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PRE-ELECTION
TECHNICAL ASSESSMENT

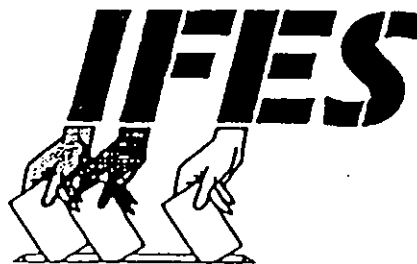
TUNISIA

December 15 - December 22, 1993

Jeff Fischer

Dr. Clement Henry

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INTERNATIONAL FOUNDATION FOR ELECTORAL SYSTEMS

Pre-Election Technical Assessment:

TUNISIA

December 15 - December 22, 1993

Jeff Fischer

Dr. Clement Henry

January 31, 1994

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A PRE-ELECTION TECHNICAL ASSESSMENT:

TUNISIA

December 15 through December 22, 1993

I. EXECUTIVE SUMMARY

The International Foundation for Electoral Systems (IFES) is a nonprofit organization which provides technical services and research support for election authorities and other institutions in emerging, evolving and established democracies.

IFES conducted a pre-election technical assessment in Tunisia from December 15 to 22 1993 in anticipation of presidential and parliamentary elections on March 20, 1994. The delegation consisted of Jeffrey Fischer, IFES Chief of Staff and Dr. Clement Henry, professor of government and Middle East Studies at the University of Texas at Austin. This assessment mission was made possible through a grant provided by the United States Agency for International Development (USAID), through the Near East and South Asia Bureau and the Global Affairs Bureau.

In their assessment of the electoral process, Mr. Fischer and Dr. Henry met with representatives of the ministries of Foreign Affairs, Interior and Justice. The delegation met with representatives of the ruling party as well as the major opposition parties. Academics and retired government officials were also consulted.

On December 22, the Tunisian Parliament passed a new electoral code which introduced a limited proportional representation into the election of Members of Parliament. Under this new legislation, it is widely believed that opposition parties could win up to 19 seats. All 141 seats in the Parliament are now occupied by members of the ruling Democratic Constitutional Rally (RCD). This mission offered the unique opportunity to discuss the new law in its final days

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before passage and assess the impact of these statutory changes on political life, campaigns and the electoral process.

These changes must be evaluated in a context which includes politics, geography and recent events in Tunisia. For example, the volatile political situations in Algeria and Egypt were cited by many of those interviewed as examples of breakdowns in the political and security elements in a society which Tunisians want to avoid at home. This justification appears at the forefront of President Zine-El-Abidine Ben Ali's actions against political activity by Islamists.

The administration of elections is divided among ministries, levels of government and special commissions. The campaign for national office is two weeks long with a moratorium on political activity the day before voting. The RCD has developed a dominant political position in terms of elected officials, resources and membership. Opposition parties include the Movement of Social Democrats (MDS), Ettajdid (former Communist Party of Tunisia), Popular Unity Party (PUP), Progressive Socialist Rally (RSP), Social Party for Progress (PSP), Unionist Democratic Union (UDU), and the illegal Nahda Party. Most opposition parties have taken the step of announcing their endorsements of Ben Ali for re-election.

This report makes several recommendations including further changes to the association and electoral laws; consolidating the administration of elections into a single, independent authority; greater political openness; lengthening the period of political campaigning; centralizing the system of voter registration; changing the multiple ballot system; using security seals on ballot boxes; and, reducing the number of polling stations. It also recommends the invitation of an international observers delegation to observe the conduct of the campaign and polling day activities.

II. INTRODUCTION

The International Foundation for Electoral Systems (IFES) is a non-profit, nonpolitical and nonpartisan foundation established in 1987 through a grant from the United States Agency for International Development (USAID). The IFES mandate is to provide technical services and research support for the electoral authorities and other institutions in emerging, evolving and established democracies. Since its inception, IFES has worked in over 65 countries. IFES project activities include pre-election technical assessments, on-site technical assistance, election worker training, election commodities, voter and civic education and election observation. IFES research support includes the establishment of an election resource center, organizing conferences and publications.

IFES sent a delegation to Tunisia to conduct a pre-election assessment in anticipation of the presidential and legislative elections scheduled for March 20, 1994. The delegation, consisting of Jeffrey Fischer, IFES Chief of Staff, and Dr. Clement Henry, professor of government and Middle East Studies at the University of Texas at Austin, proceeded to visit Tunisia from December 15, to 22, and consulted with government officials, political party leaders, and independent observers. This delegation was to have been accompanied by Adila Laïdi, Program Officer for North Africa and the Near East and project manager for this mission. Shortly before the initiation of the mission, however, Tunisian government representatives rescinded her invitation, stating their expectation that the assessment team would include only American citizens. As a result of this change, the IFES team lost its Arabic speaker and three days of on-site work time while the issue was under discussion.

The team's objectives were to review the following subjects :

- The role of the government, the ministry of interior, and the national electoral authority

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in election administration;

- Review of the constitution, the electoral map, law and ancillary legislation;
- Establishment and maintenance of voter registries;
- Civic education and voter information and motivation;
- Political parties' participation and attitude to the electoral process;
- Distribution, collection and security of ballots;
- Voting process;
- Identification of election equipment self-sufficiency;
- Vote tabulation and certification of results;
- Framework for adjudicating grievances before and after the election;

On December 22, the Tunisian Parliament passed a revised electoral law which defined new proportional representation rules for the election of some of its members. Under this new legislation, up to at least 19 seats may be won by members of opposition parties. The ruling Democratic Constitutional Rally (RCD) holds at present all 141 seats in the legislature.

The IFES delegation studied the impact of these statutory changes on the political life, campaigns and electoral processes of the country.

III. CONTEXT OF DEMOCRATIZATION

On November 7, 1987, Prime Minister Zine-El-Abidine Ben Ali deposed President-for-life Habib Bourguiba from the presidency of Tunisia and announced a new era in the country's public life. Ben Ali's Declaration of 7 November 1987 is often cited as the foundation of Tunisian efforts to democratize its political system. While assuming the presidency and command of the armed forces, he declared that "Our people have attained a level of responsibility and maturity that enables all of its elements to contribute constructively to managing its affairs in conformity with the Republican idea, which confers full authority to institutions and guarantees the conditions for a responsible democracy.... Our people are worthy of an advanced and institutionalized political life, based on multipartyism and a plurality of mass organizations." Ben Ali promised constitutional reform and new laws for political parties and the press "susceptible of assuring broader participation for constructing Tunisia and consolidating its independence in the framework of order and discipline."

President Ben Ali has fulfilled his promises to amend the constitution and introduce new laws, but the perceived need for order and discipline has severely restricted moves toward more pluralism or democracy. Many Tunisians with whom the delegation met argued that their people are not sufficiently politically mature and susceptible to those who try to put Islam to political uses, and that Tunisia is a small and vulnerable country potentially subject to pressures from its Algerian or Libyan neighbors. Against these arguments others suggest that the Ben Ali administration has played upon the apprehensions of political Islam and concerns about political developments in neighboring countries to maintain restrictions on political activity even if democratization and pluralism are an integral part of the declared political strategy of the Ben Ali administration. Supporters and opponents of the administration both admit that steps toward more democracy and pluralism will enhance its legitimacy. In this perspective the elections scheduled for March 20, 1994 may have real significance. The extent to which they are regarded as fair and transparent may be a measure of the Tunisian administration's ability to

meet its public commitment to establish democracy and pluralism:

As government officials and political supporters of the administration admit, however, these elections must be considered as only a modest step toward more democracy and pluralism. For reasons discussed below, the legislative elections will be only marginally competitive, and there is only one candidate for President. The administration asserts that Tunisia cannot afford at this time to take more decisive steps because geography and other factors pose serious constraints.

