INNOVATIONS FOR
SUCCESSFUL SOCIETIES

PREPARING TO DRAFT A NEW SOCIAL CONTRACT: TUNISIA'S NATIONAL CONSTITUENT ASSEMBLY ELECTION, 2011

SYNOPSIS

Tunisia's Independent High Authority for Elections faced a formidable task in May 2011. The newly created commission had five months to organize and implement elections for a National Constituent Assembly that would rewrite the Tunisian constitution. Commissioners moved quickly to build capacity and restore public faith in elections. The commission navigated the pressures of a compressed electoral calendar, an agitated electorate, and skepticism of the transitional government. The story of the group's efforts to manage a successful election offers insight into how an electoral commission can take advantage of relationships with political parties, government, and the public to overcome inexperience in volatile circumstances. This case study focuses on commission staffing and recruitment, the creation of regional subsidiary bodies, and voter registration.

INTRODUCTION

In May 2011, human rights activist Kamel Jendoubi found himself in charge of organizing elections that would create a new system of government for Tunisia. The North African country's five-term president, Zine El Abidine Ben Ali, had stepped down just months earlier in response to unprecedented public protests demanding his removal, an expansion of political and civil rights, and an end to economic injustice.

Demonstrations continued even after the formation of a transitional government, as Tunisians demanded more drastic changes. After initially struggling to craft a response, the new government decided to place responsibility for revising the constitution in the hands of an elected National Constituent Assembly.

Ensuring the integrity of the vote for assembly members was crucial. As in many other countries that confront the challenge of running a founding election—the selection of people to redraft a social contract—the stakes were high and suspicion of government was widespread. The public especially distrusted the Ministry of Interior, which previously had run elections that many citizens considered merely charades. Tunisia needed an independent body to conduct the process impartially.

Jendoubi had the job of leading a newly created commission, the Independent High Authority for Elections, known as the *Instance supérieure indépendante pour les élections*, or ISIE (the country was a French protectorate until 1956, and although Arabic is Tunisia's official

language, French is still widely used). A fierce critic of Ben Ali, Jendoubi, who was 58 years old when he became head of the ISIE, had lived in exile since 1994. Although he had no significant election-related experience, he had served as president of the Euro-Mediterranean Network for Human Rights and as chair of the Committee for the Respect of Freedoms and Human Rights in Tunisia. When Ben Ali fled, Jendoubi publicly announced his intent to return to his country, inspired by what he described as "the determination of the Tunisian people to move towards democracy."

Jendoubi's untested commission faced the job of organizing a fair and peaceful vote in a nation of 11 million, about two-thirds of whom lived in urban areas. Although nearly the entire population was Sunni Muslim, differences in beliefs and religiosity were increasingly visible, and participation in political groups, long suppressed, was highly fluid.

THE CHALLENGE

The ISIE was the product of tense negotiations among political parties and influential social groups. The hurdles encountered in the process foretold the pressures under which the election commission would have to work.

Building political legitimacy was a central concern. Ben Ali's departure on January 14, 2011 thrust prime minister Mohamed Ghannouchi into the middle of a boiling political scene. Ghannouchi was a long-time affiliate of Ben Ali's much-reviled political party, the Constitutional Democratic Rally. Within hours of Ben Ali's resignation, Ghannouchi invited 69-year-old lawyer Yadh Ben Achour, a former member of the country's constitutional court, to lead a High Commission for Political Reform.[1] The high commission's purpose was to revise the 1959 constitution, amend laws regulating political life, and supervise the election of a new president.[2]

The high commission had 19 members, all of them experts recruited from law faculties around the country. Ben Achour was a logical candidate to lead the group. The son of a distinguished religious scholar, he had advanced degrees in public law. Ben Ali had appointed him to the country's constitutional court in 1991, but Ben Achour resigned a year later in protest of a government decision to dissolve the Tunisian League for Human Rights. He then served as dean of the Faculty of Juridical Sciences at Tunis and spoke out frequently against the government.

