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AFRICAN UNION OBSERVER MISSION TO THE PRESIDENTIAL ELECTION OF 2nd OCTOBER 2016 IN THE REPUBLIC OF CABO VERDE

PRELIMINARY STATEMENT

I. INTRODUCTION

In accordance with the relevant provisions of the African Charter on Democracy, Elections and Governance and the Guidelines of the African Union Electoral Observations and Monitoring Missions of 2002, the President of the African Union Commission (AUC), H.E. Dr Nkosazana Dlamini Zuma sent an observation mission to the presidential election of 2nd October 2016 in the Republic of Cabo Verde.

Led by H.E. Manuel Serifo Nhamadjo, former Acting President of the Republic of Guinea Bissau, the African Union Election Observation Mission (AUEOM) is composed of 29 observers, viz. officials of election management bodies, members of civil society and human rights organisations. These observers representing 19 African countries¹ arrived in Praia on 24 September and will depart on the 6 October, 2016.

The Mission observed the end of the electoral campaign and the voting day on 2 October 2016 and will remain in the country to follow up on the tabulation of the results and the announcement of the provisional results.

This statement presents the preliminary findings and recommendations of the AUEOM. The Mission will publish a final and more detailed report which will analyse the electoral process of the 2016 presidential election in Cabo Verde.

II. OBJECTIVES AND METHODOLOGY OF THE MISSION

The objective of the AUEOM was to make an independent, impartial and objective assessment of the 2016 presidential election in the Republic of Cabo Verde, in accordance with the relevant provisions of the African Charter on Democracy,

¹ Angola, Benin, Ivory Coast, Comoros, Congo, Ethiopia, Gabon, Ghana, Guinea, Guinea Bissau, Mauritius, Mozambique, Niger, Nigeria, Democratic Republic of Congo, Rwanda, San Tome and Principle, Senegal

Elections and Governance, the Declaration of the OAU / AU Declaration on the principles governing democratic elections in Africa, and the Guidelines of the African Union Electoral Observations and Monitoring Missions. The Mission also based its assessment of the electoral process on the national legal framework for presidential elections in the Republic of Cabo Verde.

For the purpose of accomplishing its mandate, the AUEOM met with several national institutions such as the National Election Commission (CNE), the Direção Geral de Apoio ao Processo Eleitoral (DGAPE) and the Voter Registration Commission (CRE). The AUEOM organised an orientation and training session for the observers on the legal framework, political and electoral context in the Republic of Cabo Verde and the code of conduct for observers.

In order to observe the opening of polls, the voting, the closing and the counting procedures, the Mission deployed eleven (11) teams in seven (7) islands, namely Santiago, Santo Antão, São Nicolau, Sal, Fogo, Boa Vista, and São Vicente.

III. PRE-ELECTION OBSERVATIONS

A. Legal Framework

The Constitution of Cabo Verde enshrines all the fundamental freedoms and civil rights. Its first article defines Cabo Verde as "a sovereign, unitary and democratic state, that guarantees respect for human dignity and recognizes the inviolability and inalienability of Human Rights as the foundation of the whole human community, peace and justice." The constitutional provisions prohibit all forms of discrimination based on race, origin, sex, language, religion, socio-economic status or political or ideological views. This multiparty constitution, adopted in 1990, revised in 1992 and again in 1999, provides for freedom of assembly, demonstrations, press, movement and association. It organizes the Presidential elections, whereby the president is elected by a majority of votes in two rounds. In the first round, the candidate must win an absolute majority.

The AUEOM noted with satisfaction that Cabo Verde has ratified many international and regional instrument related to the organisation of elections, such instruments are complemented by the Electoral Code, which describes the conditions for applications, the voting, the procedure of recount, results management and electoral disputes.

The Mission welcomes the enrichment of the legal framework for elections in Cabo Verde by legal provisions and mechanisms that allow early voting for people in service and outside their usual areas of residence on Election Day, as well as those in hospitals or incarcerated.

