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AFRICAN UNION ELECTION OBSERVER MISSION TO THE 17 NOVEMBER 2012 GENERAL ELECTIONS IN THE REPUBLIC OF SIERRA LEONE

Preliminary Statement

I. INTRODUCTION

1. At the invitation of the Government of the Republic of Sierra Leone and the National Electoral Commission of Sierra Leone, the Chairperson of the African Union Commission, H.E. Dr. Nkosazana Dlamini Zuma, deployed an African Union Election Observer Mission to the 17 November 2012 General Elections in the Republic of Sierra Leone.
2. Led by H.E. Dr. Amos Sawyer, former president of the Republic of Liberia, the Mission is comprised of 40 observers drawn from the Pan-African Parliament, African Ambassadors to the African Union Commission in Addis Ababa, Election Management Bodies and African Civil Society Organizations from the following countries: Burundi, Cameroun, Central African Republic, Ethiopia, Ghana, Liberia, Malawi, Nigeria, Saharawi Republic, South Africa, Tanzania, The Gambia, Uganda and Zambia.
3. The Mission is supported by a team of experts from the African Union Commission, the Pan-African Parliament and the Electoral Institute for Sustainable Democracy in Africa.
4. The African Union Mission observed the elections within the spirit and letter of the Durban Declaration on the Principles Governing Democratic Elections in Africa (AHG/Decl.1 (XXXVIII), adopted by the Assembly of Heads of State and Government of the African Union in July 2002; the African Charter on Democracy, Elections and Governance, which came into force on 15 February 2012; the Guidelines of the African Union Election Observation Missions and

Election Monitoring, as well as the legal framework for the conduct of elections in the Republic of Sierra Leone.

5. The Mission arrived in Sierra Leone on 11 November 2012 and will remain in the country until 24 November 2012. Cognisant of the fact that the aggregation of results is ongoing and the results of the elections are yet to be declared, the African Union Mission hereby presents its preliminary findings and recommendations based on its consultations and observations up to the close of polling and counting. A more detailed final report of the Mission will be shared with relevant Sierra Leonean authorities after the elections.

II. OBJECTIVES AND METHODOLOGY OF THE MISSION

6. In line with the mandate provided in the aforementioned African Union instruments in paragraph 4 above, the objective of the African Union Mission is to make an independent, objective and impartial assessment of the 17 November 2012 General Elections in Sierra Leone.
7. To enable the Mission achieve its stated objective, it undertook the following activities in accordance with the Guidelines of the African Union Election Observation Missions and Election Monitoring:
 - a. The Mission consulted with key electoral stakeholders including the National Electoral Commission, representatives of Civil Society Organisations, Leaders of Political Parties, Elder Statesmen, the Independent Media Commission, the Office of the United Nations Representative, and Leaders of other International Election Observer Missions and Representatives of Security Agencies. The Mission will continue with its consultations with relevant stakeholders until its departure.
 - b. The Mission also participated in the briefing for international observers organised by the National Electoral Commission on 13 November 2012.
 - c. Members of the Mission observed the final stages of the campaigns.
 - d. The African Union Mission deployed thirteen (13) teams of observers to 10 Districts, namely: Western Urban, Western Rural, Kailahun, Kenema, Kono, Bombali, Kambia, Port Loko, Tonkolili, Bo and Moyamba. On Election Day the teams visited a total of 191 polling stations in their areas of deployment.

III. PRELIMINARY FINDINGS AND OBSERVATIONS

A. The Pre-Election Context

8. The mission's assessment of the pre-election context is based on the findings of the joint African Union/Economic Community of West African States pre-election assessment mission that was in Sierra Leone from 1-5 October 2012 and its consultations with stakeholders since its arrival in Sierra Leone.

○ *The Legal Framework*

9. The legal framework for the conduct of the 2012 elections consists of the Constitution of Sierra Leone of 1991, the Public Elections Act of 2012, the Political Parties Act of 2002, the Local Government Act of 2004, relevant codes and regulations issued by the National Electoral Commission and the Political Parties Registration Commission.
10. The Mission notes that the Constitution recognises and guarantees fundamental human rights, it provides for Universal Adult Suffrage in public elections conducted by secret ballot. It establishes two election management bodies, the National Electoral Commission and the Political Parties Registration Commission and empowers Parliament to make laws regulating the conduct of elections. It also provides for separation of powers with an independent judiciary through which election disputes are resolved.
11. The Mission notes that the Public Elections Act of 2012 provides a harmonised framework for the conduct of elections which also includes provisions that strengthen the capacity of the National Electoral Commission to enforce its decisions on elections. The Political Parties Act of 2004 provides for the registration and regulation of political parties in Sierra Leone.