Despite Ben Achour's credentials, the legitimacy of the High Commission for Political Reform came into question as protesters continued to voice their dissatisfaction with the status quo. At the time, many Tunisians feared the old regime would work through the Constitutional Democratic Rally to survive and prosper even without Ben Ali.[3]

In February, 28 associations and political parties met at the Tunisian Bar Association's headquarters in Tunis and signed a joint statement establishing the National Council for the Protection of the Revolution. The signers included the Tunisian League for Human Rights, the Tunisian General Labor Union, the moderate Islamist Ennahda Movement, and several judges and lawyers.[4] The group demanded decision-making authority and recognition from the government.

A week later, the government acquiesced and agreed to merge the High Commission for Political Reform with an advisory council "composed of national political figures, representatives of political parties, commissions, organizations, associations, and civil society groups."[5] The new body was called the High Commission for the Realization of the Goals of the Revolution, Political Reform, and Democratic Transition (in French, the *Haute instance pour la réalisation des objectifs de la révolution, de la réforme*

politique et de la transition démocratique, commonly referred to as the *Haute instance*).

Still, street protests intensified and forced Ghannouchi's resignation at the end of the month. In a televised speech, Interim President Fouad Mebazaa suspended the constitution and announced that constituent assembly elections would take place on 24 July. Mebazaa replaced Ghannouchi with Beji Caid Essebsi, who removed many of the cabinet ministers affiliated with the former ruling party.

By mid-March, Essebsi had finally nominated members of the National Council for the Protection of the Revolution to serve on the *Haute instance*. The original legal experts working with Ben Achour became an "experts committee," and party leaders, activists, and association leaders formed a "political committee." Ben Achour assumed the role of chair.

The *Haute instance* met in April and focused on the need for an independent, neutral, and nonpolitical body that would ensure the integrity of future elections. On April 18, it formally established the ISIE by decree as financially and administratively independent, with special legal status and responsibility to prepare, supervise, and control the constituent assembly elections while building trust and confidence in the electoral process among Tunisian voters.[6]

The 16 ISIE commissioners nominated by the *Haute instance* represented a broad spectrum of background and experience: three judges, three representatives of the bar association, one notary, one bailiff, one accountant, one journalist, one information technology expert, two representatives of non-governmental organizations, one expatriate citizen, and two university professors.[7] With few exceptions, the professional sectors that were represented were known for their independence and historical roles in challenging Ben Ali and his ruling party. The decree specified that the commissioners could

elect their own president, a vice president, and a secretary-general, and that all decisions would require a two-thirds majority vote.[8]

When the ISIE commissioners met for the first time on 18 May, they were keenly aware of the uncertainties and challenges they faced. Although the *Haute instance* decree had created a central authority with headquarters in Tunis, many other aspects of the ISIE's structure and operation were unspecified, including details related to "subsidiary bodies" in the 24 governorates that constituted the country's main administrative subdivisions. One official involved in the election said that, though everyone had favored an independent commission, "they did not have a clear idea about how it should function, how it should work, and how it should be designed."[9]

However, there was agreement on one key point. "From the beginning," Ben Achour asserted, "there was consensus the elections should not be managed by the Ministry of Interior."

The most urgent challenge the ISIE confronted was a highly compressed and unworkable electoral calendar. Interim President Mebazaa had declared the elections would take place on 24 July. Two months was not nearly enough time for the ISIE to establish campaign rules, organize voter registration, and print ballots—not to mention performing the many other essential tasks required to ensure a free and fair election.

A second challenge involved building staff capacity. In creating the ISIE, the *Haute instance* had declared that the electoral body must dissolve after the election results were announced. Because any ISIE job was therefore temporary by definition, recruiting experienced and knowledgeable people—especially from the private sector—would be problematic.[10] Tunisians' wariness of government in general, and especially their deep distrust of the previous regime and the

Ministry of Interior, created more hurdles for hiring because most election-related experts worked with the ministry.

