

# Senegal: Independence Strengthened in a Mixed Model of Electoral Management

Claude Kabemba and Andrew Ellis

Senegal has held regular elections since its independence in 1960. From 1960 to 1998 all elections were organized and supervised by the Ministry of the Interior. Although a multiparty system has existed since 1974, there was no change of power at an election until the year 2000. Most elections were disputed, and contestation reached a dangerous point in 1988. Amid pressure, the government, together with the opposition, drafted a new Electoral Act, which was adopted by Parliament in 1992. However, this act was more of a political than a legal and technical instrument. It did not clearly define the decision-making mechanisms and provided for consensual decision making in terms of election disputes. It was therefore difficult to apply its provisions, as they were open to different interpretations by different groups. Ultimately, despite the view of most political actors that the act was good for the country, it failed to resolve election-related tension and disputes. In 1996, opposition parties started asking for an independent electoral commission to be established.

In 1998, under pressure from the opposition, President Abdou Diouf introduced changes to the election management structure by creating two separate bodies, the General Directorate of Elections (Direction Générale des Elections, DGE) and the National Elections Observatory (Observatoire National des Elections, ONEL). ONEL was an independent temporary body only put in place at the beginning of each election year. It had nine members who are chosen for their high moral integrity, nominated by the president after consultation with different professional associations such as human rights groups, lawyers' associations, the media associations and the universities. This was, according to one of the opposition leaders, the first time in 40 years when the entire political class was able to participate in elections with equal chances.

The Socialist Party of Senegal (Parti socialiste du Sénégal, PSS), which ruled Senegal for over 40 years, lost the 2000 elections when President Abdou Diouf lost to Abdoulaye Wade of the Senegalese Democratic Party (Parti démocratique Sénégalais, PDS). For these elections, President Diouf appointed a former army chief to head ONEL. This choice was motivated by the fact that the military and the police do not vote, and as a measure to limit opposition criticism. Notwithstanding ONEL's independence, citizens raised concerns about the closeness of these institutions to government and the political parties, and civil society groups called for the establishment of a single independent body to run elections.

Discussion and negotiation between the various stakeholders resulted in a report to the president from a commission headed by a university professor proposing the replacement of ONEL by a new body, the Autonomous National Election Commission (Commission Electorale

Nationale Autonome, CENA), made up of civil servants, academics and people from civil society organizations. The National Assembly in May 2005 unanimously enacted a law creating the CENA. Its powers were considerably wider than those of ONEL, as the new body assumed direct responsibility for control and supervision of the registration and electoral processes. However, the choice of its 12 members, required to be independent and of high morals, and sworn in by the Constitutional Council in July 2005, was contentious. In particular, the newly appointed chair of the CENA, a retired judge, was challenged on the grounds of the political activism of a family member. The opposition parties submitted a challenge in the Constitutional Council, which was subsequently rejected.

By December 2005, the CENA was able to establish bodies at departmental level, the autonomous departmental electoral commissions (Commissions électorales départementales autonomes, CEDA). In 2006, it launched a new process of registration for both population and electoral purposes which involved the issuing of biometric cards to some 3 million Senegalese citizens. However, arguments about the resourcing of the CENA had already surfaced.

## Legislative Framework and Institutional Structure

The constitution and the 1992 Electoral Act provide the legislative framework for elections in Senegal. They lay down how elections should be organized and who should organize them, from the delimitation of electoral district boundaries and the registration of voters to the actual running and supervision of elections. The Electoral Code of 2005 defines the powers and functions of the CENA.

The DGE is a permanent structure. It is a department within the Ministry of the Interior and is answerable to the minister. It operates as an ordinary government department.

The DGE is charged with the organization of national and local elections and of referendums. This includes among other functions:

- management of the process of voter registration;
- the organization and distribution of electors' cards;
- the printing of ballot papers;
- the tabulation of votes;
- support to the security services on electoral matters;
- the design, maintenance, use and archiving of electoral documents;
- training of electoral officials, judicial personnel and elected members;
- support to judicial institutions in carrying out electoral functions;
- civic education;
- use of IT to meet electoral needs; and
- the drafting and implementation of budgets for voter registration and the conduct of elections.

The DGE has two major directorates, one dealing with the management of operations for voter registration and for electoral events, the other with training and civic education.

## Power, Functions, Funding and Accountability

The Ministry of the Interior through the DGE is responsible for the organization and administration of all elections, and remains answerable to the minister of the interior. The role

of the CENA is to control and supervise all electoral operations. It ensures that all stakeholders, including the government and the political parties, abide by the rules and regulations governing elections.

Both the CENA and the DGE are state-funded. The DGE's budget comes from the Ministry of the Interior, while that of the CENA is voted for by the Parliament.