



**AFRICAN UNION ELECTION OBSERVATION MISSION TO THE 24
NOVEMBER 2019 PRESIDENTIAL ELECTION
IN THE REPUBLIC OF GUINEA BISSAU**

PRELIMINARY STATEMENT

1. INTRODUCTION

On 24 November 2019, Bissau Guineans turned out massively to vote in the presidential election held for voters both in the country and the Diaspora. This election was conducted within a context of political tension and institutional crises which drew the attention of the international community. This election which is fundamental to the political situation in Guinea Bissau, represent major stakes to the people and an important challenge to national and international stakeholders.

At the invitation of the Government of Guinea Bissau, the President of the AU Commission, **His Excellency Moussa Faki Mahamat** decided to deploy an African Union Election Observation Mission (AUEOM). The Mission arrived Bissau on 19 and 20 November 2019. It comprised of fourteen (14) Long Term Observers (LTO) and forty (40) Short Term Observers (STO). The LTO will remain in the country till 31 December 2019 while the STO will stay until 30 November 2019.

The AUEOM was led by **His Excellency Dr. Joaquim Rafael BRANCO, former Prime Minister of the Democratic Republic of Sao Tome and Principe**. It is composed of 54 members. The Mission constitutes an Ambassador accredited to the African Union, Pan-African Parliamentarians, Officials of Election Management Bodies, members of African civil society, African election experts, Human Rights specialists, Experts on Gender, Media Experts. The observers are drawn from thirty-one (31) countries, which are representative of the Geographical diversity of the continent and include the following: Algeria, Angola, Benin, Burkina Faso, Burundi, Cameroon, Cape-Verde, Chad, Comoros, Congo, Côte d'Ivoire, Democratic Republic of Congo, Djibouti, Equatorial Guinea, Ethiopia, Gabon, Ghana, Guinea, Madagascar, Mali, Mauritania, Morocco, Mozambique, Niger, Rwanda, Sao Tome and Principe, Senegal, Sudan, Togo, Tunisia and Zimbabwe.

The Mission deployed observers to all nine (9) regions of the country which are: The autonomous Sector of Bissau, Biombo, Bafata, Gabu, Oio, Quinara, Tombali, Cacheu and Bolama Bijagos. The AUEOM observed 308 polling stations amongst which 190 were in the urban milieu (62%) and 118 in the rural milieu (38%).

This Preliminary Statement concerns the pre-electoral phase and the voting operations on Election Day. However, the Mission shall through the Long Term Observers; continue its observation of the evolution of the post electoral situation in Guinea Bissau. A final report with a detailed assessment of the entire process shall be published at the end of the Mission.

2. OBJECTIVE AND METHODOLOGY OF THE MISSION

The objective of the AUEOM is to evaluate in a positive, independent, professional and impartial manner, the integrity, credibility, regularity and transparency of the presidential election.

The methodology of the Mission is resolutely inscribed in the structural framework of principles elaborated in key provisions of international instruments notably the African Charter on Democracy, Elections and Governance (2012), the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa, (2002), the AU Guidelines for Election Observation and Monitoring Missions (2002), and the United Nations Declaration of Principles for International Election Observation (2005). The Mission also takes into consideration regional instruments and particularly the national legal framework for the conduct of elections. In line with its mandate, the AUEOM met with main actors of the electoral process notably the National Electoral Commission (CNE) and the representatives of candidates. The Mission also took part in coordination meetings involving all the heads of Election Observation Missions which are deployed in Guinea Bissau. This Statement is based principally on the findings of the 27 observer teams deployed on the field on Election Day.

3. PRELIMINARY OBSERVATIONS AND FINDINGS

3.1 Political context of the election

Since 2012 Guinea Bissau has witnessed a series of crises. Internal political cleavages have been remarkable. The crisis persisted despite the holding of presidential election in 2014. In August 2015, it moved to the Executive and the Parliament. It took prolong mediation by the Economic Community of West African States (ECOWAS) with the support of the international community to bring the situation under control. The Extraordinary Session of the ECOWAS Heads of State and Governments held in Lome in April 2018 was very decisive. Commendable measures were adopted notably, the unanimous nomination of a new Prime Minister, Mr Aristide Gomes, the reopening of the Popular National Assembly (ANP) and the scheduling of legislative elections for 18 November 2018. The elections finally held on 10 March 2019 owing to certain difficulties and delays in the process. The legislative elections were conducted in a serene manner. The AUEOM commended their proper organization as well as the maturity of the Bissau Guinean people and authorities.