Intense public pressure and a volatile electorate produced a third challenge. Tunisians' demands for change had triggered similar demonstrations throughout the Middle East and North Africa, the beginning of what was known at the time as the "Arab Spring." The political context remained highly charged and very fluid. Political campaigning could stir up dissension, and perceptions of unfairness, whether true or not, could create a flash point.

Finally, the ISIE had to apply new electoral rules. The *Haute instance* had ruled that the assembly would consist of 217 members elected across 33 multimember districts, by closed-list proportional representation. That is, voters would cast ballots for parties, not candidates, and the parties would seat members from lists they submitted in advance, with alternation between male and female candidates. The exact number of seats awarded to a party would be a function of the share of the vote the party received. For the first time, citizens living outside the country were allowed to vote; six districts were reserved for expatriates.

FRAMING A RESPONSE

ISIE Commissioner Mourad Ben Mouelli described the situation that confronted the organization at the outset: "The minimum conditions to carry out fair elections were not present."[11] For example, at the time, the ISIE favored the creation of an "active" voter registration system, whereby each of Tunisia's 8 million eligible voters would be required to register in order to vote on election day. Lacking any presence beyond the capital of Tunis, the ISIE had to develop subsidiary operations throughout the country.[12] Yet the commissioners did not even have a regular meeting place, let

alone a staff to assist them in their work.

The 24 July election date was clearly infeasible. The commissioners knew that organizing, planning, and implementing a free and fair national election under difficult circumstances would require months of work. But changing the timing of the vote was a delicate matter, given the volatility of Tunisia's political situation at the time.

"We knew that it was not possible to hold elections by the first deadline of 24 July. That is, if we truly wanted to hold free, transparent and democratic elections according to the electoral law," said ISIE vice president Souad Triki.[13] However, she cautioned that "delaying the election was not a simple decision. Political parties, government, civil society, and the citizenry were all wedded to this initial deadline. Postponing the elections could have drawn criticism and suspicion, but the ISIE's message and reasoning were convincing." While fairness and diligence required careful organization and training that would take time, postponement might feed suspicion and invite a torrent of criticism—just as a flawed election would.

The commissioners held two meetings to debate a possible delay and studied potential electoral calendars and stages of the electoral cycle.[14] After a debate that lasted until four in the morning, the group formally voted to seek to postpone the election.[15]

On 22 May, Jendoubi held a press conference to announce the ISIE's position, declaring, "There is insufficient time to prepare all that is necessary for a transparent election." He called for a three-month delay in the vote, to 16 October.[16]

Jendoubi's announcement sparked the ISIE's first crisis. Several established political parties contested the decision. "The postponement of the National Constituent Assembly's election date is an abandonment of the legitimacy of consensus," declared Rached Ghannouchi, head of Ennahda.[17]

Even Prime Minister Essebsi initially rejected the ISIE's proposal after his cabinet issued a statement reaffirming the initial date.

ISIE members knew they would need the government's help in persuading political parties to accept a delay. In meetings with government officials, ISIE leaders focused on stages of the electoral cycle and election timetables provided by international experts. Essebsi agreed to the delay and arranged for a meeting of all political parties in early June, at the Palais des Congrès in Tunis. The parties eventually accepted the delay, and Essebsi set the election date for 23 October.[18]

In an environment of heightened suspicion, transparency was key. As the ISIE began working toward its new, four-month deadline, Jendoubi was well aware of the need to keep the citizenry informed of what the commission was doing and to open the door to citizen involvement whenever possible.

GETTING DOWN TO WORK

The ISIE began work in earnest in mid-June, after the official postponement of election day. Capacity building was an initial priority, after which the ISIE could turn to establishing subsidiary operations around the country, voter registration, and other essential tasks.

