



# Tunisia's Fragile Democratic Transition

Testimony of William R. Sweeney, Jr.  
President & CEO, International Foundation for Electoral Systems

House Committee on Foreign Affairs  
Subcommittee on the Middle East and North Africa

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Madam Chairman, Ranking Member Ted Deutch, and distinguished members of the Subcommittee, on behalf of the International Foundation for Electoral Systems, I deeply appreciate this opportunity to discuss Tunisia’s fragile democratic transition.

Since 1987, the International Foundation for Electoral Systems, better known as IFES, has worked in over 145 countries to support citizens’ right to participate in free, fair, transparent and accountable elections. IFES has been active in the Middle East and North Africa for over two decades; its current programming in Egypt, Iraq, Jordan, Libya and Tunisia empowers the individuals and institutions that make democracy work at every turn of the electoral cycle.

IFES provides its partners across the globe with sustainable, locally-tailored technical assistance to strengthen capacity and promote electoral inclusiveness. IFES arms local authorities and civil society activists with information on democratic norms, international standards and best practices for electoral and political processes; trainings for key stakeholders on democratic and transitional issues; and tools for civil society activists to implement civic education activities and prime their country for a democratic transition or consolidation.

Since 2011, IFES’ Tunisia programming has been supported by the U.S. Department of State’s Middle East Partnership Initiative (MEPI) and the United States Agency for International Development’s (USAID) Office of Transition Initiatives (OTI), as well as, to a lesser extent, our bilateral partners at the Foreign and Commonwealth Office of the United Kingdom (FCO); the Open Society Foundation (OSF); and Switzerland’s Federal Department of Foreign Affairs (FDFA).

Madam Chairman, the March 18 Bardo National Museum and June 26 Sousse Imperial Marhaba Hotel terror attacks saddened Tunisia’s friends and allies, particularly those of us who have, since the 2011 fall of former President Zine El Abidine Ben Ali, partnered with the people of Tunisia to realize the country’s full democratic potential. We express our deepest condolences to our colleagues in Tunisia, as well as the people of Belgium, Britain, Colombia, France, Germany, Ireland, Italy, Japan, Poland, Portugal, Russia and Spain – our thoughts are with you during this difficult time.

Quite understandably, the question now is, “What’s next?” The Sousse attack undeniably brought to bear an uneasy truth: there are external and internal forces that do not want to see a free, democratic Tunisia. This is a critical moment for the country and its stabilizing impact on the region: Tunisia’s democratic transition is fragile and requires sustained, multi-sectorial assistance. This is particularly true

for its 2016 local elections and the current fight against violent extremism, which will necessitate the redress of economic and social exclusion and the promotion of moderation through greater religious tolerance. This final point has become more critical after the Sousse attack, which led authorities to pledge to close some 80 unlicensed mosques (24 thus far have been shuttered) and reestablish a state of emergency, which was only just lifted in March 2014.

There are two critical components in considering Tunisia's democratic future:

- First, Tunisia is a work in progress. While it is not a failure, a waste of taxpayer dollars to be abandoned, it is also not a completed success story, a democracy so sound that its international partners should congratulate themselves and walk away. Madam Chairman, the job isn't done in Tunisia, and American support is critical to maintaining the momentum of democracy.
- Second, continued and increased American engagement with democracy and governance programming is key to a prosperous, secure Tunisia. As highlighted in the Department of State's 2015 Quadrennial Diplomacy and Development Review, efforts to strengthen global capacity for good governance and credible elections underpin the potential impact of all other types of aid, including for Tunisia's economic, military, education, health, and security sectors.

