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Tunisia: Elections... and then what?

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In the wake of the departure of former President Zine El Abidine Ben Ali, Tunisia has for months lived to the beat of fair, transparent and democratic elections that reflect the will of the people to make a break with the past and achieve the goals of its revolution. To guarantee the fairness of the elections, the transitional government mandated the Commission for Political Reform to reform the electoral system for the election of the President of the Republic in accordance with Section 57 of the 1959 Constitution. Political disputes broke out between the transitional government and a number of other actors on the post-revolution Tunisian political scene, including the General Union of Tunisian Workers, the Ennahda (Renaissance) Movement, the Tunisian Workers' Communist Party, and other groups that make up the High Council for the Protection of the Revolution. As a result, the interim President was obliged to suspend work on the constitution, dissolve the representative assemblies, and call for elections to a national constituent assembly to draft a new constitution for the country. The Commission for Political Reform – which was transformed into an expanded committee named the High Commission for the Fulfilment of Revolutionary Goals, Political Reform and Democratic Transition – was mandated to draw up the new electoral code.

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The drafters of the electoral law attempted to ensure political and regional pluralism within the National Constituent Assembly (NCA) and to prevent any single party from dominating it – as was the case under the previous regime – by selecting a single-round voting system based on party lists. They further determined to allocate seats at the level of constituencies on the basis of proportional representation with the largest remainder formula (Section 32 of Ordinance No. 35, dated May 10th, 2011, on the election of the National Constituent Assembly). This system allows electoral justice to be reconciled with greater representation for the candidates' lists on one hand, and on the other prevents the strongest candidate from acquiring an absolute majority. The number of seats allocated to each electoral constituency was adjusted based on the principle of one representative for every 60,000 residents, with the addition of one or two seats, depending on the case, for governorates with low populations, in order to ensure fairer representation for the country's inner regions. The authors of the law also tried to ensure appropriate representation for women and young people within the NCA by applying the equal sharing rule to the electoral lists and specifying that one candidate on each list must be under thirty years of age.

For the first time in the post-Independence history of Tunisia, an independent, elected national body oversaw the elections, usurping this task from the Ministry of the Interior. Despite the various abuses that were recorded in the October 23rd elections, there is no room for doubt regarding the integrity of the elections process or its outcome, according to local and international observers alike. The elections saw an unexpectedly high turnout by the electorate, given that there was some initial reluctance to register voluntarily on the electoral rolls. In response, the Independent High Authority for the Elections called for the extension of the deadline for registration several times. In addition to the high turnout at the ballot box, observers were impressed by the civilised conduct of the Tunisian people. The fact that people waited in line for hours

on end in order to exercise their right to vote was a clear declaration of their restored citizenship.

The victory of the Ennahda Movement in itself did not come as a surprise to the Tunisian or international public, given that opinion polls published prior to the elections put the party in first place. The surprise was, in fact, the high proportion of votes that Ennahda's electoral lists won nationally (36.97%), which gave it a significant portion (41.01%) of seats in the NCA. Furthermore, the gap between the percentage of votes won by Ennahda, ranked first, and the Congress for the Republic party, ranked second, was very large, with the latter obtaining just 8.7% of the vote, which left it with a share of 13.36% of seats in the NCA.

However, Ennahda's victory in the elections remains "a triumph without a majority"¹. Its victory is a relative one when one considers the proportion of votes won by Ennahda – approximately 1,000,500 votes – of the electorate as a whole, numbering roughly 8 million voters. Thus the movement obtained the votes of just 23% of the total electorate, a percentage that corresponds to the percentages pronounced in various public opinion polls.

These figures have not, however, prevented the Ennahda Movement and its representatives within the NCA from positioning themselves as a majority that represents the popular will. When, then, are the factors that led to these results, and what is their impact on the political map of the country and the process of democratic transition as a whole?

Factors influencing the election results

Approximately 1,600 electoral lists entered the race for the NCA, including political parties, coalition and independent lists.

¹ As stated by Nasser al-Kafi, Professor in Communication Sciences, at a seminar convened on October 30th, 2011 to evaluate the outcome of the elections by independents affiliated to the Democratic Modernist Pole.

