested more than \$2 billion in Tunisia since the 2011 revolution—to give up on its Tunisian partners who seek to make their country a stabilizing force in the region. Furthermore, as the human rights situation has deteriorated, particularly for the president's opponents and for migrants transiting Tunisia, the United States can support beleaguered Tunisian human rights activists who face an increasingly hostile environment.

Finally, Tunisia continues to be a target of Russian and Chinese influence efforts due to its key geostrategic location at the nexus of Africa, Europe, and the Middle East. In the U.S. bid to counter Russian and Chinese outreach globally, ignoring Tunisia will only create more vulnerability.

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## Tunisia's Backsliding

Tunisia emerged as a success story of democratization in the Middle East and North Africa after the popular uprisings of 2011 that removed autocrat Zine al-Abidine Ben Ali from power. In the decade that followed, the country experienced several events considered milestones for democratization, including the adoption of a progressive constitution that institutionalized power sharing and accountability and several rounds of free and fair elections at the national and local levels. The new constitution, adopted in 2014, also included language protecting civil liberties, including the rights to free speech and free association—hard-fought gains that Tunisians continue to value.



*Zine al-Abidine Ben Ali (left) served as president of Tunisia from 1987 until his ouster during the Arab Spring protests of 2011. Beji Caïd Essebsi (middle), a member of the secular Nidaa Tounes party, was central in the country's transition to democracy, a trajectory that was reversed under the rule of the current president, Kais Saïed. Both Ben Ali and Essebsi died in 2019, the former dictator in exile in Saudi Arabia.*

Despite such gains, progress stalled in several key areas. Political parties succumbed to infighting and widely came to be seen as incompetent and corrupt. Meanwhile, thanks to the constitution’s consensus-based design, the political system fell victim to several institutional blockages, most famously over the creation of the constitutional court. Economic growth stalled while elites continually kicked the can of economic reform down the road, prioritizing politics over the more controversial and difficult task of dismantling decades of kleptocracy and failed economic policies. When the Covid-19 pandemic struck, it decimated tourism—already suffering due to an earlier rise in terrorist incidents—and dealt a major blow to small businesses while provoking a significant health crisis that peaked in summer 2021. The stage was set for President Kais Saied, who had been democratically elected in 2019, to enact his dramatic takeover. On July 25, 2021, he froze parliament and stripped its members of their immunity while dismissing the unpopular prime minister, Hichem Mechichi. In so doing, he invoked Article 80 of the constitution, allowing for a temporary parliament shutdown in the face of “imminent danger”—although this interpretation was discredited by constitutional experts.<sup>1</sup>

Saied’s power grab occurred in a broader international context of rising populism and democratic decline. Despite the initial hopes generated by the 2011 Arab uprisings and Tunisia’s promising trajectory, scholars already recognized that democracy could wax and wane. Deepening polarization in the world’s democratic superpower, the United States, combined with factors such as the global financial crisis, lasting roughly between 2007 and early 2009, had contributed to democratic backsliding around the world. The rise of China, where the ruling Communist Party managed to deliver economically while clamping down on freedoms, as well as an increasingly aggressive Russia, exacerbated such trends.<sup>2</sup>

Riding on continued support from the Tunisian public and widespread disgust with the political class, particularly the Islamist party Ennahda, which Saied blamed for many of Tunisia’s woes, the president proceeded to consolidate his own

power. In addition to formally dissolving parliament, he attacked several key state institutions, such as the independent electoral commission, and the media. In September 2021, he suspended most of the 2014 constitution and announced that he would govern by decree. Exactly one year following the initial freezing of parliament, voters adopted a new constitution via a severely flawed referendum process.<sup>3</sup> The new charter dramatically enhanced the powers of the presidency while weakening important checks such as the legislature and judiciary. The generally repressive environment of the Ben Ali era, manifest in practices such as increased police violence and the jailing of opposition figures, had been restored.

The presidential election is expected to take place in fall 2024, according to the five-year term limits set by the 2014 constitution and continued under the 2022 constitution. Some observers have pointed to the Tunisian election as significant within the “biggest election year in history,” given the country’s promising democratizing steps after 2011 followed by their sudden reversal.<sup>4</sup> But Tunisia’s forthcoming election is very unlikely to be determinative in this trajectory, and an excessive emphasis on it could be misguided and possibly even harmful.

