



**PRELIMINARY STATEMENT  
BY THE NDI INTERNATIONAL DELEGATION  
TO THE MARCH 3 PRESIDENTIAL ELECTION IN BENIN  
March 6, 1996**

1. INTRODUCTION

The international delegation sponsored by the National Democratic Institute for International Affairs (NDI) is pleased to offer this preliminary statement on the March 3, 1996 presidential election in Benin.

Our delegation comprised 22 members from Africa, Europe and North America who witnessed the election in all six administrative divisions (*départements* or *préfectures*) of Benin, including the Cotonou metropolitan area. The delegation was led by former United States Congressman Edward Feighan and Andréia Vaz, president of the Senegalese Court of Appeals and former president of Senegal's vote counting commission. The delegation also included elected officials, former diplomats, political party and civic leaders, regional specialists and elections experts.

This international delegation was invited and welcomed by the Beninese government, candidates, political party leaders, electoral authorities and civic organizations. We were provided access to all stages of the election process. Our delegation came to witness the elections. We did not seek to supervise the elections or certify them. Ultimately, it is the Beninese people who will determine the legitimacy of the electoral process.

The primary purposes of the delegation were to demonstrate the international community's continued support for the democratic process in Benin and to provide the international community with an objective assessment of the March 3 election. We also sought to learn from the Beninese people about the nature of their electoral process and its implications for the further consolidation of Benin's democratic institutions.

The delegation's mandate included the examination of the pre-election environment, election day proceedings and the tabulation of results to date. This statement is a preliminary assessment of these issues, based on direct observations of delegation members, information gathered during the pre-election

period by a four member pre-election assessment delegation also organized by NDI, as well as information gathered by NDI staff who arrived in Benin February 18.

We note that the announcement of official results and the resolution of any electoral complaints that may arise by Benin's Constitutional Court have yet to be completed. We also note that the ultimate conclusion of this electoral process may entail a run-off election between the top two contenders of the first round if none of the candidates receives an absolute majority. NDI will continue to monitor developments during the immediate post-election period. If a second round becomes necessary, NDI plans to deploy another international observer delegation for that election. A more detailed report on the election process will be issued by NDI at a later date.

The delegation arrived in Benin on February 28. Prior to the election, the delegates met at the national level with representatives of the Constitutional Court, the National Autonomous Electoral Commission (CENA), the major presidential candidates, representatives of other presidential candidates, news media, national election monitoring groups and civic education organizations. The delegation then divided into 10 teams and deployed throughout the country. Upon arrival at their deployment sites, team members met with election commission officials at the divisional (*préfecture*) and sub-divisional (*sous-préfecture*) levels, as well as representatives of the presidential candidates. The teams also observed the final day of campaigning, in addition to the voting, counting and tabulation processes. Team members observed election day activities in approximately 170 polling sites throughout the country.

## 1. THE PRE-ELECTION PERIOD

The delegation was impressed that the campaign took place for the most part under peaceful conditions. Candidates traveled freely to all parts of the country, campaigned openly without disturbances and respected the legal requirements to end their campaigns 24 hours before election day. Political activists enthusiastically campaigned for their candidates. The press generally provided active and equitable French-language election coverage during the campaign period, and civic and voter education programs took place during the run-up to election day.

The delegation also noted the substantial and positive contribution to electoral preparations made in the pre-electoral period by Beninese nongovernmental organizations (NGOs) such as the Network of Beninese NGOs, Association of Women Jurists (AFJ), GERDDES and others. The activities of these groups, which included civic and voter education about the need for peaceful competition and instructions about voting procedures, enhanced public officials and candidate representatives. This underscores the importance of cooperation among election authorities, political parties, candidates and NGOs.

There were, however, isolated incidents of reported voter intimidation, and defacing of some candidates' campaign materials. Additionally, there were reports from the Atacora region of the kidnaping of an official of the Soglo campaign and the subsequent arrest of a former president of Benin in connection

with the kidnaping. Also in Atacora, the attempted arrest of a former soldier wanted in connection with a failed coup attempt resulted in the shooting deaths of a policeman, the soldier and two civilians. These incidents raised concerns about potential election related violence, especially after the Constitutional Court ruled the detention of the former president to be unconstitutional.

The delegation observed serious shortcomings in the organization of the electoral preparations by the CENA, which is the institution responsible for organizing the election. The late appointment of the CENA on January 17 created problems in conducting voter registration, issuing voter cards, updating voter lists, training election officials, identifying polling stations and preparing and distributing election materials. Additionally, the CENA in some cases had to rely overly on prefects, sub-prefects and mayors for logistical support. When the CENA first organized national legislative elections in 1995, a number of officials were trained and gained experience in conducting multiparty elections. However, as required by current Beninese law, new membership to the CENA must be named before each election. This lack of continuity in CENA membership made it more difficult for the Commission to accomplish its work in an effective and efficient manner for the March 3 election. A number of Beninese also complained about perceived partisanship of some CENA members.

Additionally, the delegation noted that no legal provisions existed concerning a deadline for posting of the final electoral lists and lists of polling stations. Political parties, candidates or NGOs were not explicitly given the right to review the final lists before election day. Ambiguities in the electoral law concerning the distribution and use of ballot envelopes also caused concern for the delegation, as did rules concerning proclamation of official results by the Constitutional Court. The delegation also heard complaints about violations of provisions in the electoral code that prohibit the use of state resources less than three months before an election and the use of personal resources to improperly gain voter support. NDI made known its concerns and recommendations in a pre-election assessment report of February 26, 1996, which was sent to the CENA, the candidates, NGOs concerned with electoral matters and the media.

