



THE POLITICAL USAGE OF ANTI-CORRUPTION IN TUNISIA

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Introduction

Corruption has been at the heart of Tunisian politics since 2011. Its deployment as a political problem has been multilateral: citizens, international financial institutions (IFI), international non-governmental organizations (INGO), political parties, political entrepreneurs, local civil society actors, media, unions and state institutions have depicted “corruption” as one of the most important problems in Tunisia since 2011. While there is something to be said about corruption in a country where one family in power managed to monopolise billions of dollars of assets through the support of the administration between 1987 and 2011, the way anti-corruption discourses have been deployed and used by the different stakeholders needs to be analysed and questioned. Anti-corruption is invested in and defined differently, depending on the actor in question and the motives; therefore, this paper will analyse the political uses of anti-corruption discourses and policies from different actors’ perspectives.

This work is all the more important in a context where the main argument used to justify the authoritarian rule has been to rid the country of “the corrupt”. Thus, it will shed light on the different political usages of anti-corruption discourses in Tunisia since 2011. It will mainly analyse the work of IFIs such as the World Bank (WB), INGOs such as Transparency International (TI), and local non-governmental organizations (NGOs). The paper will also analyse the use of anti-corruption discourses by local political actors, either to distinguish themselves from their opponents or to attack and imprison their opponents while in power. Finally, we will see how the priority given to a depoliticised and moralistic tackling of corruption opens the way for populist political entrepreneurs.

TI, the main INGO working on anti-corruption, whose Corruption Perception Index (CPI) is the most followed indicator, defines corruption as “the abuse of entrusted power for private gain.” For TI, corruption can happen anywhere and can involve “politicians, government officials, public servants, businesspeople or members of the public.”

For the WB, “corruption—the abuse of public office for private gain—covers a wide range of behaviour, from bribery to theft of public funds. Corruption exists all over the world, but it is usually present in countries with weak institutions, often affected by fragility and conflict.” Corruption for the WB is thus limited to state actors and has more chances of being encountered in less developed countries.

The Tunisian legal definition of corruption is the following: “The abuse of power, authority or position to obtain personal advantage. Corruption specifically includes the offences of bribery in all its forms in the public and private sectors, embezzlement of public funds or their mismanagement or waste, abuse of authority, illicit enrichment, breach of trust, misappropriation of funds of legal persons, and money laundering” (Law 2017-10 of the 7 March 2017 related to the denunciation of corruption and the protection of whistleblowers).

The TI and WB definitions have been criticised by non-Western scholars for their culturalist approach. The WB definition states that “corruption exists all over the world, but it is usually present in countries with weak institutions, often affected by fragility and conflict.” Both the WB and TI convey a vision of corruption that is especially endemic and consequential in non-Western countries. These countries are deemed “backwards” compared to more “advanced” countries where corruption is marginal, i.e., Western Countries (Bedirhanoğlu). Western countries are deemed “modern”, “rational” and “strong” enough against corruption. Despite the importance and complexity of certain cases of corruption, such as the Enron 2001 scandal in the United States (US), the Siemens scandal in Germany or the Gürtel scandal in Spain, they are depicted as exceptional and marginal. Whereas in the case of developing countries, corruption is put at the centre of attention and explained culturally: “communist past” for Eastern European countries, “corporatist past” in Latin America, or “strong state tradition” in Turkey (Bedirhanoğlu, 2007). It is the centrality given to corruption that later justifies the intervention of anti-corruption INGOs, NGOs and IFIs in these countries, through “universal”, decontextualised anti-corruption policies, policies pushing for further liberalisation of markets to fight against corruption (Murphy & Arbu, 2018).

In Tunisia, corruption has been largely underestimated by key anti-corruption organisations such as TI and the WB during the Ben Ali era, as they trusted the regime’s declarations and statistics. Yet, despite these shortcomings, these organisations have proceeded to an insufficiently critical assessment of their mistakes when assessing the Ben Ali regime, stopping at his family and ignoring more structural causes of corruption. On the contrary, they stood their ground and pushed for policies that turned the democratic transition into a privileged terrain to call for anti-corruption policies favouring market liberalisation and pushing neoliberalism further. This call coincided with an important change in the political scene, the end of the “identity war” dividing the political landscape between Islamists and Modernists. These two dynamics created a momentum for anti-corruption politics pushed by international actors and recuperated by local political entrepreneurs who used it to build an electorate and discredit their opponents. This anti-corruption momentum has culminated in the election of Kais Saïed as President of the Republic against Nabil Karoui. Finally, we will discuss the impact of this hegemony of anti-corruption discourses on the political landscape.