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## The Perils of Overfocusing on Tunisia’s 2024 Election

Very little is known about Tunisia’s 2024 election at this point. The spokesperson for the Tunisian election authority, known by its French acronym ISIE, announced that the presidential election will likely be held in September or October but has yet to declare a firm date. Meanwhile, the legal framework for the election remains in limbo. As of now, the election would be held based on the 2014 election law; however, the 2022 constitution includes provisions changing the requirements for presidential candidacy. President Saied has reportedly suggested that the election can proceed on the basis of various rules outlined by the ISIE, but many observers feel this would be outside the ISIE’s mandate.<sup>5</sup>

The electoral law used has serious implications for the integrity of the vote. For example, the 2022 constitution requires candidates to be “born from a father and mother, from paternal and maternal grandfathers, all of whom have had Tunisian citizenship without interruption” and who “enjoy their civil and political rights,” which would likely exclude anyone facing criminal charges and disqualify nearly all of Saied’s potential opponents. During the 2022 parliamentary elections—reinstating the body after a one-and-a-half-year absence—the electoral law imposed by Saied dealt several blows to political parties and general inclusiveness, including removing the party-based system. It also removed quotas for women and candidates under age thirty-five, both of which had previously helped Tunisia move toward gender and age parity.<sup>6</sup> The law significantly limited the pool of eligible candidates by eliminating public financing of campaigns and adding new requirements for prospective candidates, such as submitting a campaign plan in advance and gathering four hundred signatures of registered voters. In an ominous sign for the potential presidential electoral law, the legislative electoral law also prevented anyone who had ever been charged with a crime or legal violation from running.

Another reason the 2024 presidential election—should it take place—does not merit significant U.S. attention is that the process is guaranteed to lack legitimacy. The ISIE, created following the 2011 uprisings as an independent body designed to ensure the integrity of Tunisian national and local elections, is no longer independent. In April 2022, Saied reorganized the ISIE, replacing most of its members with his loyalists, and has used it to provide cover for his antidemocratic behavior. Saied has also publicly stated that he will not allow external election monitors, who played an important role documenting improprieties during the 2011, 2014, and 2019 Tunisian presidential elections. Nor is it clear what role domestic monitors might be allowed to play, although statements from local monitoring organizations would likely carry more weight than international ones in the eyes of many Tunisians.

Saied also recently extended the country’s state of

emergency until December 31, 2024. This allows Saied to operate under exceptional circumstances and empowers the security forces to increase their presence on the street, ban large gatherings, impose curfews, and censor the media—all of which can create a repressive environment in an election year.

Most important, however, nearly all of Saied’s potential contenders have had vague or bogus charges brought against them, likely invalidating their potential future candidacy. Abir Moussi, who ran against Saied in 2019 and served in parliament prior to the president’s power grab, was arrested in October 2023 just days after announcing her intention to run for president. In one of the more bizarre cases, Tunisian authorities issued arrest warrants in September 2023 against twelve opposition figures on charges of forming a terrorist alliance and conspiring against the state. Among them are high-profile figures from rival political camps—Youssef Chahed, the secular, centrist former prime minister; Nadia Akacha, Saied’s first chief of staff; and Moadh Ghannouchi, son of the Islamist leader Rached Ghannouchi. Olfa Hamdi, one of the only opposition figures to publicly declare her intention to challenge Saied, has thus far avoided the wrath of Saied’s political arrest campaign—but her name was listed alongside Saied supporter turned challenger Nizar Chaari in a report speculating that they may soon face charges as targets of a financial crimes unit.<sup>7</sup> All told, Saied appears to be positioning himself to run for reelection virtually unopposed.

Another reason to be skeptical of the upcoming election is that Tunisians have shown a growing apathy for the ballot box. The 2022 referendum on Tunisia’s new constitution, arguably one of the most important votes facing the citizenry since 2011, saw a paltry 30 percent turnout. And the 11.3 percent turnout for the subsequent parliamentary elections was one of the lowest for a legislative contest ever recorded globally. For 7 of the 161 seats, no one even bothered to run, leaving the positions vacant. The December 2023 first-round elections for a new secondary legislative chamber saw a similar 11.6 percent turnout. Should this pattern continue, whoever is elected will have a very weak mandate.

Furthermore, U.S. pressure for democratic progress following Saied’s self-coup has failed to yield the desired results. Rather, vocal public attention on Saied’s antidemocratic behavior will likely both feed his populist rhetoric contending that the West is seeking to control Tunisia and push him further away from the United States. Strong U.S. support for Israel in the Gaza war has also created a wedge between the United States and Tunisia, prompting several government-sanctioned protests in front of the U.S. embassy, with protesters demanding the removal of Ambassador Joey Hood. Saied has a history of reacting poorly to public attacks, and in the current climate, any criticism of the electoral process could well be met with accusations of double standards and in turn fail to sway Saied’s behavior.

More broadly, the United States has a history of pushing for elections in the Middle East and North Africa that did not ultimately advance U.S. interests. Under the George W. Bush administration, the overemphasis on elections led to contests being shoved through against expert advice and brought to power two U.S.-designated foreign terrorist organizations, Hamas and Hezbollah—not exactly the result the administration’s “freedom agenda” was seeking. More recently, the United States has pressured Libya to hold elections amid continued civil conflict there.<sup>8</sup> Despite the highly unfavorable conditions, a Western focus on elections as the primary vehicle to end Libya’s conflict has diverted resources from other more locally driven and more realistic solutions, including longer-term power-sharing agreements.

