



**AFRICAN UNION ELECTION OBSERVATION MISSION
TO THE FIRST ROUND OF THE LEGISLATIVE & LOCAL ELECTIONS OF
4TH & 10TH JULY 2022 IN THE REPUBLIC OF CONGO**

PRELIMINARY STATEMENT

Brazzaville, 12th July 2022

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I- INTRODUCTION

At the invitation of the Government of the Republic of Congo, His Excellency (H.E) Moussa Faki MAHAMAT, Chairperson of the African Union Commission (AUC), decided to deploy an African Union Electoral Observation Mission (AUEOM) ; under the effective leadership of H.E Kwesi AHOOMEY-ZUNU, former Prime Minister of the Togolese Republic. The Mission was also facilitated by the foresight and constant support of H.E. Ambassador Bankole ADEOYE, Commissioner for Political Affairs, Peace and Security of the AUC. Its primary vocation is to observe in an impartial and objective manner, in accordance with its mandate, the first Round of the Legislative and Local Elections on 04 and 10 July, 2022.

The Mission has 25 Short-Term Observers (STOs) from the following 20 African States: Benin, Burundi, Cameroon, Central African Republic, Chad, Comoros, Côte d'Ivoire, Democratic Republic of Congo (DRC), Ethiopia, Gambia, Ghana, Mauritania, Morocco, Niger, Nigeria, Rwanda, Senegal, South Africa, Togo and Tunisia. It is made up of various personalities from the continent, namely: Ambassadors accredited to the African Union in Addis Ababa; Heads of Election Management Bodies (EMBs); Independent Experts specialized in electoral administration, assistance and observation as well as Members of Civil Society Organizations (CSOs) and African Youth. The Mission will stay in the country from 02 to 15 July 2022.

During its stay, the Mission met with internal and external stakeholders to discuss on the electoral process and the national political situation. It was thus able to follow, among other: the end of the electoral campaign, the vote of the National Security and Defense Forces on 04 July 2022 in Brazzaville and the legislative and local elections of 10 July 2022 thanks to the mobilization of its thirteen (13) teams of Observers deployed in the field on 8 July 2022 in the twelve (12) Departments of the country: Bouenza, Brazzaville, Cuvette, Cuvette Ouest, Kouilou, Lekoumou, Likouala, Niari, Pointe Noire, Pool, Plateau and Sangha.

The Mission observed elections in 174 polling stations, including: 69 (39.66%) in rural areas and 105 (60.34%) in urban areas, mainly in the following 28 localities: Boko, Brazzaville, Djambala, Dolisie, Enyelle, Ewo, Hinda, Kinkala , Komono, Lekana, Loudima, Louingui, Madingou, Makabana, Makoua, Mayéyé, Mbama, Mokéko, Mossendjo, Mouyondzi, Ngo, Nkayi, Ouessou, Owando, Oyo, Pokola, Pointe Noire and Sibiti.

Beyond this Preliminary Statement, the AUEOM specifies that it will submit to the attention of the African Union, a Final Mission Report, which will be more detailed with respect to its observations concerning these elections. This will be accompanied by recommendations with a view to further consolidating democratic achievements and the Rule of Law; pledges of peace, security, stability and sustainable development, especially in order to better curb the impacts of complex regional and global changes in this interdependent world subject to the repercussions of the crisis linked to COVID-19 and international uncertainties on the internal dynamics of our States.

II- OBJECTIVE METHODOLOGY OF THE MISSION

The AUEOM bases its mandate on the confidence placed in it by the Continental Leadership under the qualitative impetus of its Head of Mission, his Coordination Team and his STOs. It takes place in accordance with the relevant international standards and the National Legal Framework governing International Election Observation Missions. Among these major provisions we can cite: the Constitutive Act of the OAU and that of the AU. the Universal



Declaration of Human Rights, the Charter of the United Nations, the International Pact relating to Civil and Political Rights; the Declaration of Principles for International Election Observation; the African Charter for Democracy, Elections and Governance; the OAU/AU Declaration on the Principles Governing Democratic Elections in Africa; the African Union Guidelines for Election Observation and Monitoring Missions, the continental institution's Vision 2030 as well as its Recommendations relating to Aspiration 3 of Agenda 2063.