In Parliament, political parties were divided into two blocks: the first consisting of PAIGC, APU-PDGB, UM and the PND with 54 parliamentarians and the second made up of MADEM-G 15 and the PRS with 48 parliamentarians. The rivalry between these two blocks delayed the formation of the Parliamentary Bureau in the ANP and the formation of a new Government. Once more, ECOWAS intervened through an ultimatum given to the national authorities at the Abuja Summit on 29 June 2019, to form a Government.

On 29 October 2019, the President of the Republic dismissed the Prime Minister by Decree. The international Community notably the P5 Group expressed their concern and took diplomatic initiatives to resolve the political crisis. Several actions were taken under the auspices of ECOWAS and the AU particularly through its Extraordinary Summit in Niamey on 8 November 2019. The main challenge was the preparation and organization of the presidential election on 24 November 2019.

3.2. Legal Framework

The organization of the Presidential election is mainly regulated by the Constitution of Guinea Bissau. It defines in its Articles 63 – 72 the conditions of eligibility of candidates, limits the presidential mandate to five (5) years renewable ones and specifies the second round mode of voting for the presidential election.

Other laws governing the presidential election include:

- Law N° 10/2013 of 25 September 2013 regulating the election for President of the Republic and the Members of the Popular National Assembly, which presents more precisions on the presidential election;
- Law No 11/2013 of 25 September 2013 on the Voter registration, which introduced the new voter card with photo;
- Law No 12/2013 of 27 March 2013 on the National Election Commission (CNE);
- Law No 03/92 of 6 April on Public manifestations.

The Mission notes the significant progress made to the national legal framework. However, it underscores the absence of legislation governing national election observation in Guinea Bissau.

3.3. Electoral Administration

The Institutional framework for elections comprises of the Technical Office for the Support of Electoral Processes (GTAPE) and the National Electoral Commission (CNE). GTAPE is the organ in charge of voter identification and registration. It is a department of the Ministry of Territorial Administration having teams that carryout voter registration and deliver voter cards. The CNE has the responsibility as prescribed by the law, to verify and supervise the registration of voters as well as to organize and manage elections and referendums. The Minister of Foreign Affairs intervenes on the vote of the Diaspora.

3.4. Voter Registration

The registration of voters for the legislative elections and the presidential election of 2019 took place from 20 September to 19 December 2018. This is governed by Law N° 11/2013 which lays down the modalities for voter registration. All citizens of voting age, and not deprived of civic and political rights, resident in the country and abroad are concerned.

Initially scheduled to begin on 1st August, voter registration was postponed to 23 August and finally organized on 20 September 2018. The period for complaints over voter lists envisaged to begin from 24 January to 7 February 2019 was extended to 14 February 2019.

The final list of voters stood at 761 676 voters amongst which 52% are female. This voter population is distributed in 2223 Polling Centers and 3137 Polling Stations. The same Voter Roll was used for the legislative and presidential election of 2019. It was audited and its integrity certified by an expert sent by ECOWAS.

The above notwithstanding, candidates requested that voter lists be posted at the level of polling stations. The CNE which had said such a request was not required by law, finally accepted to do this after the mediation of ECOWAS and P5.

The AUEOM notes that voters that were omitted were not included on the Voter Roll due to the absence of political consensus amongst stakeholders.

3.5. Registration of Candidates

In line with Article 104 of Law N° 10/2013, files for presidential candidatures are submitted to the President of the Supreme Court of Justice 60 days before the date of the election. For the presidential election, political parties as well as coalitions and independent candidates can submit candidatures. In accordance with Article 103 of the law above, independent candidates should be endorsed by 5000 voters drawn from over at least 5 of the 9 regions of the country. The political parties, coalitions and independent candidates had up to 25 September to deposit their files.