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## Where Should the United States Concentrate Its Efforts?

Rather than emphasizing the election, the United States should focus its efforts in Tunisia on the three interrelated goals outlined earlier: supporting economic stability and growth, preserving the remaining space for civil society, and staving off

influence from Russia and China. Even if Tunisian authorities take steps between now and Election Day to render the presidential vote more democratic, such as through parliament’s adoption of an inclusive electoral code, overemphasizing even positive aspects of the electoral process, such as higher than expected turnout, risks legitimizing Saied’s generally undemocratic behavior and, in parallel, discouraging genuine opposition efforts. Rather, the White House and U.S. Department of State should refrain from congratulating Saied following his inevitable win—publicly or privately—and avoid making broad, vague, or meaningless statements about the importance of the democratic process following an inevitably flawed if not fraudulent election process. Alternatively, if Saied finds a way to indefinitely delay the vote such as by invoking Article 96 of the 2022 constitution or continuing to confuse the issue of a legal framework by failing to publish an electoral law, U.S. authorities should emphasize both publicly and privately the antidemocratic, unjust character of this measure.<sup>9</sup> An important deadline to watch will be October 13, 2024, which marks five years since Saied was elected.

## Supporting Economic Stability and Growth

Meanwhile, Tunisia’s economy stands on the brink of crisis. GDP per capita growth has slowed since the early 2000s, falling behind other comparable middle-income countries.<sup>10</sup> In recent years, the country has been living beyond its means, leading to growing levels of external and domestic debt. Unsustainable internal borrowing risks precipitating a collapse in the banking sector, while continual downgrading by credit ratings agencies has constricted access to external financing. Since at least 2011, authorities have—largely for political reason—neglected to address the key underlying issues driving these difficulties: a bloated public sector and a business and regulatory environment that hampers private-sector growth and discourages investment.<sup>11</sup> Several exogenous shocks, including the impacts of the Covid pandemic and Russia’s invasion of Ukraine—the latter of which tightened global food supply—have compounded the crisis.

In 2022, the Tunisian government reached a staff-level agreement with the IMF on a \$1.9 billion, four-year loan package. Crucially, the Tunisian General Labor Union, known by its French acronym UGTT, had also agreed to a moderate (rather than a large) public-sector wage hike prior to the agreement, and the government had begun implementing a gradual alleviation of fuel subsidies—one of the main reforms underpinning the agreement. However, the agreement was never finalized due to resistance from President Saied, whose rhetoric emphasizes weaning Tunisia from economic dependence on the West. In the period since, despite somewhat more favorable conditions, economists have grown deeply concerned about a possible default on scheduled foreign debt repayments, fearing this could lead to violent social unrest and other repercussions such as a bank run and hyperinflation.<sup>12</sup>

Collapsing living standards and opportunities, particularly among youths, have driven many Tunisians to migrate to Europe, whether through legal or illicit channels. The Covid crisis and democratic backsliding triggered a new surge in migrants debarking from Tunisia for Europe, putting pressure on European leaders to help stabilize Tunisia's economy. These efforts peaked in summer 2023, when the European Union and Tunisian government announced a memorandum of understanding involving cooperation in five "pillars," including migration and economic support. The largest segment of the associated nearly billion-euro package was indirectly tied to finalization of an IMF deal to which Tunisia still has not acceded.<sup>13</sup> In September, the EU disbursed a sixty-million-euro tranche of assistance, but the next month the Tunisian government returned the money, rejecting it as "charity." Although Tunisia has since received other economic assistance—notably from Algeria and Saudi Arabia, as well as from the African Development Bank and Afreximbank, as well as an eventual disbursement from the EU—an IMF assistance package remains a distant prospect as of this writing even as such an allotment is crucial to securing the Tunisian economy.

In the United States, other potential assistance mechanisms have been compromised by Saied's

autocratic turn. The U.S. government has cut both bilateral security and economic assistance to Tunisia, with assistance from the Economic Support Fund reduced from \$40 million allocated in fiscal year 2020/21 to \$14.5 million requested in FY 2023/24, while democracy assistance went from \$45 million allocated in FY 2020/21 to \$0 requested in FY 2022/23 and FY 2023/24. Total security assistance went from \$298 million allocated in FY 2020/21 to \$122 million requested in FY 2023/24.<sup>14</sup> Meanwhile, a nearly \$500 million compact agreed with the U.S.-administered Millennium Challenge Corporation (MCC) due to be signed just days before Saied's self-coup remains suspended based on uncertainty about Tunisia's potential progress in governing justly and promoting economic growth. The compact had been intended to facilitate water projects and rural development.