This Preliminary Statement is mainly based on the objective, neutral, independent and impartial empirical observations made by the Mission's Experts following their deployment in all the Departments of the country. It emerges from the observations made on polling day but also the electoral campaign and the voting of the military. The meetings with stakeholders and the elections check-lists are also used to draft the findings and recommendations of this Declaration.

III- POLITICAL CONTEXT OF ELECTIONS

These elections took place generally in a peaceful context. Voters have demonstrated exemplary political maturity in their appropriation of national sovereignty as the legitimizing delegate par excellence of democratic power through the free expression of suffrage. Nevertheless, the AUEOM noted that during the electoral process there was recourse to tribalist speeches by a candidate who was quickly reprimanded by his party. The latter quite simply withdrew his confidence and therefore his investiture. This sanction constitutes a strong signal of the rejection of the ethnic instrumentalisation of the political field. Indeed, this implies an over-prioritization of National Unity, peace and citizenship as guarantees of the stability of the country.

The Mission noted that there have been about twenty candidates for youths from major political class on the national chessboard for the legislative elections. This crystallizes controversies.

In addition, the AUEOM noted that unlike the legislative and local elections of July 2017, this year, the national socioeconomic and political situation is generally more favorable. The increase in the price of the barrel of oil and the price of gas on the world market has had very positive induced effects on the country's revenues. This allowed the State to settle the balances of teachers and professors in order to contribute more to social peace. In addition, the internal security situation has improved significantly, especially in the department of pool which had experienced some convulsive dynamics in 2017.

This year, the AUEOM was able to deploy in the Pool Department by browsing the areas of Kinkala, Louingui and Boko without any problem unlike the last aforementioned legislative elections. This fortunately denotes a certain return to stability which constitutes one of the results of the internal national peacebuilding agreements.

It is added that these polls are resolutely part of the systemic extension of the electoral chronogram following the last presidential elections of 2021 which devoted the re-election of the President of the Republic for a new mandate. These elections make it possible to renew the National Assembly and the seats of local elected officials.



IV- ACTIVITIES OF THE MISSION

The mission met the following relevant national and international personalities and institutions:

- Minister of Foreign Affairs, Francophonie and Congolese Abroad;
- Representatives of the Elections Management Bodies (EMB) in particular: the National Independent Electoral Commission (NIEC) and the General Directorate of Electoral Affairs (GDEA)
- National Commission for Human Rights (NCHR) ;
- Constitutional Court (CC) ;
- Monitoring Committee ;
- Superior Council of Freedom of Communication (SCFC) ;
- Political Parties or Coalitions of the Majority and Opposition ;
- Civil Society Organisations (CSOs) working in the electoral field, in particular the National Coordination of Networks and Associations of Civil Society for Democratic and Electoral Governance (CORAGED) ;
- Dean General of the Diplomatic Corps ;
- Representative of the Economic Community of Central African States (ECCAS) ;
- Electoral Observation Mission of ECCAS ; and,
- United Nations Development Program (UNDP).

V- ELECTORAL CAMPAIGN

The electoral campaign went well overall throughout the national territory. The candidates benefited from equal airtime in the programs reserved for this purpose with the public media. Order No. 4445/MATDDL-CAB of June 22, 2022 setting the periods of the Electoral Campaign for these elections provides that it: "opens on June 24, 2022 and closes on July 8, 2022 at midnight (...). It is suspended on July 2, 2022, in order to organize the vote of the military, which takes place on July 4, 2022". The Campaign resumed on July 5, 2022 and ended on July 8, 2022. The AUEOM noted that the electoral silence period was respected the day before the general election by the stakeholders.