○ *Election Management*

12. The conduct of election in Sierra Leone is managed by two key institutions – the National Electoral Commission and the Political Parties Registration Commission. The National Electoral Commission holds the primary responsibility for the conduct of elections, while the Political Parties Registration Commission is responsible for registering and regulating the activities of political parties.
13. The Mission notes the level of collaboration between the National Electoral Commission and the Political Parties Registration Commission in the planning and conduct of the 2012 electoral process. Specifically, their efforts at

resolution of inter and intra party disputes and the establishment of dialogue mechanisms to promote the transparency of the electoral process.

14. The Mission also notes the coordination of efforts among other institutions involved in the conduct of elections such as the Independent Media Commission, the National Commission on Democracy and the Security Agencies.

- ***Voter Registration***

15. The National Electoral Commission adopted the use of Biometric Voter Registration for the 2012 elections. The Biometric Voter Registration was conducted from 23 January to 26 March 2012; an exhibition of the provisional voter register took place from 30 June to 17 July 2012. The Mission was informed that the process was largely transparent and efficient. The adoption of the Biometric Voter Registration enabled the National Electoral Commission compile a credible voter register purged of multiple registrants and other forms of irregularities.

- ***Civic and Voter Education***

16. The National Electoral Commission, the Political Parties Registration Commission, the National Commission on Democracy and civil society organisations undertook voter education initiatives to enlighten voters on the required procedures for the elections. Civic education initiatives were focused on non-violent elections. The National Electoral Commission provided a manual on voting procedures to be used by its partner organisations and political parties for public enlightenment. The Mission however notes that voters and civil education did not achieve their full impact.

- ***Political Parties, Candidates and Campaigns***

17. The Constitution of Sierra Leone guarantees the freedom of assembly and association and allows the registration of political parties. There are currently ten (10) registered political parties in Sierra Leone of which nine (9) fielded candidates for the 2012 presidential elections and all ten (10) parties fielded candidates for the parliamentary and local government elections.
18. The National Electoral Commission received party nominations for the different categories of elections from 12 September to 15 October 2012. At the end of the nomination process, there were 9 presidential candidates, 586 parliamentary candidates, and 1,624 local council and mayoral candidates.

19. Campaigns took place from 17 October to 15 November 2012 in line with the timetable issued by the National Electoral Commission. The National Electoral Commission and the Political Parties Registration Commission took initiatives to prevent an outbreak of violence during the campaigns, such as the release of a campaign timetable which allocates days of campaign to parties and the establishment of Code of Conduct Monitoring Committees. Through its consultations with stakeholders, the Mission was informed that the campaigns were conducted in a largely peaceful manner with isolated incident reports. The Mission notes the level of compliance with the campaign timetable issued by the National Electoral Commission.

○ ***Participation of Women and the Physically Challenged Persons***

20. The Mission notes that in comparison to the 2007 elections, there has been no significant improvement in the representation of women and physically challenged in the electoral process in Sierra Leone. With only 64 (11.4%) female candidates out of the 586 candidates nominated for the 2012 parliamentary elections, there may be no significant improvement in the representation of women in the Sierra Leonean Parliament in the next political dispensation.

21. During the 2007 elections, provisions were made by the National Electoral Commission for the use of tactile ballot for voters with visual impairment. The Mission notes with regret that such provision was not made during the 2012 elections.

○ ***Media***

22. The role of the media in elections is regulated by the Media Code of Conduct of 2006 which was agreed upon between media practitioners and the Independent Media Commission. The Public Elections Act of 2012 also mandates equitable coverage of all parties and candidates. The Mission notes that the media in Sierra Leone is allowed to operate freely and it provided the required coverage of the 2012 electoral process. The Mission however received reports of a polarised media environment.

B. Election Day Observations

○ ***Opening the Poll***

23. Most of the polling stations visited by the AU observers opened after 7am due to delayed delivery of election materials or slow completion of preparatory activities.

