



NDI SUPPORT MISSION TO THE LOCAL ELECTIONS IN BENIN December 10 – 17, 2002

SUMMARY

From December 10 – 17, 2002, a delegation sponsored by the National Democratic Institute for International Affairs (NDI) traveled to Benin in the lead up to the December 15, local elections. Delegation members included: Hon. Djibo Ka, member of the Senegalese National Assembly and former cabinet minister; Mamadou Gakou, former vice president of the National Assembly of Mali; Abdoulaye Diarra, member of the Constitutional Court of Mali; Nina Tanner Robbins, president of Washington-based Robbins Resources, Moussa Michael Tapsoba, president of the Electoral Commission of Burkina Faso; Jonathan Murphy, NDI country director in Niger; and Chris Fomunyoh, NDI Senior Associate for Africa. NDI staff members Marla Zometsky and Alain Ayadokoun provided technical support to the delegation.

The purpose of the delegation's visit was to assess the political environment in the pre-election period, underscore to the Beninese public the need for credible elections that would strengthen the country's nascent democratic institutions and help mitigate potential violence or conflict during the election period. The delegation also hoped to identify any weaknesses in the electoral framework that needed to be addressed prior to national legislative elections in Spring 2003. By its presence, the delegation also sought to reinforce the appeal for peaceful and inclusive elections that formed the basis of an ongoing technical assistance program during which NDI trained local council candidates from all competing parties in public speaking and methods for effective campaigning.

The delegation met with leaders and representatives of the main political parties, members of parliament, candidates in the local elections, journalists and members of the election administration body, the Autonomous National Election Commission (CENA). Delegation members also met with political party leaders, candidates and election administrators in Abomey, Lokossa, Ouidah and Porto Novo in the pre-election period, and on election day, visited several polling stations in both urban and rural centers to witness first hand electoral operations and citizen participation in the local elections including voting and ballot counting.

Overall, the delegation was impressed by the commitment of Beninese citizens to their civic and political rights and responsibilities as evidenced by the high voter turnout and the patient and peaceful manner in which citizens conducted themselves on election day. At the same time, the delegation noted a significant level of mistrust among political leaders and their supporters regarding the neutrality of the CENA and its ability to conduct a fair and transparent

election. As polls closed on voting day, the delegation noted that unlike polling activities in most parts of the country, the election failed to take place in the 12th district of Cotonou -- arguably the most competitive district according to most observers -- because of poor organization by the CENA. The delegation felt, as did many Beninese, that discontent among voters generated by the failures of the CENA in Cotonou's 12th district could easily have degenerated into violence but for the civility of the population and appeals for calm by candidates and party leaders. The delegation also noted other structural shortcomings within the Beninese electoral framework that could undermine credible democratic elections in the future, such as: handwritten, thus unreliable, voter lists; uneven training of polling agents; and lack of regular formal communications between the CENA and party leaders or the public.

In light of the fragility of nascent democracies in African countries such as Benin, NDI recommends that a thorough investigation be conducted into the failures of the CENA in the 12th district during the local elections, and that concrete steps be taken to restore the credibility of the CENA, enabling it to function as an independent and trustworthy election administration body. Drawing upon the delegation's visit and NDI's political development assistance to Benin over the years, the Institute also makes other recommendations in subsequent sections of this report.

BACKGROUND / ELECTORAL CONTEXT

Although Benin has organized three sets of presidential and legislative elections since the transition from military rule to multiparty politics in 1991, the 2001 presidential election that failed to meet the benchmarks set by previous contests and were marred by a rejection of the process by key competitors due to allegations of fraud. Claiming that the first round of elections had been manipulated in favor of incumbent President Mathieu Kérékou, former President Nicéphore Soglo and National Assembly President Adrien Houngbédji boycotted the second round, leading to a runoff between Kérékou and fourth-place candidate (and Kérékou's Minister of State) Bruno Amoussou. Kérékou won the contest by a landslide. The tense relationship that developed among the parties and their leaders during the 2001 presidential election has cast a cloud of uncertainty over Benin's emerging democracy.