A. Geographical Context

Tunisia is situated between two more powerful yet politically unstable neighbors, Algeria and Libya. To the west, Algeria is currently racked by a virtual civil war caused by some Islamist factions who resorted to armed insurrection after being deprived of the fruits of their overwhelming victory in the first round of legislative elections held in December 1991. The Tunisian authorities point to the Algerian situation as proof of their own wisdom in not according the Nahda, Tunisia's largest group of political Islamists, official recognition as a political party. Armed conflict has not crossed over into Tunisia where the government has systematically stepped up the control of the Islamists since 1991.

Relations with its other neighbor, Libya, are also fraught with risk. Though official relations between the two countries improved after 1988 when the Libyans opened their borders to commerce, Tunisians cannot forget the armed insurrection in the southern town of Gafsa in 1980 attributed to Libyan intervention.

Yet if Tunisia lives in a tough neighborhood which has encouraged big increases in its defense budget since the mid-1970s, the country's northeast shores are only 90 miles from Europe. Historically as well as geographically, Tunisia is close to Europe and cherishes a Mediterranean

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as well as an Arab-Islamic identity. Its educated strata have been steeped in French as well as Arab culture. Tunisia's European legacy is also perpetuated by a bilingual educational system and reinforced by interactions with a Tunisian migrant community in France of over 400,000. Hence Tunisia's rulers perceive not only political threats from its immediate neighbors but also a constant challenge to emulate the democratic practices of its Mediterranean neighbors. As a result, while Tunisia's geographic situation serves as an excuse to constrain democratic development, it also acts as a constraint on some authoritarian practices.

Yet Tunisia, ruled as a French protectorate from 1881 to 1956, has not typically experienced political pluralism until recently. Under the protectorate, Tunisians were permitted very little political participation, and political activity occurred almost exclusively within the dominant nationalist party. Two brief periods of political pluralism left bitter legacies. In 1937, Bourguiba's Neo-Destour party fought against another, older nationalist party and decisively defeated it in mass political demonstrations. In 1955, a rift developed within the Neo-Destour between Bourguiba, president of the party, and Salah Ben Youssef, its secretary general. Ben Youssef was calling for immediate independence, whereas Bourguiba accepted the idea of internal autonomy as a step toward independence. After the "Youssefistes" were defeated at a party congress, they took up arms against Bourguiba. With the help of French arms, Bourguiba's forces then eliminated Ben Youssef from the political scene. There seemed to be no room for significant differences of opinion within the ruling party; as long as Bourguiba ruled the country, he insisted on a monolith "without cracks."

The population is relatively homogeneous. Virtually the entire population is Muslim, as most Tunisian Jews emigrated to France or Israel after independence. With the exception of a small minority which follows the Sunni Hanafi rite, Tunisians are Sunni Malekites. A very small minority still speaks Berber, but everyone speaks Arabic as well. The population's principal cleavages are geographic. Bourguiba's political elite and President Ben Ali as well were predominantly from the Sahel (the northeastern Mediterranean coastal area around Sousse) while

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much of the Tunisian business elite come from the southeastern areas of Sfax and the island of Djerba. Regional rivalries exist in Tunisia but they are muted and crosscut by other rivalries between personal clans and clientèles which ally individuals from diverse regions. They do not threaten Tunisia's very strong underlying homogeneity.

The Tunisian population, as President Ben Ali indicated in his Declaration of November 7, 1987, seems well-positioned to practice greater democracy. It is a relatively well-educated population. Earlier campaigns of Bourguiba for family planning have also yielded results. With a population growth rate of only 1.9%, lower than that of any other Arab country, it can aspire to sustain economic growth rates well in excess of its population's and improve its people's quality of life, measured in terms of health, education, and longevity.

Economically Tunisia seems potentially well-positioned for greater democracy. Tunisia's adjustment program launched in 1986 has been praised as a model by the International Monetary Fund (IMF) and the World Bank. Like Morocco, Algeria, and Egypt, Tunisia experienced a balance of payments and international debt crisis. However, it reacted quickly once the crisis hit. The management of the economy has been prudent, as reflected by relatively healthy macro-economic indicators. After 8.6% growth in 1992, the only blemishes in 1993 were relatively low foreign currency reserves and a decrease in total investment, which was running 26% below that of 1992 and included virtually no private foreign investment.

Some Tunisians portrayed their country as another potential dragon like Singapore and Taiwan, but others stressed that Tunisia was merely benefiting from an unprecedented three successive years of rainy seasons and successful harvests and that the low reserves and lack of foreign investment reflected deeper structural imbalances that decision-makers had so far failed to address. For instance, despite repeated calls since 1986 for financial liberalization, interest rates remain tightly regulated. On November 7, 1993, President Ben Ali went so far as to call for a reduction by 2% of prevailing interest rates, to aid public and private enterprises reeling under

the impact of heavy interest payments. The banking system loyally implemented the presidential directive, but at the cost of discouraging foreign capital. As a banker explained, the new rate of little more than 8% could not attract foreign currencies earning 4% on international markets because the cost of hedging for a possible depreciation of the Tunisian Dinar cost an additional 4%.

B. The Pace of Democratization

Under Habib Bourguiba, who had led the independence movement and then ruled the country from 1956 to 1987, Tunisia was a single party-regime until 1981. The President had consolidated personal power by 1958 at the expense of meaningful discussion and debate within the ruling party and then embarked in the 1960's upon centralized state planning and control over most aspects of Tunisia's economic life. Faced with widespread discontent, Bourguiba halted the state socialist experiment in 1969, long before similar experiments were halted in other parts of the Arab world. Suffering from the political backlash, and in poor personal health, Bourguiba then tolerated a measure of pluralism and political debate within the party in the early 1970's, but he again seized the reins of power and was proclaimed president for life in 1974.

Politics revolved about the presidency and a covert struggle for the succession as Bourguiba's health declined. Enjoying historic legitimacy as Tunisia's founding father, the President continued to dominate the political landscape but was persuaded in 1981 to allow opposition parties to contest the parliamentary elections. Two opposition parties, the Movement of Socialist Democrats (MDS) and the Tunisian Communist Party (PCT), participated in the elections, but the ruling Destour Socialist Party (PSD) won all the seats. A fourth party, the Movement of the Islamic Current (MTI), was not allowed to participate. The opposition boycotted the 1986 elections because the count in the 1981 elections had been reportedly falsified. There is widespread belief in the report that the MDS had won 25 to 30 per cent of the vote although

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official returns gave it less than 4%.

Ahmed Mestiri, the leader of the MDS, had founded the Tunisian League for Human Rights (LTDH) in 1978, and it maintained a precarious but autonomous existence throughout the 1980's. Organized labor, suppressed in bloody demonstrations in 1979, showed occasional vigor in the mid-1980's. Habib Achour, the leader of the General Union of Workers in Tunisia (UGTT), was in and out of prison until 1985, when the regime multiplied professional cells to challenge autonomous trade union leadership.

The major social force escaping party control were the Islamists. Though their party, the MTI, was not officially recognized, the Islamists constituted the principal threat to Bourguiba's regime. In 1986 and 1987 they staged a series of sporadic demonstrations in downtown Tunis. The arrest and trial of some of their leaders in 1987 proved to be the catalyst for Bourguiba's downfall. A civil tribunal had just handed out light sentences to Islamist activists, including their leader, Rachid Ghannouchi. Bourguiba is then reported to have insisted that they be retried and Ghannouchi, at least, condemned to death. Rather than carrying out these orders which would have further tarnished Tunisia's international reputation, already damaged by Bourguiba's arbitrary rule, Ben Ali invoked Article 57 of the Constitution and declared that Bourguiba was no longer fit to carry out his presidential duties.

