

# Teim



## OPEMAM Analysis

### PRE-ELECTION ANALYSIS:

### TUNISIA/ Constituent Assembly Elections 2011 An election primer - the electoral framework & its consequences (First Part)

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On October 20, just ten months after overthrowing their seemingly sempiternal dictator and setting off a wave of uprisings around the Arab world, Tunisians will at last head to the polls to democratically elect the members of the Assembly that will decide the course of their political transition. This is the first of a two-part analysis of the upcoming elections. This first part serves as a technical primer detailing the electoral framework chosen for these elections and the consequences it will have on the shape of the Constituent Assembly. The second part looks at the electoral campaign and attempts to answer the question why such historic and significant elections seem to be failing to inspire the Tunisian population.

## **Electoral authority & date of elections**

This will be the first time that Tunisia's formidable Interior Ministry, responsible for decades of electoral malpractice, is not choreographing the elections. In charge instead is an independent commission, the Independent High Electoral Authority (ISIE in its French initials) the very existence of which is a major advance with respect to elections of the past. Made up of sixteen members and headed by Kamel Jendoubi, a well-known human rights activist forced into exile in the mid nineties, the ISIE has been outspoken in pressing for the most democratic possible electoral conditions. In May, it engaged in a public spat with the interim government, insisting the elections could not be carried out acceptably on 24 July as scheduled. It was its demands for enough time to adequately carry out tasks such as overhauling the electoral rolls, recruiting and training electoral staff, that led for election day to be moved to October 23rd.

## **Constituencies**

As has been customary in all Tunisian elections, it was decided to again use Tunisia's governorates - the 24 existing administrative units - as voting districts. The country was thus delimited into 27 constituencies - with three extra districts for the most populous governorates which were divided into two. The only innovation this time is the addition of Nabeul to Tunis and Sfax as regions with two districts. The real novelty in these elections however, is the attribution of six constituencies abroad. Apart from simply recognising the weight of Tunisia's expatriate community (roughly 1 million) this is a nod to all those who left Tunisia for political motives through the decades of dictatorship and who actively supported the process of change back home this year<sup>1</sup>.

The remaining 199 seats have been distributed among the governorates according to population, with roughly one representative per 60,000 inhabitants. However, it is worth pointing out a somewhat controversial move to grant extra seats in the Assembly to the less-developed and supposedly marginalised governorates of the interior and south<sup>2</sup>. Hardly reflective of any democratic principle, the decision is a gesture towards those who started the revolution and an attempt to calm the ongoing unrest in certain regions since Ben Ali's fall. This does mean however, that regions such as Greater Tunis and the Sahel which are

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<sup>1</sup> Thus, France has two constituencies (5 seats each), Italy and Germany one each (3 and 1 seats respectively), the Americas and rest of Europe one district (2 seats) and the Arab countries and rest of world another one district (2 seats).

<sup>2</sup> Districts with less than 270,000 inhabitants have been granted two extra seats and those with less than 500,000 one extra. cf. Article 33, Décret-loi n° 2011-35 du 10 mai 2011 relatif à l'élection d'une assemblée nationale constituante

the demographic (and economic) powerhouses of Tunisia, are electorally punching below their weight<sup>3</sup>.

## The electoral system and lists

The electoral system chosen for these elections is a single-round proportional ballot with closed lists and allocation of seats using a straightforward largest remainder method. Behind this choice is an obvious desire to make a definitive break with the completely un-pluralistic elections of the past, in which - thanks to the majority list winner-takes-all system - the RCD (or its earlier incarnations) won every single seat in every constituency every time. Post revolution, the priority of the commission has been to ensure that the opposite occurs: that no significant political tendencies be excluded from the new Assembly. This makes good sense. If the new constitution is going to be the result of political consensus, the makeup of the Assembly needs to be as pluralistic as possible.

All in all, 1570 lists have been validated to compete. Of these, 790 are for political parties, 79 for coalitions of parties and a staggering 701 for groups of independents. In total there are more than 11,000 candidates running for just 217 seats (altogether more than 50 candidates per seat). This vastly over-inflated number is the consequence of the electoral law that requires each candidate to be a member of a list with the same number of candidates as seats available in the constituency.

Although political parties and the question of who is and isn't standing in these elections will be discussed in the second analysis, it is necessary to mention here the exclusion of an estimated 14,000 to 18,000 Tunisians (the exact list exists but remains secret<sup>4</sup>) linked to the Ancien Régime. These include all members of Ben Ali's successive governments, senior members of the RCD at national and local level and all those who form part of the so-called list of Mounachidine - those who publicly called for Ben Ali's re-election in 2014.

The news media have latched onto two striking but misleading additions to the electoral law: the requirement that 50% of the candidates be women, with male and female candidates alternating on each list, and the requirement that at least one candidate be under the age of 30. In reality however, because of the number of lists competing and the electoral system, most lists can only even hope to see their first candidate elected. The really indicative figure therefore is the number of lists headed by women, which is a dismal 5%<sup>5</sup>.

## Ballot paper

With over 90 lists competing in some districts, for purely practical the ISIE was obliged to abandon Tunisia's long use of the French ballot paper and

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<sup>3</sup> With 2,444,500 and 1,523,500 inhabitants respectively, Greater Tunis and Sahel make up approximately 38% of Tunisia's population but have been given just 34% of the seats in the Assembly.

<sup>4</sup> The High Commission responsible for the list insists that it remain secret to protect those listed from possible reprisals.

<sup>5</sup> A good example of this contradiction is the number of women heading lists for the three parties shown consistently to be the favourites in polling: Ennahda, the Progressive Democratic Party and Ettakatol/FDTL. All three parties are fielding lists in all 33 districts making a total of 99 lists, yet have a collective total of just seven women heading lists. No statistics exist about the number of youths heading lists.

envelope system. In these elections voters will be asked to mark the list of their choice on an A3 size voting paper showing all the lists competing in their constituency. Yet although a symbol for each party will appear beside the name of each list to assist illiterate voters, the ballot paper is likely to cause confusion and a correspondingly high number of spoiled ballots.

### **The complexion of the Constituent Assembly**

It is possible based solely on the legal framework for the elections to make several predictions as to the complexion of the future Assembly. First of all, despite the good intentions of the ISIE, it will almost certainly be an assembly dominated by men aged 40 and over - that is to say, completely unrepresentative of Tunisian society as a whole. The exclusion of Tunisian youths is particularly disturbing. Firstly because more than 50% of the population is under the age of 30<sup>6</sup>, and secondly because it was Tunisia's youth - and especially its unemployed youth - that was the driving force behind the revolution. An assembly that does not represent their interests could be a recipe for trouble. Secondly, the geographical size of the constituencies and the care taken to increase district magnitude (granting extra seats to the less populated districts) should help avoid the perpetuation of regional bastions operated by former clients of the RCD. Forced to make alliances, their presence in the Assembly should remain limited. Thirdly, although a proportional system will guarantee pluralism, it is also going to lead to a highly fragmented Assembly in which obtaining a majority is going to be complicated, to say the least. Although consensus building among different groups may be a best possible scenario for writing a new constitution, a fragmented assembly also portends coalition wrangling, back-room dealing and other behaviour that is far from the ideals of Tunisia's revolution. Furthermore, jostling is certain to begin almost immediately over who will be named president or who will occupy posts in any future government. Were that to drag on or deteriorate into some type of discord, the legitimacy of the Assembly would come into doubt, not to mention the future of Tunisia's transition.

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<sup>6</sup> See the Tunisian National Institute of Statistics (<http://www.ins.nat.tn/indexfr.php>)