Staffing and recruitment

During early discussions in the *Haute instance*, members had stressed the need for a secretariat or agency to help election commissioners do the nitty-gritty work of running an election. The decree that set up the ISIE had left the design of this administrative structure in the hands of the commission itself. Fortunately, the *Haute instance* had asked for help from Chawki Gaddes, a professor at the University of Tunis. Gaddes had worked closely with Ben Achour to coordinate international assistance to Tunisia through the transitional period.

In May, Gaddes had developed a proposal to create a Technical, Administrative, and Financial Organ (OTAF) within the ISIE, with an executive director as its head. The plan was to recruit 150 people to staff seven departments that would each report to the executive director. The seven were: administrative and financial affairs, legal affairs, training, Tunisians abroad, public relations, information technology, and external relations. Gaddes presented an organizational chart to the commissioners, with the support and backing of several international experts and organizations.

However, some ISIE commissioners were skeptical and viewed the OTAF as "a huge monster that would devour them," Gaddes said. Commissioner Zaki Rahmouni, who represented the information technology sector on the ISIE, felt strongly that international experts were attempting to impose the OTAF on the ISIE.[19] Even those who supported the concept knew it would be difficult to hire a qualified 150-member staff, given the time constraint.[20]

Despite those reservations, the commission moved ahead to create the OTAF—and immediately ran into trouble. From the outset, recruiting an executive director for the OTAF posed problems: each time the commissioners proposed a name, criticism erupted in the media and from political parties. Outside groups questioned the competence, neutrality, and independence of each potential nominee. There were accusations that some of the candidates were affiliated with the former regime, which intensified public scrutiny of the OTAF.[21]

By the end of June, the commissioners had scrapped the idea of creating a separate OTAF, instead deciding to manage everything themselves. The new plan called for the creation of seven committees within the ISIE, paralleling the departments in the OTAF plan. One to three commissioners were assigned to manage the work of each committee.

"They took very much [to] heart the fact that they were independent," recalled Nicolas Kaczorowski, International Foundation for Electoral Systems (IFES) country director. "Those 16 members were afraid of losing their independence and leadership of the process by creating a body that they would not be able to control."

The seven committees concentrated on their specific assigned areas. The legal committee, for example, focused its work on interpreting laws, implementing decrees, and proposing new measures to the government for consideration.[22] The committee's staff consisted of two people seconded from Parliament, a director recruited from the private sector, three judges, a translator, and two university professors. The committee's biggest challenge stemmed from ambiguities in the election laws. Consequently, the committee developed codes, procedures, and manuals to help the commission and poll workers adhere to the rules. The committee later developed voting procedures and vote-counting processes.[23]

Commissioner Mohamed Seghair Achouri, head of the training committee, oversaw preparation of the 5,500 officials who would support voter registration and the work of regional commissions. His committee had only six staff members: one graphic designer, one layout editor, one person responsible for training materials, one engineer, and two university professors.[24]

The ISIE's compressed schedule made it extremely difficult to communicate adequately the specific roles and responsibilities to those trainers. To expand his reach, Achouri created a small team that would develop and deploy a larger pool of trainers. He tasked someone in each of Tunisia's 27 electoral districts—usually, a member of a regional commission—to manage all training activities. Those district representatives would then prepare poll workers and registration staff on their own, with little support from the ISIE.[25]

Regional commissions

To manage the polls, ballot transport, and vote count, the ISIE created 33 Independent Regional Authorities for Elections (known in French as the *Instances régionales indépendantes pour les élections*, or IRIEs), one for each electoral district. The IRIEs' responsibilities were to oversee campaign activities, supervise registration offices, post and disseminate election-related news and materials, and raise public awareness of the upcoming vote.

On 1 June, the ISIE met to finalize the structure and function of the IRIEs and develop a timeline for recruiting staff. The IRIEs would be similar in design to the ISIE itself. There would be one IRIE for each electoral district: 27 in Tunisia, and 6 abroad. Each domestic regional commission would consist of 14 members: 8 local civil society leaders, and 6 lawyers, judges, and other professionals drawn from various associations.[26] Commissions created for the six electoral districts abroad would consist of at least eight members.

