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**AFRICAN UNION ELECTION OBSERVATION MISSION TO THE 24 MAY 2015
PARLIAMENTARY ELECTIONS IN THE FEDERAL DEMOCRATIC REPUBLIC OF
ETHIOPIA**

**PRELIMINARY STATEMENT PRESENTED BY H.E. HIFIKEPUNYE POHAMBWA,
FORMER PRESIDENT OF THE REPUBLIC OF NAMIBIA AND HEAD OF THE
AFRICAN UNION OBSERVATION MISSION.**

ADDIS ABABA, 26 MAY 2015

I. INTRODUCTION AND BACKGROUND

1. At the invitation of the Government of the Federal Democratic Republic of Ethiopia, the African Union Commission Chairperson, H.E. Dr Nkosazana Dlamini-Zuma deployed an African Union Election Observation Mission (AUEOM) to the 24 May 2015 Parliamentary elections in the Federal Democratic Republic of Ethiopia.
2. The Mission was headed by H.E. Hifikepunye Pohamba, former President of the Republic of Namibia and comprised 50 Short-Term Observers (STOs) and 9 Long-Term Observers (LTOs) drawn from the Pan-African Parliament, Election Management Bodies, Civil Society Organisations, Human Rights Institutions, Think Tanks and experts from different African Countries¹.
3. The Mission was supported by a technical team drawn from the Department of Political Affairs of the African Union Commission (AUC).
4. The AUEOM was mandated to observe the 24 May 2015 Parliamentary Elections in Ethiopia in conformity with the provisions of the Constitutive Act of the Union adopted in July 2000; the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa (AHG/Decl.1 XXXVIII) as adopted by the Assembly of Heads of State and Government of the African Union and the African Union Guidelines for Election Observation and Monitoring Missions, both adopted in July 2002; the African Charter on Democracy, Elections and Governance, which entered into force on 15 February, 2012. The Mission is also guided by other relevant regional and international instruments governing the conduct of elections such as the Universal Declarations of Human Rights (UDHR) adopted by the UN General Assembly in December 1948, the International Covenant on Civil and Political Rights (ICCPR), which entered into force in March 1976; the Declaration of Principles for International Election Observation and its accompanying Code of Conduct endorsed by the AU in

¹ Botswana, Cameroon, Cape Verde, Democratic Republic of Congo, Gambia, Ghana, Kenya, Lesotho, Malawi, Mauritania, Mauritius, Mozambique, Namibia, Niger, Nigeria, Rwanda, South Africa, Seychelles, Sudan, Tanzania, Uganda, Zambia and Zimbabwe.

2005; and the Constitution and National Laws of the Federal Democratic Republic of Ethiopia. Ethiopia has also acceded to the African Peer Review Mechanism (APRM) and subjected itself to voluntary assessment.

II. MISSION OBJECTIVES AND METHODOLOGY

a) Objective

5. In fulfilling its mandate as stipulated in the afore-mentioned instruments; the objective of the AUEOM is to make an independent, impartial and objective assessment of the 24 May 2015 Parliamentary elections in the Federal Democratic Republic of Ethiopia.

b) Methodology

To achieve its objective, the AUEOM undertook the following activities:

6. The African Union (AU) deployed nine (9) Long-Term Observers on 19 April 2015 to observe the pre-election phase of the electoral cycle and will remain in the country until 7 June 2015 to observe the immediate post-election phase.
7. Fifty (50) AU Short-Term Observers arrived in Addis Ababa on 17 and 18 May 2015 and held a three-day briefing and orientation programme from 19 – 21 May 2015. This programme provided an opportunity for a refresher training of observers on the African Union observation methodology and AU Code of Conduct for observers before deployment. It was also an opportunity for observers to be briefed by national stakeholders.
8. The Observers received comprehensive briefing from the National Electoral Board of Ethiopia (NEBE); representatives of political parties and candidates; senior officers of the Federal, Regional and district police; members of the diplomatic Corps, representatives from civic organisations including women and youth associations; the media and its regulating body; the Ethiopia Broadcasting Authority; the national office of the Ombudsman and academia.
9. The Head of Mission held high-level consultations with key stakeholders including the Prime Minister of the Federal Democratic Republic of Ethiopia, National Electoral Board of Ethiopia (NEBE), Ministry of Foreign Affairs, the

President of the Supreme Court of Ethiopia, the Speaker of the Peoples' House of Assembly, the African Diplomatic Missions in Ethiopia, Human Rights Commission and leadership of some political parties.

