



**AFRICAN UNION ELECTION OBSERVATION MISSION
TO THE LEGISLATIVE ELECTIONS OF 24TH FEBRUARY 2023 IN THE
REPUBLIC OF DJIBOUTI**

PRELIMINARY STATEMENT

Djibouti, 26th February 2022

I. INTRODUCTION

Following the invitation of the Government of the Republic of Djibouti, the Chairperson of the African Union Commission (AUC), His Excellency (H.E Mr.) Moussa Faki MAHAMAT, on the proposal of H.E. Ambassador Bankole ADEOYE, Commissioner for Political Affairs, Peace and Security of the African Union (PAPS/AU), deployed this high-level Technical Mission to observe the legislative elections of 24 February 2023.

The Mission is led by Mrs. Karine KAKASI SIABA, Ag Coordinator of the Democracy and Elections Unit within the Directorate of Governance and Conflict Prevention (DGCP) of the Department of Political Affairs, Peace and Security of the African Union (DPAPS/AU).

The Mission is composed of Electoral Experts from seven (7) African countries : Côte d'Ivoire, Ethiopia, Gabon, Mauritania, Democratic Republic of Congo (DRC), Rwanda and Zimbabwe. It will stay in Djibouti from 22 February to 3 March 2023.

The Mission complies with the Mandate of the African Union (AU) in accordance with the instruments and guiding principles relating to the observation and monitoring of elections in Africa with a view to better consolidating democratic gains on the continent. These include relevant standards relating to : the OAU/AU Declaration on the Principles Governing Democratic Elections and the African Union Guidelines for Election Observation and Monitoring Missions in Africa as well as the Maputo Protocol, the African Charter on Democracy, Elections and Governance (ACDEG), Vision 2030 and Aspiration No. 3 of Agenda 2063 of the continental institution, among others. It also complies with the National Legal Framework.

This Preliminary Statement reports on the observations made by the Mission, together with recommendations relating in particular to : the end of the electoral campaign, the conduct of the voting and counting operations in the polling stations visited by the Mission's Experts as well as the quintessence of the meetings it had with internal and external stakeholders.

This Declaration will be followed and supplemented later by the drafting and official publication of a more exhaustive Final Mission Report which will be submitted to the competent authorities of the country through diplomatic channels.

In the meantime, and in accordance with its methodological tradition, the AU Technical Mission will continue to monitor the evolution of the electoral process in its post-electoral phase until the publication of the provisional and final results.

II. OBJECTIVE AND METHODOLOGY OF THE MISSION

The main objective of the Mission is to carry out relevant, independent and impartial monitoring of the legislative process, and then to report to the AU.

The other objective of the Mission is to draw the major empirical conclusions raised by the electoral experts and then to make preliminary recommendations in view of the next elections.

The Methodology followed by the Mission consists in evaluating the conformity of the ballot and the electoral process with the national legal framework and the international standards which govern democratic elections in consolidated processes.

During its stay in the field, the Mission met among others, the following internal and external institutions :

- the Minister of Foreign Affairs and International Cooperation ;
- the Minister of the Interior ;
- the President of the Constitutional Council ;
- the President of the Independent National Electoral Commission (CENI) ;
- the President of the National Communication Commission (CNC) ;
- the Executive Secretary of the Intergovernmental Authority on Development (IGAD) ;
- the President of the Union Coalition for the Presidential Majority (UMP) ;
- the President of the Union for Democracy and Justice - Party (UDJ) ;
- the Coordinator of the United Nations System ;
- the Resident Representative of the United Nations Development Program (UNDP); and
- the other International Electoral Observation Missions deployed in the country, in particular: the League of Arab States, IGAD, and the Organization of the Islamic Conference (OIC).

III. PRE-ELECTION FINDINGS AND OBSERVATIONS

The Mission noted several key points.