The AUEOM is of the opinion that the legal framework for the elections in Cabo Verde is conducive for the exercise of fundamental rights and freedoms by Cabo Verdean citizens, and complies with relevant international standards, including the African

Charter on Human and Peoples' Rights of 1981 and the African Charter on Democracy, Elections and Governance of 2007.

The AUEOM also believes that the Cabo Verdean legal framework for elections is constantly changing and encourages the emergence of an electoral system which guarantees the stability of the political regime. The Mission notes that this legal framework is consistent with international standards. It sets the relevant principles for the organisation of a credible presidential election and allows Cabo Verdeans to freely choose their President.

B. Context of the Presidential Elections

Two major political parties, the MpD and the PAICV, dominate the political landscape of countries. In the presidential election of August 2011, candidate Inocencio Sousa Manuel recognised his defeat and congratulated Jorge Carlos Fonseca, who was elected to the presidency with 54.09% of votes. In the last legislative elections, the MpD party, which supports the candidacy of Jorge Carlos Fonseca, regained power after 15 years in opposition and won the legislative elections of 20th March 2016 with 53.5% and also won a total of 20 municipalities in the last municipal elections which was held on 5th September 2016.

In addition, the PAICV, following its political commission of September, gave its supporters the freedom to choose a president of their choice. For this electoral competition, three candidates are running for the post of president, namely Jorge Carlos Fonseca, the former president; Albertino Graça, independent candidate and President of the University of Mindelo, and Joaquim Jaime Monteiro, independent candidate and who also contested the presidential election in 2011.

C. Election Management

The AUEOM noted that the electoral management in the Republic of Cabo Verde is under the responsibility of three (3) main bodies, which are autonomous. They are namely, the National Elections Commission (CNE), composed of five independent members elected by consensus by the National Assembly; the General Directorate of Support to Electoral Process (DGAPE) which is under the control of Ministry of Internal Affairs for the technical, administrative and logistics of the elections; and the Census Commissions (CRE) at municipal level, made up of delegates of political parties elected by municipal assemblies.

The Mission noticed the participation of another very active actor in the electoral process, the Nucleo Operacional da Sociedade de Informação (NOSi), which provides adequate technology for quick and computer processing of the results and the safety of electoral data. This private institution of the country participates in the construction of the electoral register, and the transmission of data and results.

The mission was only able to observe the distribution of election materials in certain cities. The mission was informed that the distribution of the above electoral materials was concluded on 1st October 2016. The AUEOM also observed that the police escorted electoral materials to polling stations on Election Day.

D. Voter Registration and Voters' Register

The AUEOM was informed that the electoral registry used in the 2016 presidential election is not the same as that of the municipal elections held on 4 September 2016 which takes into consideration foreigners who have stayed in the country over 3 years.

Indicatively, the electoral roll of the 2016 presidential elections counts a total of 361 206 from which 47 133 voters are in the diaspora, while the parliamentary elections register had 347 622 registered voters. The Mission notes an increase of 3.9%.

The Mission notes equally that the CNE took into account the diaspora of the Cabo Verdean people in its updating of the electoral roll with the exception of the diaspora in Angola, Great Britain, Guinea Bissau, Mozambique and Sweden.

Various stakeholders involved in the electoral process expressed to members of the AUEOM their confidence in the integrity of the voter registration process and the electoral register produced thereafter.

E. Candidate Lists

The AUEOM observed that the three candidates contending for the presidential election of 2 October 2016 were approved in accordance with the law of the country.

In line with Article 118 of the Constitution of the Republic of Cabo Verde, the Mission also noted the suspension of the duties of the candidate Carlos Fonseca as president, to give the same status to all presidential candidates and to project fairness towards all.

