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Analysis of the law on political parties

On 28 April 1988 the House of Deputies adopted a new law on political parties.

- The first article states that a party is a political grouping of citizens with common political affinities. The aim of such a grouping is participation in elections.

- The specific instruction as to the participation of political parties in any election process, found in the article, was put in so as to eliminate any ambiguity and sanctify this right. The law merely clarifies the situation and recognises this right.

- Article 2 states that every party must respect human rights, the republican regime and all the nation has achieved, in this case, national sovereignty and the Code of Personal Status.

- Article 3 states that no party has the right to refer in its principles, aims, activities or programme, to religion, language, race or region.

This article makes it impossible to use religion for political ends. This explains the determined ban, which merely aims at protecting the foundations of society.

- Article 6 states that no party can be formed if its principles, aims and programmes are no different from the other parties.

In fact, this article does not seek to strengthen the opposing parties. On the contrary, the criteria stated, that is, the principles, choices and programmes must help create different political parties.

- Article 7 states that founders of parties should have had Tunisian nationality for at least ten years and party members Tunisian nationality for at least five years.

This requirement was made necessary to ensure that party officials were truly devoted to their fatherland. The law-maker set this condition to reassure the citizens as to the aptitude of these persons to play an active part in politics.

- Article 9 sets a period of four months, starting from the date when the application to constitute a party was submitted, for the administration to reply.

At the end of this period, the administration's silence will be construed as a positive reply.

- Article 10 makes provisions for recourse to an administration court where the administration refuses the application.

The persons concerned may renew their application to constitute a party, taking care to delete from their statutes those elements or orientations which prompted the refusal.

- Article 12 obliges the parties to inform the Ministry of the Interior of any gift or donation.

We note in this article the law-maker's wish to guarantee at all costs the independence of every party from foreign interference. But all Tunisian citizens are free to support the party or parties of their choice.

- Article 16 states that the parties' finances are to be checked by the revenue court.

The National Pact : to reunite all Tunisians

Following the meeting of the Council of Ministers held on 21st April 1988 at the Palace in Carthage, the President of the Republic, Mr Zine El Abidine Ben Ali, outlined the National Pact thus : the elaboration of this Pact emanates from the profound approval and total support expressed, at the turning point of the 7th November, by all categories of the Tunisian nation, as well as from the very favorable response to this event internationally.

The President of the Republic added that this Pact was intended to ensure a peaceful climate and propitious conditions for the concretising of the turning point of the 7th of November, and implementing its principles.

These principles require the mobilisation of all active sectors of the country within common framework, enjoying the cooperation and support of the various parties and different shades of opinion. All active sectors, whether political parties or groups, national organizations, associations or citizens, will work together from a common platform : the National Pact. This platform will determine the conceptions, attitudes and solutions to adopt in the face of the major problems of national life, and the means to confront the challenges standing in the way of the harmonious civilizational development of our country.

The National Pact will aim at safeguarding the foundations of national sovereignty and the republican regime, to allow us to attain the type of society we aspire to, and pursue development in such a way as to help the promotion of the Tunisian and his accession to higher material prosperity and intellectual and spiritual development.

Based on the collection of principles which form a consensus of all the various political, economic, social and other sectors, this plan will constitute the ideal framework for general national, essentially democratic, action, based on effective pluralism, guaranteed human rights and clear vision. Internally, the plan will determine the major choices in the political, economic, social and cultural fields, and will define, externally, the main constants regulating our relations with friendly nations in a framework of mutual respect and common interests, taking account of our Arab-Islamic identity and our position as a Maghrebi, African and Mediterranean nation.

The Head of State calls on everyone to contribute to this vast national debate which will begin next 25 June, the anniversary of the proclamation of the Republic, and which will continue until the 7th November 1988, the date of the Proclamation of the National Pact, which will constitute a special basis for the organization of our national life.