Shortly after the presidential elections, the main opposition party, the *Renaissance du Bénin* (RB), led by former President Soglo, encountered an intra-party struggle in which Soglo's leadership was challenged by a group of dissidents led by former vice-president of the party, Nathaniel Bah. In November 2002, Benin's CENA rejected the RB candidate lists in areas where both factions had presented candidates, including in the 12th district of Cotonou where Soglo was running for mayor. Soglo petitioned the Supreme Court, which ruled in his favor.

While the Supreme Court's ruling defused political tensions in the country, some of Soglo's supporters continued to state publicly that all newly elected councilors from the RB party would refrain from serving in their respective councils if Soglo was not elected mayor of Cotonou. They publicly questioned the neutrality of the CENA's executive committee (or bureau) and the credibility and transparency of the electoral process, citing gross irregularities in voter registration. On the other hand, calls by incumbent President Kérékou, urging leaders of the broad coalition that supported his candidacy in 2001 to present joint lists of candidates for the

local elections, went unheeded, and various cabinet ministers crisscrossed the country recruiting candidates for the local elections and in some constituencies competing against each other.

Adding to the backdrop of political squabbling and public accusations against the CENA, many Beninese politicians saw the local elections as an opportunity to project the strength of their respective parties in the lead up to legislative elections in Spring 2003, and the presidential elections of 2006, when both Kerekou and Soglo would be barred by the constitution from running again. The December 2002 local elections were also being conducted after several years of postponement—a delay interpreted by critics of the Kerekou government as a confirmation of its unwillingness to implement the decentralization process. It was also the first time since Benin's independence in 1960 that elections would be conducted to elect mayors and local councilors.

The above-mentioned circumstances led to urgent appeals for an international presence that could help avoid another set of controversial elections just one year after the boycott of the second round of the 2001 presidential elections. Moreover, many observers believed that actions of Beninese politicians and voters, and the performance of the CENA in December 2002, could provide useful lessons in order to avoid violent confrontation between the supporters of the main political contestants during legislative elections planned for March 2003.

ACTIVITIES

Prior to election day, the delegation met with members of the CENA, including its president and representatives of its local branches. The delegation also met with a cross section of party leaders and candidates in Cotonou, Porto Novo and Abomey. These meetings provided the team with opportunities to learn from the Beninese about election preparations and the concerns or expectations of parties, candidates and citizens.

The delegation organized a number of targeted interviews with Beninese journalists of both the private and public media. During these interviews, delegation members highlighted the significance of local elections in emerging democracies, and the interest that democrats in West Africa and around the world attach to Beninese efforts to consolidate the country's recent democratic gains. Those press meetings also provided opportunities for the delegation to appeal for calm, peaceful, nonviolent elections and to ask party leaders to handle whatever grievances they may have through the complaint process and the courts. Interviews by delegation members were broadcast several times over Beninese national radio and on private radio stations. At the same time, several Beninese newspapers printed news stories on the presence of the delegation, its meetings with political leaders and election administrators and its appeal for nonviolent elections.

On election day, the delegation divided into four teams of two members each that deployed to witness election day activities in selected districts in Cotonou, Porto Novo, Lokossa and Ouidah. At each of the polling stations visited, delegation members checked on the presence of polling officials and candidate representatives, the availability of voting materials and general disposition of the polling site, the conduct of voters as they expressed their franchise and the overall administration of the voting process. Delegation members also made an effort to assess

the ability of polling officers to comprehend and implement provisions of the electoral code pertaining to the opening of the polls, the resolution of disputes that may arise with regards to the ability of citizens to vote, the maintenance of ballot secrecy, and their mastery of the vote counting and tabulation process. Delegation members watched voters and polling officers deal with the challenges of working with handwritten voter rolls.

Immediately following the elections, delegation members reassembled in Cotonou to review and compare their findings. They also held meetings with the CENA and with observer groups from diplomatic missions based in Cotonou. While the delegation did not issue a statement regarding the conduct of the December 15 elections, it committed to issuing a report later to be shared with Benin's political leaders, the CENA and the public at large.