Independents made up a significant proportion of candidates in the October 23rd elections. Although various opinion polls and media outlets found there to be a lack of trust among citizens in the political parties, the election results showed that the opposite was the case. In the event, political parties led the victors and independents gained little of the public's trust, with just nine independent lists winning one seat each. The victory of the People's Petition for Freedom, Justice and Development party list in all constituencies and its third-place ranking in terms of representation came as a surprise or shock. The party grew out of an initiative of the former leader of the Ennahda Movement, Hachemi El Hamdi, owner of the London-based television channel Al-Mustakilla ("The Independent"). He submitted a petition for vote on March 3rd, 2011 that included the election manifesto of the party lists that would stand for election in its name. The manifesto included the establishment of a democratic political system based on the sovereignty of the people and respect for the country's Arab and Islamic identity. It further called for unemployment benefits and free healthcare. The petition also gave Mr. El Hamdi an explicit mandate from the signatories "to represent them and to speak in their name in national fora, and to ensure their active participation in the elections to the Constituent Assembly and significant forthcoming political events." The petition attracted over 400 signatures and led to the establishment of the Progressive Conservative Party. The petition's success can be ascribed to several factors, including the populist rhetoric of the owner of the Al-Mustakilla channel. According to his rivals, cells of the dissolved Constitutional Democratic Rally party are behind this victory. The fingers of blame also point to political funding, which played a significant role in benefitting not only of the People's Petition, but also a number of other competing party lists. Many of the Ennahda Movement's competitors and anti-Islamists focused on this fact in accounting for the party's victory in the elections to the NCA. However, the factors

that led to its victory are more complex and interweaved, and relate to Ennahda itself, its rivals, and the voters. We attempt to elaborate on and elucidate them below.

1. Factors specific to the Ennahda Movement

NCA election results proved that the repression of the Ennahda Movement in the early 1990s had failed to eliminate it as a cohesive organisation. Following the fall of Ben Ali's regime, the movement effectively reorganised its ranks following the return of imprisoned and exiled members and sleeper cells. It was also able to attract new members, despite competition from other Islamist movements, such as the Liberation Party and the Salafis, and from new parties with Islamic leanings, e.g. the Justice and Development Party, the Reform and Development Party, the Democratic Reformist Encounter, and the El Amana Party.

The movement preserved its methods and means of popular mobilisation, which its rivals found similar to those of the dissolved ruling party. The emergence of the movement as a clandestine, popular-based organisation with experience in dealing with the public allowed it to become a popular political party once it was granted legal recognition. This experience was backed up by the superior financial means that Ennahda possesses today. Thus the movement has transformed from a clandestine organisation to a rich, well-structured political party. One must also bear in mind that in its history the movement has had two previous elections experiences, the first in 1981, when it was named the Islamic Tendency Movement, and the second in 1989, when it came to be known as the Ennahda Movement.

Ennahda's financial resources did contribute to its victory, directly or indirectly. Long before it launched its elections campaign, and from the time that it began to operate legally, its members have knocked on doors under the banner of direct charity work, by organising circumcision and wedding ceremonies, or indirect action, by providing aid through

charitable associations. Notably, however, this activity was a contributing rather than a decisive factor.

Since Ennahda's return to the scene as a political actor, its leadership has tried to highlight the modern face of the movement and the extent of its commitment to the modernist gains made by Tunisia, many of which are alluded to in the Personal Status Code. At the same time, Ennahda has issued other statements that emphasise its adherence to the political and legislative principles of Islam, leading its rivals to label its discourse two-faced. This duality in fact stems from a desire to please all sectors of society and seek out points of convergence with potential allies, and an attempt to put the movement on the new political map.

The Ennahda Movement has tried to take advantage both of the repression that was practised against it during the eras of Bourguiba and Ben Ali, and of the attacks waged against it by its political adversaries after January 14th, 2011. Hence it has appeared in the guise of victim and garnered sympathy from many people. In this respect, its rivals have helped to strengthen the movement.

2. Factors specific to rival parties

The rhetoric of some political parties has concentrated on criticising and attacking Ennahda, especially that of the Progressive Democratic Party (PDP). The PDP is headed by Ahmed Najib Chebbi, and was one of the radical opposition parties of the Ben Ali era. Its base extends to the big cities and the inner regions of the country. Political activists of various stripes are engaged in the party, including Islamists, due to the lack of other frameworks for public political activity. The PDP ranked fifth in the elections to the National Constituent Assembly, taking a low percentage of the vote (3.96%) and seats (7.37%). Its incessant criticism of the Islamists helped to generate sympathy for Ennahda as the victim, and took voters' attention away from its own political platform. The party's poor showing in the

vote can also be explained by two other facts; The first is the arrogance that the party displayed in the run-up to the elections by refusing to abide by the Electoral Code in relation to political advertising. Furthermore, large banners that were raised here and there bearing the image of Ahmed Najib Chebbi reminded Tunisians of the image of Ben Ali which used to fill the streets. The second fact was a campaign waged against Chebbi by his political enemies and former cohorts when he agreed to participate in the first interim government. Chebbi appeared to the general public as a man who was hungry for power and wanted only to further his own narrow party political interests.

