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OPEMAM Analysis

Election Report:

TUNISIA /Constituent Assembly Elections
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Background:

The surprising events that began on 17 December with the immolation of a young Mohammed Bouazizi in the city of Sidi Bouzid would unleash a national catharsis of unprecedented consequences with a far-reaching impact. The incident, the result of an individual humiliation, transformed itself into a collective realisation among broad swathes of society that their situation was indignant and intolerable. In Sfax, then in Tunis and little by little across the whole country, these groups rose up, rousing a protest against the regime that was both decentralised and unstoppable. Although Tunisia had already known several organised protest movements in recent years, of lawyers, human rights militants, and especially of the Gafsa phosphate mining area in 2008, it turned out to be impossible to disactive the new protests. The Wikileaks cables about the mafia-style ruling clan, popularly called BAT (Ben Ali Trabelsi) published in Le Monde, The Guardian and Der Spiegel at the beginning of the year, confirmed what everybody knew but just whispered about.

The flight of Ben Ali on 14 January produced an outpouring of joy and an enormous surprise across the world. This, after all, was one of the most solid of the Arab dictatorships, established in 1987. The Army, small and relatively disconnected from politics, had forced Ben Ali and his family to leave the country, refusing to continue the police's violent repression which had resulted in a hundred lives (martyrs) in less than a month. Instability continued after Ben Ali's departure and the two governments - essentially of continuity - that were established did not take long to fall either. Pressure from Tunisia's youths, concentrated especially in the Casbah Square in Tunis, forced the governments, both headed by Mohammed Ghannouchi, to resign. Until February, gunmen sent by members of the Ben Ali regime sowed terror in the neighbourhoods, forcing youths to organise security patrols. If that was not enough, the Libyan crisis which exploded in March 2011, sent a wave of refugees across the Tunisian border - more than 700,000 people have sought refuge in the tiny country, collapsed by its own internal problems.

Politically speaking, confusion reigned in the country following the dissolution of the parliament and several electoral announcements. Initially presidential elections were promised within 60 days. Subsequently this plan was modified and the Supreme Instance for the Achievement of the Objectives of the Revolution - maximum revolutionary institution - decided to organize elections for a Constituent Assembly, initially due to take place in July 2011 and subsequently postponed until 23 October this year. The Supreme Instance in turn created the Independent High Electoral Authority (ISIE in its French initials) - an organ formed completely at the margin of the state and unable to use the resources of the Interior Ministry, tainted through and through by Benalism - which was charged with organising the first ever democratic elections in Tunisia: elections for a Constituent Assembly.

Quantitative indices of democracy:

Tunisia was classified in the following democratic performance rankings just before these elections:

Measurement	Name and year of report or database	Institution	Index	Points, ranking and classification
Political rights and freedom	<u>Freedom House Report</u> 2010	Freedom House (FH)	PR: political rights CL: civil liberties	PR: 7, CL: 5 (Scale of 1, free to 7, not free) Classification: Not free
Degree of democracy in earlier elections	<u>Polyarchy 2.0</u> 2003 (referring to the 2002 elections)	Peace Research Institute of Oslo (PRIO) and Tatu Vanhanen	ID: Synthetic Democracy index, Part: Participation, Comp: competition	ID: 1,5, max. 49 Part: 33,7, max. 70 Comp: 4,5, max. 70 (Democracy minimum: ID: 5, Part: 10, Comp: 30) Classification: Non-democratic
Consolidation of authoritarian and democratic institutions	<u>Polity IV</u> 2010	Center for International Development and Conflict Management, Univ. of Maryland	Democracy: consolidation of democratic institutions Autocracy: authoritarian consolidation Polity: synthesis of both	Democracy: 1 Autocracy: 5 Polity: -4 (Scale of +10, very democratic to -10, very authoritarian) Classification: Autocratic
Perception of corruption	<u>Transparency International Corruption Perception Index</u> 2010	Transparency International	TICPI: Perception of corruption index	TICPI: 4.3 points out of 10, (Scale of 1 very corrupt to 10 not at all corrupt) Ranking: 59 out of 178 countries Not transparent
Management of political and economic change	<u>Bertelsmann Transformation Index (BTI)</u> 2010	Bertelsmann Foundation	MI: Management Index, quality of transformation management	MI: 4.3 points out of 10, Rank: 87 out of 128 countries. Moderate management
Democracy, including press status and corruption	<u>World Democracy Audit</u> May 2011	World Audit	World Democracy Rank: political freedom (FH) + press and corruption (TI)	World Democracy Ranking: 113 out of 150 countries, division 4 out of 4

Quantitative analysis of electoral democracy:

The elections analysed in this report produced the following electoral democracy quantitative results:

Degree of democracy in these elections	Measurement of democracy in these elections according to the Polyarchy 2.0 index, calculated by OPEMAM	ID: 24.34, max. 49 Part: 41.27 ¹ max. 70 Comp: 58.99 ² max. 70 (Democracy minimum: ID: 5, Part: 10, Comp: 30)	Classification of the elections: Democratic
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Definition of the electoral and party systems:

The ISIE had to organise the elections from scratch, given that the Interior Ministry and other official bureaus were either unwilling to cooperate or lacked truly reliable census and identification data. For this reason the ISIE had to develop

¹ The calculations have been made using the following figures: total population 10,439,600 people (Source: Geohive estimation on 01/07/2009) and the total number of voters 4,308,888 - including both national and international voters (Source: ISIE, 2011).

² Competition was calculated adding up the percentage of seats won by all the non-winning parties and independents.

its own voter register in a few months, at the same time that the political party law was being passed, and a list of former RCD officials implicated in the repression and now banned from taking part in the elections was drawn up.

At the end of the period of voluntary enrolment on the ISIE's new electoral roll, only some 3.5 million people (less than 45% of the potential electorate) had done so. Given this, the ISIE extended the period to do so by several weeks. In the end, approximately 4.2 million people enrolled, which meant that a parallel system was necessary to enable all those electors not voluntarily enrolled to vote. The ISIE then worked with the National Identification Centre and the national statistics centre, requesting information about all the identity cards issued in Tunisia. This allowed it to create a procedure to automatically enroll electors in the voting centre closest to the home address that appears on their identity card. This double system of enrollment (voluntary and automatic) explains the unequal voter turnout that resulted: very high among voluntarily enrolled electors and very low among the automatically enrolled. Furthermore, in the case of the latter, in many cases the addresses on identity cards did not, for different motives, coincide with people's real addresses. This made it difficult for, or prevented them from voting. The SMS telephone system called 1423 (14 for the date of Ben Ali's downfall and 23 for the date of the elections) did inform voters of their nearest voting centre, but actually collapsed on election day on some of the telephone operators, as this author can attest to.

The party system is logically to be created afresh, now that Ben Ali's regime is over. What we can say however, is that running for the constituent assembly were both lists of independent candidates and parties. The lists did not need to run in all Tunisia and for this reason mostly represented local interests. The fundamental "*clivage*" between the parties was between those who had participated and those that were illegal or prohibited during the era of Ben Ali. Of the 5 major parties that fielded candidates across the country (all 33 constituencies), Ennahda had been banned and Marzouki's CPR was never authorised, whereas the rest (Ettakatol, Ettajdid and the PDP) had participated politically as the legal opposition against an array of officialist parties (the now disbanded RCD, the PUP, UDU, MDS and PSL).

Impact of the electoral formula and constituency size on the elections:

The Supreme Instance for the Achievement of the Objectives of the Revolution chose a markedly proportional electoral system. Although the district size continued to be the same as under Ben Ali (the boundaries of the governorates were used - the three most populated of which were divided into two districts: Tunis, Sfax and Nabeul), a new largest remainder proportional system was used without a threshold necessary to make it into the assembly. This system produces an amplification of the percentage of seats over the percentage of votes, to the benefit of the smaller parties. Meanwhile the proportional system in constituencies with a medium district magnitude (the median was 7, the mode 9), allows a high number of lists and parties to make it into the assembly. This was certainly the case in these elections: all in all 27 groupings were elected: 17 parties, 1 coalition and 9 independent lists.

The vote of Tunisians abroad was assisted for the first time by a EU mission. Although not very numerous (except for in France), the Tunisian expatriates were offered 18 seats out of a total of 217 (8.3%). 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. 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 the demographic (and economic) powerhouses of Tunisia, are electorally punching below their weight.

Results:

Number of electors: 8,289,924 (7,569,824 in Tunisia, 720,100 abroad)

Number of votes cast: 4,308,888

Number of spoiled votes (including blank votes): 255,740 (5.93%)

Number of valid votes: 4,053,148

Turnout: 52%

Number and percentage of productive votes: 2,762,855 (68.2%)

Number and percentage of wasted votes: 1,290,293 (31.8%)