FINDINGS

- **Election administration / CENA**

Because Beninese law requires that a new CENA be installed prior to every election, the Commission charged with the conduct of the December 15, 2002, local elections was new at its task even though some of the members previously served in high-level government positions. The delegation found that many Beninese were unsettled by the realization that for local elections -- unlike in presidential and legislative elections during which the Constitutional Court verifies and proclaims official results -- the CENA had the sole authority to conduct the polls, tally and announce the final results and allocation of seats in each municipality.

The delegation heard many serious criticisms of the CENA, especially from opposition party leaders and their supporters, who felt that the executive committee of the CENA did not include genuine representatives of the main opposition parties. Party leaders also felt that the CENA was slow in informing the public about the effective distribution of voting materials and other measures that were being taken to guarantee smooth and credible elections. They raised questions regarding the state of readiness of the CENA and logistical preparations for the elections, the approval of certain candidate lists for some of the districts in Cotonou, the printing of ballot papers and make up of the CENA's executive committee.

The delegation heard repeatedly concerns about the integrity of handwritten voter rolls and allegations that hundreds of thousands of fake or false voter cards had been distributed to individuals for fraudulent use. Over 3,100,000 Beninese registered to vote in the local election. Allegations of underage registration and the existence of fake voter cards led one of the main opposition parties to request that the CENA set up a special commission to review voter rolls, purge them of faulty registrations, and address other complaints raised by political parties. The CENA did not respond positively to that request.

The delegation shared with the CENA leadership the questions raised by party leaders and ordinary citizens to delegation members and was provided with responses. For example, the CENA president indicated to the delegation that, as provided by Beninese law, the executive committee of the CENA was voted upon by a majority of the members of the CENA.

He also stated that the CENA had taken steps to delete from the ballot in one of the districts of Cotonou a list that carried a logo similar to that of the main opposition party. However, the delegation noted the lack of direct communication between the CENA and the aggrieved party leaders, candidates or the public at large. In the few media appearances of the CENA, the leadership was not forthcoming in addressing concerns raised by parties to assuage critics of the Commission.

As most of the above-mentioned questions lingered in the press and among Beninese right into election day, delegation members noted that the leadership of the CENA seemed not to satisfactorily appreciate the significance of the local elections in consolidating Benin's nascent democracy. The delegation was concerned that some members of the CENA saw the Commission's role as solely to execute an administrative task and therefore failed to take steps that would enhance confidence in the electoral process, raise voter awareness and increase participation.

As members of the delegation moved to towns such as Abomey and Ouidah, they noted that local entities of the CENA had successfully established healthy working relationships and formal lines of communication with all of the competing parties and candidates in their respective electoral districts. They also learned that the departmental commission (or CED) had undertaken a voter education campaign to sensitize citizens on the need for peaceful elections. CED members emphasized to the delegation their total commitment to organizing transparent polls. As one CED official put it, "They were not exposed to the same partisan wrangling that was being reported or experienced by the CENA at the national level."

- **Citizen participation**

The delegation found considerable excitement in the country that local elections would usher in a long awaited decentralization process. Overall, Beninese seemed eager to participate in the local elections and seemed to be conversant with the competing parties and candidates. While in the period leading up to the elections delegation members did not notice large-scale grassroots activities such as campaigns, and civic and voter education, they saw significant campaign materials, most notably posters and T-shirts distributed by various parties and candidates, and efforts underway to get out the vote on election day. Several individuals with whom the delegation met voiced criticism of the CENA and expressed doubts about the CENA's ability to conduct impartial polls.

Many individuals with whom the delegation spoke complained about the corrupting influence of money in Beninese politics and stated pointedly how increasingly worried they had become of the perception that only wealthy individuals could run for office even at the local level. They noted that although there are legal limits on how much candidates can spend on each election, wealthy candidates and some of the parties tended to exceed the limits, especially because they allegedly engaged in vote buying and other unauthorized efforts to influence the outcome of elections.