For the presidential election of 24 November, the Supreme Court received 19 candidatures. It rejected 7 who were independents because they could not be endorsed by the required number of voters. Amongst them was one female. The Supreme Court validated 12 candidates including 3 independent candidates. They are: : Mutaro Intai Djabi, Domingos Simoes Pereira, Vicente Fernandes, Antonio Afonso Té, Nuno Gomes Nabiam, Baciro Dja, Carlos Gomes Junior, Gabriel Fernando Indi, Idricha Djalo, José Mario Vaz, Umaru Cissoko Embalo, Mamadu Iaia Djalo.

3.6. Campaign

The 12 candidates in the race for president freely carried out their campaign activities without any interference during the 21 days prescribed by the law. However, the Mission noted inequality between the means of the candidates manifested through disparities in campaign posters and the level of campaign activities organized.

The Mission commends the attitude of peaceful cohabitation between the groups of militants and encourages the law abiding spirit in the population.

3.7. Media

The Public as well as the private media played an important role in the electoral process. With the support of ECOWAS, and the collaboration of the CNE, the public media transmitted the campaign messages of presidential candidates. The local media served as relay with national languages. Also, the monitoring of the media and journalists was done to reinforce their capacities in order to ensure better media coverage to improve civic and voter education and participative democracy.

The Mission however noted that the public television and national radio do not cover the entire national territory. Nevertheless, the candidates were all allocated equal time of coverage for their political activities during the campaign. The media was observed to have free access in polling stations on Election Day and they were present on the field and able to exercise their role without restrictions.

3.8. Civil Society

National election observation is not yet legally recognized in Guinea Bissau. However, the civil society played an important role in the electoral process. They were involved notably in civic education to voters.

In order to be more efficient, civil society organizations grouped themselves into a platform with the support of partners as: the European Union, UN-Women and UN-Peacebuilding. The platform deployed 422 monitors on Election Day, who were in charge of ensuring the proper organization of voting operations and transmitted instant information from the field to their coordination center in Bissau.

The AUEOM commends the presence of the Bissau-Guinean civil society as a significant contribution to the transparency and credibility of the election.

3.9. Sensitization

In conformity with Article 43 of Law N° 10/2013, the CNE is to “promote the sensitization of citizens on the objectives of the election, the process and how to vote, through organs of communication”. To this end, the CNE conceived sensitization gadgets which are visible everywhere. There are equally several posters bearing sensitization messages on how to vote and mobilization of voters to come out to vote.

4. FINDINGS ON ELECTION DAY

4.1. Early Voting

Members of the Bissau-Guinean military and paramilitary forces as well as maritime and aeronautic workers have the right to vote 72 hours before the day of election, in line with Article 52 of Law N° 10/2013. AUEOM teams observed early voting at the Regional Electoral Commission of Bissau on 21 November 2019. The vote was properly conducted without any incidents observed. Observers noted that only the representative of one candidate was present.

4.2. Opening of Polling Stations

The Mission noted that 92% of the polling stations visited opened on time at 7 am as prescribed by the electoral law. The electoral personnel were present on time and 89% of the polling stations had 4 members while 11% had 3 members each. The procedures for opening were respected in the presence of candidate representatives. The AUEOM noted that in some polling stations delays in the setting up of the polling station were reported and the poor quality of indelible ink was reported.

4.3. Election Material

The AUEOM observed that voting materials and documents prescribed by Article 59 of law N° 10/2013 were present. In general, they were available in sufficient quantities. However, there were few polling stations without booths observed and problems of indelible ink.

4.4. Participation in the election

The level of implication of voters is an important element for the democratic legitimacy of those elected. This is why the CNE, civil society as well as the candidates and political parties engaged in the sensitization and mobilization of voters to massively participate in elections.

The Mission noted with satisfaction strong mobilization of voters during the early hours on Election Day.

4.5. Participation of Females

The Constitution advocates for gender equality between citizens. The Mission witnessed high turnout of women to cast their votes and their numbers as representatives for presidential candidates constituted 28.33%.

4.6. Participation of aged persons, vulnerable persons, persons with disabilities, pregnant and lactating women.

The Mission noted with satisfaction that aged persons, pregnant and lactating women were given priority to vote. The other special groups were equally assisted in the exercise of their franchise. In some places observed, stairways were created and voting booths adapted to facilitate voting by persons with disabilities.