## 2. ELECTION DAY

This election represents an important step in the democratic process in Benin as election officials, political leaders and activists and the electorate continue to improve the conduct of elections. The delegation was particularly impressed by the calm, patient and peaceful manner with which the Beninese electorate conducted itself on election day. To the delegation, this was another demonstration of the intense interest of the Beninese people in expressing their political will and making public policy choices through the ballot.

The delegation was also impressed with the high voter turnout and the commendable level of citizen participation in the election. Candidates actively deployed representatives at the polling sites to observe the voting and counting process. Representatives of nonpartisan civic groups also stationed numerous pollwatchers to help ensure the integrity of the process and provided, as did CENA, voter education

materials that were observed at many voting sites. The Constitutional Court also dispatched its representatives throughout the country for the first time. These activities substantially increased prospects for transparency in the conduct of the election and the likelihood that Beninese voters would consider the outcome to be a tangible expression of their commitment to democracy.

Delegation members were inspired by those citizens who served as polling officials and who worked diligently for long hours and often found creative ways to build consensus in resolving provisions in the electoral codes. The delegation also noted that many candidate representatives worked cooperatively at the polling places and easily built consensus on how to resolve problems that arose on voting day in spite of the partisan affiliation of these delegates.

Benin's election law stipulates that ballots are to be counted at the polling stations, that candidate representatives may be present in the polling stations, and that these representatives may sign and should receive copies of the tally sheets. Candidate representatives may also have their written observations included in the record of election-day events. The delegation noted that, generally, these provisions, which are meant to help better organize the election, deter fraud and increase public confidence in election results, were applied by the polling officials. The polling officials and the representatives of the CENA at the local and sub-divisional levels deserve recognition for their contribution to much of the success that was achieved in the conduct of the March 3 election.

Despite these positive and encouraging aspects of the electoral process, the delegation was concerned by a number of problems. These included:

- C delays in the delivery of voting materials;
- C significant delays in the opening of some polling stations, especially those in the southern parts of the country;
- C lack of uniform guidelines regarding placement and nature of receptacle for disposing of unused ballots, which may have affected adversely the secrecy of the vote in some instances;
- C shortcomings in the set-up of voting booths, which in some cases could also jeopardize the secrecy of the vote;
- C women in at least one part of the country were asked to vote only after the men had cast their ballots, thereby rendering the voting process more burdensome for women;
- C lack of clear understanding on the part of some government officials at the national and local levels regarding the relationship between the CENA and the Ministry of Interior;
- C inequalities in coverage of campaign activities in the local language broadcasts of public media;

- C poor state of handwritten electoral lists that could be easily damaged; and
- C complaints that voter registration lists were not posted in all parts of the country for public review before election day.

### **III. RECOMMENDATIONS**

The delegation noted the many positive elements of the pre-election and election day environment, electoral organization and the legal framework for the elections. In addition, the delegation appreciated the openness and serious attitude of election officials, party and candidate representatives and NGO leaders with whom it met. In the spirit of international cooperation and in light of these positive factors, the delegation offers the following recommendations, some of which could be implemented before the second round should it be necessary.

- C CENA should be established at a sufficiently early date to allow for the adequate and timely organization of elections and should be provided with the necessary material and logistical support to accomplish its work;
- C Steps should be taken to further clarify the respective roles and responsibilities of CENA and Ministry of Interior officials in organizing the election at both the national and local levels;
- C Increased education should be provided to the public about the role of the CENA as a means of improving public confidence in the electoral process;
- C Continued and improved training should be provided for polling officials;
- C Civic and voter education programs should continue and be intensified before the second round election, if a second round is required;
- C Women should continue to be encouraged to participate fully in the political process and steps should be taken to guarantee equal access for women to the electoral process;
- C Ballot envelopes could be marked or initialed by polling station officials just before being given to voters to help build the public's confidence in the validity of election envelopes;
- C More durable voter registration lists should be established;
- C Steps should be taken to ensure that critical elements of the voting process, such as voting booths and unused ballot receptacles, guarantee the secrecy of the vote;

- C Voter registration lists should be posted early enough to allow for public review of the lists;
- C News coverage of candidate activities in the national languages should be regulated by the High Authority on Audiovisual Communications (HAAC) to allow for equitable media treatment of all candidates, as was the case with French-language broadcasts; and
- C Steps should be taken by the government, CENA, candidates and candidate representatives to help ensure that the second round election will also take place in a calm and peaceful environment if a run-off is required.

NDI will make further recommendations in subsequent reports.

The delegation greatly appreciates the hospitality extended to it by government officials, the Constitutional Court, CENA, presidential candidates, NGOs, mass media, traditional and civic leaders and other Beninese. The delegation could not have accomplished its tasks without the cooperation of those with whom it met. NDI remains committed to assisting those who are working to advance the democratic process in Benin, a process that reflects the hopes and aspirations of the Beninese people and influences democratic development throughout the sub-region. The Institute will continue its activities in Benin through the work of its international election observer delegation to the next round of presidential elections and staff presence throughout the election and immediate post-election periods until the proclamation of the final official results by the Constitutional Court.

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