10. On 22 May 2015, the Mission deployed 29 observer teams, each comprised of two observers to the 2 administrative cities of Ethiopia namely Addis Ababa and Dire Dawa and 8 of the 9 regions of Ethiopia namely Amhara, Benishangul-Gumuz, Gambella, Harari, Oromia, SNNPR, Somali and Tigray. However, the mission could not deploy in Afar Region due to logistical constraints. While in the field, observers consulted with regional and constituency level officials of NEBE, the police and other relevant stakeholders.
11. On Election Day, the teams visited 356 polling stations in their areas of deployment.
12. AU STOs returned to Addis Ababa on 25 May 2015 for a debriefing session where they reported back on their findings and shared their overall assessment of the elections, while the LTOs remained in the field to observe the vote tabulation process.
13. This statement presents the Mission's preliminary findings up until the close of polling on 24 May 2015. These findings are based on data gathered through direct observations and consultation with relevant stakeholders. A final report of the Mission's assessment of the elections will be published within two (2) months of the announcement of the final results on the African Union website and shared with the Ethiopian Authorities.

III. PRELIMINARY FINDINGS AND OBSERVATIONS

THE PRE-ELECTION PERIOD

a) General Political Context

14. The 2015 Parliamentary Elections are the fifth democratic elections in Ethiopia since 1995. The Mission further notes that Ethiopia's adoption of democracy since 1995 has also brought about rapid development, which has contributed to making the country one of the fastest, growing economies in Africa.

15. The Mission recognized the incremental democratic improvement Ethiopia has made over time, moving to a multiparty democracy.
16. The political environment since the arrival of the AUEOM in Ethiopia has been generally peaceful and calm and has remained so up till Election Day. There were however reports of violent skirmishes between supporters of opposition political parties and the ruling political party due to deep rooted unresolved conflicts in Bonga district in SNNPR. As a result, the NEBE suspended elections in the reported constituency.
17. The AUEOM is satisfied with the conduct of the political parties, candidates and supporters in the lead up to the elections, and encourages them to maintain the same until the final announcement of results and the post-election period. The Mission also commends the nations, nationalities and peoples of Ethiopia for maintaining peace and stability in the country situated in a volatile region of the Horn of Africa plagued by various security challenges, including terrorist insurgency from Al-Shabaab.

b) Legal and Constitutional Framework

18. Elections in Ethiopia are governed by the 1994 Constitution, the Amended Electoral Law (532/2007), the Electoral Code of Conduct for Political Parties (662/2009), the Political Parties Registration Proclamation (573/2008), the Proclamation to Establish the Procedure for Peaceful Demonstration and Public Political Meeting (3/1991), the Registration and Regulation of Charities and Societies Proclamation (621/2009), the Anti-Terrorism Law Proclamation (652/2009), the Freedom of the Mass Media and Access to Information Proclamation (590/2008) and other provisions of the 2004 Criminal Code.
19. The Mission noted concerns raised by some political parties and interlocutors regarding some sections of the Media law, the Anti-Terrorism law and the Charity and Society Law, which they argued limits the rights to effective citizens' participation in political activities.