A. Political Context

The national political system is based on democratic pluralism enshrined primarily in the legal prescriptions of the 1992 Constitution and the Electoral Law relating thereto. This systemic openness was correlated with the advent of full multipartyism in 2002 through the organization of plural, free and regular elections as a mode of devolution of power through the expression of universal suffrage.

The internal political stability observed in this country in view of the convulsive regional dynamics in force in the Horn of Africa was once again illustrated during these Legislative elections in the wake of the extension of the stability noted during the 2021 Presidential Elections.

Overall, the polls are taking place peacefully, without conflict or hate speech, and this in accordance with the legal framework.

B. Legal framework

The legal framework for elections obeys a double level of articulation between the internal and the external due to the “hierarchy of norms” as a structuring principle.

At the national level, legislative elections are mainly governed by the following provisions :

- the Constitution of 15 September 1992 modified by the Laws of 23 January 2006, 19 January 2008 and 14 April 2010 ;
- the Organic Law (O.L.) No. 1/AN/92 of 29 October 1992 relating to elections modified by the O.L. of : 7 April 1993 ; 14 August 2002 ; 04 June 2012 and 06 December 2012 ;
- the O.L. No. 4/AN/93/3rd L of 7 April 1993 setting the rules for the organization and operation of the Constitutional Council ;
- the Constitutional Law No. 92/AN/10/6th L of 21 April 2010 revising the Constitution.

To this are added the following Decrees, Circulars and Orders :

- Decrees: No. 2022-291/PR/MI of 17 November 2022 convening the electorate and setting the date of the legislative elections ;
- No. 2022-314/PR/MI of 08 December 2022 setting the terms for the organization of the 24 February 2023 elections of Members of the National Assembly ;
- No. 2022-327/PR/MI of 19 December 2022 setting the date for the opening and closing of the electoral campaign for the legislative elections of 24 February 2023 ;
- No. 2023-057/PR/MI of 24 February 2023 relating to the extension of voting time on polling day; as well as, Order No. 2023-022/PR/MI of 25 January 2023 fixing the number and location of polling stations for these elections; and finally, Circular No. 178/MI/23 of 19 February 2023 relating to the conduct of the aforementioned legislative elections.

In addition to these national standards, there is respect for the relevant international standards that govern the proper holding of elections at the global and continental levels to which the country belongs, such as : the Universal Declaration of Human Rights (UDHR), the International Pact relating Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), ACDEG, among others.

These multi-level instruments, among many others, contribute to the proper conduct of the elections aimed at ultimately inducing free, regular, inclusive and credible elections.

C. Electoral System

Article 45 of the Constitution enshrines the principle of a unicameral Parliament called : the National Assembly. The 65 Deputies who compose it are elected by direct universal suffrage by the voters for a five-year term (5 years), according to the rule of proportional representation, by closed list ballot in five (5) multi-member constituencies with three (3) to thirty-five (35) seats of deputies to be filled according to the level of their demographic density.

At the end of the ballot, the list having obtained the absolute or relative majority of the valid votes cast automatically wins a number of seats equivalent to eighty percent (80%) of the seats to be filled.

Then, the other remaining seats are distributed by proportional representation according to the rule of the highest average between all the competing lists which have obtained more than ten percent **(10%)** of the valid votes cast. If the competing minority list or lists do not obtain more than ten percent (10%) of the valid votes cast, all the seats go to the majority list.

It emerges from the Mission's exchanges with the Djiboutian actors that this system, which is not widespread, is not the subject of real divisions or political disputes in the national chessboard.

In accordance with Decree No. 2017-381/PR/MI of 20 November 2017 setting the representation of the number of deputies seats by region, the distribution this year is as follows :

- Ali-Sabieh : 6 deputies ; Arta : 3 deputies ; Djibouti-City : 35 deputies ; Dikhil : 11 deputies ; Obock : 4 deputies and Tadjourah : 6 deputies.

D. Election Administration

The Electoral Administration contributes to the holding of the polls on the operational technical level.