Each of these aspects has created a dilemma for policymakers in Washington, despite general agreement that cuts to assistance were an appropriate signal of frustration with Tunisia's direction. Since the July 2021 self-coup, Saied has proven an unreliable partner to the United States and taken repeated actions that compromise Tunisia's stability and prospects for economic growth. Yet cutting economic assistance—including suspending the MCC compact—directly punishes the Tunisian people for Saied's actions.

As of this writing, in mid-2024, both the MCC compact and the IMF loan package in their original forms are probably unattainable. The MCC continues to score Tunisia annually, but it will be difficult to advance a new compact without significant political changes. While Tunisia could technically receive a loan from the IMF, the figures upon which the 2022 package were based would need to be updated. Yet even as Tunisia has reportedly lost credibility with the IMF for failing to uphold its past reform commitments,<sup>15</sup> fund authorities stand ready to reengage in the country. Even in the absence of an IMF deal, some Tunisian officials are pushing for certain necessary reforms, such as privatization of state-owned enterprises and steps to address the massive public-sector wage bill. Yet a planned Article IV consultation in December 2023—also an

opportunity for Tunisians and outsiders to better understand the condition of Tunisia’s economy—was postponed allegedly due to resistance from President Saied.<sup>16</sup>

Policymakers in Washington must therefore determine how to help stave off economic collapse in Tunisia and support medium- and long-term measures that can avoid a debt trap and restore economic growth. In addition to working with European partners to offer emergency financing as it becomes necessary—Europe will feel the effects of a Tunisian collapse much more acutely than the United States—Washington should use its influence at the IMF and elsewhere to help Tunisia reach a financing arrangement. This could mean discreetly discussing softer conditions and potentially urging other multilateral banks—such as the African Development Bank, which is not tainted as a Western institution or viewed warily as would be a sovereign Gulf country seeking to expand its regional influence<sup>17</sup>—to provide further lending.

Policymakers have also begun to consider other mechanisms available to help stabilize Tunisia—namely, the U.S. Development Finance Corporation. In summer 2023, the U.S. Senate Appropriations Subcommittee on State, Foreign Operations, and Related Programs adopted a bill “directing” the corporation’s CEO to “consider” programs that would support infrastructure in Tunisia. Unlike direct assistance through entities such as U.S. Agency for International Development, money administered by the Development Finance Corporation would entail partnerships with private Tunisian entities and would therefore likely be more palatable to the Tunisian public—as well as theoretically supporting the private sector. Perhaps more important from a U.S. perspective, such funds could preempt Chinese provision of infrastructure projects such as development of key ports.<sup>18</sup> In short, Washington’s hands are not completely tied in the face of Tunisia’s crisis. Moreover, finding ways to prevent destabilization in Europe and further encroachment by Russia and China is necessary to protect Washington’s own interests, including a stable and prosperous Tunisia that serves as a buffer to instability in Libya and the Sahel as well as an important

peacekeeping partner on the African continent. Put more darkly, losing Tunisia at a moment when Algeria is seeking to aggrandize its global role and could capitalize on its traditional closeness with Moscow—which itself its growing more embedded in Libya—could mean turning over the entire region to adversaries. To be sure, these adversaries may be looking to exploit a period when anti-Western sentiment in Tunisia has worsened.

Whether to cut or continue security assistance has presented an equally complex conundrum. Saied’s overt use of the armed forces to implement his initial coup, coupled with the rise in police abuses and use of military courts to try civilians, has prompted some U.S. policymakers to call for an end to security assistance.<sup>19</sup> Others have argued that withdrawing this support would hurt American interests, including through allowing exposure to extremist attacks as well as enhanced Russian military activity and Chinese influence. Continuing security assistance therefore keeps open an important avenue of U.S. engagement with Tunisia to advocate for security sector reform. However, to extend this assistance—as policymakers until now have ultimately decided to do—risks signaling U.S. lack of seriousness about expecting its security partners to uphold democratic principles and respect human rights.

One very compelling case for maintaining security assistance to Tunisia falls within the broader effort to protect the region from attacks by extremist groups.<sup>20</sup> Although the threat of extremist activity on Tunisian soil has fallen significantly over the past decade—in part thanks to U.S. cooperation with Tunisian security forces, including the military, police, and national guard—recent cuts to security assistance, including for counterterrorism, will be felt in the coming years as U.S.-funded programs sunset without being replaced. Data also shows that individuals continue to plan attacks in North Africa and join extremist organizations, which have proliferated alarmingly in sub-Saharan Africa, in some cases holding territory.<sup>21</sup>