The politics of international anti-corruption actors: from blindness to Ben Ali’s corruption to blindly pushing for neoliberal reforms

It is worth recalling that, prior to the 2011 revolution that toppled President Ben Ali, Tunisia was considered by international organisations such as TI and the WB, as a “good pupil” when

it came to anti-corruption and economic governance. Tunisia was ranked in 59th place in TI's CPI in 2010, with a score of 4.3 (CPI's scoring goes from 0, highly corrupt, to 10, very clean) (Baumann, 2017). Tunisia had one of the best scores in the Middle East and North Africa (MENA) region. Weeks before the uprising, a WB report declared that Tunisia "has made remarkable progress on equitable growth, fighting poverty and achieving good social indicators. [...] Tunisia is far ahead in terms of government effectiveness, rule of law, control of corruption and regulatory quality" (Murphy & Arbu, 2018).

The discrepancy between scores, reports and reality is easily explained by the nature of the Ben Ali regime. The regime has always been double-faced: one image was presented to foreigners, while another was imposed on locals. In the West, Tunisia ticked all the right boxes: state feminism, anti-Islamism, and tourism were tools to create the image of an open, modern and welcoming country. This image extended to economic governance. The administration made sure to align its economic policies with most of the neoliberal recipes recommended by international financial organisations (mainly the International Monetary Fund [IMF] and the WB), even if it involved manipulating some statistics in order to remain in their good grace (Hibou, 2006). In fact, the Tunisian regime never shied away from signing international agreements on anti-corruption or making pledges to enhance its legal framework to push accountability and transparency further, while Ben Ali's extended family made so much profit it represented a quarter of gross domestic product (GDP).

This was all the easier as Tunisia's economy was dual: on the one hand, a local market and industry protected from foreign input and which was heavily controlled by the ruling party, this side of the economy had to show its loyalty to the regime through donations and could be subjected to fiscal retaliation if the regime was not satisfied with them (Hibou, 2006); and, on the other, an offshore industry, made to maximise direct foreign investment. While Ben Ali's family was free to do as they wished in all of the profit-making sectors of the onshore economy, the offshore was more or less clear of their intervention. Foreign investors were not subjected to the infamous levels of nepotism and corruption the Ben Ali regime became famous for after its fall. It is mainly by and for foreign investors that TI's corruption index is compiled, and they were the main source of information and surveys during the pre-Ben Ali years, leading to the good score. This only local survey was carried out by an organisation famous for its alignment with the Ben Ali regime (Baumann, 2017), which casts doubts on its relevance.

Of course, once Ben Ali was removed, the extent of the regime's corruption was revealed to those who "ignored" it. Unsurprisingly, Tunisia's CPI score plunged in 2011 to 3.8. But not only did TI not explain why and how it had so dramatically underestimated corruption under Ben Ali, it persisted in presenting its Index as accurate and reliable, while its methodological flaws were numerous: absence of methodological transparency in the calculation of three of the seven indicators measuring corruption in Tunisia, usage of three indicators whose data was collected before 2011, and heavy reliance on businesspeople in assessing the country, which leads to the adoption of a heavy bias towards them; a bias that here translated into an almost exclusive focus on public sector corruption (Murphy and Arbu, 2018).

Using TI's Index as proof, the WB promoted a vision where corruption in Tunisia was caused by over-regulation in the economy sector. The reforms it promoted to tackle corruption were, unsurprisingly, ones that pushed for the dismantlement of state-led development policies and interventionism (subsidies for instance being a key state intervention in Tunisia). It encouraged more public-private partnerships and the opening of the Tunisian economy to foreign ownership (World Bank, 2014). These reforms have been implemented by the Tunisian state more or less thoroughly during the democratic transition, notably through the conditionalities attached to IMF loans, and pressures have been mounting for further implementations of these neoliberal policies since Saïed's coup.

Recuperation by local actors and consequences

Though anti-corruption is highly politicised by international actors, politicisation was just as heavy at the Tunisian end.

If the first years of the democratic transition were dominated by identity politics and the conflict between Modernists and Islamists, starting with the 2014 legislative elections, this conflict diminished drastically. The main political parties representing the two sides, Nidaa Tounes and Ennahdha, forged an alliance as neither had enough members of parliament (MPs) to create a government majority. This alliance forced political actors to create new division lines, as the old Islamists vs. Modernists made no sense anymore. This is when anti-corruption discourses entered the Tunisian political scene, helped, of course, by the creation of the National Anti-Corruption Body (INLUCC) starting in 2011. From this moment on, political parties such as the Democratic Current started using anti-corruption discourses and postures to distinguish themselves in a cacophonous political landscape and to bring attention to themselves in the media as some of their most vocal leaders would interrogate ministers about corruption allegations during parliamentary sessions.¹ This tactic had mixed results as the party saw its number of votes go from 65,792 in 2014 to 183,473 in 2019 (+178%) but had disappointing results during the presidential elections (only 3.63% of votes).