On assuming the presidency, Ben Ali inherited an autocratic, highly centralized political regime tailor-made for the founding father who, despite his excesses of old age, still enjoyed some legitimacy by virtue of his historic role. The new President promised substantial political and constitutional change.

C. Recent Events

Supporters of Ben Ali point to steady progress away from Bourguiba's brand of authoritarianism. The constitution was amended so as to abolish the presidency for life and to limit its term of office to three five-year terms. A law regulating political parties was passed on May 3, 1988, less than six months after Ben Ali assumed power. Meanwhile the PCT had participated unsuccessfully in by-elections held in December, 1987, to replace five members of parliament arrested when Bourguiba was deposed.

New presidential and legislative elections, scheduled for November 1988, were postponed to April 9, 1989, to give opposition parties time to organize. Meanwhile Ben Ali broadened the National Pact, originally developed in 1981 between the ruling party and its affiliated business, women, and labor organizations, to include opposition parties. They rejected his offer to participate in joint electoral lists with the ruling party and be assured of automatic representation in parliament. They contended that a loyal opposition should be able to compete for votes. In the end, five opposition parties, approved under the new law for political parties, presented candidates in the 1989 elections. The Islamists, who renamed their party the Nahda (renaissance) so as to avoid illegal references to Islam, were not recognized but were nonetheless permitted to run independent lists of candidates in 21 of Tunisia's 25 parliamentary constituencies. While the electoral law gave all the seats of each constituency to the list receiving the majority of the votes and prevented the opposition parties from winning any seats, these elections contributed to the institutionalization of a multi-party system. Most importantly, the Islamists established themselves as the second political movement in the country behind the RCD with an official average of 18% of the votes garnered in districts where they fielded candidates, and as much as 30% in some rural areas.

Disappointed by the outcome of the 1989 elections, critics argue that little had changed since Ben Ali came to power. The ruling party, reorganized and renamed the Democratic

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Constitutional-Rally (RCD), took all the seats in parliament and retains a monopoly of power. Opposition parties boycotted the municipal elections of 1990, and only one list of independents successfully contested the ruling party. In efforts to respond to this criticism, the electoral law has been changed so as to assure the opposition parties some representation in the parliament that will be elected on March 20, 1994.

Critics argue that Ben Ali has used the Islamist threat to consolidate a system of government that is less tolerant of competitive political power than was Bourguiba's. Within months of becoming president, Ben Ali reduced the role of the prime minister from head of government to "coordinator" of its ministries and took over many of the office's functions. He considerably increased the number of officials and advisors attached to the presidency and intervened more systematically than Bourguiba into the day-to-day affairs of government. He has also considerably expanded the number and activities of police and security forces. These numbers and activities have provoked the recent establishment of a human rights section in the Ministry of Justice which was reported to have investigated 140 cases brought to its attention in the past year and to have taken action in 60 of them.

Shortly after assuming power, Ben Ali released and amnestied over 2000 prisoners, many of whom were Islamists incarcerated by the Bourguiba regime. Though the security forces declared uncovering a plot by an extremist faction to assassinate major government leaders, including Ben Ali, the new administration engaged in political dialogue with the mainstream Islamists, including Ghannouchi, until 1990. Despite the participation of one of its members in the deliberations in the National Pact, however, the Nahda was not recognized as a political party. After the elections of 1989, relations between the Nahda and the authorities deteriorated. By early 1991 the director of Nahda's newspaper, Al Fajr, was claiming that four to five hundred party members were in jail. In March, extremists raided RCD headquarters in downtown Tunis and a nightwatchman died under particularly gruesome circumstances. In late summer the authorities purported to discover a new plot against the regime, though the evidence did not

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convince the international press. The crackdown on Islamists intensified, and by 1992 thousands were in and out of jail. Amnesty International conservatively estimated in its report released on January 12, 1994 that at least 1,020 political prisoners were in jail, and arrests were continuing on a regular if less frequent basis. Amnesty International also documented ten instances of torture and inferred that the practice was widespread. Other groups such as the Lawyers Committee for Human Rights have also denounced the systematic use of torture in the country.

IV. LAWS AND REGULATIONS

A. Constitution

Tunisia's constitution was originally adopted in 1959 as a framework for Bourguiba's exercise of personal power. It is a presidential system in which legislative powers are seriously circumscribed. Unlike those of many one-party systems, however, the Tunisian constitution does not mention parties, much less institutionalize a ruling one. In theory parliament could balance presidential power more effectively if it were not dominated by a single party. Consequently the constitution offers flexibility to a president who is committed to further democratization.

The constitution stipulates that the President and the National Assembly are elected to five-year terms. Since they were last held concurrently in April 1989, the scheduling of the forthcoming elections for March 20, 1994, meets the constitutional requirement.

B. Electoral Law

Amendments to the electoral law of 1988 were passed by the National Assembly on December 22, 1993. Provisions regarding the presidential elections remain intact. To be nominated, a candidate must be supported by at least thirty Tunisians who are either members of parliament or presidents of municipalities. The latter are appointed by the government from each list of candidates elected in municipal elections. At present all of the MPs and all but one of the mayors are members of the ruling RCD. Thus, barring an unlikely split within the party, it is inconceivable that any candidate might oppose Ben Ali in the 1994 elections. It also seems unlikely, unless this provision of the electoral code is changed before the 1999 elections, that President Ben Ali will face opposition to a third term of office. The government will continue to name the mayors after the 1995 municipal elections, and the number of opposition deputies

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to be elected to the National Assembly are not expected to exceed the nineteen allocated under the new electoral law.

The new amendments preserve the system of majority list voting but modify it with a system of proportional representation at the national level. The number of seats in the next Chamber of Deputies will total 163, each seat representing an average of 52,500 inhabitants. A total of 144 of the MPs will be elected in various districts on the basis of a winner take all system whereby the list which receives the most votes wins all the seats in that district. The 19 remaining seats will be allocated proportionally according to the total votes won by slates which did not receive the majority in each district. The RCD is expected to take all of the 144 seats. The other Winning candidates will be selected from the lists that won the highest proportion of votes. For example, assume that one of the smaller parties received enough votes to win two of the 19 seats. Its two members of parliament would be those who received the highest proportion of votes won by the party in the two electoral districts where it did best, even if they received only 3% or 4% of the vote. The system encourages parties to run lists of candidates in as many districts as possible but makes it difficult for the party to select its winners in advance. However, the suggestion that each party select a national list was rejected on the grounds that the voters, not the party leadership, should choose their deputies to the National Assembly. The ruling party, by contrast, is expected to select its candidates according to internal party procedures which give most of the authority to its president, Ben Ali and his advisors.

Proportional representation will discourage alliances among the opposition parties and encourage their fragmentation. Moreover, the new system of proportional representation makes it virtually impossible for a list of independents to get enough votes in one district to defeat parties running in numerous districts. With most of its leaders in jail or in exile and its sympathizers adopting a low profile to avoid arrest, the Nahda in any event has little prospect of organizing lists of independents as it did in 1989. It is legally possible, as in 1989, for lists of independents to run for seats in the National Assembly and to receive campaign financing and media coverage.

However, unless such a list beats the ruling party, it would stand little chance of winning any seats against parties fielding lists in a number of electoral districts.

