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AFRICAN UNION ELECTORAL OBSERVATION MISSION FOR THE PRESIDENTIAL ELECTION IN TCHAD REPUBLIC (April 10, 2016)

PRELIMINARY DECLARATION

I. Introduction

According to relevant provisions of the African Charter on Democracy, Elections and Governance, 2012, OAU / AU Declaration on the Principles Governing Democratic Elections in Africa 2002, the African Union Guidelines on elections observation and monitoring missions 2002, the Chairperson of the African Union Commission (AU), HE Dr. Nkosazana Dlamini Zuma, dispatched an election observation Mission (AUEOM) for the first round of presidential election on April 10, 2016 in the Republic of Chad. The Mission is led by His Excellency Professor Dioncounda Traore, former Transition President of the Republic of Mali. The numerical strength of the mission is 34 observers, made of accredited ambassadors to African Union, Pan-African Parliamentarians, officials of election management bodies and members of the civil society. The observers are from 23 countries, namely: Benin, Burkina Faso, Burundi, Cameroon, Republic of Congo, Côte d'Ivoire, Ethiopia, Gabon, Gambia, Guinea, Liberia, Mali, Mauritius, Mauritania, Niger, Nigeria, Uganda, Central African Republic, the Democratic Republic of Congo, Senegal, Seychelles, Tunisia and Zimbabwe.

The AUEOM receives technical and logistical support of experts from the African Union Commission (AU), the Pan African Parliament (PAP) and the Electoral Institute for Sustainable Democracy in Africa (EISA). The team arrived Chad on April 6, 2016 and had monitored and evaluated the end of the campaign, voting procedures and counting of votes. It will remain in the country until 14th April 2016 to trail the compilation of the provisional results of the election. This statement, which follows the various exchanges

with stakeholders and the observation of the electoral process, presents the preliminary report and recommendations of AUEOM. A more comprehensive final report will expand the analysis of the Chadian electoral process and will submit a more detailed report and recommendations of the Mission.

II. Objectives and Methodology

The objective of the Mission is to make an independent, objective and impartial conduct of the electoral process in the Republic of Chad on the basis of the relevant provisions of the African Charter on Democracy, Elections and Governance adopted in 2007 which entered into force in 2012; the Declaration of the OAU / AU Declaration on the Principles Governing Democratic Elections in Africa 2002; AU Guidelines for elections observation and monitoring missions of 2002 and other relevant instruments governing the conduct of democratic elections in Africa, including the African Mechanism of Peer Review. The observation was also made in the light of the legal framework for the organization of the presidential election in the Republic of Chad.

The Mission met with the political authorities, heads of institutions responsible for the management of elections, candidates, leaders of civil societies and representatives of the international community present in N'Djamena. It also exchanged with other international observer missions accredited for the elections and with national observer groups. In addition to the observation of the end of the campaign, these meetings have made the AUEOM understand the historical and political context of organizing this election and to assess its level of preparedness.

In order to observe voting and counting procedures, AUEOM deployed 15 teams of observers in the following regions: Abéché, Ati, Bongor, Doba Koumra, Lai Mao Massakory, Masenya, Mongo, Moundou, N'Djamena, Pala-Lere and Sarh.

III. Pre-Election Observations

AUEOM evaluated the overall context of the presidential election of April 10, 2016 in the Republic of Chad and was informed of the current legal framework. The information gathered also enabled the Mission to become familiar with the administration of elections in the country, voter registration, political parties and candidates, women's participation and conduct of the electoral campaign.

A. Background

The April 10, 2016 presidential election is an important turning point in Chad political life. It marks a return to an intermittent cycle of organized elections in a harmonious environment. Similarly, through this election, the country continues its normalization efforts policy since the signing of the Political Agreement of 13 August 2007 that strengthens the democratic process. The introduction of biometrics has been the main innovation of this election phase. Although required by Political Agreement and included in the Electoral Code, this technology could not be adopted in 2011 due to financial and time constraints. The use of biometrics in voters registration has greatly increased citizens enthusiasm vis-à-vis of the electoral process and has helped to reassure stakeholders, including candidates and political parties, about the conditions of a constitutional and reliable electoral register. The second highlight of this election was the number of candidates. Unlike the presidential elections of 2006 and 2011 that were boycotted by the so-called radical opposition, the 10 April 2016 election has been widely inclusive. The strong participation of opposition candidates has increased the competitive nature of the election and generated a lot more expectations than before. Despite political protests and social unrest due mainly to the deterioration of living conditions, the Mission believes that the presidential election of April 10, 2016 took place in a relatively more consensual climate than the previous elections.