### **Introduction: Tunisia at a Crossroads**

In 2014, Tunisia held three free and fair elections in three months: an October election to select a new parliament – the Assembly for the Representatives of the People (ARP) – and two consecutive rounds of presidential elections. Parliamentary elections saw the moderate Islamists of the Ennahda party receive 31.79 percent of ARP seats and Nidaa Tounes (Call for Tunisia), the umbrella party of former President Ben Ali supporters, business leaders and anti-Islamist secularists, receive 39.63 percent of the vote. Voter turnout for these elections reached 69 percent. The November and December presidential elections saw the leader of Nidaa Tounes, Beji Caid Essebi, win in the second-round run-off election with 55.68 percent of the vote (voter turnout was 59.04 percent in the second round).

In a commendable democratic gesture, losing candidates in both presidential elections publically acknowledged their defeats and congratulated winners – a significant sign of political maturity and respect for the process.

The 2014 elections marked the second phase of Tunisia's democratic transition; the first phase being the 2011 election of a transitional National Constituent Assembly (NCA) to draft a new constitution. The inauguration of the newly elected ARP on December 2 and the new President of the Republic, Beji Caid Essebsi, on December 31 formally marked the end of the 2014 electoral process.

The three 2014 elections were credible, fair and enjoyed a high degree of public confidence. Importantly, these elections also showed clear improvements from the 2011 elections, demonstrating the willingness and ability of the Independent High Commission for Elections (*Instance Supérieure Indépendante pour les Élections* [ISIE], elected in January 2014), in partnership with NGOs like IFES, to quickly develop its capacity and advance the electoral process.

Despite these successes, Tunisia continues to need assistance to further improve the conduct of elections and ensure that results are widely accepted. In the years to come, Tunisia's government will need to fight complacency and deliver on crucial promises to create a greater sense of civic responsibility and strengthen the economy to provide its citizens with opportunities for a fruitful, lawful livelihood. In short, the international community, with American leadership, must continue to support Tunisia and its institutions during this tenuous moment in its history.

### **Legal Framework for the 2014 Elections: Strengths and Challenges**

Madam Chairman, Tunisia's first post-revolution encounter with a directly elected government verged on turbulence. Elections in late 2011 gave Ennahda the leading position in the country's constitutional assembly, leading it to form a "troika" government in coalition with two smaller, secular center-left parties, Congress for the Republic (CPR) and Ettakatol. Crisis came in 2013, when two leftist opposition politicians were assassinated. The success of Tunisia's transition was under threat, and with an eye on the fate of the Muslim Brotherhood in Egypt, Ennahda entered a national dialogue with opposition parties and agreed to hand over power to a neutral, technocratic government in early 2014.

Tunisia's new Constitution, passed in January 2014 and largely praised as progressive, establishes a mixed system in which power is shared between the parliament and president. Given the emphasis on decentralization, parliamentary elections are considered to have more influence on the future of Tunisia, as the largest party in parliament is entitled to name the prime minister and is charged with forming a government that can obtain majority support in the assembly. The president's powers are largely focused on national security and foreign affairs.

On May 1, 2014, the NCA passed a new electoral law, *Electoral Law No. 2014-16*. IFES assisted during an open and consultative drafting process, which included seven hearings with Tunisian and foreign legal experts, as well as civil society representatives. Other laws have been passed regulating the work and functions of the ISIE; stipulating the date of the first parliamentary and presidential elections after the adoption of the Constitution; and the freedom of audiovisual communications, resulting in the creation of the High Independent Authority for Audiovisual Communications, or *Haute Autorité Indépendante pour la Communication de l'Audiovisuel* (HAICA).

In adherence with the 2011 electoral law, the 2014 law continues a closed list proportional representation system with male and female candidates alternating on party lists for gender parity,<sup>1</sup> using the largest remainder method for seat allocation. The 2014 law also maintained electoral boundaries established in 2011.

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<sup>1</sup> This system involves each party presenting a list of candidates to the electorate. Voters vote for a party, and parties receive seats in proportion to their overall share of the vote. Winning candidates are taken from the lists in order of their position on the lists. A "closed list" means that the order of candidates elected by that list is fixed by the party itself, and voters are not able to express a preference for a particular candidate.