U.S.-Tunisia military cooperation has historically been strong, with Tunisia’s first president, Habib Bourguiba, favoring cooperation with Western

over Arab countries in an effort to safeguard civilian supremacy over the armed forces.<sup>22</sup> This has included support for counterterrorism, border security, and joint security cooperation through regular trainings, Foreign Military Sales—including of Wolverine light attack aircraft, Kiowa Warrior helicopter equipment and support, Black Hawk helicopters, and C-130 aircraft—and joint exercises hosted on Tunisian soil. With the overall increase of international security assistance to Tunisia since 2011, concerns have emerged that such assistance has either helped reinforce a coercive state apparatus or supported an increasingly unprofessional military.<sup>23</sup> Although an alliance of sorts between Saied and security sector institutions appears to have lasted until now, it is far from guaranteed that the Tunisian military would side with the president if forced to choose between him and its Western partners, particularly the United States.<sup>24</sup>

Given Tunisia's long partnership with the U.S. military and the country's status as a major non-NATO ally, withdrawing security assistance would undermine many decades of fruitful security cooperation set to be expanded into the rest of the region and throughout Africa.<sup>25</sup> Yet the United States must continue to scrupulously review its assistance consistent with U.S. law to ensure it is not supporting units committing human rights abuses or facilitating police impunity. This should include "early warning" monitoring for any units that appear capable of repression should social unrest increase so that support can be quickly frozen.<sup>26</sup>

In the medium to long term, Tunisia will need a political system capable of compromise and rooted in public trust to undertake necessary economic reforms.<sup>27</sup> Tunisia's international partners learned the hard way during the post-2011 decade that political and economic reform go hand in hand. The United States should therefore continue to minimize overt democracy promotion and focus instead on returning Tunisia to a path of economic growth and stability, even if associated reforms are introduced gradually to avoid social unrest. Only through such economic progress will an eventual rebuilding of democratic political institutions be possible.

## Preventing Erosion of Civil Space

Since July 2021, the Tunisian government has targeted dozens of politicians as well as journalists, businesspeople, and online activists, placing several in house arrest and jailing others. The most high-profile arrest took place in April 2023 against Rached Ghannouchi, former speaker of parliament and leader of the Islamist Ennahda Party, which had been in government since 2011. Authorities also shut down Ennahda offices around the country, recalling the crackdowns of the Ben Ali era.

Ghannouchi's arrest signaled Saied's continuing ability to respond to the strong anti-Ennahda sentiments among his supporters, who held the party and Ghannouchi individually responsible for Tunisia's economic, political, and security struggles. It also demonstrated that Saied was not afraid of condemnation from abroad, given that Ghannouchi—eighty-two years old and in poor health—had been subjected to extreme repression in the past, as had his fellow Ennahda members.

Similarly, Decree Law 54, adopted in September 2022 ostensibly to address cybercrimes, limited free speech by prescribing "draconian prison sentences" for those convicted of online disinformation and cyberbullying, although the law failed to precisely characterize such offenses.<sup>28</sup> Human rights advocates have condemned Tunisian authorities for using this law to specifically target Saied's critics while ignoring the disinformation spread by his supporters. They have also identified heavier self-censorship among journalists and activists as a result of the law.<sup>29</sup>

Saied has correspondingly tried to restrict the legal framework around civil society. The current legislation, Decree Law 88, which was adopted in 2011, significantly liberalized the governing of civil society. Specifically, it replaced the ancien régime's "system of authorization" with a "system of declaration," thereby allowing NGOs to form without explicit approval from the government—and requiring only simple notification to authorities of their existence, in line with international standards.<sup>30</sup> It also permitted NGOs to receive funding from



foreign sources—critical in an environment of very little public money for civil society. On several occasions since 2011, subsequent governments have threatened to revise Decree Law 88, nominally on the basis of protecting the country from terrorist financing.

On October 10, 2023, a group of ten parliamentarians introduced a new draft law governing civil society. Although the bill did not directly revert to an authorization system for newly created NGOs, it introduced an “unclear, multi-layered and cumbersome registration process” that had just this effect, according to one analyst. For example, under the draft law, the NGO directorate of the prime minister’s office would have “broad discretion...to object to an organization’s establishment within one month” after the organization submitted a notification of its existence. The law did not specify criteria upon which the office could base its objection, nor did it explain how the NGO could appeal.<sup>31</sup> A separate provision empowered the prime minister’s office to “automatically dissolve” any organizations suspected of “terrorism.” If this law were adopted, authorities would be likely to invoke it given that the president has used accusations of “terrorism” to repress opposition figures.

Another concern centered on the work of international NGOs. The draft law stipulated that international organizations would be required to obtain authorization from the Ministry of Foreign Affairs, and empowered the ministry to issue “temporary authorization” to such organizations and to “revoke or suspend already granted authorizations at its own discretion, any time,” without the right to appeal.<sup>32</sup> Restricting international organizations, many of which help national entities build capacity, also threatens to weaken the overall civil society ecosystem.

