AFRICAN UNION ELECTION OBSERVATION MISSION TO
THE 27 AUGUST 2016 PRESIDENTIAL ELECTION
IN THE REPUBLIC OF GABON

PRE-ELECTORAL STATEMENT

25 AUGUST 2016

Libreville
Introduction and Background

1. On 27 August 2016, the Gabonese Republic will conduct its fifth presidential election since the country adopted multiparty politics in the 1990s. The presidential election which is to be followed by the legislative election in December 2016 will be the first, to be organized with the use of a biometric voter register.

2. Invited by the Government of the Gabonese Republic, the Chairperson of the African Union Commission (AUC) deployed a team of twelve (12) Long Term Observers (LTOs) including Electoral Experts, to observe the August 2016 presidential election in the Gabonese Republic. The LTOs arrived in Libreville on 7 August 2016 and undertook two days of in-country briefing. The LTOs were divided into five teams in addition to the core team, and deployed to observe the campaigns and all inter-related components of the electoral process in the pre-election phase. The LTOs have met with interlocutors at national, provincial, departmental, sub divisional and council levels, including senior government officials, the Autonomous and Permanent National Elections Commission (CENAP), the Ministry of Interior, representatives of political parties, members of the Diplomatic Corps, representatives from civil society organisations, security officials and the media. In total, the LTO Mission has observed these processes in 8 of the 9 provinces of the Gabonese Republic, for the past week.

3. The Mission commends the Gabonese people for their enthusiasm toward the election, and all political competitors and stakeholders in the electoral process for contributing to the present serene political atmosphere. The deployment of LTOs is meant to provide the African Union Election Observation Mission (AUEOM) with concrete facts to enable the evaluation of pre-election political context. This is enshrined within the framework of relevant legal instruments of the African Union notably the African Charter on Democracy, Elections and Governance, of 2007; the OUA/AU Declaration on Principles Governing Democratic elections in Africa of 2002; the African Union Guidelines for Electoral Observation and Monitoring Missions of 2002; the relevant international instruments regulation election observation as well as the legal framework for the presidential election in the Gabonese Republic.

4. This statement constitutes an assessment of the pre-election context, and includes the AUEOM’s observations of the campaigns and preparatory activities and interactions with the different stakeholders in the electoral process.
I – OBSERVATIONS

General Political Environment

5. The Mission notes that despite the prevalence of severe language, filled with personal attacks, and verbal threats, no major incident was observed or reported to the observers. Political parties and candidates have been free to conduct their campaigns in a peaceful and serene environment.

6. Considering the current cleavages which dominate the political landscape in Gabon, the Mission noted certain allegations made with respect to rising restrictions to the exercise of public rights and freedoms notably to the holding of public meetings by opposition parties. The Mission in this regard appeals to political actors and the public administration to respect the provisions of Article 72 of the Law of 12 March 1996 relating to the common provisions on all political elections.

7. While appreciating the calls for peace and social cohesion from some stakeholders, the Mission encourages all actors in the electoral process to maintain the peaceful atmosphere that has reigned all over the country, till date.

Legal Framework for the election

8. The legal framework for the presidential election constitutes a set of laws notably, the Constitution of 26 March 1991 and the Law N° 07/96 of 12 March 1996 on the common provisions for all political elections, supplemented by the laws of 15 April 1996 relating to special provisions on the election of the president of the Republic. In addition, this legal framework is reinforced by international, continental and sub-regional legal instruments to which Gabon is signatory.

9. The Constitution consecrates the principle of democratic plurality. The president is elected by universal direct suffrage for a seven year mandate. The election takes place through a single round of voting. The president is eligible for re-election. The law does not provide for term limit to the mandate of the president. To be eligible to run for president of the Republic by virtue of Article 10 of the Constitution, you must be Gabonese and forty years old and above. Citizens who acquired Gabonese nationality are eligible beginning from their fourth generation.

10. The legal framework for the presidential election is generally satisfactory in the case where it guarantees the exercise of civic and political liberties as well as fundamental freedoms. However, during interactions with stakeholders in the electoral process, the Mission noted considerable anxiety surrounding the application of Article 10 of the Constitution notably, the nationality conditions as well
as concerns about the independence of the CENAP. According to many political actors, the rules which define the designation of these members ought to be reviewed.

**Election Administration**

11. The institutions saddled with the preparation, organization and control of political elections are defined by the law. By virtue of Article 7 of the common law on all political elections, the Administration under the Ministry of Interior and CENAP are in charge of the preparation, organization and administration of political elections. Election disputes concerning the approval of candidatures and election results fall under the competence of the Constitutional Court whose verdict on the above matters is not subject to appeal.

12. Following meetings held with CENAP and its local representatives, preparations for the election are well on course. Election materials are currently being distributed to the different voting centres.

13. The local commissions put in place a plan of action which constituted of an inventory of the state of the polling centres, posting of the electoral lists and the training of members of polling stations.