<http://aceproject.org/ace-en/topics/es/esd/esd02/esd02c/default>

While the electoral progress of 2014 should be commended, notable issues in the law included a restriction on the right to vote for the military and internal security forces; prohibition on political parties to finance their presidential candidates; an unclear definition of election campaigning; excessive restrictive provisions on campaign activities; cumbersome rules on the coverage of contestants by the media; potential conflicts between the ISIE and HAICA in regards to the regulation of media coverage during elections; lack of obligation for electoral contestants to publish detailed campaign accounts; and unrealistic deadlines for the resolution of electoral disputes. In the upcoming period, Tunisian authorities should work on clarifying, simplifying and amending laws and regulations to ease future processes and consolidate gains made during 2014.

### **Election Administration: Triumph, Despite Flaws**

Although the ISIE was elected in January 2014, an electoral law under which it could work did not pass until May 2014 – this gave the ISIE six months to organize three rounds of elections. Of the nine members elected by the NCA, three are women (one of whom is a former member of IFES’ staff).

Overall, the electoral process enjoyed the active participation of candidates, observers and voters. Despite time constraints, lack of trained professional electoral officials and related operational pressures, the elections were a success. Nevertheless, some problems were evident:

- **Voter registration and education.** In June 2014, the ISIE launched the first phase of voter registration, which suffered from poor timing: it proved to be too close to the elections, and was too brief. There was also some confusion among potential registrants regarding the need to register at all, and voter outreach and education was limited, began late, and, according to election observers, were generally inadequate. The total number of registered voters reached 5,285,136 (50.5 percent of whom were female), about 71 percent of the estimated number of eligible voters. The 4.2 million citizens who had registered in 2011 were not required to register a second time.
- **Campaign finance** regulations were overly strict, while verification and enforcement measures were lax.
- **Election Day incidents** noted by observer delegations included instances of illegal campaigning, improper electioneering near polling stations, a visible lack of impartiality among polling staff and confusion during the counting and tabulation processes. Despite these occurrences, the incidents were limited in scope and isolated.

Madam Chairman, I’m pleased to report that the ISIE has welcomed IFES’ support and opened the door to close and transparent collaboration. For example, ahead of the presidential elections that followed the legislative elections, the ISIE acted to rectify problems by removing polling staff who acted partially and increasing regulations regarding who may congregate near polling stations. Issues that continue to noticeably necessitate intervention include the ineffective disbursement of public campaign funds, limited voter education campaigns and reported isolated incidents of violence across the country. IFES looks forward to working with the ISIE to rectify these persistent issues.

Interestingly, and despite the technical issues identified during the 2014 elections, the Harvard-based Election Integrity Project (EIP, which devises a global annual ranking of election integrity) ranked Tunisia's presidential elections 25th and parliamentary elections 34th in the world (in comparison, the U.S. was placed 42th and 45th for the 2012 presidential elections and 2014 congressional elections, respectively). Therefore, it is safe to say that over the last four years, Tunisia has made genuine progress toward credible elections.

### **The Status of Tunisian Women: Setting an Example for the Arab World**

Since its independence in 1956, Tunisia has granted more rights to women than any other Arab country. Tunisian women were at the forefront of the 2011 revolution that won them, along with their male counterparts, access to such fundamental rights as freedom of expression, the press and association. The 2014 Tunisian Constitution was widely praised as progressive, particularly in the space of women's rights:

- Although an early draft included Ennahda's phrase "complementarity to men," this position was retracted and "equality" for all male and female citizens was substituted;
- Article 34 requires the state to ensure the representation of women in elected assemblies;
- Article 40 states that "every male and female citizen has the right to work in decent conditions and obtain fair wages";
- Article 46 specifically enshrines the protection of women's wealth, the principle of equality and commits to fighting violence against women; and
- As noted earlier, Tunisian electoral law stipulates alternating male and female candidates on party lists. These protections make Tunisia one of the rare countries in the MENA region with a constitutional obligation to strive for gender parity in elected assemblies.