B. Legal framework

Various laws govern, to varying degrees, the organization of elections in Chad. The Constitution sets the overall legal framework for elections based on several principles. In its first article, it establishes the democratic foundation of the Republic. It proclaimed political pluralism and political freedoms. It also defines the contours of the election of the President of the Republic (Articles 61 to 71). The President of the Republic is elected by two-round system (art. 66 of the Constitution and Art. 136 of the Electoral Code). To be elected in the first round, a candidate must win an absolute majority. Otherwise, a second round will be set for the two leading candidates.

The relevant constitutional provisions for the election of the President of the Republic are taken and complemented by the Electoral Code. It describes in detail, the conditions for registration on the electoral lists, the organization of the operations of voting and counting, the application requirements, the campaign, results management and electoral disputes, as well as criminal provisions relating to elections.

In addition, the Constitution and the Charter of political parties offer political freedoms (freedom of association, freedom of assembly, etc.) and political parties recognize a fundamental role in the construction of democracy. To this end, a free and equitable access to public media, especially during election periods is guaranteed to all.

Chad has ratified the main international and regional legal instruments for the organization of democratic elections. In addition to the Universal Declaration of Human Rights, Chad is a party to the Civil and Political treaty of 1966, the Convention on the Elimination of All Forms of Discrimination against Women of 1979, the Charter African of human rights and peoples of 1981 and the African Charter on democracy, elections and governance, 2007.

In general, the legal framework in force in Chad establishes principles and other measures conducive to credible elections. It is constantly changing and is likely to enable Chadians to freely choose their leaders.

c. Election administration.

The Independent National Electoral Commission (INEC) has the overall responsibility for the organization, supervision and the management of presidential, parliamentary and local elections in Chad. While previous election commissions had an equal composition of majority-opposition, the current INEC has a tripartite structure comprising of representatives of the majority, the opposition and civil society organizations. It comprises 41 members as follows: 17 representing the majority, 17 from the opposition and 6 civil society organizations. The 41st is the INEC president appointed by a consensus. In fulfilling its mission, INEC receives technical and operational assistance from the Permanent Bureau of Elections (PBE). AUEOM made the following observations regarding the organization and administration of INEC:

- The establishment of a tripartite INEC is a move towards greater inclusiveness in the composition of the election administration. However, with 41 members at national level and in the divisions, the composition of INEC may seem overstuffed. The election administration runs the risk of blockages and consensus in decision making can sometimes be hard to find;
- The tripartite composition of INEC puts it at the mercy of pressures and political interference due to its political rather than technical and also due to a potential imbalance between its various components;
- The presence of representatives of civil societies in central INEC and other components is a guarantee of transparency and credibility for many stakeholders interviewed by the Mission. The suspension of the participation of representatives of civil society organizations in the work of the INEC in protest against the detention of some of their members, did not affect unduly the functioning of the electoral administration;
- There is no formal communication mechanism, fluid and reliable within INEC, between INEC and the BPE and between INEC and stakeholders in the electoral process, despite the efforts noted in the dialogue between INEC and

political actors through the National Framework for Policy and Dialogue (NFPD);

- It was the first time that this new INEC is organizing elections. Apart from some commissioners, most members of the election administration have no previous experience of elections organization.

B. Voters Registration

According to Article 32 of the Electoral Code, the electoral cards are biometric. They are printed by INEC that can stop in the form and the validity period. Under the Political Agreement of 13th August 2007 and in order to strengthen the democratic process in Chad, the biometric enrollment was one of the main innovations of this election. If the principle of the introduction of biometrics has never been a problem, the extent of the operation divided the Chadian political class for a while. The majority wanted to limit biometrics registration of voters while the opposition demanded the use of voter identification kits in the polls as an additional guarantee of transparency of the voting process. The option of audit kits was not ultimately successful.