20. For the Anti Terrorism Proclamation (ATP), the interlocutors pointed to Articles 14, 17, 18 and 22, which they argue infringes on their rights of privacy, while the State argues that ATP takes into account the challenge of combating terrorism and protecting fundamental rights of its citizens. On the Charity and Society Law, interlocutors argue that the limit of external funding to 10% undermines their ability to adequately implement their programmes. The AUEOM urges that government strike a balance between promoting domestic grown democracy and the capacity of local civil societies to implement its programmes. Interlocutors argued that the Media Law potentially undermine freedom of expression and the media's fundamental rights to protection of their sources of information, and the Government holds that while journalists are entitled to freely exercise their professional activities, such freedoms should be conducted within the bounds of the law. The AUEOM urges for a balance between individual rights and the state security imperatives while drawing the attention of the individual to the security challenges faced by the country, the Mission draws the attention of the country to its commitment to Article 29 (2) of the Constitution, Article 19 of that International Covenant on Civil and Political Rights (ICCPR) and Article 9 of the African Charter on Human and Peoples' Rights (ACHPR).
21. Ethiopia follows a first-past-the-post electoral system. The Constitution of the Federal Democratic Republic of Ethiopia under Article 56 stipulates that a Political Party or a Coalition of Political Parties that has the greatest number of seats in the House of People's Representatives shall form the Government. Furthermore, the Amended Electoral Law of Ethiopia, Proclamation no 532/2007 states that a Candidate who receives more votes within a Constituency shall be declared the winner (Article 25).

a. Preparedness of the National Electoral Board of Ethiopia

22. The Mission noted that the National Electoral Board of Ethiopia was adequately prepared to conduct the 24 May 2015 elections in the regions observed. It was further noted that the Electoral Board undertook a post-election evaluation in 2011, immediately after the 2010 election. This evaluation served as a basis for

electoral reforms including political party funding, redistribution of media airtime for political party campaign and voter education in the different languages of Ethiopia.

23. The Mission was informed that there are 547 constituencies across the country, 45,795 polling stations and 226,000 election officers. Article 22 (6) of the Amended Electoral Law (Proclamation No. 532/2007) states that a maximum of 1,000 voters shall be registered in one polling station.

b. Voter registration

24. The AUEOM noted with satisfaction that out of the 37 million eligible voters, a total of 36.8 million voters were registered for the 2015 elections. The Mission commends the NEBE for registering up to 99.5% of eligible voters in these elections. The Mission is also encouraged that 48% of the registered voters are women although women represented only 27.9% of candidates.

25. Cognisant of the fact that civic registration in Ethiopia is localised and manually done, the AUEOM noted that the voters' register is also manually done and it is localised per polling station². The absence of a centralised voters' register makes it difficult for parties, independent observers and other stakeholders to undertake an audit to confirm its authenticity. The AUEOM notes that the credibility of the voter register is fundamental to the integrity of elections.

c) Civic and Voter Education

26. The National Electoral Board of Ethiopia (NEBE) has the mandate to undertake civic and voter education as provided in Article 89 of the Amended Electoral Law (2007). To this end, NEBE carried out continuous voter education from 2011 mainly on the legal framework and produced manuals for training in different languages taking into consideration the diversity of languages in the country. This enabled NEBE to reach out to new voters as well as ensured that interaction between NEBE and potential voters was done in languages that are comfortable to the voters.

² Art.35 Proclamation No. 532/2007 '*Each polling station shall have its own elector's roll*'

27. The Mission noted that NEBE and Civil Society collaborated in the design and production of voter education manuals that were used for voter education as provided in Article 89 (2) of the Amended Electoral Law (2007) and Article 2 (4) (a) of the Regulation on the Procedure for Licensing and the Code of Conduct for Civic and Voter Education (Regulation No. 2/2010). The Mission recognizes that Civil Society Organizations play an important role in strengthening democracy and they further complimented the efforts of NEBE in terms of reaching out to the voters.

d) Candidate Registration and Campaigns

28. The 2015 Parliamentary elections have seen an increase in number of registered parties. The NEBE registered 58 contesting political parties for the 2015 elections of which 23 parties are contesting at the national level and 35 parties are contesting at the regional level.

29. The Mission noted that 5,819 candidates contested in the 24 May 2015 elections out of which 4,549 were male and 1,270 are female. To this end, 3,991 candidates contested at the federal level while 1,828 contested at the regional level.

30. The Mission noted that the comprehensive list of all registered candidates was not provided; rather, the NEBE provided the number of registered candidates. The AUEOM notes that in a first-past-the-post electoral system the list of individual candidates contesting the elections should be provided to the public for verification, claims and objections.

