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Tunisia on the eve of presidential and parliamentary elections: Organising a pro-forma democracy

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Tunisia's presidential elections scheduled to take place on October 25 will be held in the shadow of five defining characteristics:

There will be a landslide victory for the ruling party candidate who has been enjoying the full support of the state's apparatus for well over a year, whether through the giant posters strategically placed in streets and over public buildings, or through the state-owned media;

The "Constitutional Democratic Rally", President Ben Ali's party, will win 75% of the Chamber of Deputies' seats (259 seats), with 25% (53 seats) going to minority parties; the Progressive Democratic Party, described by observers as the main opposition party, will remain outside parliament;

The Islamist Movement will remain outside the parliamentary and presidential race, mainly due to its failure to put its house in order following the dismantlement of its organisational structure in the early 1990s, and to the fact that most of its leaders are in exile and those that remain in the country are under strict administrative and security supervision;

An increasing number of citizens will stay away from the elections due to their lack of confidence in both the integrity of the process and its outcome; in previous elections the voting rate hovered around 20%, although official numbers put that average at around 80%;

The battle between the ruling authorities and the opposition regarding the presence of foreign election observers will continue unabated.

The above five characteristics are the outcome of policies pursued by the political regime in Tunisia since 1987, the year the first President of the Republic, Habib Bourguiba (1903-2000), was deposed. In the final years of the Bourguiba presidency, presidential elections were suspended when parliament named him president for life

(1975). However, although his successor, Zine El Abidine Ben Ali, promised to restore power to the people and put an end to the presidency for life, the 1989 and 1994 presidential elections were not that different from those of the Bourguiba era, since a single candidate ran for president, namely that of the ruling "Constitutional

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Democratic Rally”. In fact, pluralism was not an option at the time since the Constitution stipulated that those seeking the presidential office should have the endorsement of thirty deputies or mayors, at a time when both parliament and the municipalities were of a single colour. In order to have more than one presidential candidate, either the law had to be changed or a way had to be found to circumvent the above stipulation. Thus, in the 1994, 2004 and 2009 elections special laws were adopted whose effectiveness ended when the elections were over. These allowed a number of leaders from different loyalist parties to challenge the ruling party candidate, if only in theory. This is how the Renewal Movement-Ettajdid, the Communist Party previously, was able to field a candidate in the 1994 and 2009 elections, respectively Mohammad Ali al-Helouani, one of its leaders, and Ahmad Ibrahim, secretary general of the party, though in each case the official candidate obtained 95% of the votes. The Interior Ministry has an absolute and exclusive mandate to organise elections in the country from beginning to end, since there is no higher committee responsible for organising elections in Tunisia.

With the introduction of a “key amendment” to the Constitution in the 2002 referendum, the presidential two-term limit was annulled in favour of candidates running for an indefinite number of terms, a turn of event that reintroduced the “presidency for life” concept under a new guise. These manoeuvres reflect the regime’s relentless effort to monopolise power and impose its unique style of government on society, in order to confront the nascent forces that have always called for reform and the peaceful transition of power but were unable to make their voices heard. This shortcoming is due to the absolute control that the party apparatus wields over the state, and to the fact that all official appointments are dependent on individual partisan affiliations. It is also due

to the ever-increasing repressive methods the regime employs against thousands of activists, in particular the Islamists, which casts a heavy shadow on other opposition groups and weakens civil society in the process.

The above events went hand in hand with the disappearance from the scene of certain sectors of the population that were in control during the Bourguiba era, and the rise of other groups associated with and close to the new centres of power in the country. These gradually succeeded in monopolising the economic decision-making process, and stood in the way of change for fear of losing their privileges. The fundamentalist movements’ “modernist” and open opposition discourse was used as an excuse to keep the regime’s tight hold over the country, and maintain a closed media intolerant of any alternative or adverse opinion. The new regime extended various facilities and privileges to the middle classes, such as easy loans to build a house or buy a car, which led to an unprecedented rise in family debt compelling many heads of household to stay away from political activism, even from independent civil organisations, lest taxation or legal authorities pursue them.

This explains why the regime in power maintained a tight hold over presidential legislation to prevent any change, using to this end a variety of methods hardly different from those of the Bourguiba era, but more in tune with the spread of democracy throughout the world after the end of the Cold War.