Prior to election day, many Beninese also expressed fears of an outbreak of election-related violence, although each individual placed the responsibility for stirring violence on members of the opposing party or camp. At one campaign event in Cotonou, open reference was made to ongoing conflicts in the sub-region of West Africa, with the insinuation or veiled threat that Benin could quickly slide into similar conflict if some of the major parties felt aggrieved and cheated out of their expected victory in the elections.

While the delegation met several party agents watching over the voting on election day, it was struck by the absence of visible involvement by Beninese civil society organizations in providing voter education or in monitoring the elections. Delegation members met very few domestic observers – a situation that contrasts sharply with the massive involvement of Beninese domestic election observers in previous elections.

- **Reinforcement of personality politics**

The delegation was struck by the predominance of personality-driven politics in local elections that ordinarily would provide an entry point for new leaders at the grassroots level. This phenomenon was exemplified by the direct involvement as candidates or party spokespersons of political leaders at the national level. For example, former Head of State Nicephore Soglo was a candidate for councilor and mayor in Cotonou; the current speaker of the National Assembly, Adrien Houngbedji, was contesting the election in Porto Novo; and several current and former cabinet ministers were running in other municipalities across the country. In many places, the elections therefore centered around support for certain national personalities rather than issues central to improving local conditions.

The delegation noted that the direct participation of national figures as candidates, especially in the large cities, led to the replay of personalized attacks and past political battles that deprived voters in those areas of the opportunity to make informed choices based on platforms. In an interesting counterpoint in Abomey, the delegation met with members of a relatively new and small political party that based its entire campaign on a platform that addressed specific community-based needs and the delivery of services to residents of the district.

The delegation noted the presence of only a few women candidates on the lists of the major parties competing in the December 15 elections. Perhaps in large part because of the personalization of Beninese politics even at the local level, few parties sponsored female or younger candidates. This deprived the country's democratization process of the opportunity to benefit from the talent and energy of women and younger leaders with more diverse experiences and backgrounds.

RECOMMENDATIONS

The delegation noted an overwhelming interest among Beninese citizens to see their democracy strengthened through credible elections. Beninese also stated an appreciation for democracy support initiatives undertaken by various partner organizations. With this in mind,

and in the spirit of international cooperation, the delegation respectfully offers the following recommendations.

- **Election Administration / CENA**

Executive Committee Structure: The CENA, the composition of which is intended to achieve impartiality through political balance, should ensure that its executive committee is representative of competing political tendencies, which includes a genuine representation of the main opposition parties. A fair representation of competing parties within the executive committee will enhance the credibility of the CENA in its mandate to serve all parties, candidates and voters equally.

The Beninese National Assembly should explore the possibility of amending the internal rules and regulations of the CENA to insure its executive committee reflects the political balance of the country and members affiliated with one political party or nominated by one branch of government do not usurp control of the executive committee.

Enhanced Transparency: The CENA should make an effort to reassure the political contestants, parties and the public at large of its political independence and impartiality. Steps should be taken to avoid establishing relationships that could create conflicts of interest, as even the perception of such conflict is likely to generate distrust in the Commission. The CENA could also increase credibility and trust among voters by making public decisions pertaining to its internal organization and holding regular consultative or informational meetings with political party and candidate representatives at the national, divisional and local levels.

More open communications framework: In recognition of its obligation to the voters, as well as to parties and candidates, the CENA should adopt more open and formal channels of communication with citizens through regular briefings and press releases. The inability of citizens to obtain reliable information in the heated environment of competitive elections is often the source of extreme frustration and rumor mongering that can exacerbate tensions and lead to violence. While the CENA must respond directly to aggrieved parties that may have petitioned the CENA, the Commission should make a concerted effort to make public information about the handling of petitions or complaints and publicize its decisions as widely as possible.

CENA / party relations: As the prime election administration body, which is responsible to inform parties and candidates, and which has an obligation to help mitigate the potential conflict among them due to misconceptions about the fairness of the election process, the CENA should take steps to treat all parties equally and to improve upon its working relationship with them. The CENA should consider implementing effective measures to accomplish this, such as assigning one of its permanent sub-committees the responsibility of meeting and communicating regularly with political parties.

