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THE AFRICAN UNION OBSERVER MISSION TO THE 7TH JULY 2012 GENERAL NATIONAL CONGRESS ELECTIONS IN LIBYA

PRELIMINARY STATEMENT

A. INTRODUCTION

1. In response to an invitation from the Libyan High National Election Commission, H.E. Jean Ping, the Chairperson of the African Union Commission dispatched an Election Observer Mission to Libya to observe the General National Congress elections held on Saturday, 7 July 2012.

2. The African Union (AU) Election Observer Mission is led by His Excellency Essam Sharaf, former Prime Minister of the Republic of Egypt. The Mission comprised 35 members drawn from the Pan African Parliament, African Ambassadors accredited to the African Union, Election Management Bodies (EMBs), and members of Civil Society Organisations from various African countries including a team of technical staff from the AU Commission, the Pan African Parliament, and the Electoral Institute for Sustainable Democracy in Africa (EISA).

3. The Mission Observers were drawn from 22 African countries namely: Botswana, Cape Verde, Comoros, Egypt, Equatorial Guinea, Ethiopia, Ghana, Kenya, Liberia Malawi, Nigeria, Saharawi Arab Republic, Senegal, Sierra Leone, South Africa, Sudan, Swaziland, Tanzania, Togo, Tunisia, Uganda and Zambia.

4. The AU Observer Mission arrived on the 1st July 2012 and will remain in the country until 14 July 2012. The Mission has made its assessment of the electoral process in Libya on the basis of the information gathered during meetings with relevant stakeholders and observation of the process. The preliminary findings of the Mission and subsequent recommendations are presented in this statement. A final report, providing an in depth and comprehensive analysis of the observations and recommendations of the Mission on the entire election process, will be compiled and made available through the Office of the Chairperson of the African Union.

B. OBJECTIVES AND METHODOLOGY OF OBSERVATION

5. The AU Observer Mission observed the General National Congress (GNC) elections of 7 July 2012 in Libya within the spirit and letter of the Durban Declaration on the Principles Governing Democratic Elections in Africa, as adopted by the Assembly of the African Union in July 2002 and the African Charter on Democracy, Elections and Governance which entered into force on 15 February, 2012. The main objective of the Mission was to make an honest, independent and impartial observation on the conduct of the GNC elections.

6. The specific objectives of the Mission were to:

- Assess whether conditions existed for the conduct of elections that allow the people of Libya to freely express their will;
- Assess and determine whether the elections were conducted in accordance with the legal framework for elections in Libya; and
- Assess whether the final results reflect the will of the Libyan people.

7. In accordance with the African Union Guidelines for Election Observation and Monitoring, the Mission met and consulted with various stakeholders involved in the electoral process. These included the High National Election Commission (HNEC), UN Electoral Assistance Country Team, and the UN Special Representative of the Secretary General, among others.

8. Eleven teams consisting of two observers each were deployed on the 6th July 2012 to observe elections in six of the thirteen electoral districts of Libya including Al-Khoms, Al-Aziziya, Al-Zawiyah, Gharyan, Misrata, and Tripoli.

C. PRELIMINARY FINDINGS

9. After considering relevant legislation and documentation, statements by electoral stakeholders, media reports, and observations made by its different teams deployed on the ground, and basing itself on the Principles Governing Democratic Elections in Africa, the African Union Observer Mission has made the following preliminary findings:

Political Context

10. The AU Observer Mission is cognisant of the fact that the GNC elections are the first in Libya for over four decades and takes place soon after the revolution as part of the political transition of the country. The Mission is satisfied that the political space has been opened to promote pluralism and also commends the

extension of suffrage to women over the age of 18 years which is a crucial step towards the realisation of the fundamental democratic principle of equality.

11. The AU Observer Mission has also noted that there were security challenges in some parts of the country in the lead-up to the elections.

Legal Framework

12. The GNC elections were governed by a set of laws and regulations, the most significant being the Constitutional Declaration of 3 August 2011 as amended on 13 March 2012 delineating the transitional period, and the election laws of 2012.

13. The AU Observer Mission notes with satisfaction that the legal framework of the GNC elections of 7 July 2012 provides conditions for the conduct of democratic elections as it safeguards the basic fundamental freedoms and rights. It also stipulates mechanisms for resolution of election disputes to safeguard the fairness of the electoral process.

