

STATEMENT OF THE IRI/NDI PRE-ELECTION ASSESSMENT MISSION TO TUNISIA'S 2019 PRESIDENTIAL AND LEGISLATIVE ELECTIONS

JULY 30 - AUGUST 2, 2019

The International Republican Institute (IRI) and the National Democratic Institute (NDI) deployed an international delegation to Tunisia from July 30 - August 2, 2019. The purpose of the mission was to demonstrate the interest of the international community in Tunisia's continued democratic transition, assess the prevailing political environment and preparations for the 2019 presidential and parliamentary elections, and identify areas where change is possible to improve the integrity of the elections. The delegation included technical and election experts from the United States and Canada: Paul Vinovich, board member of the Office of Congressional Ethics (United States), Ellen Weintraub, chair of the U.S. Federal Elections Commission (United States); and Elizabeth Weir, former parliamentarian, New Brunswick Legislative Assembly (Canada).

The delegation conducted its activities in accordance with the *Declaration of Principles for International Election Observation*, which establishes the basis for credible international election observation and was formulated and signed by 55 intergovernmental and international organizations including the United Nations. During its visit, the delegation met with: the High Independent Authority for Elections (ISIE), the High Independent Authority of the Audiovisual Commission (HAICA), the Court of Accounts, independent and partisan candidates and political party leaders, business leaders, civil society leaders including citizen election observers, a public opinion bureau and members of the international community. All activities were conducted on a strictly nonpartisan basis and without interfering in the election process.

Both Institutes recognize that, ultimately, it will be the people of Tunisia who will determine the credibility of their elections and the country's democratic transition. The delegation therefore offers this pre-election statement in the spirit of supporting and strengthening democratic institutions, effective election practices and accountability in Tunisia.

The delegation is deeply grateful to all those who met with the delegation and shared their views generously. The delegation also expresses its appreciation to the United States Agency for International Development (USAID) for funding this delegation and supporting IRI's and NDI's democracy assistance programs in Tunisia. IRI and NDI stand ready to continue to assist Tunisian efforts to build and sustain democratic practices, institutions, and values.

Summary of Observations

Political Context

The 2019 presidential and legislative elections mark Tunisia's fourth round of elections following the 2011 revolution. The elections will be held against a backdrop of citizens' growing unease with the economic situation and disappointment in their political leaders. High unemployment, especially among youth and in the country's underdeveloped interior regions, and rising inflation are driving resentment toward the government for its inability to improve the lives of ordinary Tunisians. Despite their frustrations with the system, seven million Tunisians –

the highest number in Tunisia's history – are registered to vote and public opinion research conducted by IRI and NDI suggests that many intend to exercise their right to vote in the upcoming elections.

The delegation arrived in Tunisia five days after the death of President Béji Caïd Essebsi. Within hours of his death, the parliament swore in interim president Mohamed Ennaceur and the Independent High Authority for Elections (ISIE) announced the acceleration of the presidential election from November 17 to September 15 in order to meet the requirements of an emergency transition outlined in Tunisia's constitution. Without exception, the people with whom the delegation met voiced pride in this swift and uncontested transfer of political power and expressed a commitment to adhere to the country's constitution, even under these extraordinary circumstances.

Nevertheless, the accelerated timeframe for the presidential election places significant pressures on the ISIE, political competitors, civil society organizations, voters, and others involved in the electoral process. That legislative elections remain scheduled for October 6 creates a further challenge: the overlap of presidential and legislative election periods will present logistical and financial challenges to the ISIE's administration of elections and monitoring of campaigns. Political parties also will have less time to register presidential candidates by the August 9 deadline, conduct overlapping campaigns, recruit and train volunteers, and mobilize voters. Civil society organizations that are organizing to observe the electoral process and conduct voter education campaigns must now work overtime. For their part, voters may need to go to the polling station three times in six weeks, depending on whether and when a potential presidential run-off takes place.