VI- RELEVANT FINDINGS DURING THE ELECTION DAY

In total, according to the electoral statistics provided by the NIEC and the GDEA there are: 1,627 Lists; 1,176 incumbent and substitute candidates for Legislative elections; 6,651 polling stations in accordance with the provisions of Ministerial Order "N° 4 981/MATDDL-CAB fixing the number and locations of polling stations for the legislative and local elections, polls of July 04 and 10, 2022" published in the Official Newspaper on June 30, 2022.

In view of the provisions of Presidential Decree 2022-245 of May 6, 2022 convening the Electoral Body for Local Elections and the First Round of the aforementioned ballots; this year there were: 2,877,081 voters registered in the National Electoral File against 2,591,727 voters during the last presidential election of 2021. This constitutes a clear progression of the Electoral Body of: 285,354 registered and denotes certain will of the People to contribute whenever possible to the expression of suffrage pledge of inclusive participatory democracy.

The Mission also found that overall the electoral staff demonstrated a good command of voting procedures. The polling stations opened with a delay ranging from 15 minutes to 2 hours 15 minutes in the voting centers observed by its teams deployed in the field. This was



generally explained by the delay observed in the availability of electoral material in time at the polling stations on Election Day. In addition, the Mission noted in some places shortages or late arrivals of electoral staff, misunderstandings on the lists and problems of identification of voters by the local populations. Therefore, voters presented voter cards most of the time and many of them appeared on the lists displayed in front of the polling stations.

The majority of the staff of the polling stations visited by the Mission was made up of men and they were clearly identifiable with specific outfits mentioning their functions: 1 President, 4 Assessors and 1 Secretary. This was the same for the delegates of the NIEC, the GDEA and the Monitoring Committee; who were equally identifiable and generally demonstrated competence in the majority of cases from the polling stations observed.

The Representatives of the political parties or groups and of the candidates in the running were able to fulfill their monitoring missions in the polling stations without hindrance. However, it happened in a few polling stations that they mentioned grievances without usually going so far as to formalize them by officially recording them in the documents of their polling stations when the AUEOM Observers visited.

Nevertheless, if in most of the polling stations visited the electoral material more particularly the indelible ink, the ballot boxes and the voting booths, the seals, the lamps, the envelopes, the minutes, the stamps, the tally and signature sheets ; was finally delivered in sufficient quantity despite the aforementioned delay. However, the Mission noted that there was also a lack of glue, yellow tally paper for the results for the candidates' delegates in sufficient numbers, pens, markers, display boards, good lighting during the operations of counting; among others. This was underlined by some staff of the polling stations visited by the AUEOM as well as the Representatives of the candidates whom observers were able to meet.

Added to this is the fact that in most polling stations, there were no masks, sanitizers gel, respect for barrier measures and physical distancing in this context of elections during the COVID-19 pandemic.

The National Security and Defense Forces were visibly and professionally present in the majority of polling centers near the polling stations observed.

The Mission also noted that in some places, such as Polling Station No. 1 of the MADINGOU Preschool Center located in the Department of BOUENZA, there was a real lighting problem which had an impact on the closing of polls due to the high turnout of voters until around 7:00 p.m.

Finally, the AUEOM also found that the initial delay in the opening of polling stations had an impact in some cases when they closed. This justified that the vote took place there beyond the legal time fixed for this purpose, i.e. 5:00 p.m. by the Electoral Law. Overall, the electoral staff mastered the voting procedures in most of the polling observed.

The Mission observed as well the counting in the 13 witness polling stations in which the STOs had already opened the ballot. It noted a certain good mastery of the procedures for closing and counting of the results.



