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**PRELIMINARY STATEMENT OF THE INTERNATIONAL OBSERVER  
MISSION OF THE AFRICAN UNION (AU) AND THE ECONOMIC  
COMMUNITY OF CENTRAL AFRICAN STATES (ECCAS) ON  
PARLIAMENTARY ELECTIONS HELD ON 15<sup>th</sup> JULY 2012 IN THE  
REPUBLIC OF CONGO**

**Introduction**

Upon the invitation of the Government of the Republic of Congo and the National Commission for Organization of Elections of the Republic of Congo, **His Excellencies Dr. Jean PING**, Chairperson of the African Union Commission and **Mr Nassour Guelengdouksia Ouaidou**, Secretary General of the Economic Community of Central African States, sent missions to observe the legislative elections held on the 15th July 2012.

The African Union mission was headed by **H.E Elhadji OUMAROU Seini**, former Prime Minister of the Republic of Niger and ECCAS mission was headed, by **H.E Crispin Jaime Sangale Rondo**, Deputy Secretary General of ECCAS.

Both missions agreed to form themselves into one joint international African Union-Economic Community of Central African States elections monitoring mission.

The joint mission was composed of personalities drawn from different organizations including the Pan-African Parliament, select National Parliaments, heads of electoral institutions, diplomats and members of civil society. Members of the mission were drawn from 19 African countries namely; Algeria, Angola, Benin, Burundi, Botswana, Cameroon, Ivory Coast, Gabon, Mauritania, Niger, Nigeria, Uganda, Central African Republic, Democratic Republic of Congo, Rwanda, Republic of Sao Tome & Principe, Senegal, Chad and Togo.

The Joint Mission was assisted by a secretariat composed of staff from the African Union Commission in Addis Ababa, the Pan African Parliament and the Secretariat of the Economic Community of Central African States. It was supported by a technical team from the Electoral Institute for Sustainable Democracy in Africa (EISA).

### **I. Mission Objectives**

The International Election Observation Mission of the AU / ECCAS's main objective was to conduct an assessment of the independence, impartiality, organization and conduct of the parliamentary elections of the Republic of Congo held on the 15th July 2012.

The specific objectives of the Mission were:

- To consider the existence of suitable conditions for the Congolese people to freely express themselves in the elections;
- To ensure that the elections are conducted in accordance with institutional and legal framework governing elections in the Republic of Congo; and
- To evaluate if the results of the elections reflect the true will of the voters.

### **II. Activities of the Mission**

The Joint Mission arrived in the country on 6th July, 2012 and will stay until the 21st July, 2012. As required by the African Union guiding principles on elections observation, and Decision No. 18/CEEAC/CCEG/XIII/07 of the observer's guide to the Economic Commission of the States Central Africa, the Joint Mission held discussions with the state's authorities, political parties representatives, officials of the National Electoral Commission, the African Ambassadors accredited to the Republic of Congo, delegates from civil society and other international observer missions.

They assessed the political context of the country and the evolution of the electoral process on the basis of information gathered during the various meetings held with the named stakeholders and agencies.

The Joint Mission deployed 20 teams which covered the following regions: Brazzaville, Plateaux, Pool, Bouenza, Cuvette, Cuvette-Ouest, Lekoumou Kouilou and Niari.

This statement contains the preliminary findings of the mission and recommendations. A final report providing a comprehensive and thorough analysis of observations of the mission of the entire electoral process will be developed and submitted by the President of the African Union Commission and the Secretary General of ECCAS to the authorities of the Republic of Congo.

### **III. Observation Methodology**

The Joint Mission observed the parliamentary elections in the Republic of Congo, according to the letter and spirit of the OAU Declaration on the Principles Governing Democratic Elections in Africa, AHG / Decl.1 (XXXVIII), adopted in July 2002 by the Conference of Heads of State and Government; the relevant provisions of the African Charter on Democracy Elections and Governance which came into effect on the 15th February, 2012; provisions of the Brazzaville Declaration of 7th June 2005 in support of the electoral process in member states of ECCAS; and the Constitution and laws of the Republic of Congo.

The observation of the elections was to check on the regularity, transparency, fairness and good conduct of the poll and to specifically to assess:

- The existence of the necessary conditions for organizing free, transparent and inclusive elections,;
- Whether the elections complied with the legal and institutional framework governing elections in the Republic of Congo, on the one hand and with African and international standards for the organization of elections, on the other.

### **IV. Findings of the Mission**

The analysis of observations made on the ground in light of standards and guidelines for the organization of free fair and transparent elections highlighted the following conclusions:

#### **1. Political and legal context**

- Political Context

The Joint Mission noted that all political actors participated in the electoral process and that there was no call to boycott the elections.

