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Tunisia's Local Elections: Entrenching Democratic Practices

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Soud Abderrahim of Ennahdha Party elected as the first female Mayor of Tunis – July 2018 © EPA



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The 6 May municipal elections were the first in a series of elections aimed at implementing Chapter 7 of the 2014 Constitution on decentralization and laying the foundation for local authority. The process was supposed to be followed by the election of regional councils then provincial elections. However, the intended process was disrupted due to delays in implementing relevant laws and regulations.

Similarly, the municipal elections were postponed several times due to an inability to reach agreement among all political actors on the new local elections law and the repeated rescheduling of the vote of local communities on the electoral law. Even voting on the schedule of local communities happened only shortly before the municipal elections. The latter were initially scheduled for October 2016 before being reset for 26 March 2017. They were again postponed indefinitely, worrying civil society and the Independent High Commission for Elections. Major political parties, particularly Nidaa Tounes, were held responsible for not being adequately prepared for the elections. Eventually, on 19 December 2017, a presidential decree¹ was issued, calling voters to elect members for municipal councils on 6 May 2018.

Article 133 of the Constitution states that municipal and regional council members must be elected in general, free, direct, secret, impartial, and transparent suffrage. This has prompted a necessary review of the electoral and referendum law and addition of an article related to local and regional elections. This law set the term at five years (Article 117(4) and recognizes voting on lists in a single round, where electoral seats would be distributed based on proportional representation to the strongest remainder (Article 117(5). Thus the seats would be distributed in the first stage according to the electoral quotient while the rest would be distributed taking into account the strongest remainder. The mayor would then be elected by municipal council members by an absolute majority from among those heading winning lists in the first session. In case a majority was not met, there would be a second voting round in which the two candidates with the most votes compete. In case their votes are equal, whoever is younger wins.

There are 350 municipalities, 24 states and 27 constituencies. The number of electoral seats for each municipality ranged from 12 (for a population less than 10,000) to 36 (for a population between 100,000 and 200,000). The Tunis



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Municipality has the largest number at 60 seats (for a population over 500,000), representing a population of 637,568 citizens.² Established in 1858, the Tunis Municipality is considered one of the most important municipalities in terms of population and symbolic value, with its mayor holding the title “the City Sheikh”. This significance may be one reason for the fierce competition among Ennahdha and Nidaa Tounes candidates over this municipality.

Municipal elections have created the opportunity to reassess the Tunisian political arena and the average citizen’s understanding of political action and the political class during the current political and economic crisis – seven years after the transition to democracy. Similarly, it has provided opportunities for political parties to reconsider their proximity to voters as well as their strategic and political positioning in preparation for the upcoming legislative elections. This is particularly important given indications that the average citizen is becoming distant from political affairs.

Low turnout rates

The total number of registered voters for the 2018 elections exceeded five million (5,369,892 – 52% male, 48% female). 32.56% of voters were between 18 and 35 years old, 21.22% were between 36 and 45 years old, 27.12% were between 46 and 60 years old, and 19.01% were over 60 years old.

The 2018 turnout rates were 23% lower than the 2014 legislative elections. Only 1,909,742 (35.6%) citizens voted, with 3,460,150 (64.4%) abstaining. In 2014 the participation rate was 64.7% (3,579,257 votes).

The highest turnout rates (69.38%) were in the municipality of Manzil Harb in Monastir province, while the lowest rates were registered in the Tadamun (46.18%), a popular and densely-populated neighbourhood of Tunis. According to a study by Quantylix, Ennahdha is the biggest winner from such low turnout rates.

Low participation rates were also recorded among military and internal security personnel who gained the right to vote under Article 6bis of the new electoral law that states that “military personnel and internal security assistants voting in municipal and regional elections are to be included in records separate from



others.” This article has been disputed among parliamentary blocs, delaying the implementation of the law more than once. Nidaa Tounes was one of the parties most uncompromising when it came to reviewing this article to allow this section of society to participate in voting, arguing that this would not affect the neutrality of the military and security establishments as stated in the Constitution, due to the different nature of municipal elections from legislative and presidential elections.