The biometric enrollment process has to include a total of 6,252,248 voters in Chad and 46,253 abroad. While noting the progress made in the reliability of the electoral process, many stakeholders that the mission met stressed the low transparency of procurement procedures relating to the enrollment process, shortcomings in citizen awareness and deficits in the training of enumerators. Other interlocutors of the mission expressed concerns in relation to the distribution of voter cards.

E. Parties, candidates, political financing

Political parties are the main organizers of political life and participate in the structuring of the political debate in a country. Law No. 019 / PR / 2009 of 4th of August 2009 on the Charter of Political Parties was adopted to better regulate the creation and functioning of political parties in Chad. While reaffirming the freedom accorded to citizens to join political groups, it imposes to particular political parties to have a national base and contribute

to the promotion of democratic values by prohibiting any use of force to seize power.

The same Charter defines the distribution of the annual subsidy that the state pays to political parties:

- 15% for parties that participated in the last presidential, parliamentary and local;
- 40% for the political parties represented in the National Assembly in proportion to the number of members;
- 35% for the political parties represented in the municipal councils in proportion to the number of councilors;
- 10% for political parties with women elected to the National Assembly in proportion to the number of women MPs.

Apart from the fact that its implementing decree is still delaying, the Charter of political parties does not unfortunately really regulate the issue of political financing. It merely states in Article 148 that the political parties are financed from their own resources, and the state subsidy. It also adds (Article 51) that the political parties can benefit from outside assistance provided that it does not endanger the integrity, national independence and sovereignty. Nothing is said about the use of public resources and the modalities of justification for the use of the funding that the state pays to parties. Moreover, Article 139 stipulates that the highest reimbursable election expenses are one billion (1,000,000,000) CFA francs if the candidate obtains a score of at least 10%.

Under Article 129 of the Election Code, the candidates for the presidency of the Republic are filed with the Constitutional Council at least 40 days or 60 at the most before the first ballot. The list of candidates is stopped and published thirty days before the first round of ballot.

14 candidates were selected by the Constitutional Council for the presidential election of 10 April 2016. These are :

- Malloum Yoboide Djeraki;
- Beassemnda Djebaret Julien ;
- Laoukein Kourayo Mbaiherem ;
- Djimet Clement Bagaou ;
- Mahamat Ahmad Al-Habo ;
- Dewa Kassira Koumakoye ;
- Abdoulaye Mbodou Mbami ;
- Idriss Deby Itno ;
- Mbaimon Guedmbaye Brice ;
- Kebzabo Saleh ;
- Joseph Djimrangar Dadnadji ;
- Djevidji Boukar Dibeing ;
- Mahamat Yesko Brahim ;
- Gali Ngothe Gatta

D. Women Participation

Among the 14 candidates for the presidential election, there is no woman. Efforts should be made to foster greater inclusion of women in central INEC, in the different arms and to the BPE. The Charter of political parties is an example of timid but commendable efforts of the Chadian political actors to discriminate against greater participation of women in public life. In this sense, Article 54 of the Constitution defines the annual grant allocation formula that the state pays to parties: 10% of the amount of the subsidy benefits the political parties with women elected to the National Assembly in proportion to number of women MPs.

E. Election Campaign

According to Article 137 of the Electoral Code, the election campaign lasts 20 clear days and is closed 24 hours before the beginning of polls. The campaign for the presidential election of April 10, 2016 was intense and involved candidates almost everywhere in the country. It took place peacefully and without any major incident despite inequality of means that you could notice among candidates.