- ***Polling Stations and Election Materials***

24. Most polling stations were located in neutral and public locations with the exemption of few that were located on private property. Polling stations were also accessible to physically challenged persons. Election materials were provided in adequate quantity.

- ***Voter Turnout***

25. The Mission noted that the high voter turnout especially in the early hours of the day and the enthusiasm with which voters queued up to cast their votes.

- ***Voting Procedures***

26. It was observed that most of the voters understood the voting procedures to some extent. There were however cases of voters who required additional information on the procedures. In such cases, election officials made efforts to provide further explanation to such voters.

In most of the polling stations visited, priority was given to the aged, pregnant women, voters with infants and physically challenged persons. Physically challenged voters who required assistance were also allowed to vote with assistance from a person of their choice.

The voter verification process was very slow and cumbersome as voters initially had difficulty identifying their allocated polling station within polling centres. The manner in which the Final Voter Register was compiled made it difficult for polling officials to locate names on the register. These challenges led to a slow and rowdy start of the process. Nevertheless, officials addressed the challenges and improvements were noted in the course of the day.

- ***Election Personnel***

27. The Mission noted that electoral officials reported for duty on time and displayed an appreciable understanding of the procedures.

- ***Women's Participation on Election Day***

28. The Mission noted the impressive participation of women in the process on Election Day.

- ***Party Agents and Independent Observers***

29. The presence of party agents and independent observers (national and international) was observed at all the polling stations visited. Specifically, African Union observers noted the presence of the following groups, the National Election Watch, Religious Groups, the Economic Community of West

African States, the Commonwealth, the European Union, the Carter Center and the Women's Situation Room.

- **Security**

30. Security personnel were also observed at most stations visited by African Union teams. Furthermore, the Mission noted the role of security personnel in maintaining order within the polling centres. Security personnel found within the polling stations were unarmed and they did not obstruct the process.

While the conduct of security personnel during the process was largely unobtrusive, the Mission notes with regret an incident involving the use of force by security personnel at Hill Station area in Freetown on Election Day.

- **Closing and counting procedures**

31. Most polling stations closed at 5pm as required by law. Counting procedures continued late into the night with inadequate lighting in many polling stations. The Mission also noted the inconsistent application of procedures during the counting, with some Presiding Officers skipping the screening and re-unification processes.

IV. RECOMMENDATIONS

32. Based on its observations and consultations, the Mission offers the following recommendations:

33. The National Electoral Commission should:

- Make provisions for physically challenged persons in future elections.
- Review the compilation of the Final Voter Register to ensure that it is set out either alphabetically or serially to make for easy verification of voter details.
- Provide adequate lighting for the counting process.
- Improve on civic and voter education.
- Improve the training of polling staff.
- Make efforts to locate all polling stations in public and neutral places.

34. The Sierra Leone Police should:

- Further sensitise officers on election security.

35. The State should:

- Develop mechanisms for achieving increased representation of women and physically challenged persons in elective positions.

36. Political parties should:

- Improve the training of party agents to enable them understand their role in the process.
- Undertake affirmative action for participation of women in politics.

37. Legal reforms:

- The laws regulating media coverage of the elections should be reformed to strengthen the powers of the Independent Media Commission to enforce the Code of Conduct.

V. CONCLUSION

The Mission commends the people of Sierra Leone for the enthusiasm with which they turned out in their numbers to cast their votes even in the early hours of the morning before the polling stations opened.

The Mission further calls on Sierra Leoneans to maintain the peaceful atmosphere of the elections even as they await the announcement of results.

While the Mission notes the challenges involved in the conduct of elections within a post-conflict context, it commends the National Electoral Commission and the Political Parties Registration Commission for the successful conduct of the third post-conflict General Elections in Sierra Leone.

The Mission calls on all political parties and candidates to continue in their compliance with the legal framework for elections which is so far commendable. It further calls on parties and candidates to maintain the peace while they await the declaration of results.

Based on its observations and assessment, the African Union Observer Mission concludes that the 17 November 2012 General Elections in the Republic of Sierra Leone were conducted in a peaceful and credible manner that accorded the people of Sierra Leone the opportunity to express themselves freely at the polls.

Freetown, 19 November 2012