The preparation and material organization of the elections, as well as the management of the National Electoral File and the proclamation of the provisional results fall within the competence of the Ministry of the Interior.

The CENI is an ad hoc institution that monitors electoral operations. It is set up two (02) months before the elections are held and ends one (01) month after elections.

The Constitutional Council (CC) is the Supreme Judge of electoral disputes, because it clears it in the event of a referral by the parties or candidates contesting before announcing the final results.

The National Communication Commission (NCC) regulates the airtime of competing candidates and parties or coalitions to spend in the media. It ensures the regulation of the political field by rejecting the use of hate speech and violence in the public space, especially during electoral processes. It ensures respect for distribution of airtime in the media between parties, coalitions and candidates.

E. Voter registration

The voter registration is one of the preparatory stages which coincides with the registration of voters in the electoral process. Indeed, Article 5 of L.O. No. 1/AN/92 of 29 October 2012, provides that any Djiboutian citizen of either sex, aged at least eighteen (18) years old can register on the electoral roll and enjoying its civil and political rights.

The National Electoral File is digital. The Electoral List is governed by the prescriptions of Decree No. 2016/019/PR/MI of 21 January 2016, which sets the technical terms, including those relating to the production and issuance of voter cards to citizens.

The period of annual revision of the electoral lists is in principle fixed from 2 January to 30 September, with the exception of election years. The revision of the electoral register for the legislative elections of 24 February 2023 took place from 28 April to 30 September 2022.

In addition, the National Electoral File was cleaned up by clearing it of deaths and readjusting the constituencies of voters with regard to their new place of residence while enlisting first-time or new voters. This had a stimulating effect on the level of registered voters at the national level, increasing the electoral body from : 215,686 to 230,295 voters, a net increase of : 14,609 registered voters.

F. Party and Coalition competing

The legal period for submitting applications is set from 08 December 2022 to 26 January 2023, at midnight.

Initially, four (4) political entities had expressed their interest in participating in this election. These are particularly : the Alliance of Movements for Democratic Alternation (AMAD), the Center of Unified Democrats (CDU), the Union for Democracy and Justice (UDJ) and the Union for the Presidential Majority (UMP).

At the end, due to dual nationality and non-payment of the deposit, the applications of AMAD and CDU were rejected.

In this context, the only parties and coalitions that competed in these legislative elections are : the UDJ and the UMP for the 35 seats in the Djibouti-City constituency and the 3 seats in the Arta constituency. In the rest of the country, only the UMP sought the votes of voters in order to obtain the twenty-seven (27) seats in the constituencies of Ali-Sabieh, Dikhil, Obock and Tadjourah.

This indicates that the UMP is the dominant party in the Djiboutian political system.

G. Electoral campaign

The aforementioned Presidential Decree No. 2022-327/PR/MI fixed the period of the Electoral Campaign from 10 to 22 February 2023, at midnight.

The Mission noted that the campaign took place peacefully throughout the national territory. It was essentially focused on the organization of meetings associated with local communication as well as the use of social networks, under the supervision of the NCC. According to this institution, the airtime of sixty (60) minutes divided into two minutes and thirty seconds (02mn30s) per intervention was allocated to the candidates via the system of drawing lots to determine their order of intervention in the public media.

In addition, the media accredited to cover the electoral process have signed a Code of Ethics to this effect. The NCC has successfully ensured its application.

H. Civic Education and Voter Awareness

Civic education and sensitization of voters constitute vectors of stimulation to the electoral participation of citizens in polls.

According to the Ministry of the Interior, which is one of the Election Management Bodies (EMBs), this mission was mainly entrusted in its field of action to the decentralized administration, especially the Prefectures, which performed it well.

The NCC with regard to its legal competences contributes to this via the messages conveyed in the public media in the direction of the voters.

The CENI is also playing its part in this wake with its awareness-raising posters and messages for the attention of the public aimed at better encouraging them to take more ownership of the electoral process as well as all the stakeholders.