The defeat of the Democratic Modernist Pole – a coalition of political parties centred on the Movement for Renewal – was more comprehensive than that of the PDP. The party won five seats, two of which went to the Movement for Renewal and three to independents. It obtained 2.79% of the vote, putting it in seventh place after the Initiative Party, an offshoot of the dissolved ruling party. Furthermore, the winning lists were those that stood in the constituencies of Greater Tunis (Tunis 1, Tunis 2, Ariana, and Ben Arous), in addition to France 1. The Democratic Modernist Pole won its highest share of the votes (8.35%) in the Tunis 2 constituency, which comprises the capital's wealthier neighbourhoods, as if modernism were an urban demand among a certain segment of society.

The Democratic Modernist Pole has attributed its defeat to the failure of the modernist forces, their strategic weakness and lack of support among the popular classes, as well as the blind trust the party put in the success of the modernist, democratic process². These factors undoubtedly affected the outcome of the elections, which exposed the wide gulf between the rhetoric of the elites and the aspirations of the popular classes.

² Press conference held by the Democratic Modernist Pole on October 26th, 2011.

The Democratic Modernist Pole has borne the causes of its own defeat since its establishment. The larger Tunisian political parties that engaged in the struggle through their staunch opposition to the former regime have stayed away from this coalition. The PDP refused to join the Democratic Modernist Pole since it had great faith in its own ability to sweep the NCA alone, as a serious competitor to the Ennahda Movement. For their part, the Democratic Forum for Labour and Liberties and the Congress for the Republic parties opted to enter into negotiations with Ennahda regarding a post-elections alliance. Moreover, the leaders of the Congress for the Republic include figures that are very close to Ennahda. Thus the Democratic Modernist Pole was born weak in terms of its membership, which created problems for it in drawing up its electoral lists. Ultimately, the Pole was the victim of the splintered nature of the Tunisia political arena, and particularly the leftist parties, which have proven unable to come together around a coherent plan, even in the short term. This fragmentation and inability to form a united front, in addition to the multitude of independent lists, resulted in a splintering of the vote. Perhaps a lack of understanding of the Electoral Code encouraged many to run on independent lists, believing in their chances of success at a time when the electoral system actually prevents weaker lists from winning. Some of them also ran solely with the intention of obtaining the grant paid by the state to fund election campaigns.

3. Factors specific to the voters

Voters, of course, vary in their motives for voting. In addition to those who vote for one candidate over another because they belong to the political party that heads the list, those who are convinced of the party's electoral platform, and those who expect to receive some material benefit, there are other people who go to the ballot box solely to exercise their right and duty to vote, as a condition of their citizenship. Perhaps the large number of blank voting slips that were tallied in the Tunisian elections, coupled with the long

hours that people had to wait in order to vote are signs that a number of Tunisians who have not been won over by any of the competing parties nevertheless wished to underscore their commitment to their citizenship and their support for the process of democratic transition. Whatever their motives, a large section of the voters fell victim to two fallacies, the first of which concerns the objectives of the electoral process, and the second the actors involved.

Regarding the first fallacy, most election platforms focused on economic and social issues, thereby disregarding the fact that the race was for the NCA, a body that is primarily mandated to draft a constitution for the country that comprises the foundations of the new political regime. Most candidates focused on the problems of poverty, unemployment, social justice and regional development projects. Consequently, voters believed that on October 23rd they were going to vote for a parliament and a government that would solve their problems there and then. Thus the ideological identity of the candidate lists was not as important as what these lists had to offer in terms of solutions to these unresolved problems in case of victory. This fallacy was not as critical a factor to the outcome of the elections as the second.

The election battle was settled by the encounter between Islam and kufr (unbelief). The encounter between two projects for state and society was raised from the first days after the departure of Ben Ali. One of these projects calls for a return to Islam and the safeguarding of Tunisia's Arab, Islamic identity, while the second calls for a secular state and the preservation of the modernist gains of Tunisian society. The debate between the defenders of each project took place within a fog and lack of understanding of the true meaning of the relevant concepts, especially that of secularism, which has been understood as a synonym for kufr and atheism and as a means of subverting society's morals. This debate soon left the realm of intellectual conflict and community dialogue

and began to classify political actors based on the encounter between Islam and kufr, and to divide society in general, and political society in particular, into two parts. One part views itself as modernist and progressive, and is characterised by its enemies as Westernising, heretical and morally degenerate, while the other is a conservative Islamic part whose adversaries regard it as a threat to the modernist gains made by Tunisia. Social networks, particularly Facebook, have helped to entrench this view. The debate between supporters of the two sides in the virtual world grew more heated, for example, following the screening of a film by Tunisian director Nadia El Fani that bears the provocative title of “No God, No Master”. The theatre in which the film was screened came under attack from a group of youths, including Salafis. Similarly, the airing of the Iranian film “Persepolis” on one of Tunisia’s private television channels on the eve of the elections and the violence that ensued had a major impact on the electoral process. While the Democratic Modernist Pole took a clear position against the acts of violence committed by Salafis and called for respect for freedoms, particularly freedom of expression and freedom of creativity, the Ennahda Movement adopted a vague position towards the Salafis and condemned the screening of the film, which it considered an act of sacrilege against Islam. Thus Ennahda came to represent Islam, while the modernists were transformed into the enemies of religion and the Islamic identity of the Tunisian people. The adversaries of the modernists deliberately launched smear campaigns against them by spreading rumours, for example, that the Democratic Modernist Pole’s election platform included recognition for the rights of gays and called for the legalisation of gay marriage. Thus many voters gave their votes to Ennahda believing that the party represented Islam and would defend the sanctity of Islam and implement Islamic Shari’a law in case it came to power. A number of Imams stressed this idea in their Friday sermons, and some Salafis called on