The electoral law specifies that the campaigns for the presidential and legislative elections are to take place during the two weeks prior to the election. It will start officially on March 6, and end on the 18th. For the first time, candidates are to receive funds in proportion to the number of electors in their constituencies. A first half of the subsidies is disbursed to all candidates. After the elections, a second half of the subsidies is disbursed to presidential candidates who receive at least 5% of the vote and also to legislative slates which garner at least 3% of the vote.

Critics of the law argue that majority list voting should be abandoned in favor of pure proportional representation, or at least greater weight be given to proportional representation than the current law allows. Alternatively, smaller constituencies with two rounds of elections might encourage alliances between opposition parties and give them a better chance of winning seats. The opposition parties would also prefer, under the present system, to have their victorious candidates selected from national lists drawn up by their respective party headquarters.

C. Other Relevant Laws

The law governing political parties passed in 1988 has been applied so as to restrict the legal opposition to six parties while excluding others, such as the Nahda but also at least four other smaller parties, including that of Bourguiba's former economic czar, Ahmed Ben Salah. In 1989, after being granted amnesty and permitted to return to Tunisia, Ben Salah was placed under such tight surveillance that he could not even entertain friends for dinner without being accused of breaking the law by holding a public meeting without permission.

Legally recognized parties also operate under fastidious rules and regulations. The law of 1988

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gives them permission "without any special authorization" merely to collect dues from its members and to manage the offices and equipment designated for party meetings. On all other matters they are legally required to consult or provide information to their tutelary agency, the Ministry of the Interior. Within seven days of creating new sections or secondary associations, for instance, the party leaders are obligated by Article 13 to report the last and first names, dates and places of birth, professions, addresses, and identity card numbers of each section's leaders, together with "the exact address" of each section or secondary group. Article 15 requires them to report any changes within seven days. In theory any meeting held outside a party's offices requires special permission.

The law also contains a "controls and sanctions" chapter. In it, Article 16-3 states that parties are obliged to present their annual accounts to the *Cour des Comptes*. Article 25 details party leaders' actions punishable by a maximum of 5 years imprisonment. Its fourth paragraph mentions as an offense a :

"(...) democratisation action of the nation in the goal of troubling public order or to undermine the internal or external security of the State".

Legally recognized parties have been prevented from holding informal meetings without permission. One example was reported to have happened on Sunday, December 12, 1993. A luncheon organized for some 30 cadres of one of the opposition parties could not take place. Police blocked all the accesses to the home in the area of La Marsa where it was to have been held. On the very same day, however, another opposition party held a meeting successfully in the ruling party's historic stronghold of Ksar Hellal. The legislation granting parties the freedom to organize can be selectively applied. Most of the opposition parties claim, however, that the local authorities have acted less restrictively in recent months.

This law on associations is also relevant to the forthcoming elections. An amendment to the law

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passed in 1992 required associations to open their membership to the general public. As a result, the Tunisian League of Human Rights (LTDH) temporarily suspended its activity rather than face the threat of being flooded by RCD activists who would undermine its activities. Its leader was briefly arrested but a compromise was reached whereby the organization resumed its activities. The 1992 amendment stipulated, however, that those who "assume functions or responsibilities in the central organization or direction of a political party" could not be leaders of any association of a general character, such as the LTDH. Consequently some opposition party leaders had to choose between their partisan and LTDH activities. Some informants argue that the League, restricted by the new legislation, was no longer capable in 1993 of fulfilling its original mission. The government had meanwhile created a number of other organizations ostensibly committed to protecting Tunisians' human rights, including special units in the ministries of Justice, Social Affairs, Interior, and Foreign Affairs, coordinated by a special advisor in office of the president.

Other relevant legislation includes a press law passed in 1988 which offers greater freedom. Newspapers, including those of opposition parties, have proliferated under Ben Ali's presidency. However, some newspapers have not been permitted to publish freely, and one lively independent paper, *Le Grand Maghreb*, published in both French and Arabic, ceased publication in 1989 when its publisher was jailed for many months, allegedly for financial irregularities. *Al Fajr*, the organ of the outlawed Nahda Party, is no longer published, and its chief editor is in prison. Some of the opposition party newspapers are subsidized by the government, but other independent newspapers experience financial difficulties. They must depend largely on advertising, yet much of Tunisia's publicity is in effect managed by a parastatal enterprise, the *Agence Tunisienne de Communications Exterieures*, controlled by the Ministry of Information. Even Tunisia's oldest independent daily, *As-Sabah*, has lost a number of public sector clients since 1991. Other more controversial papers have experienced difficulties generating private sector business because businesspeople shy away from any appearance of supporting an opposition that does not enjoy official favor.

V. ELECTORAL INSTITUTIONS AND OFFICIALS

Election activities are administered by the Ministry of the Interior with certain responsibilities delegated to local governments, governors, special commissions, the Constitutional Council, the Ministry of Justice, the Court of Appeals and the president of the Republic.

Local government is organized as follows:

- 25 Governorates & *conseils régionaux*.
- 254 Delegations (*Mu'tamadiyyate*).
- 2044 Sections (*Imadas*)
- 250 Municipalities.

The local offices of the *chefs de section* and *présidents de municipalité* have responsibilities for posting the lists of registered voters for review, issuing voter identity cards and processing requests for claims and objections to the voter registration list.

Governors select the locations of all polling stations in their jurisdictions and appoint the three poll workers assigned to each station.

All litigation concerning voter registration must be heard before Commissions for Revision. These commissions are composed of the following members:

- The Governor or his representative, serving as president of the commission;
- A judge appointed by the Ministry of Justice serving as a member; and
- Three voters of the administrative unit appointed by the Ministry of the Interior, serving as members.

All claims challenging the outcome of election must also be placed before a special commission.

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This commission is composed of the following members:

- A judge appointed by the Ministry of Justice, serving as president; and
- Two voters nominated by the government and selected by the Ministry of the Interior.

The terms of office, and hence election years, are specified in the Tunisian constitution. Specific election dates are declared by the president of the Republic.

Official declarations, election results and other public document concerning election are published in the Journal of the Tunisian Republic.

Voters are assigned to 13,800 polling stations of the 25 governorates for the March 20 elections. There are 150 to 300 voters assigned to each polling station. Election day is organized around ten hours of voting time. (Appendix I is a sign announcing the location of a polling site). The election law requires that polling stations be identified seven days in advance of voting. Candidates are permitted to have local observers who are registered voters of the district present to observe voting and the vote counting process. At the close of the polling stations, ballots are counted at the polling station and these results are taken to 20 counting locations within each of the 25 governorates. A copy of the tabulation form or *procés verbal* is shown as Appendix II. Vote tabulation forms are executed for the summary totals for all polling stations within these jurisdictions. These summary results are sent by telex from the 25 units to the central offices of the Interior ministry and the commission certifying the results.

VI. POLITICAL PARTIES AND CAMPAIGNING

A. Democratic Constitutional Rally (RCD)

Originally founded in 1934 as the Neo-Destour, a breakaway from the old conservative nationalist movement, the Destour (constitution) Party, founded in 1929, it engaged for the first twenty years of its existence in a continual political struggle with the colonial authorities. Its leader, Habib Bourguiba, spent ten of these years in prison, along with many of his associates. Despite systematic repression by the authorities in 1934, 1938, and 1952, the party sustained a clandestine organization and penetrated various sectors of civil society with trade union, business, student, youth and women's associations. By independence, the party was in a position to dominate Tunisian politics.

By the late 1950's, President Bourguiba succeeded in transforming the party into an instrument of government. Its democratically elected federations were suppressed, and gradually over the years its higher deliberative bodies were turned into vehicles of personal support. After 1974, Bourguiba personally appointed the members of the Political Bureau. The Central Committee, elected by the party congress, was also in effect personally appointed by the President.