IV. Observations of voting and counting of vote.

On Election Day Sunday, (April 10, 2016) MOEUA visited 170 polling stations. Although the voting and counting operations were conducted in a peaceful and a friendly atmosphere, the poll has had some difficult organizational issues. The following observations were made by the observers:

A. Opening of the polling stations

According to Article 43 of the Electoral Code, polling stations open at 6:00 and close at 17:00. 90% of polling stations visited by the Mission opened on time. The lack of electoral materials was the main cause of delay in 10% of polling stations. The opening of polling stations was peaceful and in 81% of the places visited the president of the polling station has ensured that the ballot box was empty, before the elections, in accordance with Article 46 paragraph 2 of the electoral Code. In 95% of cases, the seals of the ballot boxes were subject to verification and found to be adequately sealed before the opening of the polls. Compliance with the opening procedures was assessed positively in 90% of stations visited by the Mission teams.

B. Location and accessibility of polling stations

The accessibility of polling stations is important determinants of voter's participation in elections. The mission noted with satisfaction that in 80% of cases, polling stations visited were accessible as they were located mostly in schools and public squares near the residences of voters.

The polling stations visited were not readily identifiable and were sometimes inadequately furnished.

C. Voting Procedures

The Mission observed that the voting took place peacefully and with confidence and the vote was not disrupted throughout the day. This smooth election is an indicator of the commitment of the Chadian population to republican values and the rule of law.

The Mission noted with satisfaction that in 98% of cases, voters were not allowed to vote without having submitted their biometric card. In 80% of cases, assistance was provided to voters in need. The vote was interrupted only momentarily in some polling stations visited.

In 100% of the booths visited, the Mission observer's teams have not found any campaign materials inside the polling stations. However, many campaign posters are seen in some streets of the main cities or pasted on some vehicle during and after the vote.

D. Election Materials

The Mission noted that the electoral material was available in 81% of polling stations visited. In 19% of polling stations visited, voting materials arrived late. The mission noted with satisfaction that the late arrival of equipment has not caused major disturbances liable to disrupt the voting. Among the missing materials in the booths visited, the Mission noted the unique and minutes papers that were not sufficient in some polling stations.

E. Secret ballot

The Mission noted with satisfaction that in 90% of polling stations visited, the secret of vote was guaranteed. However, it notes with regret that in 10% of polling stations visited, the secret ballot was not guaranteed especially in polling stations located in public places, outdoors or by the side of roads.

F. Election officers

The Mission noted that the majority of polling stations had an average of four members instead of five as stipulated in the Electoral Code. These election officials do not wear uniforms or distinctive vests and were sometimes

difficult to identify. The Mission also observed that in most cases, polls agents have not shown great mastery of elections practices.

G. Election Participation

The Mission noted the strong participation of Chadians especially at the opening of polling stations visited by observers. This high attendance was reduced towards the end of the day; the majority of polling stations had no more queues at the official poll closing time.

H. Participation of women

Women accounted for only 31.1% of election officials. The Mission noted, however, a large number of women voters.

I. Representatives of candidates and election observers

The Mission observed that all the candidates have not deployed representatives or delegates in most polling stations visited. The mission found the notable absence of national and international observers on Election Day. It strongly regrets this since it is recognized that the observation of elections and the presence of representatives of political parties on Election Day contribute to more credible elections in general. However, the Mission noted the presence of the delegates of the Constitutional Council in a few polling stations.

J. Security

The Mission noted the presence of personnel responsible for security in 50% of polling stations visited and also noted the presence of mobile security forces on Election Day. The staff in charge of security was not present in other polling stations visited by its teams of observers.

K. Closing and counting

The Mission found that the closing time was respected and that the polling stations that opened late recovered the time lost due to late opening. The Mission also noted, in contrast to the opening, in the majority of polling stations visited there was no more queue at the polling station.

The Mission's observers noted with satisfaction that in 98% of cases the counting immediately following the close of voting. It was completed without interruption as required by the Electoral Code. However, the Mission found that in 50% of offices, electoral officials and candidate's delegates do not sufficiently mastered the procedures and the counting technique.

The Mission noticed lighting problems in the polling stations. In 50% of polling stations visited, the lighting was not adequate at the time of count.

In some polling stations, the initial counting of ballots was not done early enough. In others, the results have not been announced after the counting. Furthermore, the polling stations were not equipped as to facilitate the vote counting. However, the non-mastery of counting procedures and poor physical layout of some polling stations did not affect operations.