Even at the local level, the commissioners believed they needed to guard against intrusion from governors, elements of the former regime, and local officials. The ISIE tasked Commissioner Abderrahman Hedhili with managing the creation and development of IRIEs. Activists and politicians across the political spectrum respected Hedhili. Through his earlier work with the Tunisian League for Human Rights and his personal experience as an activist, he was intimately familiar with Tunisia's civil society.[27] One IRIE chair described Hedhili as one of the "most well-known activists during the dictatorship."[28]

Hedhili quickly formed a committee to vet candidates and present recommendations to the ISIE. He traveled throughout the country, meeting with local political and civil society leaders to determine the composition of each

IRIE.[29] Hedhili already had strong personal relationships with many of the leading candidates, which made it easy for political parties to trust and work with him.[30]

To be considered for positions on the regional commission, applicants had to demonstrate competence, neutrality, independence, and honesty. They could not have held positions within the Constitutional Democratic Rally in the past 10 years, and they had to be residents of the governorates to which they applied.[31] The election commission said it would accept applications only during a four-day period in early June. It advertised openings on television, in newspapers, and through social media. By the end of that period, nearly 5,000 candidates had applied.[32]

Hedhili used three additional criteria to evaluate each candidate's suitability: credibility, neutrality, and enthusiasm. He discussed potential candidates with political party leaders and solicited feedback. He also tried to make sure the local population recognized most of the candidates, prioritizing local ownership of election administration over experience. It was important for the IRIEs to possess revolutionary legitimacy, especially among voters in the interior regions who felt neglected by the central government.[33]

The ISIE's focus on inclusivity and legitimacy often came at the expense of experience and management. The ISIE's inability to adequately empower and support these bodies also kept some IRIEs from functioning effectively. For example, by the time most of the IRIEs had been installed, regional commissions had only a week to prepare for voter registration. Moreover, the compressed election schedule made it difficult for IRIEs to manage new recruits, deploy the recruits throughout the governorate, and train them adequately.

The ISIE did not always communicate deadlines and deliverables to the regional commissions, which led to further confusion during the registration process. In some cases, IRIEs were not even given budgets. "We started to use our own money," recalled Amor Boubakri, president of the independent regional authority for the governorate of Sousse.[34]

Voter registration

Even as the ISIE deliberated over how best to staff the central commission and create regional counterparts, it turned its attention to voter registration. The *Haute instance* had already explored different options for registration. Less than a month after the revolution, the experts committee contacted the National Informatics Center (CNI)—the agency responsible for the country's databases—to assess whether Tunisia's national ID card system could be used to register voters.

When the ISIE first met to discuss voter registration, the commissioners soon concluded the electoral law contained conflicting guidance. According to Article 3 of the law, voters would use their national ID cards to register before the election. That "active registration" system required Tunisians to take affirmative steps to register two to three months prior to the election. However, Article 6 indicated that advance registration was *voluntary*. The Article 6 section appeared to create a system of "passive registration" that assigned all voting-age citizens to polling stations based on the addresses on their ID cards.[35]

Commissioners disagreed over whether or not to use an active or passive system.[36]

In either case, there was a further problem. Almost immediately after the ISIE began its work, the Ministry of Interior and the CNI informed the commissioners that the ministry's national ID card database was unreliable and incomplete: first, roughly 400,000 Tunisians holding ID cards issued before 1993 were not included in the national database. Next, the database was not synchronized with the civil registry, meaning that deaths and marriages were

recorded inconsistently. Finally, cardholders could have changed home addresses since their cards were issued: current address records were incomplete. There was no way to use the ID card database to assign voters to polling stations.

After intense deliberation, the ISIE opted for a mixed, active and passive registration system. Tunisians were encouraged to participate in an active registration period held throughout July. Those who did not participate would automatically be assigned polling stations closest to the addresses listed on their national ID cards.