When he replaced Bourguiba in 1987, Ben Ali had to choose between maintaining the political controls of the single-party system and disbanding the party in favor of November 7 committees which mushroomed in late 1987. In the end the decision was taken to keep the party but invigorate it with new blood in keeping with the new spirit of Tunisian politics introduced by Ben Ali. The decision had the paradoxical result of reinforcing centralized controls. Ben Ali continues to appoint the Political Bureau, and the centralized authority also nominates 120 of the 200 members of the Central Committee. At the local level a new element of control has been introduced in the cities and communes. Neighborhood committees (*comités de quartier*) appointed by the Ministry of the Interior have supplemented if not become in effect the

democratically elected party cells.

The party claims a membership of 1,603,447 (as of July 1993) grouped into 6,809 cells managed by 60,000 elected leaders. Between the committees of coordination exercising authority at the level of the Tunisian governorate and the democratically elected cells, the party has reintroduced federations. It manages 24 federations and 322 cells abroad, and it also maintains a committee of coordination in Paris. On paper the structure is impressive. Were all the party members to vote for the party, the RCD would automatically receive close to two-thirds of the national vote, assuming that all of the party members are actually registered to vote.

B. Movement of Socialist Democrats (MDS)

The MDS was founded in the late 1970's by Ahmed Mestiri, who had concluded from his unsuccessful experience in the early 1970s to introduce democracy within the ruling party that the time had come for significant opposition to be organized outside the party. He attracted a number of Destour party activists, especially from his home base of Tunis but also from many other parts of the country. The platform of the MDS is rather similar to that of the PSD/RCD, the main difference lying in its insistence on political pluralism and its emphasis on competence and accountability in carrying out the program. As a result, it has always been troubled by internal divisions over the issue of its relations with the ruling party. In 1981 President Bourguiba permitted the MDS, along with the Communists, to run opposition lists in the legislative elections against the ruling party. Since Bourguiba was already president for life, the question of "loyal" opposition supporting the incumbent president did not arise.

It is now generally accepted that the MDS won as much as 30% of the 1981 vote, not under 4% counted officially. The MDS has continued to organize at the grass roots throughout Tunisia since the 1989 elections. However, it has lost much of its leadership, including Ahmed Mestiri, who resigned and withdrew from politics. Mohammed Moadia succeeded Mestiri as the party's

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new leader. He had promoted Arab culture in line with the Islamists during the final years of Bourguiba's reign, but he subsequently rallied to Ben Ali's regime and became the first-party leader to support his renomination for the presidency in 1993. Moadia claims that the party has about 40,000 members and stands good chances of winning a plurality of votes and beating the ruling party in the upcoming legislative elections in Tozeur, his home town, and Jendouba, Sidi Bou Zid, and Medenine.

C. At-Tajdid (Movement for Renewal)

The Movement for Renewal is Tunisia's oldest surviving opposition party. Founded in 1919 as the Tunisian Communist Party (PCT), it became independent of the French Communist Party in 1934 but continued to follow the Comintern party line and never gained the support of many nationalistic Tunisians, who flocked instead to the Neo-Destour. It contested various Tunisian elections until 1962, when the authorities outlawed it for plotting against the regime. The party was permitted in 1981 to return to the political arena and contest legislative elections. In the words of its current leader, Mohammed Harmel, it has consistently played a "Salvation Army role" by "angelically" waging a loyal electoral opposition.

Less concerned than the MDS, apparently, about prevailing electoral practices, the party ran in the Tunis by-election of 1988 for a seat in the National Assembly, but Mohammed Harmel fared poorly. The PCT chose not to present lists in the 1989 elections because it rejected the majority system which guaranteed victory to the RCD. However, the Communists participated in lists of independent candidates and won 5% of the votes in the three districts where they competed.

In its reincarnation as the Movement for Renewal, Mohammed Harmel's party is committed to contesting the 1994 legislative elections and supports the presidential candidacy of Ben Ali. Harmel claims that he has won over 9% of the vote in Tunis. The party tries to position itself as a genuine opposition party, in contrast to the MDS, and it criticizes Tunisia's economic

policy. While criticizing the electoral law, for instance, as offering only a "soupçon" of proportional representation rather than a real revision of Tunisia's majority-take-all electoral system, the party is ready to work within the system. Harmel claims that the new party has lost some committed Communists but gained other members. They number in the thousands rather than the tens of thousands.

D. Popular Unity Party (PUP)

The PUP is a splinter party which broke from the Popular Unity Movement (MUP) established by Ahmed Ben Salah after his escape from jail in 1973. Ben Salah had directed the Tunisian economy from 1962 until 1969, when Bourguiba dismissed him and held him responsible for excessive state planning, notably in agriculture. Mohammed Bel Hadj Amor, an agronomist who had worked with Ben Salah, broke away from the MUP in 1981 to participate in the 1981 elections. His party, MUP II, after receiving less than 1% of the vote, was renamed PUP in 1983. It supported Ben Ali in 1987 and fielded lists in six of Tunisia's 25 electoral districts in the 1989 legislative elections, winning 2.6% of the vote in those districts. Ben Salah's MUP remained illegal, refusing to participate in the National Pact, though its leader was eventually amnestied and returned to Tunisia in 1990.

PUP possibly attracts a fraction of Tunisia's labor vote by stressing the need for social justice, but it is viewed by many as a prime illustration of Tunisia's "cardboard" opposition parties. It succeeded recently in holding a meeting in Ksar Hellal, the historic stronghold of the ruling party. Its leader claims a total membership of 12,400, far short of its objective of 50,000.

E. Progressive Socialist Rally (RSP)

Founded by a number of Marxist groups in 1983, the party tried to make a "Democratic Alliance" with the PCT to contest the 1986 elections, but it boycotted the elections after the

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government-jailed 14 of its members for belonging to an illegal organization. Reorganized by Nejib Chebbi in 1988, the RSP presented lists in 4 districts in the 1989 elections and joined slates of independent leftists in 3 other districts. It won about 3.5% of the vote in these provinces. It does represent a slightly more combative image than the other four opposition parties, however. It has not yet come out in support of Ben Ali's presidential candidacy. The RSP's brand of pan-Arabism converges with political Islam in opposing western imperialism.

F. Social Party for Progress (PSP)

Led by Mounir Beji, a law professor, the PSP is the only opposition party to advocate the privatization of Tunisian state enterprises. Recognized in 1988, it fielded lists in only three districts and won a bare 2.4% of the votes in them.

G. Unionist Democratic Union (UDU)

Founded by Abderrahmane Tlili, the son of the late Ahmed Tlili who led the General Union of Workers of Tunisia (UGTT) in the late 1950s and early 1960s, the UDU is the most recent of Tunisia's legal political parties, created in November 1988. Tlili is also the manager of TRAPSA, the state oil pipeline company. He positions himself as the most moderate of the opposition parties and seeks support from organized labor. In the 1989 elections it received 3.3% of the vote in 4 districts. Tlili claims a membership of 8,000, many of them from the UGTT, and expects to field electoral lists in at least two-thirds of the districts in 1994. He enjoys cordial relations with the Tajdid but the electoral law does not encourage formal alliances.

H. The Nahda

The Nahda (renaissance) Party was founded in 1989 by the leaders of the Movement of the Islamic Way (MTI), a movement inspired in 1979 by Khomeini's revolution in Iran. It

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represents most of Tunisia's Islamist forces, apart from the extremist fringes. It failed to achieve legal recognition under either Bourguiba or Ben Ali, for both leaders insisted on separating religion from politics. However, it remains Tunisia's principal opposition party. It plays upon the authoritarian nature of Tunisian politics, the weaknesses of alternative forms of opposition, and the economic and social as well as cultural grievances of many segments of the Tunisian population.