Name of list	Number of votes	Percentage of votes	Number of seats	Percentage of seats
Harakat Ennahda	1,500,649	37.0	89	41.01%
CPR-Congress for the Republic	341,549	8.4	29	13.36
Al-Aridha ash-Sha'abiyya (Popular Petition)	252,025	6.2	26	11.98
Ettakatol (FTDL, Democratic Forum for Work and Freedom)	248,686	6.1	20	9.21
PDP (Progressive Democratic Party)	111,067	2.7	16	7.72
Al-Mubadara (The Initiative)	97,489	2.4	5	2.30
Al-Qutb (PDM) The Democratic Modern Pole)	49,186	1.2	5	2.30
Afek Tounes	29,336	0.7	4	1.84
PCOT/al-Badil az-Zawri	11,891	0.3	3	1.38
MDS-Mouvement des Démocrates Socialistes	8,230	0.2	2	0.92
Mouvement du Peuple (Harakat ash-Sha'ab)	13,979	0.3	2	0.92
Other lists (8) & parties (8) (1 seat each)	98,768	2.4	16	7.72
Wasted votes (for non-winning candidates)	1,290,293	31.8	0	0
Total	4,053,148	100%	217	100%

Qualitative analysis of the elections

Participation:

Although the official turnout was 52%, this does not reflect the very disparate reality on the ground. In "normal" voting centres where enrolled electors could vote (54.1% of the total), the turnout was spectacular (86.1% approximately), with long queues, good manners and overflowing ballot boxes. Meanwhile, in the "special" voting centres for unenrolled electors (44.6% of the total) who could vote using their national identity cards, turnout was low all day long, reaching roughly just under 16%. As we have seen, this unequal turnout is related to the special circumstances in which the ISIE had to draw up the new electoral roll, in the middle of a transition period and amidst continual hurdles from ex-officials and ministries still loyal to Ben Ali. What is certain nonetheless, is that despite the huge enrollment campaign it mounted, the ISIE did not manage to convince large numbers of citizens to enrol, even after it extended the deadline for doing so.

Competition:

In the months following the fall of Ben Ali there was a proliferation of political parties, with more than 100 new parties legalized and still others not as yet legalized. Of the 115 parties that were allowed to compete in the elections only 75 did so. But only 5 actually fielded candidates in all 33 constituencies (27 national, and 6 abroad). These were Ennahda, the Congress for the Republic, Ettakatol-FDTL, the PDP and the Modernist Democratic Pole. The last of these was in fact a coalition of parties led by the Ettajdid Party, the former Tunisian Communist party, nowadays social-democratic in outlook. Among the multitude of parties taking part, there were also Neo-Bourguibist parties and lists and some made up of RCD dissidents, namely two parties led by ex-ministers of Ben Ali (Al Mudabara or The Initiative, and Al Watan), as well as two Salafist parties (Et Tahrir and Al Ajlass). In addition, there was much talk during the campaign in Tunisia about the "Tariq as-Salama Independent Democratic Alliance", led by Abdelfattah Mourou, the number two in Ennahda's predecessor the MTI. There was also much talk of the Free Patriotic Movement (UPL) led by the millionaire Slim Riahi - controversial for having made citizens gifts (telephone calling cards, sheep for the Al Ahd festival etc.) and promises (of jobs, money) in exchange for their votes.

In these elections parties that had been banned under Ben Ali were allowed to take part, including Ennahda, the CPR and the Tunisian Workers' Communist Party (PCOT) that ran under the name Badil az-zawri (Revolutionary Alternative).

Transparency:

These elections were fundamentally fair and transparent. However, the generally good organization of the process was tarnished by the delays in publishing the full definitive results (three weeks) and for the judicialization of the same (104 complaints presented) which produced several small changes, especially affecting the Al Aridha ash-Sha'biyyah list, led by the millionaire Mohamed Hechmi Hamdi. The provisional annulment of nine of Al-Aridha's seats provoked major riots in Sidi Bouzid, in Medenine and in Sfax, where it had won a good number of MPs. This decision was criticised by both the Carter Center, which sent a significant electoral mission to Tunisia, and the EU which had more than 200 observers around the country. Both called for the immediate publication of the full results, while the Carter Center questioned the procedure used by the ISIE against the 9 lists of Al Aridha.

Representation and debate:

The parties and independent lists, apart from the historic parties, have not had time to celebrate congresses and adequately elect their leadership. In the case of the independent lists, with a few exceptions they are scarcely representative.

A very lacklustre election campaign was the result of the restrictive measures used to guarantee equality among the competitors. As this Observatory reported, the official spaces allocated to candidates were very small and the three-minute slots reserved for each of the innumerable candidatures resulted insufficient and tedious.

Openness:

These were open elections confirming the victory of Ennahda in first place and the CPR in second, as the polls had predicted. However, between the last opinion polls in September and these elections, Ennahda's share of votes increased from 25% to 37%, the CPR also increased to 8% approximately, whereas other progressive secular parties such as the PDP along with Ettakatol, were punished by

voters with 2.7% and 6% of the final vote respectively. The surprise of these elections was Al-Aridha (6%) which did not even feature in the opinion polls; a result like the other trends mentioned, which confirms the openness of this electoral process.

