



PEACE, PROSPERITY AND
REGIONAL INTEGRATION

IGAD ELECTION OBSERVATION MISSION TO THE PRESIDENTIAL ELECTION IN DJIBOUTI

PRELIMINARY REPORT

9th April 2016, Republic of Djibouti

I. Introduction

This is a Preliminary Report of the IGAD Election Observer Mission to the 2016 Presidential Election in Djibouti, Republic of Djibouti.

The Report covers the Mission's findings from the date of arrival of the Observer Mission on 5th April 2016 up until the closing and counting processes on 8th April, 2016.

Upon invitation extended by the Ministry of Foreign Affairs and International Co-operation of the Republic of Djibouti, the Inter-Governmental Authority on Development (IGAD) deployed an Election Observer Mission (EOM) to the country to observe the Presidential Election held on 8th April 2016.

IGAD is a regional body with membership of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, South Sudan, the Sudan and Uganda. The Organization's mandate includes promotion of democracy, good governance and the conduct of free and fair elections as some of the main elements contributing to the enhancement of peace, stability and security in the region.

The IGAD Election Observation Mission to the Presidential Election in the Republic of Djibouti was a lean team composed of 13 participants from the Secretariat. The Election Observer Mission was led by H.E. Mr. Ahmed Hassan Issack, Chairman of the Independent Electoral and Boundaries Commission (IEBC) of the Republic of Kenya and Chairman of the Executive Committee of the Association African Electoral Authorities.

Hon. Ahmed Hassan Issack was the Leader and Spokesperson of the IGAD Observer Mission.

II. Objectives

- **Overall Objective:**

The overall objective of the IGAD Observer Mission was to observe the Republic of Djibouti, in its efforts to conduct free, fair and credible elections by providing positive and constructive feedback expected to help and improve similar future processes in Djibouti and other member states and thus facilitate the development of a democratic election culture to avert conflicts related to election disputes in the region.

- **Specific Objectives:**

- To assess whether there were favorable conditions for the conduct of free, fair and credible elections that would allow the people of Djibouti to freely express their political will;
- Assess and determine whether the elections were conducted in accordance with the Constitution, legal and institutional framework of Djibouti;
- Assess whether the elections met international benchmarks set out in the African Union Declaration on the Principles Governing Democratic Elections in Africa, African Charter on Democracy, Elections and Governance and the Declaration of Principles for International Observers adopted by the United Nations in October 2005.

III. Assessment tools

An assessment tool consisting of Checklists on the poll opening, polling, vote counting, tallying and announcement of results that conform to international observation standards developed by IGAD Secretariat were used.

IV. Method of Work

The IGAD Observer Mission was a short-term mission therefore, it had to interact with key stakeholders at national level to get briefings and sufficient information on key aspects of the electoral process to help the Mission arrive at a fair and balanced conclusion regarding the election process.

V. Pre-Election activities

The Observer Mission attended the meetings organized for international observers and met with the following Djibouti government officials:

- The Minister of foreign Affairs and International Cooperation, H.E. Mr. Mahamoud Ali Youssouf,
- The Minister of Interior, H.E. Mr. Hassan Omar Mohamed,
- The UMP Presidential candidate, H.E. Mr. Ismael Omar Guelleh,
- The Chairman of the Constitutional Council, H.E. Eng. Abdi Ibrahim Absieh,

- The Chairman of the National Independent Electoral Commission (CENI), Mr. Abdi Ismail Hersi.

The EOM also had an opportunity to briefly observe the last rally organized by the UMP but could not go to others as planned due to time constraints.

In addition to the above, the Mission managed to meet with Mr. Ismail Sanalasse, Representative of the civil society at the Civil Society National Council.

Meetings were also planned with the one of the USN Candidate namely Mr. Omar Elmi Khaireh but was cancelled at its own instance.

The other meeting with one of the Independent Candidates, Mr. Hassan Idriss Ahmed, could not take place as planned because of last minute cancellation by the Candidate.

The Observer Mission got sufficient insights by the different stakeholders on the status of their preparedness for the upcoming election.

