

Chapter 6

Conclusions and Recommendations

Conclusions

The 9 August Presidential Elections in Rwanda were conducted in a peaceful atmosphere. During the campaign, candidates enjoyed freedom of movement and assembly and they did not report any incidents. On the day of the election, universal suffrage was provided for, voters turned out in very large numbers across the country and the process was well administered by the National Electoral Commission (NEC).

Rwanda is still undergoing a process of national reconstruction and national reconciliation and the country has taken great strides, just 16 years since the 1994 genocide. As part of this process the country has, to its credit, embarked on establishing electoral democracy.

We understand the terrible legacy of the past and the consequent caution as the country moves forward. However, we are also cognisant as to what is required for Rwanda to forge ahead as a pluralistic democracy, enjoying the associated freedoms and rights. Many freedoms and rights are provided for in the existing legal framework, but there remain problems in the implementation and practice, with some limits placed on freedom of association and participation.

While taking account of Rwanda's historical context and the tragic events of 1994, and the understandable need to guard against any such tendencies re-emerging, there is a balance to be found and our hope is that as Rwanda moves forward the balance can be more in favour of an inclusive process, with more space for open, responsible debate among the country's political parties and in the media.

The NEC was well prepared for the elections and exhibited a high standard of organisation, which added confidence to the process. Overall, NEC officers worked professionally and diligently in their management of the process. The updating of the voter register provided for universal suffrage and the inclusion of photos on the Final Voter Register was a positive feature. The new consolidated Presidential Election Law, of June 2010, was also an improvement.

During the election campaign, candidates from the four contesting parties held campaign rallies around the country and none reported any impediments to their activities and the campaign was peaceful. However, while the campaign was fairly active, albeit dominated by the largest party, the fact that the four candidates were all drawn from the governing coalition meant there was a lack of critical opposition voices. A number of opposition parties had earlier stated their intention to stand but faced either legal or administrative problems, which resulted in their non-participation. Each case appears to be different, but the overall impact is a concern. In addition, concerns were raised to us about problems faced by some media outlets.

On the day of the election, observers reported that preparations were in place for the timely opening of the poll and voters turned out in very large numbers. Polling Stations were well organised and staff worked diligently to process voters. Political party representatives were

present in many cases, but overwhelmingly only from the incumbent candidate's party. It is unfortunate that other parties did not deploy representatives in many cases, as this right is a key transparency safeguard.

Based on our reports, the count in the polling stations was transparent and conducted fairly, though with a few inconsistent practices. But there were concerns that the process of result consolidation at the District level lacked transparency in several areas. Observers failed to gain the same level of access to the process and co-operation from District officials as they had enjoyed.

In conclusion, there are positive developments and there are areas of concern. While some of the key benchmarks for democratic elections have been met, others have not. Commonwealth Observers have found a well organised and peaceful poll. Campaign freedoms were provided for candidates, and they enjoyed freedom of movement and assembly in the conduct of their campaigns.

The National Electoral Commission has conducted the technical aspects well, providing confidence to the people to turn out in large numbers and people enjoyed the right to vote and were free to express their will. However, there were some concerns regarding the lack of transparency of the results consolidation at the District level in many areas.

As Rwanda strives to deepen its democratic process, it needs to particularly address issues of political participation and greater media freedoms so that the key benchmarks for democratic elections, to which Rwanda has committed itself, can be fully met for future elections.

Recommendations

Electoral Framework and Election Administration

- The NEC's website states that members are drawn from "different political parties and civil society". It would be helpful for this to be clarified to ensure transparency and confidence. There are various models for the composition of an electoral management body, and they can comprise of independent, non-political figures or be broadly representative of political contestants depending upon what is felt to be most suitable in any given context. Whichever model is preferred it is important for the process to be clear and transparent.
- Consideration could be given to lengthening the campaign period if it is felt that political parties would benefit.
- It might be advisable for registration of political parties to be handled by an independent body, such as the NEC or a specially designated body, and for the procedures to be as inclusive as possible.

Election Campaign and Media

- Consideration be given to the creation of a process of public disclosure of the breakdown of campaign spending and the sources of such funds.

- Strengthen the capacity of the media (particularly in terms of investigative reporting and political commentary and analysis), including strengthening the Rwandan Journalists Association so that it can promote the interests and welfare of journalists.
- Separate the roles of the Media High Council so that its focus on regulating the media does not overshadow its goal to promote media freedom; review the requirement that journalists must have attended a school of journalism to be registered.