In terms of its commitment to international conventions on women's rights, Tunisia formally withdrew all of its reservations to the Convention of the Elimination of Discrimination Against Women (CEDAW) in April 2014. Despite the fact that it had already ratified the convention, Tunisia is the second Arab entity (after Palestine) that currently holds no reservations on any of the provisions of CEDAW.

Encouraging trends can also be seen in Tunisia's legislature. The current composition of the 217 ARP deputies includes 72 women, 33 percent of the parliament. Faouzia Ben Fedha, a woman, is one of the two ARP vice presidents, and of the nine committees represented at the ARP, three are led by women. One of these Chairmen is Kalthoum Badreddine, a leading politician from Ennahda who heads the powerful Committee on Internal procedures, Immunity, and Parliamentary and Electoral Laws. Mrs. Badreddine has been a close partner with IFES throughout the transitional period and previously headed the NCA's Committee on General Legislation, which played a pivotal role in drafting the Constitution.

Despite significant progress in the realm of women's rights, there is much left to be done: of the 27 presidential candidates, only one was a woman. Tunisian women also continue to suffer from discrimination on legal family matters, such as inheritance or custody rights. Additionally, Tunisian

women carry the brunt of socio-economic disenfranchisement – it is estimated that out of the 20 percent of Tunisians with low literacy, 75 percent of them are women.

### **IFES Programmatic Successes**

Over the past four years, and with the indispensable support of the U.S. Government, IFES has helped build Tunisia’s capacity to hold credible elections, successfully provided on-going support to the development and operations of the ISIE and continues to play a role in helping the Tunisian people move forward in their democratic transition:

- Through direct training and training-of-trainers for poll workers, IFES has prepared 1,200 ISIE poll workers for Election Day. Moreover, the ISIE adopted over 100 of IFES’s suggestions for operational improvements;
- In an effort to streamline the use of technology, IFES supported the development of a public webpage (<http://www.isie.tn/>) and internal web portal for the ISIE;
- Given previous shortcomings on voter and civic education programs, IFES has contributed to significant improvements to the design and scope of voter and civic education programs;
- As part of its legal support, IFES assisted in the drafting process of the legal framework on elections; and
- In the climax of the electoral period, IFES supported the creation of an Election Day Media Center for the 2014 elections. This center served as a focal point for election-related coverage, significantly increasing the flow of information to the public. This process was conducted in parallel with support to the ISIE on its communications strategy.

IFES has worked to ensure that its Tunisia funding is highly diversified, and as such, has worked with international donors’ to support the monitoring, oversight and implementation of campaign finance regulations during the electoral process via trainings for judges, lawyers and members of the body responsible for monitoring campaign expenditures ahead of the 2014 elections. IFES has also supported local civil society led oversight of campaign expenditures.

Finally, IFES worked with the Tunisian Ministry of Social Affairs (MSA) to improve voter outreach strategies to Tunisian adults with low literacy. A result of this collaboration was the conceptualization, design, development and production of three visual tools that will be used by MSA teachers. For example, every MSA teacher has received an IFES-prepared “educational briefcase” teaching kit that includes a teaching manual on elections, evaluation and technical forms, posters, materials for polling station simulations (transparent ballot box, tally sheets forms, ballot papers, etc.), leaflets and stationery.

This project has had an unexpected impact in the MENA region, as the briefcase is the first teaching manual and module specifically designed for low literacy adults. This places Tunisia as a pioneer and a regional leader on these issues. Furthermore, the concept of the educational briefcase drew a great deal of interest and led to a very positive evaluation of the project. MSA representatives were subsequently invited to participate in regional forums in Mauritania, Egypt and Sudan in order to present the concrete

achievements of the project. These regional events gathered experts on literacy, as well as officials from the North and West African regions.