- **Legal Background**

The mission noted that under the electoral laws of the Republic of Congo, 139 seats were to be filled by direct universal suffrage to serve for a five-year term elected in two rounds. Compared with previous elections, the legal and regulatory framework governing the organization of elections was enhanced by the following measures:

- To be present and witness the polling;
- Party agents were allowed to access copies of the declaration of;
- There was immediate display of the results after the vote counting process.

## **2. Voter Registration and Voter List**

The Joint Mission noted that the elections were organized on the basis of the voter register developed in the year 2009, as revised in 2012.

## **3. Election campaigns**

The Joint Mission witnessed that the election campaigns as observed from 6th to 13th July, 2012 throughout the country were generally peaceful, despite criticism from some stakeholders regarding access by candidates to public media and reported isolated incidents in some constituencies where candidates were prevented from campaigning.

## **4. The voting**

The Joint Mission after witnessing the elections makes the following observations:

### **4.1 Positive aspects**

- There was sufficient presence of security forces at all polling stations
- There was sufficient security for voting and election materials;

- Election officials were visibly identifiable;
- Polling stations provided a good voting ambience;
- Electors were allowed to exercise their free franchise;
- There was presence of party and candidate agents at polling stations;
- There was presence of domestic observers at polling stations;
- Good reception of election observation missions by election officials

#### **4.2 Negative aspects**

- The voter turnout in the elections was inordinately low;
- most polling stations opened late;
- Some polling stations were very small and could not accommodate all the election officials, party agents, observers and voters leading to overcrowding;
- Poor location of polling booths in some polling stations that did not guarantee the secrecy of voting;
- Ballot papers were not serialised;
- Voters who were on the queue at the time of closing were not allowed to cast their ballot;
- Election officials arrived late at some polling stations;
- Poor mastery of voting procedures and the use of election materials by election officials and voters;
- Election materials were in short supply in some polling stations;
- Delay in delivery of election materials;
- Lack of legislation on the enforcement of the electoral code;
- Involvement of some security guards in checking of voting cards;
- Inadequate supervision of voters;
- Poor location of ballot boxes;
- Confusion about the identification documents to be presented by voters to election officials;
- Disorientation of voters due to the delayed display of voter lists;
- Low mastery of counting procedures by some election officials at the polling stations;
- Some party and candidate agents performed the work of election officials at the polling stations;

- Lack of lighting contingencies in some polling stations during counting;

## **V. Recommendations**

The Joint Mission recommends the following:

- I. The State and the Elections Commission should enhance public awareness on the need to vote;
- II. The Joint Mission urges the Election Commission to carry out systemic training of election officials on the electoral and voting process;
- III. The Joint Mission encourages the Election Commission to adopt a more reliable voter registration regime and possibly consider one that can accommodate the biometric data of voters;
- IV. The Joint Mission urges the Elections Commission to involve representatives of political parties and civil society to witness the tallying of results at the Commission;
- V. The Joint Mission urges the State to design mechanisms to ensure women's representation in parliament;
- VI. The State should enhance the capacity of CONEL as an electoral agency;
- VII. The CONEL should effectively implement the regulatory provisions regarding the display of voters' list;
- VIII. The Joint Mission encourages the Commission to consider the use of single ballot papers which will lead to equal treatment of all candidates by avoiding instances where some candidate's ballots not being delivered to the polling stations;
- IX. The State and the Commission should strengthen civic and voter education for the benefit of the population;

- X. The Commission should supply polling stations with all the laws and regulations relating to elections;
- XI. The Joint Mission wishes to urge the State and the Commission to consider developing a regulation fixing the voting period to be less than ten hours from seven in the morning.

## **VI. Conclusions**

Bearing in mind all the above considerations arising from the conduct of the Legislative elections for the Republic of Congo held on the 15th July, 2012 in Republic of Congo, the Joint Mission reached the following conclusions:

- The Joint Mission congratulates the Congolese people for demonstrating their political maturity during the parliamentary elections held on the 15th July 2012.
- The shortcomings noted by the Joint Mission during the election process did not materially affect the exercise of the Congolese people's right to express themselves through the elections held on the 15th July 2012.
- The Joint Mission acknowledges the commitment of politicians and political parties to establish a climate of calm and sense of responsibility that contribute to the entrenchment of democracy in the country.
- The voting process of the legislative elections held on the 15th July, 2012 in the Republic of Congo were free, transparent and credible.
- The Joint Mission urges all political actors in the Republic of Congo to respect the will of the people as expressed in the results of the elections and to use legal avenues to remedy any complaints or challenges that may arise from the results as will be announced by CONEL;
- The Joint Mission encourages all actors involved to work together to further consolidate democracy, peace and stability, to guarantee

economic and social development which the Congolese people legitimately aspire to.

Done in Brazzaville, The 17<sup>th</sup> July 2012