Voting, Counting and Tabulation

- Continue comprehensive programmes of civic and voter education to increase voter familiarity with the voting procedures, with particular emphasis on the elderly and youth.
- Increase training NEC staff at all levels, notably for those persons serving in Polling Stations, to ensure familiarity with prescribed laws and NEC regulations. This will help to ensure greater consistency between law and practice, particularly with regard to the process for inking the finger of voters, the reconciliation process at the Polling Centre prior to commencement of the count and the requirement for the posting of the results at Polling Centres.
- Provide ballot box seals which are uniquely numbered or identifiable, to ensure that the use of seals is a security feature.
- Consideration could be given as to the suitability of the existing practice of using a thumb print to cast a vote. Alternative methods for marking the ballot might be considered.
- Political parties need to make greater efforts to ensure deployment of representatives to follow the voting and counting procedures
- The tabulation process at the district must be fully transparent, with clear information given as to the modalities for this aspect of the process, in line with article 61 of the Presidential Election Law.

Annex 1

Composition of the Group

Dr Salim Ahmed Salim (United Republic of Tanzania – Chair)

African statesman Dr Salim Ahmed Salim served for 12 years as Secretary-General of the Organisation of African Unity (OAU) before demitting office in 2001. Prior to that he served in various cabinet and ambassadorial positions in the Tanzanian government, rising to Prime Minister (1984-85). As Prime Minister, he led Tanzania's delegation to The Bahamas Commonwealth Heads of Government Meeting (CHOGM) in 1985.

A massive figure on the international arena and one of Africa's best known voices, Dr Salim was the President of the UN General Assembly (1979-1980) and Chairman of the UN Committee on Decentralisation (1972-1980).

Dr Salim is currently a member of the Panel of the Wise of the Africa, which groups a select group of high profile individuals that offer advice on political and economic governance; and chairman of the Mwalimu Nyerere Foundation. He also chairs various NGOs, boards and commissions in Africa.

Mr Sabihuddin Ahmed (Bangladesh)

Mr Sabihuddin Ahmed is a former Permanent Secretary and a former Ambassador. As Permanent Secretary of the Ministry of Environment and Forests of Bangladesh he was instrumental in the banning of polythene shopping bags. In that role and as his country's top diplomat to Sweden and the UK, he strongly pursued the climate change agenda as Bangladesh would be one of its worst victims.

Mr Ahmed was involved in negotiations at bilateral and multilateral levels for his country and participated in various international conferences including the World Summit on Sustainable Development at Johannesburg in 2002. During his tenure in the UK, Mr Ahmed interacted closely with the Commonwealth Secretariat to deepen ties between the organisation and his country.

Art Wright (Canada)

Mr Wright has served as Canada's top diplomat in Bangladesh and Burma (Myanmar); Barbados and the Eastern Caribbean; Zimbabwe, Botswana, Angola and Mozambique.

He has also been Vice President of the Canadian International Development Agency (CIDA) for Asia and Multilateral Institutions. He retired from the Canadian Foreign Service in 1997. He is currently an academic at the University of Victoria at Quest University, Canada where he has taught on interdisciplinary course on Sustainable Development and Human Security to undergraduate students in Canada and East Africa.

Brig Gen (Rtd) Francis Asiedu Agyemfra (Ghana)

Brigadier-General (Rtd) Francis A. Agyemfra served in the Ghana Armed Forces from 1961 to 2001. A graduate of the Malaysian Armed Forces Staff College, he served in various senior capacities in the Ghana Armed Forces, including General Officer Commanding Southern Command (Ghana) and Chief of Staff. As a key player in the peace processes in Liberia and Sierra Leone, General Agyemfra served as Ghana's Ambassador to Liberia from

1997 to 2001. General Agyemfra is now a Security Consultant and a Senior Fellow at The Institute of Economic Affairs, Ghana.

Dr Leith L Dunn (Jamaica)

Dr Dunn is a Jamaican Sociologist. She is Head of the Institute for Gender and Development Studies Mona Unit at the University of the West Indies in Jamaica. She is a graduate of the UWI and has a Ph.D. from the London School of Economics and Political Science.

Dr Dunn has worked with several local, regional and international development agencies including the United Nations. Her research and publications on a wide range of development issues include gender and governance. She has served as a member of Commonwealth Observer Groups for elections in Zimbabwe (2002) and Zambia (2006).

Mr Caesar Handa (Kenya)

Mr Handa has wide ranging experience in the development and implementation of communications programs and has been involved in research and communication initiatives in Kenya, the East African region and other parts of Africa. He has been at the forefront of developing research and communications programs that have significantly contributed towards improved governance and citizen participation in Kenya. Key among this is pioneering the process of political opinion polling in East Africa.