voters to elect Ennahda as it was the closest party to Islam and its teachings.

The impact of the election results on the Tunisian political landscape

The elections process was both influenced by the disputes on the Tunisian political scene and itself influenced this scene. The election results indicated that Tunisians had chosen the political parties to be the main players in the democratic transition process. At the same time, the results reshaped the Tunisian political map by highlighting the political weight of a certain number of parties. As it was not possible for any one party to obtain an absolute majority in the NCA, including Ennahda, it was necessary for them to form alliances. Defeat also compelled the leftist and modernist political parties to examine their errors and try to rectify them by reunifying and seeking a suitable format for that purpose.

Today, the political landscape is dominated by a state of polarisation that is spreading to the National Constituent Assembly, consisting of a ruling majority versus a minority opposition. The parties that ranked highest in the elections formed a ruling coalition known as the “Troika”. This alliance comprises the Ennahda Movement, the Congress for the Republic party, and the Democratic Forum for Labour and Liberties. These parties divided up power among themselves following marathon negotiation sessions and after other parties represented in the assembly refused to take part in the forthcoming government. In the end they divided the three presidential positions between them. The Presidency of the Republic went to the head of the Congress for the Republic, Moncef Marzouki, the position of Prime Minister to the Secretary-General of the Ennahda party, Hamadi Jebali, and finally the Presidency of the NCA was assigned to the head of the Democratic Forum for Labour and Liberties, Mustapha Ben Jaafar. Government positions were distributed among the three parties and an Ennahda-majority government was formed.

This three-party union within the NCA represents a majority of over two-thirds. These parties can therefore impose their decisions on the rest of the assembly, as indeed occurred in the vote for the Bureau of the NCA (the President and his two deputies), in the vote for the President of the Republic, and with regard to the Law for the Provisional Organisation of Public Authorities, the basis upon which the country will be run during the transitional phase. However, the weight that the ruling Troika enjoys does not prevent the “minority” opposition from playing its role in criticising and debating its proposals, since the opposition believes that democracy is not built by a dominant majority but rather by the existence of a strong opposition to reign in the ruling powers.

The majority may not long remain in its current form because of the various crises that the alliance has thrown up for its member parties. The Congress for the Republic party and the Democratic Forum for Labour and Liberties have experienced internal schisms and crises that could affect the parliamentary blocs within the NCA. After the Secretary-General of the Congress for the Republic assumed the position of Presidency of the Tunisian Republic – without any powers to speak of – the party faced a succession crisis. A split emerged between leaders loyal to Ennahda and those who wished to preserve the party’s independence. The Democratic Forum for Labour and Liberties saw mass resignations in protest at what some regarded to be the party’s departure from its principles in agreeing to ally itself to Ennahda. These developments have had an impact on this parliamentary bloc within the NCA. The head of the bloc has decided to take his own decisions without resigning from his party, rejecting its decision to dismiss him and adamant on remaining within its ranks.

Conclusion

The Ennahda Movement has signed the “Declaration of the Transitional Process” document, along with ten other political parties. The declaration stipulates, *inter alia*, that the winners of the elections to the NCA

pledge that the assembly will operate for a maximum term of one year. However, it seems that Ennahda is unable to abide by this commitment.

In fact, a number of indicators suggest that this commitment cannot be respected, including the dogged refusal to specify a term for the duration of the operation of the NCA within the Law for the Provisional Organisation of Public Authorities. On the other hand, Ennahda has been keen for the assembly to assume the full functions of the legislature, which demand a great deal of time and effort, leaving it unable to dedicate itself to the functions of constituent assembly. It has also been keen on the possibility of representatives performing both constituent and governmental functions. In addition to affecting the work of the NCA, this approach is also resulting in a concentration of powers in a single entity: in the end, the constituent, legislative and executive authorities are in the hands of a single political body, raising fears of a return to dictatorship.

Finally, Samir Dilou, a leader of the Ennahda movement, has stated that a year was insufficient time to implement the party’s electoral programme. The new government is apparently determined to complete reform projects in all fields, something that cannot, of course, be accomplished within the space of one year.