Finally, Article 18 of the draft law threatened NGOs’ freedom to receive international funding—a standard of international human rights law—by requiring that organizations obtain approval from the prime minister’s office to receive such financing. Observers noted that such measures complicating the receipt

of foreign financing—in an environment of already dwindling funding due to donor fatigue and worsening global economic conditions—would further discourage NGOs from operating.<sup>33</sup>

On May 13, 2024, the Tunisian government announced the creation of a new draft law to “organize and modernize the mechanisms for establishing associations.”<sup>34</sup> The finance minister is reportedly overseeing the law, which would require a new NGO to obtain written authorization from the prime minister’s office before forming. The draft law would also require prior government approval for all NGO grants from abroad and any local withdrawals or deposits, giving the government significant control over NGO finances.<sup>35</sup> If the new law passes, NGOs would have six months to comply with the changes before the government could freeze their accounts with “no legal recourse.”<sup>36</sup>

As of this writing, the draft law appears to be progressing through the Tunisian government, underscoring the notion that restricting civil society remains a priority for Saied and his associates. This is consistent with their rhetoric suggesting civil society’s freedom should be curtailed.

The United States has an opportunity to raise its voice on behalf of the Tunisian people through consistent messaging within the framework of international human rights law to limit blatant human rights violations. Although Saied clearly cannot be shamed into releasing political prisoners or rescinding Decree 54, Washington currently has less to lose from criticizing such human rights violations than it would under a strong U.S.-Tunisia bilateral partnership. Furthermore, targeted conversations with those directly under Saied, including within the Foreign Ministry, that emphasize the potential consequences of human rights violations against Tunisian citizens can be more effective than threats against Saied himself. On this count, despite reluctance among some EU member states to criticize Saied for fear of jeopardizing cooperation around migration, Washington has an opportunity to develop more coordinated messaging with its European partners. Europe’s attempts to

appease Saied for the sake of migration management have not yet worked; therefore, a coordinated focus on specific human rights concerns can enhance effectiveness and indicate to Tunisians that the West is serious about promoting these values.

Like the right to free speech, the United States can and should try to limit restrictions on freedom of association in Tunisia by pushing back against revisions to Decree Law 88. The experience of mobilization by foreign governments and their Tunisian civil society partners to halt the draft civil society law in 2022 shows how remaining silent would only place Tunisians' civil liberties under greater threat. Additionally, the United States can provide moral and operational support to human rights advocates outside Tunisia, as it has done previously with apparent effectiveness by engaging with and funding civil society actors in diaspora communities and vocally condemning travel bans, asset seizures, and other attacks on political actors based outside Tunisia.<sup>37</sup>

## Staving Off Russian and Chinese Influence

U.S. interests would also be well served by pushing back against attempts by Russia and China to woo Tunisia.<sup>38</sup> While neither country is a major player in the North African country today, Saied has attempted to cozy up to both, and Tunisia's strategic location makes it an attractive partner for the two U.S. rivals. Tunisia joined the Belt and Road Initiative in 2018 and has signed multiple economic and technical cooperation agreements with China, which set up a Confucius Institute at the University of Carthage in 2018 and has helped drive steadily increasing bilateral tourism and cultural exchange over the past several years. In January 2024, China's minister of foreign affairs, Wang Yi, visited Tunis, where he celebrated the sixtieth anniversary of China-Tunisia diplomatic relations. The visit also coincided with the inauguration of the China-funded International Diplomatic Academy in Tunisia.<sup>39</sup>

Russia is far less engaged with Tunisia than elsewhere in North Africa, but Saied has actively sought

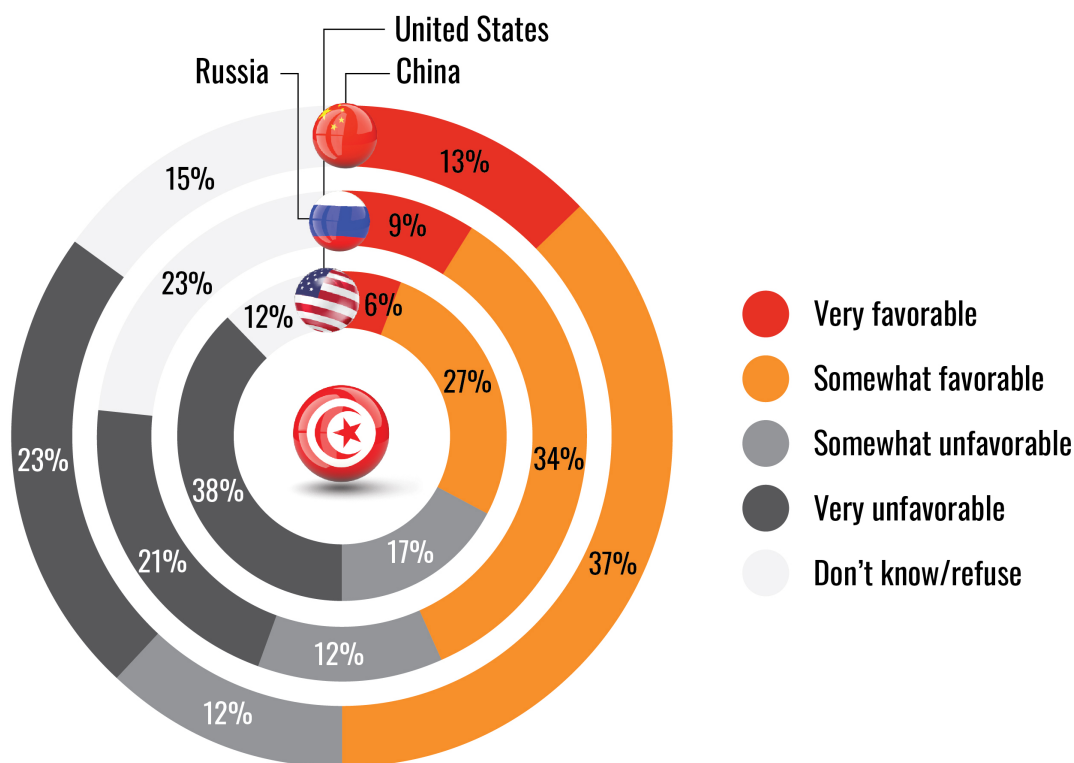
increased cooperation between the two countries. Russia has supplied military equipment to Tunisia since 2014, and Russian tourists make up an important part of the tourism economy. Russian foreign minister Sergei Lavrov visited Tunis in December 2023 following a visit by the Tunisian foreign affairs minister to Moscow in September.

