



## **PRELIMINARY DECLARATION**

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### **I. INTRODUCTION**

1. In line with the provisions of the Supplementary Protocol on Democracy and Good Governance (2001), and as part of ECOWAS's comprehensive assistance towards a successful transitional process in Mali, ECOWAS deployed an Observation Mission (EOM) to the Presidential election in Mali on 28 July 2013.

2. The EOM, made up of 250 observers, is led by H.E. John Agyekum Kufuor, former President of the Republic of Ghana. The Mission is composed of delegations from the ECOWAS Council of the Wise, West African Ambassadors accredited to Abuja, and the Community Parliament and Court of Justice. It also includes experts drawn from the relevant Ministries and Electoral Management Bodies of Member States, Civil Society Organizations, and the Media. It is supported by a 28-member technical and administrative team from the ECOWAS Commission.

3. Prior to the deployment of the EOM, ECOWAS had established the Office of the Special Representative of the ECOWAS President in Bamako to interface with national stakeholders and international partners in the coordinated efforts to resolve the multidimensional crises. Towards the preparation of the election, ECOWAS dispatched a technical assistance mission to the country and provided financial support for the work of the Electoral Management Bodies. Furthermore, the President of the Commission dispatched a fact-finding mission to Mali in June 2013 to assess the preparedness of the nation for the election.

### **II. ARRIVAL AND DEPLOYMENT**

4. The ECOWAS Observer Mission began arriving in the country on 19 July 2013 and monitored the concluding phase of the electioneering campaign. The Head of the Mission, H.E. John Agyekum Kufuor, paid courtesy calls on the Interim President, H.E. Dioncounda Traore, and held fruitful discussions with the Minister of Territorial Administration, the Delegate-General to the Elections, and the Chairman of the Independent National Electoral Commission (CENI). He exchanged views with

political party leaders, presidential candidates, the Chairman of the High Islamic Council, the Archbishop of Bamako, and other religious leaders. The Head of EOM also met with the Special representative of the UN Secretary General and Head of the United Nations Multidimensional International Stabilization Mission in Mali (MINUSMA), H.E. Bert Koenders, and the Special Representative of the Chairperson of the African Union Commission to Mali and the Sahel, H.E. Pierre Buyoya and the Heads of the Observation Missions of the African Union and UEMOA. H.E. John Kufuor and the President of the ECOWAS Commission interacted with the media and made declarations calling for a peaceful, free, fair and transparent election and also paid a courtesy call on the Prime Minister, H.E. Diango Sissoko.

5. Following a briefing and orientation session on 24 July 2013, 120 teams of ECOWAS observers were deployed throughout the country to observe proceedings on Election Day in several of the 21,023 polling stations spread across 103 Districts in the following nine Regions of Mali: Bamako, Kayes, Koulikoro, Sikasso, Segou, Mopti, Tombouctou, Gao, and Kidal.

6. Having closely monitored the preparations towards the elections, analyzed the reports and feedbacks from Team Leaders in the field, and after a debriefing session with returning observers, the ECOWAS Observer Mission to the 28 July 2013 Presidential Election in Mali makes a Preliminary Declaration as follows:

### **III. THE PREPARATIONS**

#### **A. The Legal Framework**

7. The Amendment to the Electoral Act of Mali, adopted in March 2013, provides for the use of Biometric Registration with National Identification Number (NINA) for each citizen and the reconstitution of the Independent National Electoral Commission (CENI). The legal voting age is 18 years. Since 2002, the Electoral Code allows for Malians living abroad to participate in elections.

#### **B. The Electoral Management Bodies**

8. Four main institutions administer the electoral process in Mali. The Ministry of Territorial Administration is the main EMB, responsible for constituency delimitation; registration political parties and candidates; conducting the elections; and announcing the preliminary results. The Delegate General on the other hand, is responsible for establishing the voters' register; printing of electoral cards; public financing of political parties; and assistance to the Independent National Electoral Commission (CENI). The CENI acts as the independent watchdog over the processes in the electoral cycle and engages the Constitutional Court on observed irregularities. Finally, the Constitutional Court certifies and declares the final results of elections, also acts as adjudicator in electoral disputes.

### **C. Biometric Registration Exercise and the NINA CARD**

9. The linkage of the Voters' registration to the National Identification Card (NINA), and the non-use of a National ID Card for the Presidential election were a pragmatic and cost-effective way of ensuring the security of votes, for a country just emerging from crises. Because the existing voters' register has not been updated since the outbreak of the crisis but served as the basis for the NINA ID Cards, over one million potential voters, including the youth who had since attained the voting age, could have been disenfranchised.