Individual actors also invested in anti-corruption rhetoric. As Nidaa Tounes imploded and conflicts over its leadership started to become more and more open, corruption became a tool to apply pressure and eventually arrest political rivals. The famous “War on Corruption” started in 2017 by then Head of Government Youssef Chahed is a prime example of that, with a campaign of arrests against certain political rivals. The move was widely supported and contributed to a surge of popularity for Chahed in polls.² The most famous arrest is that of Chafik Jerraya, a smuggling baron who had allegedly funded Nidaa Tounes’ campaign in 2014. He was known for being vocal about his ability to buy MPs and was arrested in May 2017. Yet, looking back, while his arrest was publicly framed as an anti-corruption move, the charges he faced were that of conspiring against the state’s integrity, a charge that was used to put him under house arrest in a military base with no legal charge related to corruption. It was only later, in 2022, after five years of house arrest, that he was tried for corruption, which resulted in a five-year sentence. This method is similar to what the authorities are doing to political opponents in today’s Tunisia: arresting them on charges of plotting against the state to justify holding them in jail and then looking for a corruption charge to sentence them.

Another famous case is that of Nabil Karoui, who has been facing corruption charges, raised by anti-corruption NGO IWatch in 2016. These charges were used to imprison him during the presidential campaign for the 2019 elections where he was among the favourites. IWatch themselves admitted that their work was being used by both the judiciary and the executive powers for political motives.³ The corruption files they compiled are often “put on hold” for years by judges and politicians and used later when the person in question becomes politically cumbersome to whomever is in power. Karoui’s party accused the Head of Government, Youssef Chahed, who was also a candidate during the 2019 elections, of being behind their candidate’s arrest.⁴

¹ See https://www.shemsfm.net/fr/actualites_tunisie-news_news-nationales/167926/samia-abbou-plusieurs-deputes-sont-implicues-dans-des-affaires-de-corruption or <https://www.espacemanager.com/samia-abbou-evoque-des-soupcons-de-corruption-concernant-le-champ-nawara.html>

² See <https://www.businessnews.com.tn/barometre-sigma%E2%80%93operation-mani-pulite-a-amboule-la-perception-des-tunisiens,519,73380,3>

³ See <https://nawaat.org/2018/06/13/%d8%a3%d8%b4%d8%b1%d9%81-%d8%a7%d9%84%d8%b9%d9%88%d8%a7%d8%af%d9%8a-%d9%85%d9%86%d8%b8%d9%85%d8%a9-%d8%a3%d9%86%d8%a7-%d9%8a%d9%82%d8%b8-%d8%a7%d9%84%d9%82%d8%b6%d8%a7%d8%a1-%d9%85%d8%a7%d8%b2/>

⁴ See <https://www.france24.com/fr/20190824-tunisie-le-parti-du-candidat-arr%C3%AAt%C3%A9-accuse-le-premier-ministre>

Corruption and anti-corruption in Kais Saied's narrative

This use of corruption for political motives has become a standard of Tunisian politics since 2011, although no candidate or official ever mastered the art of weaponising anti-corruption in the way President Kais Saied has been doing. Since his early steps into the public sphere in 2012, the then-constitutional law professor has constantly referred back to corruption as the worst of Tunisia's nightmares. He spent years without being backed by any political structure or with any clear intentions, travelling throughout the country to meet citizens and especially young men in coffee shops and raising matters related to the future of the country. Many observers and analysts, such as journalists from independent media outlet Inkyfada, noticed the persistence of Kais Saied in using repetition during his speeches and insisting on a narrow variety of topics, among which corruption reaches the top of the list.

Inkyfada noticed that Kais Saied is very careful about never explicitly naming anybody, individuals or institutions. He heavily relies on the use of "they/them" while adding various adjectives and animal-related analogies to describe these "traitors", "hypocrites" and "fanatics". He built an entire narrative around an "un-named enemy" and a rhetoric of fear against the interests of the nation, much like most populist leaders had done in the past (Balsa-Barreiro & Rossi, 2019).

This narrative can be found throughout his speeches with a blatant example on 22 January 2022, when he gave a speech broadcast on national television: his main point during an almost five minute-long introduction was his "promise to never abandon the country to corruption," peaking at the following sentence: "I will not leave my country at the mercy of monsters and vultures."