Conclusion and Recommendations

A. CONCLUSION

Despite operational, logistical and technical challenges encountered in the organization of the presidential election, Chadian voters participated in the calm and serenity in the April 10 2016 polls. By going massively to the polls to choose their President and thus exercise their right to vote, the Chadian people have demonstrated their commitment to the consolidation of democracy in their country.

Globally, the presidential election was an opportunity for citizens to freely choose their leaders. For the mission, the election took place in a peaceful climate within the legal framework in force. It is an important step in the standardization process of Chadian politics.

In this crucial phase of the process of revival and centralization of results, the Mission urges INEC to show more professionalism and transparency, so that provisional results that will be released are actually the expression of the will of Chadians. It urges the presidential candidates, political parties and their supporters, as well as all stakeholders in the electoral process, to be patient while waiting for the results and maintain the climate of peace and healing

that had prevailed so far in the country. The Mission calls on the candidates to respect the election results and use legal means in case of any results dispute.

The Mission makes the following recommendations for the proper conduct of the results and for a better organization of elections in the future:

B.RECOMMENDATIONS

To the Government

- Create a dynamic of consultation and dialogue framework with the various stakeholders in the electoral process to improve the process, strengthen social cohesion and preserve peace and to bring calm into the political climate;
- Take a set of measures to increase the participation and involvement of women at all levels of the electoral process;
- Provide INEC with adequate resources and adequate time for good planning and good organization of elections;
- Ensure the presence of the security agents at polling centers in sufficient numbers, both in rural and urban areas from the beginning of voting until the delivery of ballot boxes to the collection center;
- Prohibit the use of state resources for partisan purposes;
- Take all necessary measures to ensure sustainability and full implementation of biometric technology introduced in this election;
- Ensure optimal operation of satellite communications means on voting day.

To the Independent Electoral Commission (INEC)

- Make a copy of results available at each polling station, to candidates so as to promote transparency of the results process, in accordance with Article 74 paragraph 2 of the Electoral Code;
- Regularly inform stakeholders in the electoral process of the progress of the results compilation process;
- Establish regular communication with stakeholders in the electoral process;

- Establish formal communication mechanisms within the plenary and between INEC and the BPE, to increase the flow of exchange and professionalism of the election administration, strengthen dialogue within INEC and ensure the safeguard of independence vis-à-vis the government and vis-à-vis political parties;
- Strengthen the capacity of electoral staff to better mastery of the procedures and the electoral process and implement a skills and training plan for the development of INEC and electoral administration in order to take in professionalism in planning and the organization of the forthcoming elections;
- Strengthen gender balance in recruitment and capacity building of polling agents;
- Step up civic and voter education to strengthen the foundations of the culture of citizen participation;
- Carefully observe the provisions of the Electoral Code in particular those concerning the results display after the election and CV to the delegates and representatives of the candidates;
- Make better location and a more appropriate organization of the polls.

To the Constitutional Council

- Take the necessary time provided by law to review the case of disputes submitted by applicants;
- Ensure equitable treatment of complaints and appeals.

To the civil society

- Strengthen the electoral process and effectively contribute to the defense of its integrity by making a civil observation of elections more coordinated, professional and non-partisan;
- Become more involved in raising public awareness in order to entrench greater culture of citizen participation in political life;
- Better coordination of election advocacy activities with INEC.

To the Candidates and Political Parties

- Observe the election results and favor the use of legal means in case of litigation to preserve peace and stability;
- Investing in civic and electoral education of their members to be knowledgeable in election matters;
- Strengthen the capacity of representatives and delegates of candidates in the polling stations to ensure that they fully and effectively play their role;
- Establish a framework for dialogue and permanent consultation to prevent and resolve conflicts within the political class.

To the technical and financial partners

- Provide technical and financial assistance to help Chad to better plan and organize future elections and to establish a professional and sustainable electoral administration.

Done at N'Djamena, April 12, 2016

For the Mission,

S.E. Professor DIONCOUNDA TRAORE

Head of Mission