Finally, the Mission noted that if it is true that Civil Society plays a toneless although salutary role; however, some of its national organizations such as the Movement of Young Graduates of ARHIBA have contributed to raising awareness among citizens by encouraging them to collect their voter cards to vote on election day. This, in accordance with the cardinal principle of inclusive participatory democracy.

I. Election financing

The Republic of Djibouti provides funding for its electoral processes. This year, it again complied with its policy of financial electoral sovereignty.

In addition, candidates and parties benefit from the financial support of their militants.

However, a deposit is paid to validate their candidatures in the legislative elections. This is indeed one of the substantive legal conditions of their admissibility.

IV. OBSERVATIONS OF THE VOTING DAY

The Mission deployed on polling day, three (03) teams who observed the ballot in fifty **(50)** Polling Stations including : eighty-six percent **(86%)** in urban areas and fourteen-percent one hundred **(14%)** in rural areas ; more particularly in the districts of Djibouti-City, Arta and Ali-Sabieh.

The Experts of the AU Technical Mission made the following observations :

1- Opening of the polling stations

- Under the terms of the Electoral Law, the ballot opens at six (6) am and closes at six (6) pm.
- The Mission noted that eighty-two percent **(82%)** of the Polling Stations visited, opened on legal time.
- However, some Polling Stations opened with a delay ranging from: (30) thirty minutes to one (01) hour, due to the late arrival of certain members of the electoral staff or the unavailability of electoral material in sufficient quantity.

- In all the Voting Centers visited by the Mission, the lists of voters were displayed in a visible manner.
- The Mission also noted the presence of delegates from the CENI and the parties contesting in the Polling Centers visited.

2- Conduct of voting operations

- In all the Polling Centers observed by the Mission, there were four (4) electoral staff members per polling station in accordance with the Legal Framework. Women were poorly represented, on average: thirty-seven percent (**37%**) in Djibouti-City against seven percent (**7%**) in Arta and Ali-Sabieh. The rate of representation of the delegates of the candidates was thirty-two percent (**32%**) in the polling station visited by the Mission. Electoral staff and party delegates demonstrated good cooperation and political maturity in the conduct of the poll.
- The voting procedures were mastered by the electoral staff, in particular the identification of the voter from his identity document, his verification on the electoral lists, the use of sealed ballot boxes and voting booths as well as the marking with indelible ink after the vote and the signature on the list, relating thereto ; among others.
- Most polling stations were well equipped to better facilitate the fluidity and secrecy of the vote of citizens, including people with disabilities and the elderly as well as pregnant and nursing women. These categories of voters could vote in priority because they benefited from the assistance of the electoral staff or a person of their choice.
- In terms of security, the Mission noted a discreet and professional presence of the national security and defense forces in most of the Centers near the Polling Stations visited, without any hindrance or interference in the election.
- The Mission also noted the friendly atmosphere that prevailed during this day of voting between the various delegates of candidates or groups of political parties, without distinction in the Polling Stations visited.
- The Mission met on the ground with other international electoral observation missions, in particular those of the : League of Arab States, IGAD and OIC.
- However, it noted a certain absence of national observers in the centers and polling stations visited.
- The Mission noted a progressively growing enthusiasm during the election day with intermittent crowds in the polling stations observed.
- Voters who were on Mission as part of the electoral process on election day were authorized to vote on presentation of a Certificate issued by the Constitutional Council for the candidates' delegates or of a Mission Order issued by the Ministry of the Interior for security agents and electoral staff.
- Moreover, the members of the Polling Stations had no distinctive signs to identify them on polling day.

3- Closing and Counting

- Under Presidential Decree No. 2023-057/PR/MI of Friday, 24 February 24 2023, the closing of voting operations initially scheduled for 6 p.m. has been extended until 7 p.m. throughout the national territory.