Furthermore, U.S. favorability has decreased while Russian and Chinese favorability has risen among Tunisians. According to the 2022 Arab Barometer survey, only 33.1 percent of Tunisians view the United States "very favorably" or "somewhat favorably" compared to 43.5 percent for Russia and 49.5 percent for China<sup>40</sup> (see figure 1). And when asked "irrespective of their country's foreign policies," how Tunisians viewed "most American citizens," only 45.9 percent said "very good" or "good" compared with 53.5 percent for Chinese citizens.<sup>41</sup>

The United States can also use its comparative advantage to strengthen its relationship with Tunisia outside the democracy space. First, Washington can increase its cooperation in technology and harness the U.S. private sector to develop alternatives to Chinese influence, with Huawei currently having a large presence in Tunisia. Within North Africa, China has hosted trainings on surveillance and censorship for media officials in Morocco, Egypt, and Libya. And China has installed digital surveillance tools in North African telecommunications companies.<sup>42</sup> As Tunisia explores digitization efforts, the U.S. private sector may have opportunities to partner with Tunisia to help guard against attacks on privacy and assist with digital security—including as part of current efforts to advance biometric and mobile identification tools. Civil society organizations have expressed concern over the potential lack of transparency within these projects, which could lead to "mass surveillance, identity theft, data exploitation, and other rights violations and abuse."<sup>43</sup> U.S. companies, even if they too employ debatable data practices, are a far better option than the Chinese government to safely and transparently assist Tunisia in developing these technologies.

The U.S. government could also work with Tunisia on strengthening its outdated data protection

Figure 1. Tunisians’ Views of China, Russia, and the United States



Source: Arab Barometer, Wave VII surveys, 2022, available at <https://www.arabbarometer.org/countries/tunisia/>.

law first enacted in 2004. The United States is already engaged with the Tunisian Ministry of Communication Technologies on strengthening cooperation on 5G. And a partnership between the College of Innovation and Technology at the University of Michigan–Flint and Tunisia’s Pristini School of AI (Artificial Intelligence) could serve as a model for further collaboration between American and Tunisian institutions.<sup>44</sup>

While Saied has continued to use hostile rhetoric against the West, the U.S. approach of applying steady, quiet pressure on specific issues rather than public naming-and-shaming may be having some—albeit minimal—influence on the president. One area where Saied’s actions have reflected U.S. interests is in the legislative sphere. Thus far, Saied appears to have blocked two major pieces of legislation that the United States vocally opposes—an initial revision to Decree Law 88 and the proposed law barring normalization with Israel—although his government appears

to be moving forward with changes to the NGO law, as discussed earlier.

Saied, who has been one of the Arab world’s most passionate anti-Israel leaders, has engaged in contradictory behavior in the wake of the Gaza war, at first strongly condemning Israeli actions and then preventing Tunisian citizen Chawki Tabib—former head of the independent anti-corruption commission—from leaving the country to represent the Palestinians at the International Court of Justice. Saied has also prevented Tunisia from formally taking part in legal actions against Israel at The Hague, and explicitly blocked the Tunisian parliament from adopting the law criminalizing normalization with Israel, even though he previously championed this very legislation.