Since 1991 the authorities have repressed the Nahda systematically. Its known leaders are either in Tunisian jails or outside the country like its leader, Rachid Ghannouchi, who has been granted political asylum in the United Kingdom. Over a thousand Nahda cadres are in jail by conservative estimates and independent Tunisian estimates run from 3,000 to over 10,000.

Nahda officials claim that they did much better in the 1989 elections than official returns indicated. In the city of Sousse, for instance, Nahda sources indicated that its list won about 63% of the vote, whereas it was officially credited with only a quarter of the vote in the electoral district. The big discrepancy may be due to the fact that the electoral district of Sousse includes a number of outlying Sahel villages, historic strongholds of the ruling party.

Apparently Islamism is strongest in the cities, but the Nahda's lists of independents also did well in the south of the country.

As of this writing, the Nahda has not yet presented its definitive position concerning the forthcoming elections. After initially calling on Tunisians to boycott the elections, Rachid Ghannouchi is reconsidering his position in consultation with prominent secular Tunisian opposition leaders in exile. In a telephone interview with the IFES delegation, Rachid Ghannouchi reiterated the commitment of his party to democracy. He sought to compare his parties to the model of Islamist movements in Jordan, Kuwait, Turkey and Malaysia, which are legal parties that participate in coalitions with secular parties and respect the verdict of the polls.

He also indicated that he refused the demonization of his party by the government. He said that the Nahda remains committed to avoiding violence, preferring instead to encourage demonstrations and strikes if it is not permitted to contest freely. Ghannouchi also commented that the 1994 elections were merely a device whereby the "democratic windowdressing" (*dimoqratiyyat al-decor*) would be completed with the forced acquiescence of ineffective opposition parties, but that boycotting the polls may not be the optimal response.

I. Other Opposition Parties

In addition to Ahmed ben Salah's MUP, referred to earlier, Tunisia has at least four other opposition parties that failed to be recognized under the 1988 law.

The Tunisian Communist Workers Party (POCT) is illegal but has some following in the universities, the labor union and the Tunisian human rights leagues.

The Progressive Islamic Movement (MIP) is headed by Slaheddine Jorchi, editor of the Arabic section of the widely circulated weekly magazine, *Realités*. The fact that he is not in jail attests to his relative moderation and separation from the Nahda.

The Democratic Unionist Rally, also founded in 1981 to promote the integration of the Arab states, is headed by Bashir Essid.

Finally, the Islamic Liberation Party (PLI, Hizb At-tahrir), founded in Jordan in 1952, may possibly still operate in Tunisia, although a number of its leaders were tried and jailed in the mid-1980s. The PLI calls for the abolition of Arab secular regimes and a return to the caliphate as practiced by the Prophet Mohammed in the seventh century.

J. Political Campaigning

J. Political Campaigning

The electoral law controls many aspects of the campaign process. For national elections, campaigning occurs over a two week period in advance of election day. Local elections are allowed a one week campaign period. The electoral law details the procedures for holding meetings, literature distribution and the legal sizes for different categories of campaign literature.

The pre-electoral campaign has already resulted in numerous endorsements for Ben Ali's reelection. Many national organizations, including the UGTT, have expressed their support, and professional associations of lawyers, engineers, and the like have also rallied to the cause. The RCD was circulating petitions among university professors in late December that were difficult to refuse signing.

If the RCD runs a continual political campaign, the opposition parties are far more restricted in their activities. Members of illegal opposition parties constantly face the threat of arrest if they are not already in jail, and recently their sons and brothers have also faced various forms of administrative intimidation. The six legal parties enjoy more latitude, although one recent instance has already been noted of the police preventing a luncheon of party cadres. The law on political parties strictly limits their activities, which are closely supervised by the directorate of political affairs of the Ministry of Interior.

The authorities have agreed to subsidize party newspapers. Each of the six parties has at least one newspaper. One of the party leaders interviewed by the IFES team claimed that they had not yet received their subsidy but still managed to publish a four-page weekly.

One grievance shared by the legal opposition parties is their limited access to the state-controlled radio and television. One empirical study concludes that opposition parties had access to television about 0.76% of the time in 1993 and got even less radio exposure, about 0.65% of

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the time (Al Mawqif, 10 December 1993, p. 2). The electoral law stipulates that funding and access to the public media will be available during the two-week period prior to the elections. The radio and television time will be given to lists rather than to parties, however. In 1989 opponents complained that this procedure, which allowed two or three-minute spots, did not give them enough time to present a fair picture of their party program.

VII. CONSTITUENCY DELIMITATION

Electoral districts for legislative elections follow the administrative boundaries of Tunisia's 23 governorates. There are 25 districts because the governorates of Tunis and Sfax are each divided in two. Each district elects one deputy for every 52,500 inhabitants, and the average population of a governorate is over 300,000. This means each electoral list has five to seven candidates.

Some opposition leaders, like Abderrahim Tlili, favor single-member constituencies on the ground that opposition parties are weak in Tunisia and that, under the majority system of voting, independent candidates would stand better chances of election and be closer to their constituents. Other opposition leaders would prefer a system of pure proportional representation in which all parties compete nation-wide in a single electoral district. The authorities rejected this idea because it might produce, if not in 1994 then in some future election, a National Assembly too divided to insure a stable majority in support of the government.

VIII. VOTER REGISTRATION

In Tunisia voting registration is voluntary. Tunisians report however, that voter registration turns into a cumbersome effort not always resulting in one's name appearing on the list. Being on the list and not receiving a voter card was another complaint voiced in several meetings with the IFES delegation. After the 1989 election it was reported that people perceived by the authorities as being potential voters for opposition parties were systematically eliminated from the rolls. In his study of the Tunisian elections of 1989, Clement Henry Moore tested this hypothesis using the official election returns. According to his study, over one million Tunisians who were 20 years old or over, eligible to vote, were not registered in the 1989 elections--or, for that matter, in previous ones held under the Bourguiba regime. It also turned out that voting for the ruling party was negatively correlated with the percentages of eligible voters actually registered, when the results were compared by province and other factors explaining the RCD vote were also taken into account. That is, the fewer the people registered, the more those registered were likely to vote for the ruling party. However, it might also be argued that voter registration is a difficult task in some areas, especially in poor urban neighborhoods where there is much population flux. Whatever the explanation, the issue was being debated, and some of the opposition parties were demanding the reopening of the registration rolls before the 1994 elections. Though the officials the IFES team interviewed in the Ministry of Interior viewed such a request as administratively "impossible" to implement in time for the March 20 elections, shortly after the end of the IFES mission, a presidential decree exceptionally extended the review of voter registration lists for one month, starting January 10, 1994.

Each year, the voter list is opened for claim and objection revisions beginning on January 15 and ending on April 30 until the completion of the final list. Appendix III shows examples of press notices on voter registration. Names of registered voters are posted at the local offices of the 2,044 chiefs of sections. In the cities, there are 250 municipal jurisdictions where these postings occur.

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Voting eligibility is defined by the following basic criteria:

- **Being twenty years of age;**
- **Tunisian nationality of at least five years;**
- **Possession of all civil rights; and**
- **Not being mentally incapacitated.**

Police and active military are not permitted to vote. There are approximately 2.8 million voters in Tunisia. The Ministry of the Interior believes that 49% of the population is of voting age. There are no public figures for the number of police and military who would not appear on the list while on active status.

IX. ELECTION MATERIALS, EQUIPMENT AND OPERATIONS

Tunisia employs a multiple ballot system with different colored ballots representing different parties' lists of candidates. This system originated in France. In Tunisia, the voter signs in, the voter's card is stamped and he or she takes one of each of the ballots, takes them all into the voting booth and then selects the ballot of the candidates or parties supported, places it or them in blank envelopes and deposits the envelopes in the ballot box. A sample poll book is shown as Appendix IV.