### **Three Key Issues Beyond 2015: Legal Framework, Local Capacity and Identified Inadequacies**

The 2014 Constitution stipulates that Tunisians directly elect municipal and regional councils. These first democratic local elections are expected to take place in 2016, and will serve to entrench democracy at the level most impacting Tunisians' everyday lives. Ergo, it is vital to bolster Tunisia's democratic transition through continued support by the U.S. Government and its allies in the international community.

Madam Chairman, the first priority must be the drafting of a legal framework for municipal and regional elections – none currently exists. Legislators must pass an election law governing the conduct of local elections; IFES recommends the adoption of a unified, consolidated electoral law that will regulate all types of elections and referendums. Furthermore, voters must be informed about new regulations that may be included in the legislation, and about major differences, such as, for instance, how the electoral system will be structured in comparison to the 2014 elections.

A second priority should be the building of a professional, efficient and sustainable election administration. This is of particular importance in governorates where electoral regional offices showed signs of weaknesses during the 2014 elections. The ISIE itself must build the professionalism of its regional offices, which will bear the organizational burden for the local elections that will be so critical to building an efficient and firmly rooted democracy at a grassroots level. Furthermore, municipal councils must be provided with adequate decentralized powers and authority and be given commensurate financial means to take resolute actions to respond to constituent concerns. A lack of financial and political means could discredit local councils and deepen frustration and skepticism toward the value of democracy.

A third priority is to address issues observed during the 2014 elections: the ISIE must increase the information available on municipal councils and local elections, while local stakeholders must improve the quality and quantity of information for potential voters. Ideally, this would mean improvement of the ISIE's voter and civic outreach strategies. Additionally, local radio must improve its standards on election coverage – this is critical to the success of local elections, as many rural voters receive their news primarily through radio outlets.

### **IFES' Programmatic Strategy**

Predicate to continued USG support, IFES will collaborate with such local partners such as the ARP; the ISIE; regional election commissions (or *Instance Régionales Indépendantes pour les Élections* [IRIEs]); the Court of Accounts; the Administrative Tribunal; the Ministry of Education; and the Ministry of Social Affairs to address these three priorities.

In May 2015, IFES received a \$3.75 million, three-year MEPI grant to enhance legal frameworks for municipal elections. In order to cultivate a system that reflects the will of the electorate, IFES will



strengthen the professionalism of the electoral institutions that administer local elections and increase participation and civic engagement in local elections. In order to achieve this, IFES will highlight youth outreach activities, create innovative civic education programs, engage in voter information campaigns targeted to adults with low literacy, and utilize voter information campaigns focused on the voter registration period and Election Day procedures.

Madam Chairman and Ranking Member Deutch, make no mistake: local elections will play a fundamental role in the consolidation of the democratic process by ensuring Tunisia's transition from interim power structures to permanent, decentralized, and citizen-run entities that will govern the country going forward. It is therefore critical that the local elections are well administered in a professional and credible manner, and that the results deriving from them are accepted by all stakeholders.

As in many countries, Tunisia's highly polarized political situation is reflected in its geography: there is more support for Nidaa Tounes in the north, and more support for Ennahda in the south. The effective conduct of local elections will help ensure that no additional divisive factor entrenches the country in an ideological divide that could engender political instability.

### **Conclusion: Recommendations to Support a Free and Democratic Tunisia**

In making the initial transition toward a free and open society, Tunisia serves as a model for the Arab world's struggling democracies. However, a multifaceted approach – built upon the foundation of democracy and governance assistance – will be critical to consolidating the democratic gains of 2014.

#### *Engaging the Young and Economically Disenfranchised in Political Processes*

Among Tunisia's most urgent priorities are its faltering economy and subsequent threats to its national security. Although demands for economic change were at the heart of the 2011 revolution, the country's economic situation has only worsened and could lead to a loss of confidence in peaceful democratic change.