### **D. The Preliminary Agreement to the Elections and Inclusive Dialogue**

10. The Ouagadougou Agreement, signed on 18 June 2013 under the auspices of the ECOWAS Mediator, H.E. Blaise Compaore, and the Associate Mediator, H.E. Goodluck Ebele Jonathan, and with the support of the International Community, constituted a watershed event, paving the way for the holding of the election throughout the country, including Kidal, and for the wider inclusive post-electoral dialogue and reconciliation process.

### **E. The Candidates and Women's Participation in the Election**

11. Women comprise about 52 percent of the Malian population. However, they are highly underrepresented in the highest echelons of power in the country. In all, twenty-six male candidates and only one female contested the Presidential election. The candidate who garners 50 percent of the vote plus one vote or more will be declared winner, failing which the two candidates with the highest percentage votes will go for run-off elections

### **F. Consensus and the Conduct of Election**

12. The broad consensus arrived at among the Malian political stakeholders to go to the polls in defiance of the lingering challenges was a clear demonstration of their commitment to democratic values, and their determination to forge ahead with the tasks of post-conflict reconciliation and reconstruction under a legal and legitimate dispensation. This consensus, echoed by the International Community, created a permissive environment for the successful conduct of the election.

## **IV. THE ELECTIONEERING CAMPAIGN**

13. The electioneering campaign by the political parties and their candidates passed off relatively peacefully and in a responsible manner devoid of any major incidents.

14. On the whole, the **Media** played a constructive role in the electoral process.. They offered channels for lively debates and sensitization of the population on the electoral process.

## V. ELECTION DAY

### Opening, Voting and Tallying

15. 28 July 2013 began on a peaceful note with voters of all categories - women, young people, men, the aged, nursing mothers, and the physically challenged - steadily making their way to the polling centers in an orderly manner.

16. At most of the polling centers observed, particularly across the capital and Tombouktou, electoral officials and materials, in sufficient quantities, arrived by the official opening time, allowing voting to commence within 30 minutes of the official time of 08:00 am. In a number of centers across the country, however, voting was delayed by between one and two hours due to the late arrival of electoral officials and/or materials. These include Djelibougou, Bouvassouboubou and Doumanzana centers in Bamako.

17. MINUSMA provided commendable service by airlifting electoral officials and material, and assisting the Malian Defense and Security Forces in ensuring overall security in the country. The French Force, *Operation Serval*, also assisted with airlift and general security, particularly in the north. Security at the centers, particularly in the large urban centers, was adequate and non-intrusive, provided by the Gendarmerie, Police and para-security agencies. The lack of security, intimidation and apprehension led to very low turn out of voters in parts of the north, particularly in Kidal. In Menaka, the relocation of polling centers at short notice for security reasons prevented voters from casting their ballot.

18. Most of the polling centers were huge educational complexes housing several polling stations, each with an average of 490 registered voters. A number of voters, particularly the elderly and the illiterate, could not match their NINA Cards with the voters' lists displayed at the polling stations, nor could they trace their stations through the SMS service on the congested mobile network services. Meanwhile, no provision was made at most of the polling stations observed to refer voters to their designated polling stations, leading to frustration and the late closure of polls in a number of polling stations, particularly in some parts of Bamako and Socoura Niono in Segou region.

19. In several of the polling stations observed, no official provision was made to assist or give preferential treatment to voters with special needs, including the elderly, the physically challenged, nursing and expectant mothers.

20. ECOWAS observers noted the presence of between five and ten party agents at most polling stations. In addition, ECOWAS observers noted the presence of agents of CENI and the Constitutional Court, as well as observers from the domestic observer groups and some International Observers.

21. The arrangements at the polling stations guaranteed the secrecy of the ballot.

The processing of voters at the polling stations followed the rules, guaranteeing the transparency and credibility of the process. The polling officials demonstrated adequate efficiency and professionalism in carrying out their duties while party agents ably watched over their candidates' interests. There was a high level of women participation as voters, polling officials and party representatives.

22. Polls closed at the official time of 6:00 pm at most polling stations. The tallying and certification processes at the polling stations were carried out in a professional, transparent and credible manner, and under the watch of party agents and observers, even though the processes were at times hampered by visibility problems where there was no electricity.

## **VI. OBSERVATIONS AND CONCLUSIONS**

23. Against the backdrop of the foregoing observations and analysis, the ECOWAS Observer Mission to the 2013 Presidential Election in Mali makes the following preliminary conclusions, based on its appreciation of the electoral process up until the certification of the preliminary results at the various polling centers on 28 July 2013.