The commissioners signed a contract with the CNI to develop a new database of voters prepared from the national ID card database. Passport information enabled the CNI to merge information about Tunisians abroad. The ISIE then used the data to decide where to locate registration centers and polling stations, including mobile units it planned to deploy to register voters in remote areas.[37] The commissioners hoped they would be able to update the system according to the data they received from active registrants.

On 11 July, registration began in more than 800 centers spread throughout the country. Almost immediately, the computer database that had been used to register voters crashed, leaving personnel at many centers confused and unprepared. The CNI restored access to the database within two days.

Once the database was again functional, registration center staff used bar codes on the back of each voter's national ID card to connect to the registrant's file in the CNI's database. Registrants were then permitted to choose a polling station near their locations. Officials handed each voter a sheet of paper that included the voter's name, address, and polling station.[38]

The system worked, but new challenges soon emerged. After four days, only 100,000 Tunisians—just a fraction of the country's 8 million eligible voters—had registered. On 15 July, the ISIE began informally publicizing the existence of the passive system. In an announcement on Facebook, the ISIE said Tunisians who did not register would be assigned to a polling station in accordance with the addresses listed on their national ID cards.[39] Meanwhile, active voter registration continued.

Commissioners said a passive registration system was essential to ensuring each Tunisian could exercise the right to vote on election day.[40] Instead, the commissioners' efforts to be inclusive by offering two different approaches led to confusion. Comparatively few voters had used the active registration system by the end of July, which raised the specter of confusion on election day if significant numbers of people had moved away from the addresses on their ID cards.

Confusion was not necessarily the only reason for low registration. Mondher Bousnina, an ISIE official who presided over Jendoubi's cabinet, said the ISIE had not adequately invested in public outreach and awareness until it became too late.[41] Others suggested the allocation of registration stations was to blame. For example, Douar Hicher, a city located in the suburbs of Tunis, had about 60,000 eligible voters, though no stations had been assigned to the city.[42]

By the end of July, only 16.2 percent of Tunisia's eligible voters had registered to vote. The ISIE decided to extend the deadline to mid-August and increase the number of registration centers throughout the country, thereby making better use of mobile registration units through targeting. By the end of the process, an estimated 3.8 million citizens—about 50 percent of eligible voters—had registered.[43]

Two weeks after the deadline, the commissioners grew worried. How would Tunisians who did not register know whether they were listed at the correct polling station? Would polling stations turn away citizens from an outside governorate on the day of the vote?

The commissioners opted to open yet another registration period. During a press

conference held in early September—a little more than a month before the scheduled vote—Jendoubi encouraged those who had not registered to do so at their nearest polling station. Registrants would be able to choose their polling locations, provided the locations were in the governorate listed on their national ID cards.[44] The new registration period would last until 20 September.

Even after the deadline, the ISIE continued to make last-minute changes. The ISIE announced a new, "special" registration period, which would last until 12 October. This phase permitted the registration of certain categories of eligible voters: military and security officials who left the service after 14 August, individuals who became 18 years old after 14 August, convicts whose criminal status changed after 14 August, and Tunisians who lived abroad but preferred to vote in Tunisia.[45]

A week before the election, the ISIE announced 4.4 million voters had registered and chosen polling stations.[46]

Managing the polls

The regional commissions—IRIEs—handled management of the polls, including ballot transportation and security. Each regional commission worked with the military logistics department to ensure ballots arrived four days prior to the election, scheduled for 23 October. On election day, security forces were charged with the monitoring of areas around polling stations.

Regional commissions coordinated the tabulation of results. At each polling station, at least four poll workers were responsible for counting votes in the presence of national and international observers. Each polling station would issue a final report of the results—in the form of minutes—to a designated central collection center in the district.

The military was responsible for transporting certified minutes to the center. At the center,

IRIEs were responsible for certifying district tabulation to the ISIE. In a few instances, the minutes were written poorly, leading to confusion. Additional delays were caused by the length of time it took polling stations to complete the minutes. Those problems led to further delays, making it difficult for district collection centers to release final tabulations of their results to the ISIE.