**The Electoral roll**

14. The Administration is in charge of establishing the election register. The forthcoming election will be conducted with the use of the biometric voter register. This will be the first for the presidential election in this country. At the end of the process, 628 124 voters were enrolled within the national territory and in Gabonese consular posts. These voters will be voting in 2580 polling stations.

**Civic and Voter Education**

15. Citizen participation in an electoral process is fundamental to ensure a free, transparent, participative and credible vote. Law N° 07/96 of 12 March 1996 on the common provisions for all political elections confers the duty to put in place a civic and voter education campaign for the citizens, to the Administration.

16. To this end, in order to ensure high turnout on the Election Day, the Administration used the audio-visual media, the print media and others.

17. Meanwhile, CENAP on its part, elaborated a “Voter’s manual” designed to provide relevant information to voters to enable them adequately participate in the election.
on 27 August 2016. The Constitutional Court on its part organized training sessions to sensitize political actors on the electoral law, and the procedures to file complaints related to elections. Brochures relating to the above were distributed to political actors.

18. The Mission nevertheless regrets the fact that political parties and civil society organizations are not adequately engaged in the field of civic and voter education, and equally do little to inform voters on the way the electoral system operates.

Election Campaign

19. The election campaign is governed by Article 69 (ordinance N° 009/PR/2011) of the common law on all political elections. In line with the Presidential Decree of 7 June 2016, to summon the Electoral College, the campaigns started on 13 August 2016 and will end on 26 August 2016.

20. The Mission notes that so far, the campaigns have been without violence or any physical confrontations though, a considerable degree of tension is perceivable. Certain declarations made by political actors at some moments tend to be harsh and invective with personal attacks taking the place of political platforms. Additionally, an identity discuss is creeping into the political debate.

21. It is worth noting that the Code of Conduct elaborated by the National Council for Democracy (CND), which sought to ensure a serene atmosphere, before, during and after the electoral process has not yet been signed by the candidates and political parties.

22. Meanwhile, the Mission noted glaring inequality in the posting of campaign effigies. The disproportionate use of electric poles and other public edifices by a particular candidate may contravene the provisions of Article 12 of Law No 16/96 of 15 April 1996 which states that, “State transport and infrastructures cannot be put at the disposal of one candidate to the detriment of the others”.

Media

23. During the election period, the CNC regulates the access of candidates and political parties to the public media. In line with Article 95 of the Constitution, the CNC ensures the “respect of democratic expression and press freedom (...), the access of citizens to free communication and to a fair treatment of all the parties and political associations”.


24. The Mission however noticed some disequilibrium in coverage by the public media of campaign activities of certain candidates to the detriment of others, which contravenes Article 12 of Law N° 16/96 of 15 April 1996. In effect, the CNC is to ensure that every candidate has the same broadcast time and the same space to insert their articles in the public audio-visual and print media.

25. However, the private press enjoys considerable freedom though its media impact seems to be low and limited to the division of Libreville.

**The participation of women, youths and persons with disabilities**

26. The Mission noted that though the legal framework does not provide specific laws to encourage the political participation of women, youths and persons with disabilities, many of them have registered on the electoral lists and have been observed participating actively with political parties and candidates.

27. The Mission nevertheless points out that, only one out of the eight members of CENAP is a woman and none of the 14 presidential candidates is female.

**Civil Society and Election Observation**

28. The Mission remains particularly concerned with the absence of a civil society platform to observe elections in Gabon. All interlocutors confirm the partiality of Civil Society members and the Mission observed the leaning of Civil Society Organizations toward either the political majority or toward the opposition.

29. Civil society ought to actively play an essential role in holding an electoral process accountable. Their members master the terrain and understand the participants better and will principally constitute the backbone of domestic election observation alongside international election observation

**Security**

30. The Mission notes that the security plan put in place to secure the election is assuring. All political manifestations observed have received adequate security without any incident involving security officers and no major violent security breach was observed.

31. However, considering the degree of strong language used by politicians, there is evident risk of violence. Therefore, the Mission urges all political actors to exercise restraint and give priority to legal means for the resolution of differences linked to the election.
II – CONCLUSIONS AND RECOMMENDATIONS

The Mission remarks with satisfaction, the progress made by Gabon, notably the biometric registration of voters.

The Mission is contented by the provisions announced by the Election Management Body, to enable the identification of polling officials and agents with uniforms in line with the recommendations of the African Union Election Observation Mission following the legislative elections of 19 December 2011.

In order to ensure conditions for the proper conduct of the 27 August 2016 vote, the Mission makes the following recommendations:

- All the candidates are urged to sign and respect the Code of Conduct elaborated by the CND.

- The election authorities should continue the distribution of voter cards on Election Day to encourage participation in the election.

- The election authorities should continue civic and voter education for the voters to appropriate the electoral process in order to enhance social cohesion and promote peace.

- The authorities should reinforce security in the country notably during and after the vote.

*Ladies and gentlemen, on behalf of the African Union Election Observation Mission, I encourage the Gabonese people to turnout massively to vote on 27 August in order to make significant contribution to the development of the democratic process in the Gabonese Republic.*

*I thank you all for honouring our invitation.*

H.E. Cassam UTEEM
Head of Mission