



## **AFRICAN UNION OBSERVER MISSION FOR THE LEGISLATIVE ELECTIONS IN THE REPUBLIC OF GUINEA BISSAU HELD ON**

**10 MARCH 2019**

### **PRELIMINARY STATEMENT**

#### **1. INTRODUCTION**

Guinea-Bissau voters fulfilled their civic duty by going to the polls on 10 March 2019 to elect **102 Members of Parliament** in **29 electoral districts**, including **2 in the Diaspora**. The legislative elections took place in the midst of an institutional crisis in the country and drew broad interest from the international community.

At the invitation of the Government of the Republic of Guinea Bissau, the Chairperson of the African Union (AU) Commission, **His Excellency Moussa Faki Mahamat**, deployed an Electoral Observation Mission (EOM). The Mission arrived in Bissau on 3<sup>rd</sup> March 2019 and will stay up until the 16<sup>th</sup> of March 2019.

The AUEOM was deployed in accordance with the relevant provisions of the 2012 African Charter on Democracy, Elections and Governance, the 2002 OAU/AU Declaration on the Principles Governing Democratic Elections in Africa, the 2002 AU Guidelines for Election Observation and Monitoring Missions, and the laws regulating the conduct of parliamentary elections in the Republic of Guinea Bissau.

The AUEOM is led by **His Excellency Joaquim Rafael BRANCO**, former Prime Minister of the Democratic Republic of Sao Tome Et Principe. It includes thirty **(30) Observers**. It is composed of an Ambassador to the AU in Ethiopia, Pan-African Parliamentarians, Heads of Election Management Bodies, Members of African civil Society Organizations and African Electoral experts. These Observers come from twenty-one **(21) countries**, representative of the geographical diversity of the continent, namely: Angola, Benin, Burkina Faso, Burundi, Côte d'Ivoire, Cape Verde, Congo (DRC), Ethiopia, Gabon, Guinea Conakry, Kenya, Lesotho, Mali, Mozambique, Niger, Uganda, Sao Tome and Principe, Senegal, Sudan, Togo and Tunisia.

The Mission's observers covered the nine **(9) regions of the country**, namely the autonomous sector of Bissau, Biombo, Bafata, Gabu, Oio, Quinara, Tombali, Cacheu and Bolama Bijagos. They visited 143 polling stations of which 89 were in Urban places (62%) and 54 were in rural areas (38%).

This preliminary statement is an overview of the pre-electoral context and the conduct of the voting operations. Nevertheless, the Mission is still engaged in its work and is following the rest of the electoral process with great attention. A more comprehensive final report will be produced at the end of the mission.

## **2. OBJECTIVES AND METHODOLOGY OF THE MISSION**

The objective of the AUEOM is to conduct honest, independent, professional and impartial observation of the parliamentary elections and to make recommendations, as appropriate.

To achieve this objective, the AUEOM met with key actors in the process, namely state authorities (the President of the Republic, the Minister of Territorial Administration, the Minister of the Interior, the Minister of Foreign Affairs), the National Electoral Commission (CNE), the Technical Office for the Electoral Process Support (GTape), political actors (most of the parties in the running) and the Supreme Court. They also met with Civil Society, the Journalists' Union and the organization of Women in media. The AU Observers also participated in the briefing sessions of international observers.

Finally, the AUEOM compiled the reports of the teams deployed in the field on the opening of polling stations, the conduct and counting of the vote.

## **3. PRELIMINARY FINDINGS AND OBSERVATIONS**

### **3.1 Political context of the elections**

In 2014, the Republic of Guinea Bissau held free, transparent and democratic Presidential elections after many years of unrest that brought José Mario Vaz into office. The election was a culmination of collaborative efforts between the country's transitional government, the newly established CNE and the International Community. This election was welcomed by all and marked the return to constitutional order in the country.

However, the change from political and military instability was quickly replaced by the instability of national democratic institutions. In August 2015, following political tensions, the President of the Republic dismissed Prime Minister Domingos Simoes Pereira and appointed Baciré Dia as the country's new Prime Minister.

The matter was brought before the Supreme Court, which annulled the decision. This resulted in a national deadlock and a "defacto shut down" of the National Popular Assembly (NPA).

A long mediation began under the stewardship of the Economic Community of West African States (ECOWAS), and included an Extraordinary Session of Heads of State and Government held in Lomé in April 2018. The efforts resulted in the appointment of a new consensus Prime Minister, Aristides Gomes. This mediation also made it possible to reopen the NPA and set the date for the parliamentary elections at 18 November 2018.

Difficulties and delays in the process led to the postponement of the elections to 10 March 2019. Voter registration continued until February 2019. However, following the transmission of the final list of voters by the Technical Support Office for the Electoral Process (GTAPE) to the National Electoral Commission (CNE), the latter considered that there were several voters who had the right to vote but whose names did not appear on the list. To remedy the inadequacy, the CNE adopted a resolution to allow them to vote. 6 out of the 21 political parties disagreed with the decision.