Ennahdha objected to granting voting rights to those working in the security sector, claiming this “would threaten the political process and democracy”. At the same time, security syndicates expressed individual members’ assertion of their right to vote as linked to citizenship rights recognized by the Constitution. An agreement was consequently reached on this matter by granting voting rights to this section of society while denying them the right to run for election in municipal and regional councils. Article 52bis of the electoral law “bans military and internal security individuals from participating in any way and by any means in election campaigns. Consequently, they are not entitled to participate in party meetings or any election-related activity except for registering at constituencies, voting in municipal and regional elections, and securing the course of elections in the framework of their official duties. By the same token, any military or security person who participates in activities of the election campaign would be dismissed under a decision by the honour council or the disciplinary board after allowing them the right of defence.”³

Military and internal security staff were invited to elect municipal council members on 29 April 2018, a week before the Tunisian public could vote, since security workers would be responsible for securing the election process on 6 May. Their votes were then counted together with the public vote according to Article 103, repeated, of the electoral law, to avoid controversy over the loyalty of the security establishment and preserve their neutrality. Additionally, and for security reasons, the voter lists of military and security workers were not posted at the entrance of polling stations or offices (Article 127 of the electoral law).

Similar to the public, the participation rate of military and internal security staff was very low. Only 4492 voted from a total of 36,495 registered for municipal elections – a participation rate of 12%. In a press conference on 29 April 2018, the chair of the Independent High Commission for Elections referred to this as a result



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of the call to boycott the elections launched by a number of syndicate members. The Internal Security Forces Syndicate had called for the boycott to guarantee the neutrality of the security establishment and distance it from partisan tensions. Others consider the working conditions (work stations being far away from polling stations, a daily 12-hour work shift, no days off, etc.) to have contributed greatly to the fall in participation rates.

The decline in participation rates compared to the 2014 elections can be explained in several ways, the first of which is the historical context. In 2014 Tunisians saw the legislative and presidential elections, an end to the political crisis, and a start to a new era. Citizens saw themselves as capable of changing power relations by supporting new political powers that could match Islamists and create balance in the political scene. Despite Nidaa Tounes coming in first, these elections did not achieve the anticipated results. Nidaa Tounes joined forces with the Islamists and witnessed internal splits that saw it lose its dominant position in parliament. The 2018 elections came in the context of a crisis of governance compounded by an economic crisis. As a result, participation rates reflected the deep crisis of confidence between citizens and the political classes as well as the lack of confidence in the system itself. Politicians' lack of clear vision intensified this crisis.

The second reason for low participation rates could be explained by the lack of awareness of the importance of these local elections. The average Tunisian citizen still fails to see how electing municipal, and later regional, councils falls in the context of increasing local authority and leading to participatory local democracy. This lack of clarity, among both candidates and voters, stems from the considerable delays in issuing the schedule for local communities. The schedule identifies the designated competencies of municipal, regional, and provincial councils and their roles in local and regional development as well as setting the mechanisms for participatory democracy and oversight in local communities. This has not helped candidates to develop clear electoral programmes in line with the new roles presented in creating local policies.



Who came out on top in the elections?

2074 lists ran for municipal election, 1055 of which were party-based, 860 independent, and 159 coalition-based. Only Ennahdha and Nidaa Tounes were able to present candidates for all or most municipalities. Ennahdha was represented in 350 municipalities whereas Nidaa Tounes was represented in 345. The conditions for list registration set out by the electoral law were an obstacle for other parties – including those already represented in parliament – in registering lists in all constituencies.

Perhaps the most important impediment was the condition of horizontal equality, as the new electoral law was keen on ensuring the involvement of women, youth, and people with disabilities in the newly formed municipal councils. As a consequence, both horizontal equality (across those heading the candidate lists of more than one polling station) and vertical gender equality (within the list itself) were implemented, as well as stressing the importance of the principle of rotation between candidates on the list.⁴ Regarding youth, Article 49 of the electoral law states: “every list of candidates must include among its top three a female or male candidate no more than 35-year of age on the day of running for election.” The electoral law also imposed in Article 49(11) that lists of candidates “must include among its top ten candidates a female or male candidate with a disability holding a disability card.”

The law contained harsh penalties behind both conditions of equality and youth membership. Lists not adhering to the rules were cancelled, while lists that do not comply with the disability requirements were denied the public subsidy. Women won 46.68% of seats, among whom 55.29% headed their lists, paving the way for them to become heads of municipal councils. Youth (under 35) on the other hand gained 37.16% (2673 from 7194), while people with disabilities gained 144 seats, 15 of whom headed their lists.