On another occasion, for his very first official speech as President of the Republic on 23 October 2019, Kais Saied used his oath-taking to promise to "lead the fight against corruption... leaving no room for tolerance for those who want to waste every penny of [the Tunisian] people." This language spread to other government officials, especially in the security sector, with another blatant example of the then Minister of Interior Tawfik Charfedine, who claimed during a visit to the southern city of Ben Guerdane in early March 2023 that all of "the ailments of the country are to be linked to the union leaders, journalists and political parties who are being traitors to their nation."

Kais Saied and anti-corruption: the speech without the action

Since he dissolved the government and parliament citing the need to take strong measures to fight corruption and other abuses of power within the government, President Saied opened the way for himself and for Bouden's government to tackle the manifestations and consequences of corruption. One of the very first moves of the new regime was to close the offices of INLUCC. All of the files (including testimonies of whistleblowers) were seized by the police, with some suggesting that the regime wanted to have as many "files" as possible on people (Gobe, 2022).

Rather than "fighting corruption", one of the first decisions was to establish a criminal conciliation commission in November 2022 to bring back untamed businessmen within the circle of integrity and transparency.

Over 13.5 billion TND (around 4 billion Euros) were expected to be collected and redirected towards development project funding in marginalised areas of the country. So far, the levels of transparency and openness of this process did not allow for a genuine assessment of the mechanism, nor does it allow for a fair analysis of the extent to which the president kept his

promises. It appears, however, that the results have not been satisfying, as Saied recently sacked the head of the commission and publicly complained about the slowness of the commission's work.⁵

Moreover, several decisions are deemed illegal or illogical, primarily because the procedure followed by the commission does not take into account previous judgments: for instance, the decree of March 2022 issuing an amnesty to corrupt businessmen⁶ goes back, in defiance of the most elementary legal principles, to the *res judicata*, and considers that all that has preceded in terms of conciliation is null and void. This decree put an end to prior processes launched in 2011 by another commission led by a well-respected jurist, Abdelfettah Amor, and later led to the conciliation undertaken by the Truth and Dignity Commission within the transitional justice process.

President Saied also put an end to the mandate of the national anti-corruption agency by removing its secretary general on 20 August 2021. He also proceeded to demand the freezing by the judiciary of assets of individuals believed to be involved in corruption cases even before any court emitted a decision. The list of those targeted by the president include a former Minister of Communications,⁷ A. Maarouf, a former Minister of Agriculture, S. Bettaieb, two governors⁸ and over 55 judges.

All these moves show a strong paradox within the president's method heavily based on brutal speeches, vague accusations, and untargeted discourses, and almost devoid of any meaningful action to tackle corruption. Ultimately, corruption has become an excuse to sideline political opponents and consolidate his own power. Kais Saied is thus walking in Ben Ali's footsteps and reproducing the disastrous recipe of every populist leadership in recent history.

Killing trust and politics

The centrality taken by corruption as a problem and expertise based anti-corruption policies as a solution has led to a relative disappearance of politics in favour of "integrity and morality".⁹ The Head of State is not elected to govern, to design and implement policies or to define a vision for the country but rather to avenge the people from those who relieved it of its wealth.

Saied was elected in 2019 by an overwhelming majority mainly thanks to his image as a clean, educated, retired man, who has not been active in political parties and has no relations with businessmen. He did not have a programme other than the institutional reversal of the pyramid of power he has been busy putting in place. It did help that his immediate opponent in the race was Nabil Karoui, a shady businessman turned politician who has been accused by anti-corruption organisations of tax evasion. Karoui created a platform by depicting himself as the poor's saviour, with daily shows on his television channel Nessma, showing him making donations and helping the country's most isolated populations. The 2019 presidential elections were moral elections par excellence. Neither of the two finalists had a socioeconomic programme; all they had was images: the clean professor on the one hand, and the shady rich yet generous media man on the other. Saied won, with an unprecedented 72% of the votes (around three million votes).

The inherent moralism created by anti-corruption discourses reduces the space for agonist

⁵ See <https://www.businessnews.com.tn/limogeage-du-president-de-la-commission-de-conciliation-penale,520,127800,3>

⁶ See <https://www.reuters.com/world/africa/tunisian-president-issues-amnesty-decree-recoup-funds-corruption-cases-2022-03-21/>

⁷ See <https://www.middleeasteye.net/news/tunisia-power-grab-saied-anwar-marouf-house-arrest-interview>

⁸ See <https://www.reuters.com/world/africa/two-tunisian-governors-detained-suspicion-graft-2021-11-25/>