24. The 28 July 2013 Presidential election constitutes a significant milestone in the determined march of the Malian people towards total recovery from the crises and is the coronation of the valiant efforts by the sons and daughters of this founding Member-State of ECOWAS to defend their unity and territorial integrity, while staying the course of democratic consolidation and international legitimacy.

25. This determination was amply demonstrated by the confident and professional manner in which the Transitional Authorities and the Electoral Management Bodies went about preparing and holding the exemplary Presidential election, despite the myriad of security and logistical challenges and the time constraint. It was equally demonstrated by the dignified, peaceful, and determined conduct and behavior of the political parties, the candidates, the electorate, the media throughout the process.

26. The isolated shortcomings highlighted above notwithstanding, the ECOWAS Observer Mission adjudges the electoral process so far as peaceful, free, transparent and credible, and congratulates all the stakeholders for the remarkable achievement.

27. ECOWAS encourages the Ministry of Territorial Administration and the other Electoral Management Bodies to approach the concluding phases of the process with the same sense of urgency, fairness, and transparency until the proclamation of the results. It calls on the party leaders, the candidates, their followers and the media, to maintain the same posture of restraint, serenity and patriotism till the collation and announcement of the results. In particular, it urges the candidates to gracefully accept the verdict of the ballot box, and in the event of genuine grievances, resort exclusively to legal means to seek redress.

28. The successful conclusion of the Presidential election will not only endow the Nation with a legitimate leader and interlocutor with the rest of the International Community, but it will also more importantly rearm the Malian stakeholders with greater moral fortitude and determination to confront outstanding tasks, namely the completion of the electoral cycle, the full reestablishment of state authority and administration throughout the country, the implementation of the inclusive dialogue and national reconciliation, and the post-conflict reconstruction agenda, including the return and reinsertion of refugees and IDPs.

## **VIII. RECOMMENDATIONS**

29. In the light of the challenges identified by the ECOWAS observers in the field, the ECOWAS Observation Mission recommends the following:

### **A. Rationalization and Consolidation of Election Management Bodies**

30. In the effort to enhance the efficiency and effectiveness of the electoral process, the Malian stakeholders are urged to consider the benefits of a harmonized and rationalized electoral management system by revisiting the recommendations put forward in 2011 to adopt a unified Electoral Management Body endowed with a consolidated fund.

### **B. Equal Opportunities in the Electoral Process**

31. The Malian authorities are encouraged to promote the access of women and minorities to high elective and administrative offices in the country through a combination of targeted interventions aimed at enhancing the financial autonomy of women and affirmative action.

32. Political parties should be encouraged through legislation and incentives to enhance internal party democracy and affirmative action in favor of women, the youth and minorities. The parties should endeavour to educate their agents on electoral processes.

33. The Independent Electoral Management Bodies are encouraged to take urgent steps to render polling centers friendly to the requirements of persons with special needs, including the elderly, the physically challenged, expectant and nursing mothers, as well as the illiterate voters.

### **C. The NINA Cards**

34. The Mission urges the EMBs to take proactive steps to update the voters' register, reintroduce the National Identification Cards in the electoral process, or upgrade the NINA Card to capture all relevant data for electoral identification purpose and harmonize them closely with the voters' register.

#### **D. National Reconciliation**

35. The ECOWAS Election Observation Mission encourages the incoming Government to embark on the expeditious implementation of the inclusive Dialogue and National Reconciliation agenda, with a view to strengthening national unity and reconciliation.

#### **E. Expression of Gratitude**

36. The Mission expresses gratitude to the International Community for the unwavering support to Mali through its institutional and security crises, particularly in spearheading the interventions that led to the restoration of the territorial integrity of Mali. It urges the International Community to stay the course and intensify its assistance to the Government of Mali in the efforts to address the multidimensional challenges of peace consolidation, post-conflict reconstruction and the humanitarian situation.

37. The Mission commends the Ministry of Territorial Administration, the General Delegate on Elections and the Independent National Electoral Commission, the Constitutional Court, and the Security Agencies for their high level of dedication and professionalism and commends the political parties for demonstrating commitment and maturity during the process. It congratulates the people of Mali for their patriotism and sense of purpose, which enabled the peaceful and orderly conduct of the election.

38. Finally, the ECOWAS Election Observation Mission pays merited tribute to H.E Diouncounda Traore, the Interim President and his government, for their personal commitment and sacrifices in leading the Nation to the restoration of constitutional order in a most trying moment in her history. It also commends all other transitional organs for their selflessness and faithful implementation of the transitional roadmap.

**Done at Bamako, this 29<sup>th</sup> Day of July 2013**

**His Excellency John Agyekum KUFUOR  
Head of the ECOWAS Observer Mission**