VII- CANDIDATES AND POLITICAL PARTIES OR COALITIONS CONTESTING

The AUEOM noted the presence of several candidates from political parties or coalitions but also from the following independents: Alliance; Avenir ; Club 2002 Party for Unity and the Republic (Club 2002 PUR); Action Committee for Renewal (CAR); Congress of African Democrats (CODEMA); National Council of Republicans (CNR); Republican Dynamics for Development (DRD); Chain ; The Patriots; Action and Renewal Movement (MAR); Congolese Movement for Democracy and Integral Development (MCDDI); Movement for the Rally of the Congolese People (MRPC); Movement for Unity, Solidarity and Work (MUST); Congolese Labor Party (PCT); Liberal Republican Party (PRL); Party for Unity, Freedom, Progress (PULP); Citizen Rally (RC); Rally for Democracy and Development (RDD), Rally for Democracy and Social Progress (RDPS); Union of Humanist Democrats-Yuki (UDH-YUKI); Pan-African Union for Social Democracy (UPADS); Union for the Republic (UR); Union for the Restoration of Congo (URC); as well as: Claudine Mounari Mabondzo; Blaise F. Lucas Guamassa; Daguet Sephora Debora; Charlotte Opimbat; Iness Nefer Ingani; Claudia Ikia Sassou; Moutsouka Prosperous; Denis Christelle Sassou; Tsoumou Sylvere Guesse; Muta Bata; Yanick Ngesso; Kiba Ngapini; Moctar Ngomoko; Ruffin Oniangue; among others.

VIII- COMPLIANCE OF THE VOTE WITH LEGAL PROCEDURES

These elections are firmly in line with the relevant prescriptions of the national rules and procedures relating thereto, such as: the Constitution, the Electoral Code and the Laws and Regulations in force, among which we can cite:

- Law No. 3-2003 of January 17, 2003 establishing the administrative organization ;
- Decree No. 2016-34 of February 1, 2016 establishing the organization and functioning of the NIEC as well as the procedures for appointing its members ;
- Organic Law No. 28-2018 of August 7, 2018 on the organization and functioning of the Constitutional Court amended and supplemented by Organic Law No. 57-2020 of November 18, 2020 ;
- Law No. 8-2001 of November 12, 2001 on freedom of information and communication ;
- Decrees No. 2008-407 of October 9, 2008 and 2012-26 of February 6, 2012; No. 2007-309 of June 15, 2007 determining the procedures for national and international election observation and No. 2016-35 of February 1, 2016 determining the characteristics of the single ballot ;
- Orders: No. 8286 of December 31, 2001 setting the procedures for exercising the right to vote by proxy; No. 2810 of June 21, 2002 establishing the procedure for calculating the results of local elections and the method of allocating seats ; No. 1431 of February 29, 2016 setting the terms for the distribution of voter cards; and No. 5 of January 8, 2021 appointing the Administrative Commissions responsible for establishing the special electoral lists of members of the public force ;
- Circulars: No. 0286/MID/CAB of July 3, 2012 of the Minister of Interior and Decentralization relating to reminders of the Missions of local administrative authorities during the electoral period ; No. 005/CNEI/COO/PR/CT of July 11, 2017 relating to proxy voting ; No. 006/CNEI/COO/PR/CT of July 14, 2017 relating to the nature of the identity and civil status documents required for the election of deputies, departmental and municipal councilors and No. 007 /CNEI/COO/PR/CT of July 14, 2017 supplementing Circular No. 005 referred to above and No. 1896/MATDDL-CAB of May



10, 2022 setting the period for submitting candidatures for the above mentioned elections in its Articles 2 to 4 and the New Article 62 of the Electoral Law for deputies ;

- To this are added: Provisions No. 01/CNEI of March 13, 2021 specifying the procedures for snap voting by members of the Public Force and votes for the General Vote (application of the new Article 97 of the Electoral Law) and N° 02/CNEI of March 15, 2021 to all electoral staff and in particular to members of the polling stations of the President of the NIEC.

The legal age to be a candidate for the legislative and local elections for citizens endowed with their civil and political rights and meeting the conditions of funds required by Law is at least eighteen (18) years old.

The Courts are competent to deal with pre-electoral disputes, while the Constitutional Court is the exclusive Supreme Judge of post-electoral disputes in legislative and presidential elections. The Minister of Territorial Administration, Decentralization and Development promulgates the Provisional Results while the Constitutional Court clears and deals with the Litigation which runs fifteen days after the proclamation of the results of the polling stations. These Judgments have the authority of *res judicata*. The Constitutional Court proclaims the final results.