Although international observers praised the professionalism of staff responsible for counting votes, some staff performed better than others. In some cases, frustration with the delays led regional commissions to announce governorate-wide results prematurely, without approval from the ISIE. There were no reported issues in the military's involvement in providing security or transporting polling station minutes.

OVERCOMING OBSTACLES

The ISIE had to seek help from the government—particularly the prime minister's office and the Ministries of Defense and Interior—to ensure the electoral process stayed on track. Although the commission had a mandate to prepare, supervise, and control all aspects of the electoral process, its overall lack of experience caused difficulty in meeting deadlines.

As a result, the ISIE opted to recruit civil servants and appoint them to the sectoral committees. Many of those recruited from the civil service were perceived as allies of the "old regime," and early on, there was little reason to believe they would cooperate.

"[The ISIE] had little choice – at some point they realized, and I think the government realized, that if the public administration does not step in, the election could be at risk," Kaczorowski of IFES recalled.

The ISIE's capacity problems improved significantly on 1 July, when Acting Prime Minister Essebsi appointed Ridha Belhadj to serve as minister-delegate and ordered Belhadj to

mobilize any and all state resources necessary to ensure the success of the elections. "The government is responsible for the logistics, and no effort will be spared," Belhadj announced soon after his appointment. "For the rest, you have to trust the ISIE."[47]

Belhadj knew he had to act quickly. His first step was to organize a group of government representatives responsible for working with the ISIE. Known as the liaison committee, the body included representatives from the prime minister's office, three general directors from the Ministry of Interior, and representatives from the Ministry of Foreign Affairs, the National Informatics Center, and the National Institute of Statistics. Other government representatives attended when necessary. Belhadj presided over the meetings, typically held three times a week.

ISIE members were initially unsure of whether or not Belhadj and his new committee could be trusted. Belhadj opened most government meetings to the ISIE and invited commissioners to attend. He immediately put the administration at the ISIE's disposal.[48] Belhadj worked with Essebsi to draft a memo to all government agencies, urging them to support and work with the ISIE.[49]

Belhadj also focused on developing a strong working relationship with Jendoubi. Jendoubi would regularly call Belhadj and ask for the government's help. Belhadj would then order a particular ministry or agency to complete a task for the ISIE.[50] Most of the commissioners praised the government's willingness to assist the ISIE and mobilize the state.

During an interview in July 2014, Commissioner Achouri recalled the anxiety he felt during a meeting at the Ministry of Interior headquarters. The ministry sent a car to pick up the commissioners and bring them to the meeting, and when they arrived, Achouri, impressed by the level of cooperation and respect

demonstrated by the ministry, whispered to Jendoubi, "I don't believe this."

"You don't believe it?" Jendoubi responded. "It's a new day."[51]

ASSESSING RESULTS

When the polls closed on 23 October and the count was complete, Ennahda had won 37 percent of the vote and 89 seats in the 217-member assembly, eclipsing the other parties that had competed, none of which carried more than 8.7 percent. Ennahda quickly moved to form a coalition with the Democratic Forum for Labour and Liberties and the Congress for the Republic (CPR), which together had won 15 percent of the total votes cast. No other party received more than 4 percent of the vote, with the exception of the Popular Petition (Al Aridha) Party, which won 6.7 percent.

On 27 October, the ISIE actually disqualified six of Al Aridha's lists, prompting violent protests. A curfew was announced on 29 October, but Al Aridha's seats were eventually returned. There were no other significant election-related incidents of violence.