Barring the opposition through the election law

After Bourguiba was deposed, the country’s new rulers held early general elections to acquire legitimacy before anyone calls upon them to do so. The new president, who quickly assumed leadership of the ruling party, organised a general party conference

in 1988 and changed the party's name to the "Constitutional Democratic Rally", absorbing in the process most of its traditional leaders, including the former regime's second and third-tier leaders.

In Tunisia, presidential and parliamentary elections take place at the same time. In preparation for the general elections of 1989, new amendments to the election law were introduced partially in response to the opposition's demands. The election law nevertheless kept its main flaw, namely the party-list system that grants all seats in a given constituency to the list that obtains the highest number of votes. Based on this system, the first list wins all seats in a given governorate, a number that ranges between 2 and 14 seats depending on the population size. It is impossible to envisage a scenario whereby the ruling party loses all seats in a given governorate, no matter its size, an event tantamount to a rebellion against the central authority. Therefore, no matter how exciting the electoral game becomes due to the inclusion of different political groups, its outcome will remain predictable as long as it is devoid of proportionality, the only means by which the opposition can enter the Chamber of Deputies for the first time.

Six political parties took part in the elections under their real names: the Constitutional Democratic Rally, Movement of Socialist Democrats, the Communist Party, the Party of People's Unity, the Progressive Socialist Rally and the Social Liberal Party, in addition to a new player on the scene, the Islamist Movement. The latter changed its name to the "Renaissance Party" in compliance with the terms of the 1988 election law, and ran as part of the "independent lists".

The election campaign took place in an entirely new atmosphere since everybody, including the Islamists, was allowed to operate freely with minor limitations. However, given the existing election law, the choice was limited to either a total win

for one of the opposition lists, which means winning all seats in a given constituency, i.e., the failure of all the Constitutional Rally's candidates in that particular constituency since voters elect lists rather than individuals, or the ruling party wins all seats in parliament. Naturally, Ben Ali was declared the absolute winner with 90% of the votes, since he was the only candidate running for president, and his party won all seats in parliament, leaving a mere 17% for the independent lists (The Renaissance Movement) and a few morsels for other parties. These results sent a clear message to everyone that the new party did not have a democracy agenda, and that its reorganisation of the system was intended to help it maintain its control of the state and the country, albeit with a pluralistic discourse. The results also revealed the opposition's lack of alternative options, with the November 1987 Declaration that brought Ben Ali to power seemingly providing the political ceiling for all concerned, which explains why no one challenged the incumbent in the presidential elections, elections whose outcome was all too predictable. It seemed that there was a general concession by all parties, whether directly or indirectly, that Ben Ali was the country's president despite his leadership of a rival party.

A blow to the Renaissance Movement

The resulting bitterness felt by different parties was predictable, as was people's loss of hope at seeing change occur due to the unexpected shock that followed Bourguiba's departure. No sooner had this page been turned that the struggle between the ruling authority and the Renaissance Movement started in earnest, as a prelude to the all-out assault that reached its peak in 1991-1992. When a new page was open with the 1994 elections, Ben Ali was again the only candidate for president, but this time with an attempt by the ruling authorities to mitigate public anger by conceding a number of the Chamber of

Deputies' seats to the opposition. This change, which transformed parliament from a single colour institution to a pluralistic entity, was made through an amendment to the election law that maintained the list system, perpetuating the uncontested majority of the ruling party while, at the same time, donating a share of 19 non-contested seats to minority parties. As a result, four new parties entered parliament for the first time, including the Communist Party, while the Islamist Movement, classified as an illegal organisation whose leaders languished in jail, was unable to take part in the elections. Moreover, the Progressive Socialist Rally failed to win any seats for having criticized government policies and rejected the security option in dealing with the Islamist Movement. Once again, it was amply evident that the election law was a basic tool of control over who enters parliament, and a system that left no room for individual constituencies, for example, for fear that opposition leaders might enter parliament on their own power rather with the help and approval of the Interior Ministry.