In the March 20 election, each polling station will have two ballot boxes, one for the presidential ballots and one for the parliamentary ballots. Boxes can hold as many as 500 ballots. Each ballot box has two locks and the keys are given to two individuals. The ballots are placed on tables in the polling station. The number of ballots distributed to each polling station equals one of each for every registered voter plus 10%. There are no control numbers assigned to the ballots.

Unused ballots can be placed in a wastebasket in the voting booth (*isoloir*) or taken out by the voter. There is no statute or procedure directing the handling of unvoted ballots by the voter. Some of those interviewed also expressed concern that the envelopes used at the polling stations were not sufficiently opaque to mask the color of ballot they selected. The voting booth is constructed of a blue drape and rod which is mounted within the polling station behind which the voter makes his or her selections.

This can lead to irregularities, as in the practice of "chain voting" which was described on several occasions to the IFES delegation in Tunisia. "Chain voting" is a voter control technique which is illegal in many countries and otherwise widely regarded as unethical. A voter is paid to bring an unvoted ballot out of a polling station. In Tunisia with a multiple ballot system, the variation is that the unvoted ballots are brought out and shown to the organizer indicating that

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the "correct" ballot was placed in the envelope and voted. In another version, in areas where a particular party is dominant; the "chain voter" need only show his stamped voter card for payment, on the assumption he voted for the dominant party.

X. ELECTION OBSERVATION

Critics as well as supporters of the administration seem convinced of the need for fair and transparent elections. Opponents such as Rachid Ghannouchi initially called on Tunisians to boycott the elections, insisting that they cannot be fair and free as long as the principal opposition party is excluded from participating and scores of citizens are imprisoned without due process. However, they do not object to elections in principle. Other critics who are not part of the Islamist opposition point to past practices and the continuing hegemony of the ruling party as major constraints on the electoral process. Supporters argue, however, that it is very much in the interests of the administration to correct past excesses and to hold fair and free elections, to prove Tunisia's commitment to a gradual and orderly process of democratization. By definition, democracy presupposes that competition in a free and fair election is structured so that an opposition party or coalition of parties has some chance of coming to power, that the ruling party or parties run the risk of losing their majority. The elections scheduled for March 20 do not appear to meet this criteria. First, there will be only one presidential candidate. Secondly, in the legislative elections, the RCD is expected to win pluralities in each of the district elections, giving it 144 seats out of a total of 163.

However, the December 22 changes to the electoral law and the envisioned composition of Parliament will mark the March 20 election as a unique event in the political life of the country. An election observation mission could serve as an expression of interest and encouragement by the international community in this step toward the development of a pluralistic political system.

The scope of activities and conclusion of an observation mission must be carefully designed. A team of twelve international election observers could be deployed in-country shortly before election day and conduct interviews with government officials, local leaders and politicians, as well as observe the polling. They would be preceded in country by a small monitoring team that

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will set up contacts with the Tunisian authorities and conduct administrative and logistical preparations for the observation mission.

Such an effort, by its mere existence, would express the interest and support of the international community to the ostensible commitment of the Tunisian government to democracy. It would also be useful to Tunisian civil society and the international community as it would provide an informed and independent evaluation of the conduct of the electoral campaign, and the electoral process and its overall meaning for the Tunisian polity.

Tunisian authorities expressed an interest in suggestions on improving the mechanics of the voting process. Through engagements such as the pre-election assessment and election observation missions as well as through IFES research capabilities, Tunisian election authorities can be updated with information on comparative systems of political campaigning, laws on assembly, access to media and election commodity standards.

XI. RECOMMENDATIONS

A. Electoral Laws

By establishing a proportional representative system whereby opposition presence can be felt in a Parliament, an important legal gesture for a pluralistic political system has been made. However, the practical limitation of the changes must also be noted. In the final analysis, the position of the RCD is not threatened on the presidential or parliamentary level even with the passage of the new law. The opposition parties will be competing among themselves for the 19 seats which the opposition may win. The current Parliament is composed of 141 members. Under the new law, that number is increased to 163. Therefore, it is expected that the RCD retain the 141 seats, plus the three additional ones. Not all RCD incumbents will keep their seats however, as the RCD apparatus is expected to renominate only 40% of the incumbents when it finalizes its lists by late February. An expansion of the proportional representation system without an increase in Parliamentary seats would support the objective of a more pluralistic assembly, a system of run-off elections could also support this objective.

Because of the method of candidate election in the new law, opposition parties have little control over which individuals will become MPs in their allocated seats. The statutory method by which opposition parliamentarians are actually elected should be revised to permit the parties themselves to exercise more influence in the final selection of their nominees.

The nomination process for president remains a closed system for the ruling party. By introducing a popular petition system for presidential candidate filing, qualifying thresholds could be established to deter frivolous candidacies and the exclusivity of the current arrangement could be eliminated.

The law on associations must be changed to permit more freedom of assembly. The ability of people to gather for political dialogue without government regulation is a cornerstone of the democratic principle. The requirement to obtain permits for assembly in private homes imposes a layer of scrutiny on the democratic process which is inconsistent with widely respected civil rights parameters.

If the Nahda has a constituency which seeks representation in government, it will strive to obtain that representation. Making a political party illegal does not de-activate the political movement which animates the party. Defining the electoral rules should include a role for opposition participation for the Nahda constituency.

B. Election Administration

Under the current law, responsibilities for administration of the registration and election processes have been assigned to the office of the president, two government ministries, 25 governorates, 2,044 chiefs of sections, 250 municipal presidents, the Constitutional Council, Court of Appeals, Administrative Tribunal and at least three appointed commissions. This decentralized approach makes process accountability difficult to assess and audit. It weakens an administrative process which is dependent upon the proper implementation of an integrated series of actions and events. In some cases, it places political officials directly in charge of the process.

To ensure administrative continuity and political objectivity, many countries establish electoral commissions to manage registration and election activities. The government of Tunisia should consider the option of establishing such an independent election authority. The judiciary or appeal commissions could serve as the routes for appeal of registration or electoral decisions rendered by the authority.

The governing board of the independent election authority should include representatives of political parties. Such an arrangement provides the opposition with a voice in electoral policy decisions and allows an opportunity for them to have a stake in the process. The recent modification of voting procedures is the outcome of deliberations held in 1992 by a special commission established with the purpose of reviewing the electoral code in May 1993. This *ad hoc* commission gathered representatives from legal political parties as well as from professional organizations. This procedure needs to be institutionalized and expanded to the local and administrative levels to ensure greater respect for the electoral process.

C. Political Campaigning

Two weeks for a national election and one week for a local election are not sufficient periods of time to conduct effective political campaigns. However, political campaigns should not stretch into months of activity. By adding two weeks to both campaign periods, candidates and political parties would have more time to communicate their policy positions and debate issues without taxing their resources with long campaign periods.

D. Voter Registration

Many of those interviewed expressed the concern that the voters list and the issuance of voter cards are manipulated at the local level. The common complaint is that if one is perceived as an opponent to the present administration, one's name may not appear on the list or one may not be issued a voter card at all.

The Tunisian demographic recordkeeping could be assumed to be efficiently managed. An automatic voter registration process would eliminate any question of registration improprieties. In the absence of such a statutory change, the reference tools exist to systematically identify unregistered persons. Otherwise, a cross reference study of birth, death and voter records

would produce a list of all those of age who are not registered. These names could be further examined for reasons of disqualification, such as active military status, incompetence, loss of civil rights or other statutory reason. Since the government was willing to reopen registration for an additional month to accommodate registration interest, such a cross reference and registration project could be undertaken under administration sponsorship. Otherwise, if vital statistics records are public, political parties could undertake this as a "get out the vote" project for the next local elections.