In general, international observers commended the quality of the election and applauded election officials for their work. "[E]lection authorities carried out their responsibilities with a high level of dedication," the Carter Center reported. "In a relatively short time frame and without previous experience, election authorities drafted basic regulations and procedures, prepared for and carried out electoral operations, and built confidence among stakeholders."[52]

The European Union's Parliamentary Assembly was similarly upbeat: "The Parliamentary Assembly's ad hoc committee for observing the National Constituent Assembly election on 23 October 2011 concluded the citizens of Tunisia had achieved this rendezvous

with history. For the first time, they have freely elected their National Constituent Assembly, laying the foundations of their democracy. They have thus transformed the revolutionary dynamic into a legal and legitimate institution, thereby setting an example for the entire region."[53]

Voter turnout was lower than anticipated. The ISIE's final report cited overall turnout at 49.2 percent (51.1. percent of eligible voters in Tunisia and 29.1 percent of eligible voters abroad). Those numbers did not necessarily tell the full story. Of those who registered during active registration, 86.4 percent voted. Only 14 percent of those assigned to polling stations during passive registration voted. The low turnout rate among those registered through the passive system appeared to validate the criticisms of those who argued the ISIE was confusing voters at the expense of accommodating a very small percentage of voters who had not actively registered.

REFLECTIONS

Tunisia's 2011 constituent assembly election was the first in the Arab world after the start of the Arab Spring. Sabhi Atig, one of Ennahda's representatives on the *Haute instance*, hoped the experience would be "a model, not an exception, in the Arab world."[54] Although Tunisia's constituent assembly elections may not have matched best practice for elections administration, those involved in the preparations spoke with pride in Tunisia's progress and offered several lessons for those facing similar challenges in related contexts.

ISIE vice president Souad Triki stressed the importance of maintaining a focus on all aspects of the electoral process, especially when the electoral calendar is outside the control of the election management body. Triki emphasized the importance of working on all steps of the electoral process simultaneously, such as candidate lists, voter rolls, and voter registration. At times, the

ISIE focused exclusively on one aspect of the process before proceeding to the next. She suggested using a well-defined electoral calendar to assign different teams to different steps, even if those steps are not priorities at the moment.[55]

The ISIE never had permanent status, and its temporary character created some special challenges. Commissioner Mourad Ben Mouelli said he believed the ISIE should have been made a permanent body. During a transitional period, changing the composition of an electoral commission could create confusion and unease. He said a permanent body would help develop a professional culture of elections administration.[56]

Ben Mouelli also noted that the ISIE's decision to forgo creation of the OTAF did not allow the commission to separate policy decision making from implementation.[57]

To maximize organizational focus and delineate specific responsibilities, international best practices usually called for the formation of a central decision-making body and a separate administration to support and implement those decisions. The ISIE's decision to combine the two functions, while expedient, made it difficult to carry out some of the functions effectively. The lack of election experience among the commissioners and commission staff took a further toll on effectiveness: the commissioners underestimated how difficult it would be to develop a strategic plan, respond to crises, and implement decisions all at the same time.

The passive registration system also generated significant controversy. In hindsight, many government officials and commissioners described this decision as one of the ISIE's biggest mistakes. The system confused voters and discouraged many from updating their information. ISIE commissioners stressed that they had prioritized participation and voter access at the expense of a seamless registration process. The commissioners said they did not believe the electoral law permitted them to deny voters their

right to cast ballots, even if the voters failed to participate in the registration process.

Tunisia's experience with the 2011 election underscored the importance of context in the planning and implementation of significant initiatives and reforms. Although some of the ISIE's decisions were controversial, those decisions responded to the country's challenging context at the time. Many Tunisians did not trust the government, had little patience with the slow pace of reform, and had shown their willingness to take to the streets in protest. As a result, the ISIE prioritized trust building at the expense of

adhering to best practices and obeying the rote counsel of international advisors.

"From this perspective, the choices made at the time could be considered good choices," recalled Amor Boubakri, president of the regional election authority for the governorate of Sousse. "Are they the best choices? Certainly, no. But I think they were choices adapted to the context."[58]

"At the end of the day, we were not experts in elections," Commissioner Abderrahman Hedhili said. "We were preparing and learning at the same time."

Commissioner Anouar Ben Hassan asserted, "We did it the Tunisian way."[59]

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