F. Women's Participation

As it has been the case for all elections since the country's Independence in 1975, the 2016 presidential election did not record any female candidate. However, women are present in management of campaigns of candidates and hold positions of responsibility in political mobilisation.

G. Civic and Voters' Education

The National Electoral Commission informed the AUEOM of the continuous nature of the civic and electoral education which lasts at least one year, starting from the time of enrolment and registration of voters, and lasting until the end of the electoral campaign.

H. Media

The Mission commends the respect for fairness and pluralism in the coverage of election by both public and private media for the campaign of the three candidates. The financial compensation granted by the Election Commission to the media (Article 118 of the Electoral Code) and the provisions about the release of the serving president from his duties at the announcement of his candidacy to his own succession (Article 383 of the Electoral Code), have also helped to strengthen the equal treatment of candidates.

I. Electoral Campaign

The eleven (11) teams that AUEOM deployed across the country observed a calm and peaceful atmosphere during the election campaign, which took place generally in accordance with legal provisions. The Mission noted the spirit of tolerance in which political leaders and their supporters demonstrated in campaign activities. However, the Mission did not notice high visibility of campaign activities during its deployment.

In some parts of the country, the Mission noted that the campaign was almost non-existent. Some interlocutors reported to the Mission that the campaign was very timid, given that stakes are not very important due to the electoral system of the country for the country (semi-presidential). In addition, the timidity of the campaigns could also be a direct cause of vote fatigue caused by the very close electoral calendar.

However, the Mission noted the visibility of campaign posters beyond the official period provided in the electoral calendar. No incidents were recorded during the election campaign, which began on 15th September and ended on the 30th October 2016.

The Mission deemed professional and not oppressive the presence of security forces during the few campaign gatherings it observed.

J. Participation of Civil Society

AUEOM noted a weak involvement of civil society in the electoral process and the absence of domestic election observers. Although the constitution guarantees the right of all citizens to participate in public affairs, the Electoral Code does not provide explicit provisions on the participation of civil society in the electoral process and observation of polls.

However, the National Electoral Commission informed the AUEOM that it included the local youth and women organisations in civic and voter education operations for the 2016 presidential election.

K. The Security of the Electoral Process

The AUEOM noted that the Police professionally escorted the electoral materials. The AUEOM also took note that the police provided the security for the homes of the presiding officers and their escort on Election Day.

III. ELECTION DAY OBSERVATIONS

A. General Observations

The AUEOM observed a total of one hundred and thirty nine (139) polling stations from which 37.41% were in rural areas and 62.59% in urban areas.

The AUEOM noted the calm and peaceful atmosphere which defined the 2016 presidential election.

The Mission noted that 83.33% of the polling stations visited were primarily located in schools; they were accessible and located within the reach of voters.

The secrecy of the ballot is enshrined in both international electoral instruments and the Electoral Code of Cabo Verde. The observers of the AUEOM noted with satisfaction that in 100% of polling stations visited, voting booths and the layout of polling stations promoted the secrecy of the vote.

The Mission commends the polling personnel for their competence and mastery of procedures and electoral operations. The Mission noted that the polling personnel was easily identifiable and in correct number as provided in the Electoral Code.

The Mission noted a relatively low voter turnout in all the polling stations it visited for the 2016 presidential election. Both during the opening and during the closing of polls, the Mission noted a relatively low voter participation.

In the polling stations visited by its observers, the AU Mission observed a significant participation of women on Election Day, both as members of the polling stations and as delegates of the various candidates. This participation amounts to 56.56% as members of the polling personnel and 54.63% as delegates of the candidates.

The Mission equally noted that all the candidates for the 2016 presidential election did not deploy representatives in all visited polling stations.

The presence of security personnel was not visible in 72.06% of the polling stations which were visited. The observers noted that in 75.64% of cases, their presence was discreet.

B. Opening of Polling Stations

The AU Mission noticed a calm and peaceful atmosphere in all the polling stations visited in urban areas on the 2nd October 2016. All polling stations visited by the Mission opened on time.