The civil society Representative informed the Mission that it conducted training programs and sensitization for the youth and women at the Capital and at the regional level to strengthen the level of awareness on the election process and on civic education. The Representative further informed the Mission that some material on the same have been published and disseminated.

VI. Preliminary Findings

a. Context

IGAD EOM was to observe the Presidential election scheduled for 8th April 2016. Six candidates were contesting for the Presidency including the incumbent.

According to the Constitution of Djibouti, the President of the Republic is elected for five years by direct universal suffrage.

The President of the Republic is elected with absolute majority of the suffrage expressed. If this is not obtained in the first round, it proceeds in 15 days time to a second round of elections.

The Presidential election takes place thirty days at least and 40 days at the most before the expiration of the mandate of the President in Office.

The second round is open solely to the two candidates who have received the greatest number of votes (Article 27 of the Constitution).

Presidential Candidates should be at least 40 years of age and below 75 years.

The last Presidential election in Djibouti was held in April 2011.

b. Constitutional and Legal Framework

The main legal instruments regulating the conduct of elections in Djibouti include the following among others:

- The Constitution of the Republic of Djibouti of 15 December 1992,
- The Constitutional law no. 92/AN/10/6th/L of 21 April 2010 on the amendment of the constitution,
- Organic law no. 1/AN/92 of 29 October 1992 on elections and its amendments,
- Decree no. 2015-028/PR/MI dated 9 December 2015 on the date of the Presidential elections and the convocation of electors,
- Decree no. 2010-0241/PR/MID on the composition and functioning of the National Independent Electoral Commission,
- Order no. 2016-006/PR/MI 5 January 2016 on the appointment of members of CENI.

c. Election Management

The National Independent Electoral Commission of Djibouti (CENI) is established by Decree No.2010-0241/PR/MI dated December 18th, 2010 on the composition and functioning of the National Electoral Commission (CENI).

As stated in the Decree, the National Independent Electoral Commission is a body that mainly controls election operations, materials and documents, electoral registers among others.

The members of the CENI are elected from among persons of recognized competence, probity, impartiality, morality and patriotism. CENI is a temporary body established every five years when elections are conducted. It is established three months before the set date for the election and dissolved 15 days after the election. The members of CENI are appointed from the Government, Parliament, the Judiciary, Civil societies and political parties and extend up to districts level.

The elections are financed by the State.

The Mission noted that Election is handled by three bodies: the Ministry of Interior, CENI and the Constitutional Council.

d. Voter Registration and Voter's Roll

The IGAD Observer Mission was a short term Mission and, therefore, did not have the opportunity to observe the Voter Registration process. The Mission, therefore, would not make any observation on the issue.

However the Mission noted that the total number of currently registered voters is 189,249.

e. Campaign Process

The IGAD Election Observer Mission did not observe the whole Campaign Process but as the delegation was Djibouti on the last day of the campaign, the Mission briefly observed one rally therefore, no comments can be provided on the overall campaign process.

f. Preparedness of the Electoral Management Body

The Observer Mission noted that Officials of the National Independent Electoral Commission and the Polling staff demonstrated a comprehensive understanding of their roles and responsibilities.

g. Preparation of Polling Stations

On 7th April 2016, IGAD Election Observers conducted pre-election day assessment and physical identification of the polling stations in preparation for the election day observation. The Mission noted that the preparation of the polling stations were processed ahead of the voting day (eve of 7th April) in order to secure and ensure the vote casting as provided by the legal provisions i.e. 6.00 am.