The economy grew at only 2.3 percent in 2013 and 2.8 percent in 2014, which is well below pre-revolution trends and inadequate to generate the jobs the country needs. Fiscal and trade deficits also remain high. Tunisia's unemployment rate reached 15.2 percent in 2014, compared to 13 percent before the uprising. These rates have been preserved by an increase in temporary employment in the public sector that is not sustainable in the long term.

About 33 percent of young Tunisians (aged 15 to 29) are not classified as employed, engaged in education, or undergoing training (this lack of economic opportunities is further compounded in the southern regions). It is also this demographic – unemployed youth with scant hope for the future – that is susceptible to the lure of the Islamic State's lucrative salaries and relative job security. It is of the utmost importance to democratically engage these Tunisian citizens who, four years after the revolution, still feel excluded from Tunisia's mainstream society and economy. To this group, a dictatorship and a democracy are still much the same to their daily socio-economic lives.

### *Continued Electoral Assistance*

U.S. democracy and governance assistance must establish electoral mechanisms that provide a free and fair medium for new political forces to express their socio-economic priorities. Given Tunisia's relatively small size, a significant impact could be made during this critical period with minimal funding.

However, it is also imperative to remember that elections alone do not make a democracy; credible institutions are also a vital ingredient to democracy. The danger of the post-election period is that political caution and institutional resistance will coalesce to suppress the momentum of broad, reformist initiatives. The immediate task of restoring stability should not obscure the greater importance of fundamental change in the relationship between the Tunisian state and its people.

Beyond short-term measures to address the current security crisis and encourage new economic dividends from the democratic transition, Tunisia must adopt a more ambitious reform agenda in order to fulfill the ideals of the revolution, meet the aspirations of its people and address the underlying weakness and failures that became entrenched during the period of authoritarian rule.

For example, the Tunisian Constitution mandates a decentralization of decision-making that has yet to be established. Such decentralization will be essential to make the state more responsive to the demands of Tunisian citizens in more socially deprived regions. Extending access and improving the quality of basic services such as health and education in these areas is essential to reducing Tunisia's regional disparities.

### *Increasing U.S.-Tunisia Exchange and Engagement*

American political leaders – particularly the U.S. Congress – should continue high-level engagement with Tunisia to demonstrate American support for its democratic transition at a time rife with negative regional trends.

American politicians and officials should encourage Tunisian political leaders to seek broadly supported solutions to pre- and post-electoral issues. The U.S. should also deepen its relationships with civil society and emerging reform-minded politicians, who may offer the best hope for the country's medium-term political development, and consistently offer encouragement and assistance to the reform of state institutions, including the decentralization and the improvement of public administration. More broadly, youth exchange programs are an excellent investment in promoting an understanding of American ideals and familiarity with democratic procedures.

Above all, the U.S. should ensure that it does not lose focus on Tunisia at a time when other urgent security crises in Libya, Syria, Yemen, and Iraq demand ongoing attention. In the longer term, Tunisia's continued democratic development could be of enormous significance for the MENA region. The U.S. must make every effort to effectively support it with a consistent and varied approach.

There is something irreversible when creating democratic institutions that are rooted in a popular revolution. It will be almost impossible to revert back to a dictatorship in the near future. The electoral

process in Tunisia is thus far a success to be noted in an Arab world that is still marked by either ongoing civil strife or revolutions (with the notable exception of Morocco).

Madam Chairman and Ranking Member Deutch, I conclude by reiterating that while Tunisia is a job well done, it is also a job not finished – American assistance, particularly for democracy and governance, will continue to play an irreplaceable role in strengthening Tunisia’s fledgling democracy. The International Foundation for Electoral Systems commends the people of Tunisia for their hard work, sacrifice, and continued dedication to democracy, even in the face of unspeakable violence and intimidation. We are proud to partner with you and the U.S. Government to ensure there is a vote for every Tunisian voice. Thank you.



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