- The closing and counting operations took place in a peaceful atmosphere, in accordance with the Electoral Law.
- The Mission noted that the counting of envelopes and votes was carried out in almost all the Polling Stations observed.
- Following this, the Mission observed the first hours of transmission of the results to the Electoral Centralization Center (ECC) at the Town Hall of Djibouti-City. This was done in a letter addressed to the attention of the Prefect, the Ministry of the Interior and the Constitutional Council.

Throughout election day, accredited national and international media covered the election professionally.

V. POST-ELECTION OBSERVATIONS

The AU Technical Mission continues to observe the process of post-electoral phase in order to further deepen and refine the overall provisional results from the polls, then the final ones. And this, to better reflect the voting trends in terms of redistribution of seats and political power relations in the next legislature of the National Assembly resulting from the choice of the Sovereign People.

In this perspective, the Mission noted during the election evening of 24 February 24 2023, the Ministry of the Interior announced the provisional results in the public media, which indicated a clear advance of the presidential party and a voter turnout of 75%.

VI. CONCLUSION ET RECOMMENDATIONS

The High-Level Technical Electoral Observation Mission of the African Union congratulates the People of Djibouti for their effective, peaceful and orderly participation in these legislative elections of 24 February 2023.

The Mission expresses its gratitude to the Authorities of the Republic of Djibouti for the availability and diligence that facilitated the execution of its Mandate.

The Mission also expresses its gratitude to all the internal and external actors who were kind enough to discuss with it.

The Mission also salutes the Election Management Bodies (EMBs), respectively each in its areas of competence for the successful organization of the ballot.

The Mission magnifies the maturity of the candidates, parties and coalitions contesting and their republican sense of dialogue and pluralist debates.

The Mission welcomes the fruitful and constructive interactions with the counterparts from other international organizations deployed in the field, in particular the: League of Arab States, IGAD and OIC.

Finally, the Mission reiterates its call for the preservation of national stability, security and unity, guarantees of any democratic consolidation and the rule of law to induce any sustainable development. This requires constantly favoring recourse to legal channels in the event of any disputes.

On this, the Mission makes the following relevant recommendations :

To the Government :

- Provide the CENI with a permanent status that strengthens its skills and means of action throughout the electoral process and well after ;
- Further involve Civil Society Organizations (CSOs) in the country's electoral processes, in particular the national observation of the polls ;
- Facilitate CSOs actions aimed at building the capacity of citizens in terms of civic education and awareness to further consolidate participatory democracy.

To the Election Management Bodies (EMBs) :

- Induce parity among its representatives and encourage parties and candidates to do the same ;
- Sustain and strengthen their inclusive approach towards all stakeholders in the electoral process with a view to consolidating pluralist democracy ;
- Intensify actions to popularize awareness and civic and electoral education of voters, candidates, parties and coalitions as well as their delegates, in particular by further involving CSOs in this area in order to stimulate female and youth electoral participation in the national plan ;
- Continue to make all Polling Stations and Polling Centers accessible throughout the country to better facilitate voting for people with reduced mobility.

To Candidates, Parties et Political Coalitions :

- Pursue and constantly consolidate consensual political dialogues for any progressive consolidating reform of the electoral and political system ;
- More than ever, urge all stakeholders to resort whenever necessary to legal channels in the event of any disputes ;
- Continue to uphold the rejection of any use of hate speech and violence in politics.

To Civil Society Organizations (CSOs) :

- Participate more actively in accordance with the National Legal Framework and relevant standards in the consolidation of democratic gains, the promotion of civic and electoral education of citizens throughout the electoral processes ;
- Contribute to the national electoral observation of the polls in an effective and optimal way.

To the International Community, including the African Union :

- Pursue their efforts aimed at ever better coordinating their actions in order to support the country in its constant efforts to preserve “democratic peace” and consolidating, consensual and inclusive national reforms.

Done at Djibouti, 26th February 2023

For the Mission,

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