VII. Election Day/Polling Observations

The Election Observer Mission visited more than 40 polling stations in various selected neighborhood of Djibouti city and observed the following:

a. Polling Centers:

- Most polling centers opened as scheduled at 06:00 am apart for few reported/isolated cases of late opening.
- IGAD Election Observers had free access to the polling centers and polling stations.
- The polling centers and polling stations were laid out in a manner that allowed easy flow of voters.

b. Election Materials:

- Election materials were adequately distributed on time and in sufficient quantity.

c. Election Officials:

- Most of the Electoral officials demonstrated very good understanding of their roles and responsibilities in the areas observed however few were still lacking the required knowledge on the counting procedures.
- The Mission also noted that the Election Officials were cooperative, courteous and patient in conducting their mandates.

d. Independent Observers and Candidates' Agents:

- Political parties and independent candidates were represented by their agents at the various polling stations.
- Parties and Independent Candidates' agents were difficult to identify.
- Few Agents were wearing campaigning materials.
- There was sufficient number of local and International observers in most of the stations that were observed.

e. The Voting Process:

- Every voter had the same number of votes (one man one vote) and all votes carried the same weight.
- Voters were allowed to go out from the polling stations with the remaining ballot papers after casting.
- There were no clear methods of assisting illiterate or vulnerable voters.

f. Voters turnout

The Observer Mission noted low turnout of voters in the morning with gradual progress and high turnout in the late afternoon.

g. Closing and Counting Process:

- The Mission observed the poll counting process and found it to be transparent and very well organized.
- The Mission also noted the peaceful environment and the orderly manner in which the counting and tallying took place.

h. Participation of women:

- The Observer Mission noted high level of participation of women in the election process.
- Women were engaged as polling officials, party agents and election observers.
- They also turned out in large numbers as voters.

i. Participation of the youth

- There was noticeable participation of the youth in the Electoral process serving as polling officials, local observers and voters.

j. Security

- The Observer Mission noted that the security environment during the election was very peaceful with no single incident recorded.
- Police officers and Gendarmes were present in large number.

VIII. Recommendations:

- **To CENI :**

- Training of the election officials should be intensified for efficiency with regard to the counting procedures, Agents' code of conduct and time management of polling stations.
- Parties and Independent candidates' agents should have badges/uniforms for ease of identification.
- Conduct voters' education in collaboration with the civil society and other stakeholders.

- **To Government:**

- To consider conducting elections on any day except Friday for it is the only resting day and most importantly religious day (prayer day in Muslim countries) to avoid late turnout of voters which could lead to late closing of polling stations.
- To minimize the security officers' role to matters related to security and not in the management of the voting process which should only be handled by the CENI.
- The legal framework governing the CENI should be strengthened to empower the CENI make it permanent in accordance with the principles of the African Charter on Democracy, Elections and Governance.
- Allocate resources under the national budget to encourage participation of political parties thereby enhancing the culture of multiparty democracy.
- Unused ballot papers should not be taken out of the polling stations to avoid any misuse or print one ballot paper for all contesting parties.

IX. Conclusions:

The IGAD Election Observer Mission would like to commend the people of the Republic of Djibouti for taking part in the elections and for conducting themselves peacefully throughout the process particularly the impressive participation of women as organizers and voters.

The Mission would also like to commend the National Independent Electoral Commission for the efficient way it has handled the heavy task in the interest of the people of the Republic of Djibouti.

The Observer Mission wishes to point out that there is a remarkable improvement of the whole process as compared to what the Mission has witnessed in the 2011 Presidential Election and the 2013 Parliamentary elections and would like to express its hope to see the process even far better improved in the next five years.

Based on what the Mission has observed on the 8th of April 2016, the IGAD Observer Mission is of the view that the 2016 Presidential election was conducted in a peaceful and orderly manner and in accordance with the Constitution and the laws governing the Republic of Djibouti.

Therefore, the Mission calls upon all political players and candidates to accept the outcome of the elections and move forward on the path of democracy and development on which their nation has embarked.

In the event that there is reason to challenge the results, the IGAD Observer Mission urges all concerned to resort to the provided legal channels to resolve any disputes.

The IGAD Election Observation Mission wishes to take this opportunity to thank the National Independent Electoral Commission (CENI), the Ministry of Foreign Affairs and International Cooperation of the Republic of Djibouti, the Ministry of Interior, the Constitutional Council and the people of the Republic of Djibouti as well as the media for the assistance rendered to make IGAD's Mission successful.

Finally, the Mission would also like to congratulate the people of the Republic of Djibouti on the successful conduct of the 2016 Presidential Election and wish them a progress and prosperity.