Mr Handa holds degrees in Political Science and Anthropology from the University of Nairobi, Postgraduate training in communications from the University of Nairobi and University of Missouri, Columbia USA. He has, in addition, attended several training programs including a course on research development at the University of Cologne. Mr. Handa has won several awards, including the Hubert Humphrey Fellowship awarded by the United States Government.

Mr Samuel Tembenu (Malawi)

Mr Tembenu is a lawyer in Malawi and immediate past President of the Malawi Law Society (2008–2009); former Human Rights Commissioner of the Malawi Human Rights Commission between 2002 and 2008. He currently practices law in Malawi in the fields of commercial law and human rights.

He has previously participated as a local observer in general elections in Malawi both in capacity of Human Rights Commissioner as well as a member of the Malawi Law Society.

Mokshanand Sunil Dowarkasing (Mauritius)

Mr Dowarkasing has served as a Member of Parliament in Mauritius for 10 years during the period 2000–2010. He has also been a Member of the Pan-African Parliament (2005–2010) and was the President of the Eastern Caucus of the Parliament. He has led several fact finding missions in Africa including Darfur and Birao.

Mr Dowarkasing has participated in many election observer missions including that of the European Parliament. He has also been an active member of the Joint E-P-PAP Committee overlooking the African–EU strategy action Plan (Lisbon action Plan).

Mrs Simea Avei Meafou (Samoa)

Mrs Simea Avei Meafou has served in several government ministries including Justice Department, Lands and Titles Court, Ministry of Agriculture Forests, Fisheries and Meteorology for 29 years. She has been in her current post as Assistant Electoral Commissioner for five years.

Mrs Avei Meafou has represented the Samoa Electoral Office in various Election Management Bodies' conferences and workshop and has a solid grounding in good electoral practices globally.

Dr Christiana Thorpe (Sierra Leone)

Dr Christiana A M Thorpe is currently serving a second five year tenure as Chief Electoral Commissioner and Chairman of the Electoral Commission of Sierra Leone. A professional Educationist, Dr Thorpe has served in various sectors in the field of education including the position of Minister.

She is Founding Chair and Executive Member of the Charity – Forum for African Women Educationalists (FAWE) Sierra Leone Chapter – A Pan African Organisation catering for the education of disadvantaged girls and women throughout the continent. (She started the Sierra Leone Chapter in March, 1995).

She is Steering Committee member of the West African Sub-regional Electoral Management Borders (ECONEC) and serves in several International Board, on Democracy, Education and Peace and Conflict Resolution.

J C Weliamuna, (Sri Lanka)

Mr Weliamuna is a constitutional and human rights lawyer, with over 20 years of active legal practice, mainly in the Supreme Court of Sri Lanka. He has appeared in a large number of sensitive cases involving human rights and corruption. He is a regular contributor national and international media on human rights and governance situation of the country. He also served as a lecturer and trainer on governance and human rights at national, regional and international level.

He is an Eisenhower Fellow and a Senior Ashoka Fellow. He is an elected Bureau Member of the regional human rights organisation, South Asians for Human Rights.

At present he is the Executive Director of the Transparency International Sri Lanka, the leading anti corruption institution, which is part of global movement against corruption.

He has extensive experience in monitoring of elections at local level and was involved in monitoring of elections in Pakistan and Indonesia. He also innovatively developed a civil society mechanism to effectively monitor abuses of state resources during elections.

Adelle Zaira Roopchand (Trinidad and Tobago)

Adelle Zaira Roopchand is a communications consultant specialising in the environment, security and logistics. She is responsible for logistics and security at the regional Association for Caribbean Media Workers. She was facilitator at the International Media Centre during the Fifth Summit of the Americas (VSOA) and the Commonwealth Heads of Government Meeting (CHOGM) 2009, where she managed more than 2,000 journalists covering VSOA and some 800 journalists covering CHOGM.

A graduate of communication and media, Adelle is the Al Gore representative presenter for The Climate Project in the Caribbean.

Kaye Oliver, CMG, OBE (United Kingdom)

Miss Oliver was a diplomat until 2002. She spent 16 years in Africa including as Ambassador to Rwanda and Burundi and as High Commissioner to Lesotho. Miss Oliver was part of the

Commonwealth Observer Groups to Kenya, Nigeria, Swaziland, Rwanda, Burundi and Zambia. She is a Director of Electoral Reform International Services (ERIS) in the UK.

Commonwealth Secretariat Support Staff

- Mark Stevens, Democracy, Staff Team Leader
- Manoah Esipisu, Media
- Martin Kasirye, Political
- Christina Hajdu, Human Rights
- Zippy Ojago, Democracy