Electoral System

14. The electoral system used for the GNC elections is a mixed majoritarian and closed-list proportional representation system. There are 200 seats for the GNC of which 120 are elected under the majoritarian system and 80 seats are elected under the proportional system. Some constituencies had either of the two systems while others had combined both electoral systems. By law, political entities are required to submit a list of candidates with due regard to alternation between men and women. The AU Observer Mission notes this disposition with satisfaction as it promotes the participation of women in leadership of public affairs.

POLLING DAY OBSERVATIONS

Opening of Polls

15. The Mission noted that most of the polling stations visited opened at 8:00 am as stipulated in the electoral procedures. For those that opened late it did not go beyond 8:30 am. It was also noted with satisfaction that election materials were available in sufficient quantity at the opening of polls.

Voter Turn-Out

16. There was high turn-out of voters in most polling stations visited. Enthusiasm and jubilation characterised the atmosphere in most polling centers in Tripoli and the interior of the country where AU observers were deployed. In this regard, the AU Mission commends the remarkable participation of women and youth in most polling stations visited.

Voting process

17. The voting process was elaborate. Voters presented their voter cards and other documents for identification in the voter register before being issued a ballot paper. Most voters understood the polling process though, in certain instances, some voters manifested lack of understanding of the voting process

18. The layout of polling stations guaranteed secrecy of the vote in most stations visited. The voting process was fairly quick as the time taken for a voter to be processed was two minutes on average.

Accessibility of Polling Stations

19. Most polling stations visited were accessible to all voters. However, in certain instances, the location of polling stations posed problems to physically challenged people who in some cases had to be carried by the polling personnel up the stairs.

Polling Personnel

20. The Mission noted with great satisfaction the professional conduct of the polling personnel who were identifiable in all polling stations visited. Generally, they diligently followed the election procedures and managed the voting operations with transparency and effectiveness. However, in certain instances polling personnel did not understand the procedures and had to seek guidance all the time.

21. Assistance was provided to voters where needed.

Security, Observers and Political Entity/Candidate Agents

22. In all polling stations visited, security was provided by security forces whose presence was unobstructive and non-intimidating.

23. The Mission noted the presence of national and international observers in most polling stations visited which promoted the transparency of the polling process. However, not all political entities and candidates agents were represented in polling stations visited.

Closing of the Polls and the Counting Process

24. Most polling stations observed closed at 8.00pm as stipulated in the election procedures. Voters in the queue at the time of closing of polls were allowed to vote. The counting of votes took place in the presence of agents for political

entities and independent candidate thus ensuring transparency of the process. However, the agents were not present in all polling stations, and in some cases they hopped from station to station thereby not able to witness the whole counting process for the stations concerned. Results were immediately posted out of the respective polling stations after completion of the counting.

D. RECOMMENDATIONS

25. Based on its observations and findings, the African Union Election Observer Mission recommends the following:

    a. Mechanisms should be explored to promote dialogue between different political stakeholders in order to promote peaceful resolution of election-related conflicts. Such mechanisms ought to be institutionalised in order to inculcate a culture of tolerance which is crucial in the important endeavour of democracy building;
    b. Voter sensitisation ought to be increased and sustained to further enhance participation of citizens both qualitatively and quantitatively;
    c. Participatory capacities of political actors during the polling and counting processes ought to be reinforced;
    d. Training of polling personnel should be sustained to further enhance competence; and
    e. Considerations should be made in choice of location of polling stations in order to promote accessibility of all voters, including the physically challenged.

E. CONCLUSION

26. The GNC elections of 7 July 2012 presented a decisive juncture for the citizens of Libya and a very important opportunity for them to define their future. The African Union Observer Mission highly commends the citizens of Libya for the maturity in which they mobilized themselves for the elections in order to choose representatives in the crucial constitution-making process that will ensue. Despite some security challenges in some parts of the country, the polls were conducted in a generally peaceful atmosphere and in accordance with the legal framework of Libya.

27. The African Union Election Observer Mission concludes that the 7 July 2012 General National Congress Elections in Libya were free, fair and transparent.

28. The Mission congratulates the HNEC, for the high level of professionalism in which it managed the electoral process, considering that it was constituted just a few months before the GNC elections. The transparency in which it managed the whole process cannot go unnoticed. The people of Libya also deserve a high commendation for the successful and peaceful conduct of the polls.

29. The AU Observer Mission also is grateful to the National Transitional Council, the HNEC and other Libyan authorities for the opportunity afforded to observe these landmark elections, and to the people of Libya for their hospitality extended to it.

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