Although civil society organizations and political actors who met with the delegation said that more time, or alternating the sequencing of elections, would be beneficial for their efforts, all expressed respect for the ISIE's independence in announcing the timeline. They have accepted the ISIE's decision and are moving forward to conduct their work.

Further, the delegation observed considerable confidence in the ISIE to administer a fair process. Civil society representatives and political competitors commended the ISIE on its commitment to adhering to the constitution, its ability to use limited resources to organize municipal bi-elections this summer, and its conduct during the voter registration campaign, which added 1.5 million Tunisians (two-thirds of them under the age of 35 and many living in rural areas) to the voter registry. Many also spoke favorably of the professionalism and accessibility of the regional electoral authorities and expressed confidence that other government institutions that have a stake in organizing and securing the polls, including the Ministry of Education, the army and police, would dedicate the resources necessary to support the electoral process on this shortened timeframe.

Legal Framework

The readiness of election stakeholders – election officials, parties, candidates, and civil society organizations – risked being negatively affected by uncertainty about the legal framework due to the parliament's adoption of an amendment to the election law on June 18 that would have, among other things, established a three percent electoral threshold for representation in

parliament and established a set of exclusionary criteria for candidates that many perceived targeted specific individuals.. The amendment generated considerable controversy for the lack of parliamentary debate during its passage, the questionable constitutionality of several provisions, and, most of all, the timing – just weeks before the opening of the candidate registration period. Although the amendment was left unsigned by President Essebsi, the uncertainty its passage injected into the process is a reminder that the fairness of an election is based on a sound legal framework.

A number of political and civic actors shared concerns with the delegation about the potential for violations of the election law, specifically with respect to its provisions regulating campaign activities, campaign finance, and media access. However, none of the interlocutors suggested that these violations would rise to the level of fundamentally compromising the results. Some of these violations were characterized as flowing from a lack of understanding of the law or its corresponding regulatory frameworks, which leaves candidates and parties uncertain of what is required to comply with the rules. This suggests that greater efforts could be directed by the ISIE and parties toward educating candidates and campaign teams about the rules.

Interlocutors also raised concerns about the application of the election law, specifically with respect to campaign infractions and sanctions. There is a perception that too many violations of the election law would go unpunished. Additionally, several interlocutors indicated that parties who had received public funding and earned more than three percent of the vote in the 2018 municipal election had not been reimbursed, as authorized in a 2017 amendment to the electoral law. Whether this lack of implementation results from administrative incapacity or something else, it carries the risk of discouraging smaller parties and independent lists from competing in elections (in the case of reimbursements) or of contributing to a culture of impunity (in the case of violations).

The framework itself may be a source of the problem. At a time when the ISIE is under pressure to administer the election on a shortened timeframe, it is also charged with enforcing an election code that is in many ways restrictive and unrealistic. A number of party representatives and observers noted that the campaign spending limits in place, for example, are too low to allow for effective campaigning and therefore are regularly ignored. Similarly, Tunisia’s short campaign periods restrain and prevent many activities that would be regarded as standard campaign activities in other democratic systems, such as candidate media appearances and voter contacts. These rules incentivize parties and candidates to conduct most of their campaigning outside of the campaign period.

Simplifying the election code for future elections to remove constraints on normal and beneficial campaign activity will reduce the burden on ISIE, allow candidates and parties to run effective campaigns in compliance with the law and thereby improve and increase confidence in the electoral process.

Media

Several groups with whom the delegation met shared concerns about media bias and lack of equal access to candidates and political parties in traditional media, including television and radio. Some interlocutors mentioned that smaller political parties have fewer opportunities for

airtime and viewership than other larger parties, and that this bias was perpetuated both by state-owned and private media. While regulations for equal airtime during the campaign period exist and are enforced, this bias toward larger mainstream parties is exhibited most during the pre-campaign period. The shortened electoral calendar and timing of the campaign period will heighten the media's importance during this electoral season in increasing voter awareness of electoral processes and political programs.