Regardless of the ultimate administrative structure of elections, it would be useful to centralize the voter registration process. Such a centralization would give the process consistency in its implementation. It would also permit the opportunity to computerize the list for quicker updates and better data management.

E. Ballot System

In IFES election observation reports from countries using multiple ballot systems, the following concerns have been expressed:

- Stacking loose ballots on tables in polling stations makes them vulnerable to theft and consequent shortages of ballots for targeted candidates or parties.
- Secrecy of the ballot is compromised if voters are not instructed to take all ballots into the voting booth, if envelopes are not opaque and if directives are not provided to discard the unused ballots before exiting the voting booth.
- In elections with many candidates or parties contesting, there is a proliferation of ballots which make control and shipping logistics difficult.

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- Ballots had unknowingly stuck together because of the printing process, technically casting nul votes.
- Ballot shortages for particular candidates or parties are possible.

Multiple ballot systems offer no real ballot control through the use of control numbers on ballot stubs. In many systems using single ballot method, ballot control measures are significantly enhanced through the use of ballot control numbers placed on ballot stubs. No numbers are placed on the ballot themselves. The objective is to track the distribution of ballots to each polling station and account for every ballot at the close of voting.

By adapting a single ballot system, ballot control would be improved and secrecy of the ballot enhanced. This measure would also make economies of paper. However, a comprehensive voter education program would have to accompany any change of ballot systems.

F. Ballot Boxes

Although the ballot boxes are closed during voting by two padlocks, there are no control seals providing tamper trail if the box is opened at an inappropriate time or place. The use of numbered seals on ballot boxes is a widespread control device. Seal numbers are recorded by ballot box and poll station. Poll workers must account for all seals broken and unused.

In a test at the election administrators' office, a piece of paper could be slid into a closed ballot box through the seam between the base and lid. Retrofitting these seams with interior flanges would correct this breach.

G. Polling Stations

There will be 13,800 polling stations in the March 20 election. On the basis of 2.8 million voters, this translates into an average of 203 voters per poll. Many election jurisdictions use target figures which approach 500 voters per poll.

Opposition parties express concern that with an inflated number of polling stations it is difficult to recruit a network of local scrutineers to cover all the sites. If an average of 500 voters per poll is used, the number of stations is pared down to 5,600. However, processing 500 voters in a day may mean the extension of voting to twelve hours. Moreover, the population distribution in rural areas may require a higher number of locations than a straight average would indicate. Nevertheless, even 8,000 polling sites average 350 voters per site, just 50 over the present ceiling figure of 300. Longer hours and any addition personnel required per site would be paid for through the savings of 5,800 polling station overhead costs and reducing the poll worker force from 41,400 to 24,000.

H. Civic and voter education

The absence of voter education efforts by non-governmental organizations was noted by the IFES mission. It was pointed out, however, that voter disaffection was not traceable to this lacunae, but rather to the general lack of trust in the openness of the elections. It was also pointed out by opposition leaders that voter participation may not be a problem, as the majority of Tunisians would exercise their right to vote, for fear of being singled out as opponents if they abstained by the numerous "comités de quartiers", official neighborhood committees.

In this sense, dealing with the causes of voter disenchantment about the outcome of the elections would take precedence over structuring civic education campaigns.

XII. CONCLUSION

Elections everywhere are fraught with multilayered significance. Most immediate is their effect as reflected in the results of the voting. Candidates and parties, in the days after an election, are pronounced as winners and losers. In this respect, election results may have some meaning in the make-up of the Tunisian parliament and on the policy-making of the Tunisian government. The IFES report has little direct concern with the political impact of election results. Elections can also be viewed as an administrative and organizational task. Because IFES as an institution focuses on technical assistance in organizing elections, this was an aspect of interest to the IFES mission. Ultimately, these elections will find a significance in Tunisia's ongoing political life as a country, in the context of the past and of the envisioned future; in the context of current government discourse about political openness and democracy; and in the context of the democratic aspirations of the people of Tunisia.

This level is particularly relevant in the Tunisian context. The concerns the IFES delegation has are not so much of a technical nature, but rather of a political nature. For this pre-election assessment report to have any significance, it is incumbent upon IFES to make some analysis on this level, even though we are cognizant of the dangers of judgements in this area, because information gathered by the mission is incomplete and because any event can be given vastly different meanings depending on the perspective of the observer.

The IFES team, comprised of an elections expert and a renowned regional expert, visited Tunisia over a period of 7 days. They studied legal texts and conducted intensive discussions with Tunisian officials, election administrators, scholars, politicians and opposition leaders. All those met saw the upcoming elections as important in the development of the Tunisian polity following the change of course operated on November 7, 1987 by President Zine-El-Abidine Ben Ali.

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The meaning attached to these elections varied vastly, however. On one hand, widespread reported human rights abuses, the control of political activity and the fact that the repartition of seats in the Chamber of Deputies seemed to be known in advance, were seen as denying any significance to the upcoming elections save in the realm of shoring up the image of the government by formally institutionalizing political pluralism.

On the other hand, the delegation was impressed by the widespread expressed commitment of Tunisian officials to democracy and pluralism. Moreover, Tunisia is a country more than ready for democratic life. Despite the geopolitical constraints, Tunisia is a comparatively peaceful, prosperous and stable country with a highly educated population. Civil society is relatively well developed, and Tunisian women have long enjoyed rights still incomparable regionally.

It would be fruitless as well as intellectually misleading to pre-judge the significance of the Tunisian elections by choosing one evaluation over another. Accordingly, in the context of these wide gaps in expectations existing within the Tunisian polity itself, an independent effort of evaluation of the elections and the period leading up to them would be useful for the Tunisian government and civil society as well as for the international community. Such an effort could best be implemented through the invitation an international observers' delegation that would study electoral laws and campaigning, as well as monitor election day activities.

Ultimately, the significance of these elections will be decided only in Tunisia over a period of time.

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APPENDIX I

مَكْتَبُ الْإِخْتِرَاعِ

عَدَد

مَفْتُوحٌ مِّنَ السَّاعَةِ الثَّامِنَةِ صَبَاحًا

إِلَى السَّاعَةِ الْخَامِسَةِ مَسَاءً

IFES TUNISIA PROJECT
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APPENDIX II

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APPENDIX III

La PRESSE 26 Mars 1989

Le ministère de l'Intérieur communique

Le ministère de l'Intérieur a publié le communiqué suivant :

« Conformément aux dispositions du Code électoral portant organisation des élections présidentielles et législatives et en définissant les conditions, le ministère de l'Intérieur rappelle qu'il est strictement interdit de placarder des affiches, des photos ou des manifestes électoraux en dehors des lieux prévus à cet effet.

Le ministère rappelle également ce que le Président de la République a plus d'une fois souligné, à savoir qu'il est nécessaire que tous les candidats fassent preuve de moralité politique et s'astreignent aux exigences de la saine émulation démocratique qui implique objectivité, pondération et respect des autres parties ».

LA PRESSE 29 MARS 1989

A l'intention des électeurs

Le ministère de l'Intérieur communique :

En application des dispositions du Code électoral, le ministère de l'Intérieur rappelle à tous les électeurs qu'ils doivent être obligatoirement porteurs, le jour du scrutin, de leur carte d'identité nationale, pour la présenter, le cas échéant, au bureau de vote.

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Pre-election Assessment Mission

APPENDIX IV

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