The matter was brought to the Supreme Court for a ruling. This created unease and suspicions began to weigh on the process. ECOWAS was strongly involved, as was civil society, which had raised serious concern over the issue. In the end, the CNE, unilaterally, reversed its decision.

**The Mission welcomed this decision, which brings peace and serenity to the process.**

It was under these conditions, and at the end of a peaceful electoral campaign, that Guineans went to the polls on Sunday, March 10, 2019.

### **3.2 Legal framework**

Parliamentary elections are governed by the Constitution and electoral legislation, which is composed of 4 laws:

- Electoral Law for the President of Republic and the National Popular Assembly N°10/2013;
- Voter Registration Law N°11/2013;
- National Elections Commission Law N°12/2013;
- Parity Law n°4/2018 which requires the presence of 36% of women in all lists of candidates.

It is important to note that Parliamentarians are elected by regional and constituency proportional representation, in accordance with article 115 of Act No. 10/2013.

### **3.3. Electoral administration**

There are 2 election management bodies:

- The GTAPE, which is part of the Ministry of Territorial Administration and responsible for the voters registration;
- The CNE, an independent and permanent body, which is the only institution responsible for supervising, organizing and managing the electoral and referendum process.

**The Mission noted with satisfaction the work of the CNE and the GTAPE in ensuring the smooth conduct of the electoral process.**

### 3.4. Voters Registration

Act No. 19/2011 of 2011 sets out the procedures for voters' registration. All Guinea-Bissau citizens of voting age, both resident in the country and those living abroad, are included in the voters register. Registration on the electoral list takes place in January and February of each year. Outside Guinea Bissau, the process continues until March.

Initially the process was scheduled for 1 August 2018 but was postponed to 23 August 2018. This was further delayed a month. Subsequently, the voters' registration for both 2018 parliamentary and 2019 presidential elections took place from 20 September to 19 December 2018.

According to the CNE, logistical and financial problems were at the root of this discrepancy. As a result, the parliamentary election was postponed from 28 November to 10 March 2019.

The timeframe for confirmation of the voters roll was scheduled from January 24 to February 7, 2019 and later extended to February 14 of the same year. The final voter roll was drawn up for **761,676** voters, **52% of whom were women**. They are distributed in **2,223 polling centres** and **3,137 polling stations**.

### 3.5. Registration of candidates and conduct of the election campaign

Article 104 of Act No. 10/2013 of 2013 stipulates that candidatures must be submitted to the Presiding Judge of the Supreme Court of Justice up to 60 days prior to the date set for the elections.

The parties submitted their lists of candidates from 1 to 10 January 2019 to the Supreme Court of Justice (CSJ), which decides on their validity. The Supreme Court received 24 lists of candidates and validated 21.

In accordance with article 28 of Act No. 10/2013, the electoral campaign opened 21 days before and ended at midnight (00:00 a.m.) on the day before the date set for the elections. It started on 16 February and ended on 8 March 2019.

The Mission observed the last days of the campaign and is of the opinion that it was conducted in a calm and peaceful manner and without major incidents throughout the national territory.

**The Mission welcomes this and commends the responsibility of political actors and the civic sense of the people.**

### 3.6. Media

Both the public and private media played an important role in the electoral process. The primary obligation lies with the public service broadcaster, especially during the election campaign. However, since the public broadcaster doesn't enough resources to cover the whole country of

Guinea-Bissau, the CNE relies on other radio stations, mainly community radio stations, to convey the messages of political parties vying for election to the legislature. Political actors have not complained about problems of equitable access to the media.

**The Mission found that the media had free access to the polling stations. On polling day, they were present on the ground and carried out their mission without hindrance.**

### **3.7. Civil society**

Despite the absence of a law authorizing national observation, civil society played a very important role in the electoral process. In particular, its involvement in raising awareness among voters for the registration process. It also played a mediating role between political actors and between them and election management bodies.

Civil society expressed some regret in the lack of funds that constrained their ability to sufficiently raise awareness among voters. A number of organizations pulled resources to create a common platform for engagement. To this end, and with the support from partners such as UNIOGBIS, PBF, UNFPA, UN Women and the EU, they deployed monitors on Election Day to ensure that voting operations went smoothly. They set up a situation room at Azalaï Hotel to coordinate their efforts as a collective.

**The Mission noted the positive involvement of civil society in the conduct of the electoral process.**

### **3.8. Raising Awareness**

The CNE developed substantial marketing materials raising awareness that are visible everywhere. The AUEOM noted the good civic behavior of voters. Representatives of political parties also demonstrated responsibility during the election campaign and voting operations.