Uniform training of poll workers: With the last 12 years of democratization and three sets of national elections conducted since the transition to multiparty rule in 1991, Benin now has a substantial pool of individuals who have served as poll workers. The CENA should consider evaluating these individuals in order to retain the best performers among them. Moreover, the

CENA must prepare itself to provide adequate training to poll workers in advance of each election to insure uniform compliance with the election laws and procedures of the country. The CENA should consider developing a roster of well-qualified poll workers, supervisors and trainers, as well as preserving training materials, training schedules, and other steps that can ensure adequate electoral preparations from election to election.

Time table for election preparations: While the CENA worked from a timeline that it had set for its staff, it should consider making public such a timeline as a confidence building measure for the electorate. This is a critical part of establishing transparency and will also serve to reassure the public that appropriate steps were being taken by the CENA to meet the logistical and regulatory challenges and requirements of organizing a nation-wide poll.

- **Election administration / Government of Benin**

Voter Rolls: The government of Benin should take immediate steps to create accurate and verifiable voter rolls whether as a computerized voter registry or other generally accepted means. Prior to such an undertaking, the government should work with members of the CENA, representatives of political parties and civil society organizations to review current voter rolls and purge them of false registrations. The government should also engage its development partners in discussions over the feasibility of establishing a computerized system of preparing and maintaining voter rolls and cards. Consideration also should be given to parties and concerned citizen groups to request copies of the voter registry for verification and voter education purposes.

CENA: The government should explore the possibility of making some of the residual functions of the CENA, such as the maintenance and updating of the voter registry, permanent within the context of the changes proposed elsewhere that would make the CENA more politically balanced. This would help avoid political tensions and brinkmanship each time the CENA is reconstituted prior to an election.

Party / Candidate expenditure on elections: To curb excessive and illegal spending on political campaigns, the law on party financing should be applied rigorously. The CENA should be audited to ensure that funds allocated were used in accordance with the law, and various political party and candidate campaigns should be audited to make sure that they respected spending limits imposed by Beninese law. The results of such audits should be made public both to ensure citizens that the law pertaining to election-related expenditure is being applied and to deter further abuses by various political actors.

- **Civic Education and need for heightened civil society involvement**

Given the fragile nature of democracy in transition environments, the delegation appeals to Beninese civil society organizations to continue to play their role in serving as a catalyst for peaceful and credible elections and democratic governance in the country. Civil society organizations should increase their involvement in voter education, election monitoring and other programs that can contribute to strengthening the country's nascent democracy and foster debate on issues and platforms that can be beneficial to citizens at the grassroots level.

- **Need to groom the next generation of political leaders**

The delegation urges Beninese political leaders across the spectrum to find avenues for increased participation in elective office for women, youth and other under-represented segments of society. While women and youth represent an overwhelming majority of the population of Benin, the delegation was struck by the under-representation of these groups in elective office at the local and national levels. NDI is concerned that such under-representation, if left unchecked, could lead to general apathy among the younger generation that would undermine gains that have been made thus far in advancing democratic governance in Benin. Party leaders should view the upcoming legislative elections as an opportunity to nominate a substantial number of women and youth as candidates for election into the National Assembly of Benin.

CONCLUSION

Beninese citizens generally viewed the local election positively, and political parties have accepted the results despite flaws in the registration process and weaknesses in the CENA's administration of the election in certain specific areas. These elections have completed Benin's long awaited decentralization process under peaceful conditions and public confidence in the country's electoral process seems to have been restored, partially, after the controversial presidential elections of 2001. Strong political will and leadership on the part of the Government of Benin and the main political leaders of the country are now essential to reform the CENA and assuage political tensions in order to guarantee transparent and peaceful legislative elections this Spring 2003.

NDI is honored to have been welcomed by Beninese citizens, political leaders, candidates, government officials, and members of the CENA, all of whom at a historic moment in their country's democratic process shared important concerns and insights with the delegation. The Institute hopes that this report will contribute to a national dialogue about the state of democracy in Benin, and will help all those working to strengthen the country's democratic institutions and electoral process. NDI will continue to offer its assistance to Beninese democrats.