Social media, particularly Facebook, plays an important role in Tunisian politics, as seen since the 2011 revolution. High internet penetration in the country strengthens social media's position as an important source of information, especially among the youth. Recognizing this role, and given the difficulties some parties face in utilizing traditional media, several political parties expressed to the delegation the intention to focus largely on social media outreach in their political campaigns. While social media provides an opportunity to bypass traditional outlets and communicate directly with citizens, the delegation observed that Tunisia is not immune from the global trend of disinformation. To address this challenge, HAICA is working with a coalition of media representatives and providing media training to journalists on how to identify and dispel disinformation on social media. This strategy could be strengthened by incorporating civil society organizations and other sectors who would benefit from these trainings and information on combatting disinformation.

Political Competition

Several interlocutors suggested that, with an increased number of incumbents running for office, the campaign period is likely to be competitive, with the potential for increased presence of phenomena such as vote buying and use of state resources. Although the delegation is not overly concerned about this, the issue may deserve special attention during the upcoming citizen and international observation efforts.

Several political parties that the delegates met with referenced an effort to establish a voluntary code of conduct committing political competitors to adhere to the election law and campaign finance regulations. Although there was some question about whether such a code would be followed or enforced, public discussion among civil society and political parties about the need for ethical campaign conduct can, over time, contribute to the establishment of political norms.

Public opinion research in Tunisia shows that trust in politics in general, and the existing parties and parliamentarians in particular, is low, leaving space for independent candidates as well as newcomers to the political scene. Several political parties are responding to citizens' demands for younger, fresher political figures, even if they do not have any experience in politics or governance, and are composing their electoral lists accordingly. Parties are complying with the election law's gender parity provision, but most lists remain headed by men. Compared to previous elections, the delegation also noted increased attention given to in-person and social media voter outreach as part of their campaigns. In planning for the upcoming elections, political parties expressed to the delegation high interest and intention in preparing networks of party agents who will monitor the elections at various polling stations throughout the country. Some parties expressed the need for additional resources to be able to follow up on this intention.

Public opinion research conducted by IRI and NDI demonstrates that voters want a clear economic and administration reform agenda from parties. While most political competitors understand that the economy requires attention, few have developed clear reforms and policies to address these issues, which leads the delegation to conclude that campaigning may be based more on personalities and personal attacks rather than policies and platforms – something that is likely to be exacerbated by the accelerated electoral timeline. The delegation warns that, over time, this dynamic risks undermining the effectiveness of and confidence in Tunisia’s elected institutions and in its democratic transition.

Recommendations

The shortened timeframe for Tunisia’s elections presents a significant challenge to election officials, political competitors, citizen observers, and others. In light of this challenge, the delegation notes that enhancing mechanisms for communication and collaboration can further increase citizen confidence in the 2019 elections. It is in that spirit that the delegation respectfully offers the following recommendations:

ISIE

- The ISIE should put in place the financial, human and material resources needed to administer the polls under shortened and overlapping electoral timelines, requesting additional funds if necessary.
- The ISIE should take immediate action to fill vacant positions and provide thorough and timely training to campaign monitors and polling officials so they are able to more thoroughly monitor election violations.
- The ISIE should conduct regular meetings with civil society organizations and political parties in order to provide and obtain timely information, promote public education campaigns to deepen public and political party understanding of election rules and processes, and to coordinate efforts for free, fair, and transparent elections.
- The ISIE should produce clear templates for reporting campaign expenses.

Political Parties

- Political parties should develop and apply clear political messages and campaign on clear programs, with a specific focus on gender and youth, that will address the priorities of Tunisian citizens to see improvements in their daily lives. This should be followed by continuous voter outreach activities outside of the campaign period to dispel concerns of a lack of presence and importance accorded to citizen grievances.
- Political parties should make a public commitment to ethical campaign conduct.

Civil Society

- Civil society should provide additional voter and civic education activities explaining the changes to the electoral calendar and their implications on citizen participation during the election season.
- Civil society observers should offer concrete, realistic and actionable recommendations to the electoral authorities at each stage of the electoral process.

- Citizen election observers and the Court of Accounts should synchronize their observations with one another to inform methodology and reports related to campaign finance.

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