### **3.9. Observations on voting day**

#### **3.9.1. Opening of polling stations**

Most of the polling stations observed **(80%)** opened at legal time (7 a.m.). However, some delays were noted. They were due either to the late installation of election materials or the late arrival of electoral staff. Queues of voters were visible before the opening of almost all polling stations visited by AUEOM observers.

### **3.9.2 Electoral material**

The AUEOM observed that election materials were available in almost all the polling stations visited and in sufficient quantity.

### **3.9.3. Electoral participation**

The Mission noted a strong voters' mobilization from the early hours of the election.

### **3.9.4. Women's participation**

The Constitution of the Republic of Guinea Bissau enshrines the principle of equality of all citizens without distinction of sex. The AUEOM noted that a policy for women is being implemented to make the universal principle of gender equality effective.

**The Mission has noted and commends the good representation of women in the electoral staff.** They constituted **54%** of the staff of polling station members visited by AUEOM observers. Their presence as representatives of political parties was also significant.

### **3.9.5. Participation of older persons, vulnerable persons and persons with disabilities**

The Mission was pleased to note that initiatives in support of these specific categories are planned and effectively implemented. Indeed, observers noted that the elderly and pregnant women voted first. Similarly, people living with disabilities were also assisted.

### **3.9.6. Election workers**

In almost all the polling stations visited by the AUEOM, the members of the election staff were present, in accordance with regulation. Their numbers varied between 3 and 4.

**The AUEOM notes that despite some shortcomings, election staff demonstrated competence, commitment and goodwill in the conduct of electoral operations.**

### **3.9.7. Conduct of the vote**

The elections went well overall, in a climate of peace and serenity. Despite some difficulties related to unsuitable premises, the polling stations were well equipped. However, observers noted that the control of indelible ink before the vote was almost non-existent. Similarly, in several polling stations, voters' cards were not perforated after the vote.

### **3.9.8. Voting secrecy**

In general, the parliamentary elections were held in a manner that respected the secrecy of the vote. The voting booths were generally well placed to ensure this.

### **3.9.9. Representation of political parties in polling stations**

The AUEOM noted that in all polling stations visited, the representation of political parties was significant. The representatives freely exercised their control activity in a calm and disciplined manner.

### **3.9.10. Security**

The mission noted the effective presence of NEC security officers in all polling stations visited. The military and paramilitary forces were discreetly present in most of the polling stations visited. However, in some cases, they were absent in the morning.

### **3.9.11. Closing and counting**

The legal closing time (5 p.m.) was respected in almost all the polling stations observed.

Counting operations were carried out in accordance with the legal provisions. However, delays and some mistakes were noted. At the end of the counting, the representatives of the political parties signed the minutes and received a copy. The results were posted outside the polling stations.

### **3.9.12. Participation of the International Community**

The international community has been heavily involved in the political process in Guinea Bissau, from the beginning of the institutional crisis to the preparation and organization of the elections. It has acted as a mediator and as a technical and financial partner.

**It is important to note the strong involvement of the P5 composed of ECOWAS, the AU, CPLP, the UN and the EU.**

To ensure the smooth conduct of the elections, several countries and international organizations have deployed Election Observation Missions. The AU deployed 30 observers, ECOWAS 40, CPLP 18, the US Embassy 30 and the British Embassy 5.

## **4. CONCLUSION**

**At the end of its observation, the AUEOM notes that the parliamentary elections in Guinea Bissau on 10 March 2019 were held in peace, calm and serenity, and that they were free and fair.**

The AUEOM congratulates the Government, the CNE, the political actors and the people of Guinea Bissau and encourages them to continue to preserve peace and security in the country as a guarantee of sustainable development. It urges all parties to respect the verdict of the

ballot and, in the event of contestation of the results by certain political parties, to use the remedies provided for by law.

The AUEOM welcomes the good coordination between the various electoral observation missions deployed in Guinea Bissau.

The AUEOM thanks the country's authorities for their availability and the measures taken to facilitate its work in Guinea Bissau.

## **5. RECOMMENDATIONS**

### **To the Government**

- Further popularize the law on gender parity for a better appropriation by political actors.
- Provide the CNE with the necessary resources to carry out its functions.
- Improve the voter registration process.
- Regulate national election observation to strengthen civil society involvement.

### **To the CNE**

- Promote the establishment of a better synergy between the CNE and GTAPE in the management of the electoral list.
- Strengthen the capacities of electoral officials in polling stations.

### **To the Political Parties**

- Reinforce the capacity of party representatives in the polling stations.
- Safeguard political dialogue, tolerance and bi-partisan consensus.

### **To the International Community**

- Continue and re-enforce assistance to Guinea Bissau.

**Done at Bissau, 12 March 2019**

For the Mission,  
**His Excellency Joaquim Rafael BRANCO,**  
**Head of Mission**