The phenomenon of independent candidates



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Independent lists came in first nationwide with a percentage of 32.27% (581,730 votes), qualifying them to win 2367 seats and putting them ahead of party lists, including those of the major parties. They came in first in 96 municipalities, (27%), including in some major municipalities in Tunis, such as La Marsa and Ariana, and across Tunisia, such as Monastir, Tajrouine, Chebba-, and Mahdia. Independents also came second in several midsize municipalities in different areas, such as El-Kef, Tataouine, Ben Gardane, Hammamet, Manouba, Métlaoui, Zaghouan, and al-Fahs.

These rates suggest the presence of a new, rising force that might compete with existing party formations and that has gained the confidence of the Tunisian public. This may to some extent result in the renewal of ruling elites. Questions that come to mind requiring further study include: Who are these candidates? How did these lists come into existence? Is an independent candidate simply an individual who is not involved in a political party? Are these lists local notables?

It would be initially safe to say, after reviewing some of the data, that independent candidates cannot be viewed as a homogenous bloc representing a rising political force because of the diversity of candidates and differences between municipalities. On the other hand, a number of independent lists were backed by political parties. This is, for instance, the case of independent lists that were backed by the Civil Union which consists of several smaller parties.

Ennahdha and Nidaa Tounes in the forefront of political forces

Ennahdha and Nidaa Tounes remain the primary winners in the 2018 municipal elections. However, this differs from the 2014 legislative elections when it comes to the number of votes gained and their ranking. While Ennahdha won 516,379 votes, (28.64%), Nidaa Tounes won 375,896 votes, (20.85%). This is a decrease in the proportion won by each compared to the 2014 elections.

Ennahdha remains the primary winner in these elections despite the decrease in



its electoral base, as it lost about half its voters (430,655). Such a number is remarkable for the most organized party in the country that has not witnessed as many divisions as other parties. Despite this, it came first in 44% of all municipalities and won 2135 seats. A comparison between the election maps of 2014 and 2018 shows that Ennahdha has preserved its influence in the south and that this influence has expanded to the coastal areas and the north.

Nidaa Tounes lost 904,045 votes compared to the 2014 elections, as it won 375,896 votes only in 2018. This is due to several reasons, the first being that the votes Nidaa Tounes harvested in 2014 belonged in a certain historical and political context as it benefited from the “charitable voting” that democratic forces had called for to support a new political power to match Ennahdha and create balance in the country. It also benefited from the dissatisfaction with the Troika government that Islamists led for three years and contributed to the 2013 crisis. Yet, after winning in the legislative elections, Nidaa Tounes was exposed to divisive crises and the withdrawal of several of its founders who established new parties.

The results of municipal elections have confirmed the inability of any political party to emerge as a third political power alongside Ennahdha and Nidaa Tounes. The Democratic Current, which came in third, gained a mere 4.2% of votes, followed by the Popular Front with a 3.95%. While such a rate was a victory for the Democratic Current, it is considered a failure for the Popular Front which came in third in the 2014 elections and has now lost a portion of its votes, while the Democratic Current witnessed a 13% increase in votes. As for the rest of the parties, their rates were under 1%. This trend at the local elections is very similar at the national level.

Conclusion

The voting system adopted in municipal elections has produced mosaic municipal councils where no one has an absolute majority, reflecting the situation in parliament. This will require forming coalitions and negotiating to create new agreements. But unlike the parliament, coalitions on the local level will not necessarily follow the logic of party alliances. Negotiations among the winning



formations have already started in preparation for the election of presidents of municipal councils. In this context, the controversy over the presidency of the Tunis municipality has arisen between Ennahdha's candidate Souad Abderrahim and Kamal Eidir from Nidaa Tounes.

These elections are important to the winning major parties as they bring them closer to the average citizen on the local level, helping them improve their image and win the confidence of citizens in preparation for the upcoming legislative elections. They are equally important for the average citizen considering that they focus on the foundations of local democracy. What happens in these councils will reflect either positively or negatively on the project to enhance local authority, as well as the services this new system is supposed to provide to citizens.

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Endnotes

1. Presidential Decree No. 254 of 2017, dated 19 December, 2017, concerning call for voters to the municipal elections of 2018, official record no. 101, 19 December, 2017, p. 4452.
2. Article 177, repeated from Basic Law No. 16 of 2014, dated 26 May, 2014, related to elections and referendum, reviewed and finalized under Basic Law No. 7 of 2017, dated 14 February, 2017, official record no. 14, 17 February, 2017, p. 569.
3. The Independent High Commission for Elections, Guidebook of Election Campaign Rules and Procedures, Municipalities 2018, p .11.
4. Article 49 of the Basic Law related to elections. See above.



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