31. The AUEOM noted that the campaigns were generally peaceful though not largely visible, as it was mainly undertaken within the media space. The AUEOM observed an increase of electoral campaign activities in the last days of the campaign period.

e) Civil Society

32. The Constitution of the Federal Democratic Republic of Ethiopia (Article 31) guarantees citizens the right to freedom of associations of their choices on the basis of politics, gender, age, profession, trade, development, charity, special needs and other diverse areas. The Mission noted that its interaction with civil society was limited.

f) The Media Environment

33. Article 59 of the Ethiopian Electoral Law stipulates that political organisations and candidates' supporters are entitled to free access and use of state owned media. The mass media and journalists are guided by a code of conduct derived from elections regulations number 6/2010. The code lays emphasis on ethical reporting, peaceful electoral process as opposed to focusing their attention to financial interests.

34. The Mission notes that the Ethiopia Broadcasting Authority, which also oversees the media compliance to the code of conduct, regulates the media in Ethiopia. The Mission commends NEBE, the Ministry of Information and the Ethiopian Broadcasting Authority for allocating 600 hours of free electronic media airtime and 700 columns in the state owned print media for all political parties contesting in the elections. The allocation was based on the following criteria: 10 % for all parties equally, 40% dependent on the number of seats in the House of Peoples' Representatives or the Regional Councils; 40% based on the number of candidates fielded by the party; and 10% for female candidates.

35. The Mission further informed that some political parties were unable to fully utilize the free airtime on electronic media and columns provided. The Ethiopia Broadcasting Authority (EBA) further stated that 8 political parties did not utilize the free airtime (0%) allocated to them, out of which 6 were from the regional level by the end of the second month of the campaign period. In its consultation with the EBA, the AUEOM was informed that some political party campaign messages submitted to the media houses did not meet the requirements set by EBA and therefore could not be transmitted without revision. However, some political parties confirmed that some media houses were unable to air their campaign messages, as they were not willing to revise their messages as required by the EBA.

36. Whereas the AUEOM recognises the powers of the EBA as the media regulatory body, that is mandated to demand a revision of political messages that are regarded as inflammatory. The Mission hereby draws its attention to the commitment of the State in part IV (5) of the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa which recognises the rights of individuals or political parties for freedom of campaign and to express political opinions with full access to the media and information within the limits of the laws of the land. Furthermore, the AUEOM calls upon electoral stakeholders to be cognisant of part IV (8) of the Declaration, which prohibits individuals and political parties from using abusive language and /or incitement to hate or defamatory allegations and provocative language.

g) Women participation in the Electoral Process.

37. The AUEOM notes with satisfaction that there has been an increase in the number of women elected to the House of Peoples' Assembly from 11 in 1995, 42 in 2000, and 117 in 2005 to 152 in 2010.³

38. The Mission commends the NEBE for putting in place initiatives to enhance participation of women candidates in the 2015 elections through increased public funding for women candidates from 10% in 2010 to 15% in 2015. It was further noted that the Board provided a special allocation of 10% free airtime for women candidates on electronic and print media.

39. Furthermore, the Mission commends the Federal Democratic Republic of Ethiopia for ratifying the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and encourages the state to ratify the Maputo Protocol on Women on the rights of women in Africa.

40. The AUEOM notes that for the 2015 elections, only 27.9% of the total 5819 candidates contesting the elections were women. It is important to note that while there has been progress, this still falls short of the gender parity principle enshrined in the Constitutive Act of the African Union. The Mission therefore encourages political parties and the Ethiopian authorities to adopt further measures to achieve gender parity within party structures and elective offices.

IV. ELECTION DAY FINDINGS

41. On Election Day, the 29 AU observer teams visited 356 polling stations in their areas of deployment to observe all Election Day procedures. 64.5% of the polling stations visited by the AUEOM was located in rural areas and 35.5% were

³ www.ipu.org

located in urban areas. The AUEOM noted that Election Day proceeded in a peaceful and calm atmosphere without reports of major incidences. The AUEOM commends the NEBE for the satisfactory technical conduct of the elections.

42. Below are further findings of the AUEOM on election day:

(a) Opening process

43. The AUEOM noted that 98.7% of the polling stations visited opened on time and all election materials were delivered on schedule and in appropriate quantities. No more than 2 polling stations out of the 27 observed by the AUEOM for opening opened slightly late. This delay was caused by polling staff still setting up.