⁹ See <https://nawaat.org/2018/12/10/entretien-avec-leyla-dakhli-lexception-tunisienne-ses-usages-et-ses-usagers/>

politics that divide society between social classes with opposing priorities and programmes. It creates a political scene dominated by consensual moral oppositions (“cleanness” vs. “filthiness”, “good” vs. “evil”, “shady” vs. “transparent”, etc.). Yet studies show that it is political parties’ very inability to produce political programmes that distinguishes them from their opponents, creating an environment where accusations of corruption are made against political competitors and promises to fight it once in power become political programmes in themselves (Curini, 2018). The process is thus double and feeds itself: the omnipresent anti-corruption discourse invites politicians to invest in it for political gain and, in return, these same politicians create a political discourse where “not being corrupt” is the only thing that distinguishes them from their opponents. This is all the more remarkable in the case of Tunisia as we have seen political parties, whether Islamist or secular, left or right, that have no political economy agenda other than following more or less actively what international donors required from them, while accusing each other of corruption and, in the end, creating alliances, reinforcing the popular view that “politicians are all the same” and “politicians are all corrupt”. This political consensus on keeping the economic model against which people rose in 2010-2011, and accusations of corruption that came from everywhere targeting everyone, opened a corridor for populist outsiders such as Kais Saied, who simply needed to distinguish himself from political parties and elites to be trusted.

The omnipresence of anti-corruption discourses in the political scene not only leads to an erosion of agonist politics but, taken to a certain extent, creates an inimical climate, where political adversaries, because they are “corrupt” and “evil”, must be punished, if not eradicated. Mixed with populist discourses that add a layer of conspiracy against the people, anti-corruption can quickly become a way to target one’s opponents in the most radical way. This is exactly what is currently happening with Kais Saied, who turned his opponents into conspirators paid (corrupted) by the West and plotting against the wellbeing of the Tunisian people. These discourses are easily believed in a country where, for a decade, accusations of corruption flew from everywhere towards everyone, creating an atmosphere of profound distrust towards the political class and political parties.

Alternatively, these discourses provide no relevant answer on a long-term basis and no major reform has ever come out of Saied’s tirades. The president has weakened and dismantled institutions without ever filling the gaps with a-contrario or improved models. Since the dissolution of the anti-corruption agency (INLUCC) for instance, newly-appointed ministers or newly-elected MPs do not provide declarations of their assets like they used to. No agency is tasked to check risks of conflict of interests anymore. In a way, Saied is in fact helping to open new doors for corruption instead of limiting it.

Saied consistently targeted judges and the justice system in his “fight against corruption” and repeatedly indicated to the public that any anti-corruption policy must start with the cleansing of the judiciary of all the corrupt.¹⁰ Besides showing a weak understanding of corruption flows and mechanisms, the president also unwillingly provides clues of being a strong influence of a dominating narrative among security forces built on the idea that “we [security/armed forces] catch ‘the bad’ and judges release them.” This narrative grew a deep feeling of resentment among the Ministry of Interior leadership towards the justice system. This feeling spread to the president due to the fact that he cut himself off from all other channels of communication, from media to unions, political parties, foreign embassies and civil society, all but the channels linking him to intelligence and the Ministry of Interior leadership. In June 2022, the exclusion of 57 judges, the majority of whom were recommended to the president by the Ministry of Interior, exemplifies this tendency to execute security sector leadership old expectations. These judges were excluded on the basis of weak to void cases and most probably because they opposed requests from security leadership to issue a variety of orders against Saied’s political opponents.

The erasure of trust has not stopped at politicians. In fact, looking back, not a single aspect of public policy in Tunisia has resisted the charges of corruption: jobs, infrastructure, health, transport, education, everywhere corruption became the main problem, the main preoccupation. And corruption, as the

¹⁰ See <https://www.aa.com.tr/fr/politique/tunisie-sa%C3%AFed-la-lutte-contre-la-corruption-passe-obligatoirement-par-l-assainissement-de-la-magistrature/2382948>

definitions of the concept by TI and the WB put it, is an abuse of power, that of an individual or an institution. Thus, people and institutions were distrusted and had to be replaced by “better people”. Complexity in politics disappeared, replaced by anti-corruption discourses.

Rather than dealing with systems so weakened that they produce corruption, the symptom became the disease, a disease tackled with punishment of “the bad people”.

This brutal discourse, systematically not followed with deep and meaningful reforms, is disrupting Tunisia’s transition towards democracy even more and clearly widening several gaps in society and ultimately engaging a drastic reduction in Tunisia’s chances to get back on the track of democracy. By entitling himself as the only “non-corrupt”, Kais Saied is not only instrumentalising corruption, he is also pushing the entire country to the edge of its political and social stability.

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