The same scenario continued with minor variations in the 1999 parliamentary elections that saw the share allocated to the "tame opposition", as it is known, rise to 34 seats. The Progressive Socialist Rally remained the only legalised party to be excluded from parliament due to its critical stance. Nevertheless, this experiment created a new opposition bloc in the Chamber of Deputies that succeeded in applying pressure on the government in various domains, and generating a level of friction that culminated in the lifting of Deputy Khamis al-Chammari's parliamentary immunity, in his subsequent imprisonment and in serving notices to other deputies. In subsequent elections, retribution came in the form of refusing to renew certain individuals' mandates, and replacing them in the Chamber by a number of their colleagues from the same parties.

As far as the presidency was concerned, the 1999 election introduced a new element when two other party leaders were allowed to challenge Ben Ali for the presidency. The extraordinary law that allowed the candidacy of Mohammed Belhaj Omar, Secretary General of the Party of People's Unity, and Abdel-Rahman al-Talili, Secretary General of the Unionist Democratic Union, circumvented the condition that each candidate obtain the written support of thirty deputies or mayors. However, instead of amending the law to pave the way for multiple presidential candidacies, the Chamber of Deputies passed a law applicable only once. Moreover, although leaders of parties represented in parliament were now allowed to challenge the ruling party, the extraordinary law included additional conditions specifically designed to favour Belhaj Omar and Talili, thus ensuring that they alone could run. The two unfortunate candidates were allowed a mere 2% of the votes, one of them having even urged his audience in one of his campaigns to vote for Ben Ali! Less than a year later, Belhaj Omar was forced to resign his party's leadership, soon followed by accusations of corruption against Talili, who held the post of President of the Airports Authority, and his subsequent imprisonment.

Four candidates

The 1999 election scenario repeated itself in 2004. Upon Ben Ali's request, parliament passed another extraordinary law that increased the number of presidential candidates to four, namely Mohammed Ali al-Helouani from the Renewal Movement (previously the Communist Party), Mohammed Bouchiha from the Party of People's Unity, Mounir al-Baji from the Social Liberal Party and Ahmed al-Innoubli from the Unionist Democratic Union. Altogether, the above candidates received less than 5% of the votes, while the law prevented the Secretary General of the Progressive Democratic

Party (previously the Socialist Rally) from running on the pretext that the party is not represented in parliament.

Noteworthy, however, is the amendment to the constitution that allowed Ben Ali to run for a fourth term. The constitution had limited the presidential terms to two, with the possibility of a third term extension, meaning that a president who won the 1989, 1994 and 1999 elections could not run again in 2004. However, the party that controls parliament passed a law calling for a referendum to decide on such matters. The referendum was held in 2002 amending the constitution to allow for an unlimited number of presidential bids. The opposition saw this as prelude to the return of the Bourguiba era's "presidency for life".

Publicity campaigns that both preceded and accompanied the 2004 presidential election campaign were not only hopelessly skewed in favour of the ruling party candidate to the detriment of his supposed opponents, but also enshrined the leader's personality cult and placed him above state institutions, i.e., at a level where he has no rival. This served as a climate of political training and adaptation ahead of the predictable results that gave Ben Ali 95% of the total vote, leaving a mere 5% to his opponents.

In the parliamentary elections that were held at the same time, the Constitutional Rally won 80% of the seats leaving the rest (37 seats) for the other five parties to share, a number that soon increased to six when a member of the Social Liberal Party broke away in 2007 to form the Green Party for Progress. The latter party succeeded in obtaining its operating licence from the Interior Ministry on the very day of its foundation. In the latest amendment to the election law that paved the way for the upcoming general elections, the Chamber of Deputies raised the number of parliamentary seats from 189, of which 37 were earmarked for the opposition, to 212 seats, of which 53 are now earmarked for

the opposition. This means setting a ceiling of no more than 80% of the seats (now 75%) for the party list that wins the highest number of votes, in return for a predetermined quota for the opposition set aside by the law.

