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• The ISIE should devote adequate resources and planning to trainings, incorporating lessons-learned activities, for all election officials and staff, especially at the regional and local level.

The Center reiterates its congratulations on the election of the members of the ISIE, the adoption of the new constitution, and the appointment of the new government.

Following its observation of the October 2011 National Constituent Assembly elections, The Carter Center has monitored the constitution-making process and developments related to the establishment of institutional and legal frameworks for subsequent elections. The Center assesses these processes against Tunisia's constitution, national laws, and international treaty obligations.

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A not-for-profit, nongovernmental organization, The Carter Center has helped to improve life for people in more than 70 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; and improving mental health care.

## **Carter Center Urges Tunisia to Continue Work toward Democratic Goals**

## Feb. 11, 2014

The Carter Center reiterates its congratulations on the election of the members of the Independent High Authority for the Elections (ISIE), the adoption of the new constitution, and the appointment of the new government.<sup>1</sup> The Center encourages the National Constituent Assembly (NCA) and the new electoral management body to carefully consider next steps to continue making progress toward democratic goals.

To this end, it is essential that Tunisian authorities – and the Tunisian people – acknowledge that the development of institutional structures takes time. The Carter Center encourages the ISIE to solidify its internal administrative structures as soon as possible so that electoral preparations can move forward, taking into the consideration the deadlines fixed in the new constitution.<sup>2</sup>

Despite considerable pressure to move forward rapidly, The Carter Center encourages the NCA to dedicate the appropriate time and resources to prepare a comprehensive electoral framework. The NCA should consult legal and electoral experts, as well as civil society organizations working in the field of elections, in the elaboration of the electoral law, to ensure that the law is clear, unambiguous, and addresses all components necessary to ensure democratic elections in accordance with Tunisia'

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## Structures and Organization of the ISIE

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Almost a month after the election of the nine members of the ISIE, the effective implementation of the new body remains dependent on several factors and stakeholders. The consensus of the vote on the constitution and the broad majority obtained for the vote for the new interim government in the NCA may help to build public confidence around the upcoming electoral process. The new government should prioritize collaboration between the ISIE and the different public administrations that are related directly to the organization of elections.

By law, the ISIE is an independent and permanent authority.<sup>3</sup> The independence of the new body depends on several criteria, including its financial autonomy. The government should allow the ISIE commissioners to establish an administrative structure independently of external pressures by providing financial resources that allow them to manage their activities, both in Tunis and the regions. Pending the ISIE's work to elaborate a comprehensive budget for the electoral cycle, the Center encourages the government to provide financial resources to the ISIE for its initial operations.

The new ISIE members will have to work quickly to establish the body as a permanent, independent, and properly functioning institution before they can begin election preparations. In accordance with the law, the former electoral commission has remained in place to conduct a handover of facilities, equipment, records, and documents. The Carter Center urges these authorities to take all necessary measures to conduct a handover as soon as possible to facilitate the ISIE's task.<sup>4</sup> The Center also urges the new government to support the ISIE to identify suitable premises for its headquarters as well as its branches.

Following its establishment, the new ISIE will have to undertake a number of important organizational tasks requiring time and appropriate resources. The ISIE law provides for an administrative body, which will conduct the day-to-day work of the election commission, implementing the decisions of the ISIE Council.<sup>5</sup>

The ISIE's first critical task is to hire an executive director who will be responsible for managing 0.2 (um) 0.2 (e) 0.2 (nt) 0.2 (s) -0.2 (.(xe) 0.2 (0.2 (i)6.2 (c) 0.2 0 0.24 70.2.2 (c)IE) 0.2 (C4 0

electoral law to conduct the critical task of eventual simultaneous national elections. Before setting a date for the next elections, the NCA should allow the ISIE an opportunity to develop an appropriate electoral calendar to identify a realistic timeframe for the elections and help inform the NCA's decision-making.

The ISIE law did not intend that individual commission members, while experts in their various professional fields, have a direct management role over the area of their respective competencies within the election commission. Although members may be the focal points in the commission for their areas of expertise, the commission as a whole should be responsible for oversight of all aspects of the ISIE's work, and the administrative body should be responsible for implementation of the commission decisions and the daily management of activities. To the extent possible, the ISIE should endeavor to take decisions by consensus.

In accordance with the ISIE law, the ISIE has the ability to establish regional bodies, commonly known as IRIEs (*Instance Régionales Indépendantes pour les Elections*), to carry out substantive duties in the conduct of the election. The ISIE should carefully consider whether to create IRIEs or rely on the local administration. Should the ISIE decide to establish IRIEs, it may require several months work. In accordance with the first recommendation of the Audit Court in its report on the financial management of the former ISIE, The Carter Center underscores the importance of preparing the administrative, financial, and technical structure of the ISIE before starting the electoral process.<sup>9</sup>

During the 2011 elections, The Carter Center observed considerable differences in the work of individual IRIEs as a result of late appointments, a lack of training, and insufficient planning and communication between the ISIE and IRIEs. The Center recommended in its final report on the 2011 NCA election that "detailed planning, adherence to agreed policies, and the development of targeted communication strategies should be given priority attention

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organization of elections remains incomplete. Although the NCA passed a law to create the ISIE and elaborated various constitutional provisions related to elections, the assembly has not yet adopted an electoral law that provides the legal framework for the upcoming elections. As stipulated in Article 65 of the new constitution, the electoral law must take the form of an organic law.<sup>13</sup> Without electoral legislation in place, the ISIE has a very limited ability to implement elections, apart from the preparation of draft regulations and provisional calendars.

Following the adoption of the constitution, the NCA should now concentrate its efforts on passing an appropriate electoral law. Several Tunisian civil society organizations have worked on draft proposals for this law, which the NCA's General Legislation Commission should

## The Organization of Elections

The work of the election commission is complex and requires several sequentia

Just as importantly, however, the elections must be -- and must be perceived to be -genuinely democratic and represent the will of the Tunisian people. It is incumbent on all stakeholders to assist the ISIE in building public confidence as a competent and independent organizer of elections. In support of these objectives, The Carter Center makes the following recommendations to NCA members, the ISIE, the new government, stakeholders involved in the national dialogue, and the political parties:

 To build and consolidate the confidence of political parties and other stakeholders in the electoral process, the ISIE should be given the time and appropriate resources to establish itself as a permanent institution. It should not be asked to organize elections before having had the o0 0 50 0 0 T4 cm BT 50 (t) 0.2 dlspolititthetset Following its observation of the October 2011 National Constituent Assembly elections, The Carter Center is monitoring the constitution-making process and developments related to the establishment of institutional and legal frameworks for subsequent elections. The Center assesses these processes against Tunisia'