4.7. Election Personnel

The number of election personnel in the polling stations visited varied from 3 to 4. Women constituted 56.46% of the total number of personnel in polling stations visited. In most of the cases polling station members dispatched their duties with professionalism.

4.8. Voting

The Mission noted that voting went on under serene and calm conditions, despite the long queues observed in the morning. However, in 8.7% of the polling stations visited, the vote was interrupted for about 30 minutes due to insufficient voting material.

4.9. Secrecy of the vote

The secrecy of the vote was generally respected in the polling stations observed. Voting secrecy was compromised in 4.8% of the cases either due to poor positioning of the voting booth or the inappropriate arrangement of certain polling stations. There were few cases of polling stations without voting booths.

4.10. Candidate Representatives

The AUEOM observed that in all the polling stations visited, there were candidate representatives in significant numbers. A total of 2227 candidate representatives were found in 308 polling stations. Though they were not properly identified, they freely exercised their role to control the process in calm and discipline.

4.11. Security

The observers noted the presence of security forces within proximity to polling stations. Their presence was visible and generally discrete. Nevertheless, security agents were absent in some polling stations visited. Security agents of the CNE were also present at polling stations.

4.12. Closing and counting

The closing time (5 p.m) was respected in the majority of polling stations observed. The observers noted that in 11% of the polling stations, there were still queues and all voters on the lines were allowed to vote.

The counting operation went on in serenity according to the provisions of the electoral law. However, delays and some shortcomings were witnessed in certain polling stations. After counting, the candidate representatives signed copies of the result sheets and received copies. The results were posted at polling stations in most of the cases.

The AUEOM noted that the ballot papers failed to carry serial numbers.

4.13. Participation of the International community.

The Mission noted with satisfaction that the international community was fully involved both in the electoral process and in the resolution of the political and institutional crises in Guinea Bissau. It commends the good collaboration between the AU with ECOWAS, the CPLP, EU, OIC, Francophonie, United States, United Kingdom, Special Mission of Nigeria and the United Nations. The international community coordinated its actions within the framework of the P5 Group. This has reinforced their diplomatic efforts in Guinea Bissau. The AU reaffirms its engagement alongside the other international organizations to help this country to fully undertake the path towards sustainable peace and development.

The AUEOM commends all the financial, technical, diplomatic and strategic efforts deployed by the actors of the international community to ensure the organization of this election in respect of the electoral calendar.

5. CONCLUSION

The AUEOM notes with satisfaction that the presidential election was conducted under calm, serenity, transparency and without major incidents. This election represents an important step towards the consolidation of the democratic process in Guinea Bissau.

The Mission congratulates the Government, candidates, the people of Guinea Bissau, the defense and security forces and encourages them to continue to preserve peace and security in the country which is a condition for sustainable development. It exhorts the candidates to resort to legal means in the case of grievances, to preserve national unity.

The AUEOM equally commends the good coordination between the international election observation missions.

The Mission appreciates the role played by ECOMIB to contribute to the stabilization of Guinea Bissau and its assistance to the electoral process.

The AUEOM thanks all the stakeholders for their availability and steps taken to facilitate their work in Guinea Bissau.

6. RECOMMENDATIONS

The AUEOM recommends,

To the Government and the Popular National Assembly:

- Increase the means and resources of CNE to enable it to accomplish its missions;
- Ameliorate the voter registration system;
- Legislate on national election observation to increase the involvement of civil society in the electoral process.

To the CNE:

- Use if possible ballot papers with serial numbers;
- Ensure the identification of candidate representatives at polling stations;
- Reinforce the capacities of polling station personnel;
- Ensure improvement in the quality of indelible ink;
- Ensure sufficient numbers of ballot papers are allocated to polling stations;
- Provide sufficient number of voting booths at polling stations.
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To Candidates:

- Ensure their representation in all polling stations;
- Reinforce the capacities of their representatives at polling stations;
- Involve more females as candidate representatives;
- Uphold political dialogue, tolerance and consensus;
- Resort to legal means in case of post electoral contests.

To the International Community:

- Continue to support Guinea Bissau;
- Strengthen state institutions which are ensuring the rule of law, democracy to safeguard stability and sustainable human development.

Done at Bissau, 26 November 2019

For the Mission,

His Excellency Dr. Joaquim Rafael BRANCO