IX- VOTING PROCEDURES IN POLLING STATIONS

The Mission found that in most cases, polling stations were set up to allow for orderly voting. The ballot boxes were well laid out and visible to the public. The sealing of ballot boxes was not systematically done in some offices visited. In addition, the members of the polling stations proceeded to the verification of the finger of the voter to know if it is not marked with indelible ink before the delivery of the ballot papers. They also checked voter cards against the voters list. In some polling stations, there were queues and intermittent crowds throughout the Election Day. Then, the voter's finger was marked with indelible ink after voting. However, in some polling stations, there were some misunderstandings between some voters registered in the electoral list and local voters considering them as non-residents. Finally, they were able to vote in most cases if they meet the legal criteria for this purpose.

X- ASSISTANCE FOR PEOPLE LIVING WITH A DISABILITY, PREGNANT OR BREASTFEEDING WOMEN AND OLDER PEOPLE

Voters living with a disability or reduced mobility as well as pregnant or breastfeeding women and the elderly were able to exercise their voting rights with the assistance of election staff or a person of their choice. Overall, polling stations were accessible to them; except in a few cases.

XI- PARTICIPATION OF WOMEN AND YOUTH IN THE ELECTORAL PROCESS

Women and youth are often an important link in the political game that polarizes electoral competition. Nevertheless, the Mission noted that there were, on average out of an overall total of 994 polling station staff members visited by its observers, 41% women. This observation was also made by the Mission with regard to the under-representation of women both among members of EMBs as Representatives of political parties or coalitions and independent candidates contesting.



According to statistics provided by the GDEA there were: 81 women candidates for the legislative elections. The Department of BRAZZAVILLE has 36 women candidates for the Legislative elections, followed by those of POOL which has 14 and Pointe Noire with 11, closely followed by BOUENZA (09), NIARI and LIKOUALA (each 5), SANGHA (04), PLATEAUX, CUVETTE and CUVETTE OUEST (each 02), LEKOUMOU (01) and finally the KOUILOU.

Despite the existence of these statistics, the AUEOM found that the EMBs could not provide him with more refined disaggregated data from the National Electoral Register concerning Women, Youth and the number of voters living with disabilities in all electoral districts in order to facilitate the Gender analysis and recommendations on the need to install access ramps in their polling stations.

XII- CIVIL SOCIETY

The AUEOM observed that Congolese civil society played an important role in the electoral process. It is mainly organized within a large platform called CORAGED, which brings together most of the national organizations and networks specializing in issues of democratic and electoral governance and human rights. Most of its members hold the position of fourth (4th) Assessor in the polling stations and the NIEC. Civil Society has deployed its observers in most of the polling stations and centers visited by the Mission. They were visible through their distinctive vests and caps. The Mission was also informed of the holding of a capacity building session for civil society in view of their better involvement in the electoral process.

XIII- SECURITY

The National Security and Defense Forces have played a positive role in securing the electoral process, including the Election Day. This allowed to effectively maintaining order for the smooth running of the polls without major incidents in all the polling stations visited by the Mission.

XIV- MEDIAS

The national and international media covered the entire electoral process and contributed to good media coverage of the vote. The Superior Council for Freedom of Communication (SCFC) in collaboration with the Ministry of Communication and the Media has drawn up the Code of Ethics and Deontology for Information and Communication Professionals, resulting from the Congolese Press Conference held in Brazzaville from October 25 to 28, 2018. In addition, the SCFC issued instructions to Journalists and Media for the media coverage of the Legislative and Local Elections Campaign for July 2022 Election. These are the prescriptions that fundamentally frame the functioning of the media and journalists on the election. Overall, stakeholders have complied. The use of social media and networks was also noted by the Mission both by candidates, parties or coalitions and by citizens.