Unsurprisingly, the opposition forms a parliamentary minority with no impact on either the decision-making process or the enactment of laws despite raising its quota from 20% to 25%. This proved a successful formula in attracting former opposition members and union activists through granting them a number of privileges in return for loyalty to the regime in power. One could say that setting a ceiling for the number of votes that the majority party can win proved a winning formula that guarantees a measure of parliamentary pluralism, which is what the opposition was calling for, without holding free and transparent elections that treat all candidates fairly. Continued control by the Interior Ministry over the entire election process, and the absence of a neutral higher elections committee, made pluralism a mere façade and the election process itself no more than a pro-forma exercise, since it is the ruling party that effectively selects the "winners". The ruling authorities had no problem announcing the formation of an election-monitoring group whose members are close to the centre of power, without seeing the need to consult the opposition or seek its opinion regarding its composition. However, when the Progressive Democratic Party proposed the idea of inviting foreign observers to monitor the elections, as was the case in Morocco, Mauritania, Yemen, Palestine, Lebanon and elsewhere, the government vehemently rejected the idea, considering it "an affront to national sovereignty".

In light of the similarities between conditions that prevailed during the latest elections and those that surround the ones scheduled for later this year, the make up of parliament is not expected to change.

Everyone already knows the outcome; the only thing remaining is to determine the quota allocated to each loyalist party, depending on its closeness to the centre of power. As to the presidential elections, the major novelty rests in the Progressive Democratic Party's attempt to breach the accepted norms by nominating its former secretary general, lawyer Ahmed Nejib Chebbi, to the presidency, the first party to announce its leader's candidacy to the presidency since 2008. In response, the authorities submitted a draft extraordinary law to the Chamber of Deputies that allows all licensed parties to nominate their elected leaders to the presidency, thus absolving them of the need to obtain the support of thirty deputies or mayors. The law quickly approved by the two chambers of parliament was in fact intended to thwart the decision of the Central Committee of the Progressive Party to nominate Chebbi, and allow its secretary general, Mayya al-Jaribi, to run instead. However, the party leadership and Ms Jaribi herself rejected the premise, and insisted on the party's right to nominate the candidate of its choice, since the ruling party's candidate has no right to "pass specifically designed laws allowing him to pick and choose his rivals." Chebbi continued his campaign for 20 months before announcing his withdrawal from the entire process at the end of August 2009, one day before candidates could begin registering their candidacies with the Constitutional Council, blaming the ruling authorities for "wasting another opportunity to hold free and transparent elections that reflect the will of the people." The international media described Chebbi's move as the "withdrawal of the most serious challenger to Ben Ali in the elections". The election campaign thus took place in a confined space with pre-determined parameters, in which the media was used exclusively to advance the fortunes of the president-candidate, while marginalising his supposed rivals including the two loyalist parties' candidates.

Transition to pluralism or to violence?

With this review of the Tunisian political system's development over four different elections, it is clear that after 53 years of independence the country has shifted from a single party parliament to pluralism. This pluralism, however, is a mere façade since the key to parliament remains in the hands of the ruling party and its administrative and security apparatus that control every aspect of the electoral process. In adopting pro-forma pluralism, Tunisia followed the example of other Arab countries in their attempt to mask the stranglehold of the one-party rule over the country's political, social and cultural life. On the presidential level, and following the 2002 referendum, Tunisia has reverted to the presidency for life model after having abolished it in the wake of the "Great *Mujahid's*" deposition from power in 1987. This pluralistic façade was designed to mitigate foreign pressure (American and European) linking continued economic assistance to reform of the political system whereby, based on the partnership agreement signed with the European Union in 1995, Tunisia committed to introduce pluralism and respect human rights. The European Parliament, however, has expressed doubt on several occasions as to the Tunisian Government's commitment to these undertakings.

At the end, and few days before the elections, the PDP decided to drop from the competition. Indeed, the authorities refused to register the majority of the party's list (19 from 26), without giving any explanation.

Over the last 22 years, the presidential and parliamentary elections have reproduced the political *ancien regime* of the previous 31 years. They have favoured specific social groups, mostly family members of the ruling elite or those linked to it by family ties, who use the country's open economic policy to buy public institutions

earmarked for privatisation, and win commercial tenders through a process that lacks any form of transparency. The growing risk for the country is that this political vacuum that the ruling authorities are working to enshrine in order to allow the latter groups ample opportunity for profit, will encourage the emergence of new extremist groups, probably more extreme than the traditional ones, and bent on violent methods to destabilise the system. Tunisia has already witnessed one such incident in the form of clashes between armed elements and members of the army in the capital's southern suburbs in early 2007. These violent episodes are particularly alarming in light of the ongoing clashes in neighbouring Algeria involving groups affiliated to "al-Qaeda in the Islamic Maghreb".