44. The AUEOM however observed that in few instances, the polling stations opened about half an hour ahead of the prescribed time of opening (06:00). Polling personnel at these stations explained that voters (women in particular) arrived early and demanded to vote immediately to enable them return to their daily routine;⁴ despite the Board being the only authorised body to make decisions in this regard. While it is encouraging to observe the eagerness of voters to exercise their right to vote, opening polls early compromises the principle of equity as all voters should be given the same hours of polling.

45. The AUEOM observed that in 21.42% of the stations visited, the Presiding Officers did not comply with article 62 (3a-b) of Proclamation 532/2007, which mandates officials to show the ballot box as empty before the opening of the poll.⁵ It is important to note that the simple act of showing the ballot box as empty before opening the poll contributes to confidence building and transparency.

(b) Voting Process

46. The AUEOM witnessed the professionalism with which polling staff carried out their tasks. All voting procedures were largely in conformity with the guidelines set by the National Electoral Board of Ethiopia.

47. In 69% of polling stations visited, there were queues of citizens waiting to cast their vote. The polling stations were laid out in a manner, which allowed easy

⁴ Art. 62 of Proclamation 532/2007 specifies that only the Board can decide to change opening/closing hour and has to make an official announcement.

⁵ Art. 62 3 (b) *'After the head of the polling station shows that the ballot box is empty to those mentioned in "a", seals the ballot box, places it in an open space visible to observers, and the minute is recorded on a form prepared by the Board for this purpose.'*

flow of voters; however, in a few cases, it was reported that the space provided was small thus easily overcrowded.

48. It was observed in some of the polling stations visited that the number of voters exceeded 1000 as stipulated in article 22(6) of the Proclamation no. 532/2007. This contributed to the overcrowding witnessed in some stations.
49. The AUEOM observed that voters requiring assistance were provided with help in 60% of cases by a person of their choice and in 40% of cases they were assisted by polling staff. Most polling stations were accessible to persons living with disabilities and priority was given to them as well as the elderly, pregnant women and nursing mothers.
50. The AUEOM observed that in 22.7% of the polling stations visited there were campaign posters within the parameters of the polling stations and in some instances, individuals openly solicited votes. In 23% of the polling stations visited, the AUEOM observed campaigning inside the polling station.
51. Security personnel were visibly present at all polling stations visited by the AUEOM and their presence was unobtrusive

(c) *The ballot and election materials*

52. The AUEOM commends the choice of a user-friendly ballot, which made it simple for voters to express their choice, and made the process faster.
53. The AUEOM noted however, that the ballots were not serialised and they were provided in loose sheets. This could raise questions on the transparency and accountability of the voting process especially in a disputed election. With the aim of ensuring a transparent process and acquiring voters' trust, it is necessary to adopt procedures that promote these standards of accountability.
54. In the same vein, the AUEOM observed that the choice of the type of ballot boxes was not well suited to address suspicions and distrust that exists in electoral contexts. It is therefore important to take steps that allay such fears by adopting appropriate measures and procedures that engender trust and transparency among electoral stakeholders.
55. AU observers noted that election materials, particularly ballot papers were in short supply in special stations that were visited on Election Day. As a result,

voting was extended for 24 hours in special voting centres, particularly in higher institutions of learning.

(d) Secrecy of the ballot

56. In 95% of the polling stations visited, the AUEOM observed that the secrecy of the vote was guaranteed. In a few cases where the secrecy of the vote was not guaranteed, it was due to the absence of polling booths coupled with the overcrowding of voters inside the polling station. It was observed that in some polling stations that more than one person was allowed into the booth per time.

(e) Party agents and independent observers

57. The AUEOM observed that domestic and public observers were present in most of the polling stations visited. It is important to mention that the presence of independent observers (both international and national) is an important factor in promoting transparency and increasing confidence in the process.

58. Despite the high number of Domestic and Public observers in each polling station, the AUEOM noticed that women were underrepresented. Indeed our figures show that women accounted for only 36.85% of observers.