XV- INTERNATIONAL COMMUNITY ON THE VOTING: ISSUES AND CHALLENGES

The Mission notably met with Representatives of the African Diplomatic Corps, ECCAS and UNDP; as previously stated at the start of this Preliminary Statement. These Representatives of the Diplomatic Institutions as well as the AU and ECCAS's Electoral Observation Missions had a definite impact on stakeholders. The AUEOM was informed that the UNDP has



supported the Women Leaders to strengthen their capacities in electoral matters. These various international efforts constitute an added value to further consolidate Democracy.

XVI- CONCLUSION

The African Union Electoral Observation Mission (AUEOM) salutes the democratic political maturity of the Congolese people. The First Round of the Legislative and Local elections of July 04 and 10, 2022; undoubtedly constitutes one of the highlights of the national political competition. The mobilization of voters throughout the Election Day constituted a real desire for ownership of the electoral process by citizens.

The AUEOM noted that there were no blockages aimed at preventing the freedom to vote on Election Day. The vote took place in accordance with International Standards and the National Legal Framework governing elections. Beyond the free expression of universal suffrage embodied by citizens; there was generally a peaceful vote in the polling stations observed by the Mission. The Representatives of the parties or candidates contesting as well as the citizens were able to freely exercise their civil and political rights during this electoral process.

The AUEOM thanks the national authorities for the diligence taken to facilitate the success of its mandate. In addition, it expresses its gratitude to the political actors, the EMBs and members of civil society for their active and constructive availability during his stay.

Finally, the AUEOM urges all stakeholders in the electoral process to exercise restraint and favor legal channels and procedures in the event of a dispute. This, in order to further consolidate peace, security and stability; pledges of the sustainability of democratic achievements, the Rule of Law and sustainable development to sustain national unity.

XVII- RECOMMENDATIONS

The AUEOM makes the following recommendations:

To the Government:

- Pursue its efforts for Dialogue and Consensual Reforms of the Electoral Process and Social Peace ;
- Further strengthen the autonomy of the NIEC as well as its means of operation, financing and its staff and that of the other stakeholders in the electoral process (GDEA and SCFC).

To the NIEC and the GDEA:

- Strengthen the capacities of electoral staff of polling stations as well as the delegates and supervisors of the NIEC and GDEA deployed in polling stations and centres ;
- Provide the electoral material at least the day before or at the latest very early on the day of the polls in the centers and the polling stations and ensure their security by the competent authorities to allow the opening and closing not late of the vote in the legal deadlines ;
- Establish refined disaggregated data from the National Electoral File taking into account gender, youth, the elderly and people living with disabilities in the process of preparing the electoral lists and the voters file to better facilitate the monitoring of the evolution of the ballots with regard to their level of representativeness ;



- Create access ramps if necessary in the polling stations.

To the SCFC:

- Continue its efforts to consolidate political pluralism among stakeholders during all electoral processes.

To the Civil Society:

- Increase capacity building and involvement of civil society in the electoral process.

To the Political Parties and Candidates:

- Prioritize Dialogue and constructive Republican Consensus in order to transcend political divisions;
- Pursue efforts aimed at banishing hate or ethnic speech in the political arena with a view to preserving better living together in the Republic;
- Further promote the effective participation of women, youth and people with reduced mobility in the political space as candidates or representatives in polling stations, particularly during electoral processes;
- Strengthen the capacities of representatives of candidates and political parties or coalitions in polling stations.

To all actors involved in the electoral process during COVID-19 and multidimensional crises in global geopolitics:

- Strengthen awareness to better eradicate this pandemic by subscribing to the African Union Guidelines for Elections during COVID-19 and Other Public Health Emergencies through the systematic provision of anti-COVID kits and respect for physical distancing measures ;
- Organize more awareness-raising campaigns among stakeholders, to this end.

To the International Community:

- Continue to support the Republic of Congo in its sustained efforts in terms of consolidating its democratic achievements, the Rule of Law, sustainable development and national stability because without peace, there is no democracy or progress.

Done at Brazzaville, 12 July 2022

**For the Mission,
H.E Kwesi AHOOMEY-ZUNU
Head of Mission**