Significance:

These elections have special repercussions not only for Tunisia but for the rest of the Arab countries currently in a transition process. They have been Tunisia's first free and democratic elections and the first since the Arab spring began in 2011. The success of the process must now be followed up by the work of the Constituent Assembly in which it will be necessary to seek consensus and find broad agreements among the major political forces. The agreement to share the three key state positions among three main parties - Moncef Marzouki of the CPR, President of the Republic; Mustapha Ben Jaafar of Ettakatol, Speaker of the Assembly; Hamadi Jebali of Ennahda, Prime Minister - is a step in the right direction. A lot of work remains to be done however.

Impact on the political system:

Given that these constituent elections are the first free and truly multiparty elections, they represent a tremendous step forward with respect to the sham elections of the Ben Ali era. Although the Constituent Assembly should not in principle last more than one year, following the terms of a pact agreed to by the main political forces, this will be an important phase of apprenticeship in negotiation among political forces that are diverse ideologically (secular and Islamist) but also between forces more or less linked with Benalism (such as Al Aridha and Al Moudabara) and those frontally opposed to it (Ennahda, the CPR and the PCOT).

At the same time, these elections have served as a first filtering of the parties and independent lists, eliminating from the parliamentary game and even from politics - given that many will disappear - innumerable parties without a real political base. It is significant in this respect that the winning political forces are, with the exception of Al Aridha - whose success is owed in great part to a phenomenon of media populism - the parties most opposed to Benalism or those which the population have identified thus (Ennahda and the CPR).

International political reaction:

The European Union, very present in the whole process, congratulated the Tunisian authorities for the outcome of the electoral process. The European Council for Foreign Affairs which met in Brussels on 14 November 2011 congratulated Tunisia for having organised democratic, peaceful elections, and congratulated the winning party Ennahda. It also urged the new Constituent Assembly to work quickly to re-establish a rule of law. The EU additionally congratulated the good turnout of the Tunisian people and recalled the "positive evaluation" of the report made by its electoral observation mission. Jerzy Buzek, the speaker of the European Parliament extended his congratulations on an official visit to Tunis on 30 October.

The spokesman for the French Ministry of Foreign Affairs, Bernard Valero, congratulated the winning party Ennahda, and all those elected in the elections, after recalling that these were the first democratic elections of the Arab Spring. The USA meanwhile, was one of the first to react, on the very same 23 October

when President Barack Obama hailed all those Tunisians who had voted in this historic election, after having inspired the whole world launching the democratic Arab Spring. Hillary Clinton highlighted the free nature of these elections - a first for Tunisia - and their repercussions for other countries.

Conclusions:

These elections were orderly, free and transparent, with a minimal but sufficient turnout. Both our quantitative and qualitative analysis indicate that these elections were above international standards. Any evaluation should take into account the radical change they suppose with respect to decades of sham elections and well-rooted authoritarian practices. It is certain that there were errors of organization and that there were some irregularities - such as the presence of campaign propaganda, vote buying and campaigning - at some polling centres. The financing of some parties left doubts as to the effectiveness of the law banning foreign financing. It is also true that the ISIE should have made public the full results much sooner than it did, and should have used solid criteria when it provisionally invalidated some of the winning lists of Al Aridha. Fortunately, the Tunisian Administrative Tribunal demonstrated that the ISIE's actions were not sufficiently justified and ordered 7 of the 9 annulled seats to be restored. The post-electoral behaviour that took place should also be investigated - both the violent protests in Sidi Bouzid, Medenine and Sfax, and the protests and pressure of secular groups outside the ISIE's headquarters. All in all, the irregularities that were signalled were never systematic and the errors that did occur in communicating data or in responding to complaints only slightly affect the bulk of the results.

It is true that many of the young protagonists of the Tunisian revolution feel defrauded by the results and think that the Islamists have exploited their efforts. It remains to be seen whether the Tunisian transition will begin to generate economic, social and political achievements to satisfy these sectors of society, or whether, on the contrary, they will head back onto the streets disappointed by the lack of results. In any case, this first democratic electoral experience for Tunisia has set up the foundations for a new regime, has stabilized the transition towards democracy and does constitute a very positive precedent that other Arab countries in similar circumstances can take note of.

Reference to other similar analyses on the Internet:

-Preliminary declaration of the European Union Electoral Mission to Tunisia, dated 25 October 2011, available at:

http://www.eueom.eu/files/dmfile/declaration-preliminaire-moe-ue-251011_fr.pdf

-Provisional analysis of the Carter Center Electoral Mission to Tunisia, published on 10 November 2011, available at:

http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/tunisia-post-polling-111011.pdf