His justification is that the anti-normalization law “endangers Tunisia’s external security and interests” and that by participating in any official

condemnation of Israel, Tunisia is recognizing Israel's right to exist. While it is not clear whether his actual reasoning is influenced by U.S. or European pressure, Saied's behavior has kept Tunis more aligned with Washington than one might have imagined. The United States should therefore continue to quietly but forcefully use its leverage to encourage Tunisian decisions that generally align with U.S. interests, reflect moderation in foreign policy, and facilitate steps to restore democracy at home.

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## Looking Ahead

While engagement with Tunisia today remains challenging, the United States has opportunities to support Tunisia to achieve much-needed economic growth and prevent further instability while also protecting U.S. national security and other interests.

### Constraints on U.S. Action

The biggest impediment to the U.S. agenda is Saied himself. The independence of Tunisia's central bank is currently at risk due to the president's efforts to get the institution to buy \$2.25 billion in interest-free bonds to address the government's budget shortfall. Beyond the economic repercussions of such a measure, the move shows that Saied still refuses to accept the reality of Tunisia's critical need for outside support. It is hard to see how he can be convinced otherwise, barring a dramatic change in conditions such as erosion of his support base.

Timelines present another constraint. Even if Tunisian authorities suddenly decided to accept an IMF loan or engage in action to unlock the MCC compact, these years-old arrangements would need to be revised. Although authorities could in theory renegotiate or redesign them relatively quickly, these two sources of significant financial assistance are tied to heavily bureaucratic processes that would not pay off in the short term and would most likely need to be complemented with Band-Aids such as grants or temporary social safety net schemes.

Within the United States, the major constraint facing policymakers with regard to Tunisia is Congress. Several U.S. legislators have proposed further cutting especially Foreign Military Financing assistance to Tunisia, while simultaneously criticizing U.S. efforts to cut Economic Support Funds that would provide both economic and civil society aid. Some have sought to withhold 25 percent of appropriated funding to Tunisia until the State Department certifies that the Tunisian government "has ceased its use of military courts to try civilians; is making clear and consistent progress in releasing political prisoners; and has terminated all states of emergency."<sup>45</sup> The administration will thus need to convince those controlling the purse strings that Tunisia is worthy of scarce resources.

### Possibilities for U.S. Engagement

Despite these constraints, a number of opportunities for engagement still exist. For one thing, the repressive environment under Saied does not yet fully resemble that of the Ben Ali era. While the president's actions have contributed to a climate of fear among activists, ordinary Tunisians do not fear violent repression or suffer from a lack of dignity as in the past. Instead, Saied has sought to clamp down on freedoms mostly through legal or rhetorical tools, many of which resonate with his base. By working closely with European partners to help prevent targeted attacks on these liberties, the United States still has an opportunity to curb certain authoritarian trends. This includes privately developing a "battle plan" in advance of eventualities such as Saied declaring himself president for life or unleashing large-scale violence against protesters.

Continuing to engage with the Tunisian military will be key to such a plan. This respected state institution has not yet fallen fully under Saied's control and could act as an important partner in stabilizing the country under extreme circumstances. The United States and Tunisia should continue developing their professional military-to-military partnership through joint exercises, counterterrorism training, and security sector reform.

Moreover, Tunisian officials other than the president appear to understand the necessity of an IMF loan package—which would also unlock other financing. Although a loan is not feasible without Saied’s sign-off, U.S. policymakers should remain prepared to advance an IMF loan should Saied choose to accept it or another leader eventually take power. Saied, furthermore, could potentially be more open to implementing unpopular economic reforms after being reelected—particularly if the UGTT remains cooperative.

Similarly, supporting Tunisia through the MCC represents a flexible mechanism that policymakers should keep on the table. In the unlikely case that the Tunisian government decides to restore its commitment to democratization, the corporation’s board can quickly initiate the renegotiation of the compact agreed in 2021. Although this development appears unlikely under Saied, other Tunisian officials have indicated a desire to restore the compact.

In the short term, the United States may find opportunities in a shift from overt democracy promotion to other forms of noncontroversial development assistance. Washington has already been effectively introducing small-scale assistance focused on marginalized areas and should continue to do so.<sup>46</sup> In the current scene, advancing measures to combat

climate change, promote tourism, and support technological development can represent backdoor entry points to bolstering Tunisia’s economy and supporting small- and medium-enterprise growth without inviting accusations of political meddling or Western hypocrisy.

## Conclusion

A “democracy first” approach no longer makes sense in an increasingly authoritarian Tunisia and an environment of anti-Americanism wherein even Tunisia’s traditional U.S. civil society partners are reticent to accept support. Instead, Washington has a narrowing window of opportunity to redirect, not reduce, support away from elections and democracy and toward other forms of engagement so that Tunisians in a post-Kais Saied era will have resources to defend their freedoms. The United States can and should continue to support economic reform and growth, prevent further erosion of the civic space, and push back against the encroachment of China and Russia. Such actions will also help counter anti-American sentiment by showing Tunisians that they can find a reliable partner in the United States. ❖

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