The opening procedures have been widely observed in all the visited polling stations. The Mission also noted that at the time of opening, the polling staff was on time and the electoral material was sufficient in all the polling stations visited by its observers.

The AU observer teams did not notice any visible campaigning near the polling stations, which were visited on the 2 October 2016.

C. The Voting Process

The Mission found that the atmosphere around the polling centres was conducive for the running of the presidential poll. The AUEOM was satisfied with the overall application of voting procedures. For example, in all of the polling stations visited, voting was not interrupted till the end.

The AUEOM noted that assistance was given to voters who needed it and that voters presented their identity documents before voting.

Furthermore the Mission learned that those who stamped or signed the back of ballots were misled by instruction given by the National Electoral Commission during the legislative elections of March 2016 but which was not enforce for presidential of 2 October 2016.

D. Closing and counting process

The Mission noted with satisfaction that all the hundred and thirty nine (139) polling stations it visited observed the official closing time, 18hours standard time. No queues were observed at the closing time.

The AUEOM noted that, in 100% of polling stations visited by its observers, the counting process started immediately after the closing of voting process. The observers of the AU were satisfied with the layout set by polling officials for the counting process in all the polling stations visited. The Mission also noted that candidate representatives signed the results forms before being displayed in front of the polling stations.

E. Tabulation and Announcement of Results

The AU Mission welcomes the steps taken by the CNE and the DGAPE in collaboration with NOSi for electoral data collect and secure transmission of results. The Mission took note of the use of technology by NOSi in order to secure the electoral process.

However, the AUEOM noted that all polling stations were not equipped with tablets for the transmission of data in real-time on Election Day. For those stations that did not have tablets NOSi assigned mobile teams to collect the final results at the end of the voting process.

The Mission commends the technology deployed through NOSi by NEC and DGAPE to reduce the amount of time between the closing of polls and the announcement of early trends of the 2016 presidential 2016.

IV. CONCLUSION

The Election Observation Mission of the African Union welcomes the mutual trust between the parties involved in the electoral process for the 2016 presidential elections in the Republic of Cabo Verde. It encourages all political actors and the Cabo Verdean people to continue to cultivate this momentum to strengthen democratic values.

The AUEOM believes that the electorate in Cabo Verde exercised their right to vote on 2 October 2016. The Mission believes that despite the relatively low attendance, the presidential elections were free, fair and transparent.

The Mission commends the capacity and competence of the CNE, the DGAPE and the CRE. The Mission also congratulates the women and youth for their participation in the ongoing electoral process.

The Mission equally congratulates the Cabo Verdean authorities as well as all the stakeholders for organising 3 elections² in a very limited amount of time.

The mission would like to make the following recommendations:

V. RECOMMENDATIONS

The National Commission of Elections

² Legislatives, municipals and Presidential elections in 2016

- Ensure ongoing communication with election officials to ensure uniformity in the application of procedures;
- Equip all voting stations with tablets for standardised mechanisms of the transmission of results by the polling presiding officers for quick and accurate tabulation;
- Engage and encourage the participation of the civil society organisations in voter sensitisation in order to improve voter participation;
- Mobilise adequate resources for the involvement of the diaspora in every phase of the electoral process.

To Government

- Mobilise adequate resources for the involvement of the diaspora in every phase of the electoral process.

To National Assembly

- Harmonise the dispositions with regard to electoral calendars to avoid vote fatigue;
- Include explicit provisions for citizen electoral observation;
- Adopt specific dispositions which aim to encourage the nomination of women and youth in positions of responsibility.

To political parties and candidates

- Intensify campaign activities in order to maximise the electoral participation;
- Deploy more representatives in order to strengthen the credibility of the electoral process.

Made in the city of Praia, on 4 October 2016

By the Mission,
H.E Manuel Serifo Nhamadjo
 Head of Mission