59. Similarly, the AUEOM noticed the presence of party and candidate agents in all the stations visited. It was further noted that women were particularly underrepresented among party and candidate agents as they accounted for only 20% of the agents in the polling stations visited. Thus revealing once more that political parties need to be more inclusive of women. This notion can be reiterated in the number of female candidates contesting the elections.

60. The AUEOM also noted the presence of independent observers and party agents were quite passive and did not appear to be systematic.

61. The AUEOM observed further that there was an imbalance in terms of Party representation at the polling stations visited. The numbers show that the more dominant parties were better represented in most polling stations whereas less prominent ones were absent.

62. AU observers were able to perform their duties and observe on polling day. There were only three instances where the AU observers were required to obtain clearance from REBE before gaining access into a polling station. The AUEOM therefore draws the attention of the Ethiopian authorities to the rights of AU

observers as stipulated in part IV of the OAU/AU Declaration on the Principles Governing Democratic Elections and Article 80(1) of the Proclamation 532/2007.⁶

g. Closing and Counting Process

63. AU observers were present at the close of the polls and noted that there were no queues at most stations at 18:00. It was observed that the counting was delayed for about an hour after the close of polling.
64. The AUEOM also noted discrepancies in the counting procedures, particularly the ballot reconciliation processes in some of the polling stations visited. For instance, at a polling station located at Site 10 in Jijiga Woreda in Somali region, it was noted that the number of votes cast exceeded the number of registered voters at the stations. Party agents were present but did not raise any objections about the discrepancies.
65. The AUEOM also notes that while in most of the polling stations the Presiding Officers posted the result sheets in line with article 76(1) of the Proclamation⁷, a few polling stations did not comply with the provision.
66. The AUEOM wishes to reiterate the importance of the transparency of the counting and vote tabulation processes, as they are crucial to the overall integrity of an election.

V. RECOMMENDATIONS AND CONCLUSION

Recommendations

67. The Ethiopian government should consider:

- Creating a national civil registry to make it possible for NEBE to create a national register of voters for easy auditing and verification by electoral stakeholders

68. The National Elections Board of Ethiopia should consider:

- Put in place measures and procedures to enhance public trust in the electoral process by adopting serialised ballot papers with duplicates, better quality indelible ink and appropriate ballot boxes.
- Undertake more training of independent observers and party/candidate agents to introduce a more systematic approach to their work and ensure that

⁶ Art 80(1) 'A representative of an organisation who is issued with an election observation license has the right to monitor the election process and request and obtain appropriate information'

⁷ Art. 76(1) 'Results of the vote counting conducted at a polling station shall be posted on a notice board of the polling station in an hour after the conclusion of counting.'

- they produce reports that would contribute to post-election reviews, as this is an important aspect of citizen's participation.
- Ensure that all polling staff comply with the stipulated polling hours to uphold the principle of equality in the process.
 - Comply with the limit of 1,000 voters per polling station as stipulated in Article 22 (6) of the Proclamation No. 532/2007.

69. Political parties should:

- Comply with the Proclamation on the Electoral Code of Conduct for Political Parties No. 662/2009.
- Putting in place measures to improve the participation of women in the electoral process as candidates and polling agents.

70. The Media

- Capacity enhancement of Civil Society groups and the EBA to undertake long term media monitoring and issue public reports during the electoral process.

Conclusion

71. Cognisant that tabulation of results is currently on-going, the AUEOM encourages Political Parties, Candidates, their Supporters and the Electorate to maintain the prevailing atmosphere of peace that characterised pre-election and Election Day and urges for the use of the legal channels of complaints and appeals should there be any post electoral disputes.
72. The AUEOM congratulates the Government, nations, nationalities and peoples of the Federal Democratic Republic of Ethiopia for the holding of another periodic election as provided for by the Constitution.
73. The Ethiopian Parliamentary elections were organised and conducted in accordance with the constitutional and legal provisions as well as the rule and regulations governing the conduct of elections in Ethiopia, as were generally consistent with the AU Guidelines on the Conduct of Elections in Africa.
74. The AUEOM concludes that the Parliamentary Elections were calm, peaceful, and credible as it provided an opportunity for the Ethiopian people to express their choices at the polls.