



**AFRICAN UNION ELECTION OBSERVATION MISSION
TO THE PRESIDENTIAL, LEGISLATIVE, SENATORIAL & MUNICIPAL
ELECTIONS OF 20TH NOVEMBER 2022 IN THE
REPUBLIC OF EQUATORIAL GUINEA**

PRELIMINARY STATEMENT

Malabo, 22nd November 2022

I. INTRODUCTION

Following the invitation of the Government of the Republic of Equatorial Guinea, the Chairperson of the African Union Commission (AUC), His Excellency (H.E Mr.) Moussa Faki MAHAMAT, on the proposal of H.E. Ambassador Bankole ADEOYE, Commissioner for Political Affairs, Peace and Security of the African Union (PAPS/AU), deployed this African Union Election Observation Mission (AUEOM) to observe the coupled general elections: presidential, legislative, senatorial and municipal elections of 20 November 2022.

The Mission was under the leadership of H.E. Mr. Jose Mario VAZ, former President of the Republic of Guinea Bissau.

The Mission has 51 Short-Term Observers (STOs) from the 35 following countries: Algeria, Benin, Botswana, Burkina Faso, Burundi, Cameroon, Central African Republic (CAR), Chad, Comoros, Côte d'Ivoire, Democratic Republic of the Congo (DRC), Ethiopia, Gabon, Ghana, Guinea, Guinea Bissau, Kenya, Mauritius, Madagascar, Malawi, Mali, Mauritania, Mozambique, Niger, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, South Africa, Sudan, Togo, Tunisia, Zambia and Zimbabwe.

The Mission started from 13 to 27 November 2022 and is composed of: Ambassadors accredited to the African Union, Members of the Pan-African Parliament, Heads of Electoral Management Bodies (EMBs), Academics, Independent Experts and Members of Civil Society Organizations (CSOs) of the continent.

The present preliminary statement is a true reflection of the Mission's findings and recommendations to relevant stakeholders in the electoral process. It will be followed later by the drafting of a more comprehensive Final Report.

II. OBJECTIVE AND METHODOLOGY OF THE MISSION

The AUEOM conducted an impartial and objective observation of the ballots in accordance with the relevant requirements of: the Constitutive Act of the OAU/AU Organization, the African Charter on Democracy, Elections and Governance (ACDEG), the OAU/AU Declaration on Principles Governing Democratic Elections in Africa, the Maputo Protocol, the AU Guide on the Organization of Elections in Pandemic and COVID 19 Times, the International Principles on International Election Observation (IEO), the 2030 Joint Vision and the AU Agenda 2063. It is as well as possible in strict compliance with the National Legal Framework.

This Declaration is based on the Mission's observations made by the STOs before, during and after the elections.

It also integrates the high-level exchanges of the Head of Mission of the AUEOM with the relevant national authorities of the electoral process, the candidates, parties or coalitions in contention, the diplomatic representations met and the International Election Observation Missions as well as with Civil Society Organizations (CSOs) specializing in

the monitoring of electoral processes, political governance and human rights in the country.

III. PRE-ELECTORAL OBSERVATIONS

a) Political Context

The Republic of Equatorial Guinea organizes these coupled general elections in accordance with the consensus between the stakeholders of the majority and the opposition, in particular on the date of the elections and the modalities of public financing of the candidates in competition.

This indicates the existence of a certain spirit of openness and dialogue among the actors in the electoral process and contributes to the consolidation of peace and stability in the country, which are guarantees of democratic openness and the strengthening of national unity.

These general elections were held in a global systemic, conjunctural and structural context where the presidential election scheduled for next year was finally combined with: legislative, senatorial and municipal elections of 20 November 2022.

The fundamental reason for such simultaneous elections was the primary concern for the rationalization of public funds, owing to the domino effects of the global geopolitical crisis induced by the conflict in Ukraine and its repercussions on the global market. Indeed, there is undoubtedly at the global level a real impact of oil price inflation due to geopolitical convulsions on the fluctuations in the costs of goods and services. This has led to the correlative induced effects on the economies of States, in particular because of the complex interdependencies of globalization, which are a hallmark of contemporary international relations.

These elections opposed the outgoing President SEM. Teodoro Obiang NGUEMA MBASOGO, historic leader of the Democratic Party of Equatorial Guinea (PDGE) who is running for a new term in the supreme judiciary. It is supported by 14 of the 17 opposition parties in a broad presidential coalition. In front of him are two opposition candidates: Mr. Andrès ESONO ONDO of the Convergence Party for Social Democracy (CPSD) and Mr. Buenaventura Monsuy ASUMU of the Social Democratic Coalition Party (SDCP).

Despite the cleavages inherent in democratic competition, the parties involved in the electoral process were able to find dynamic political consensus with a view to further pacifying the national scene in the run-up to the elections. It is this context of dialogue on the National Electoral Register on the one hand and the public financing of candidates and parties or coalitions in contention on the other that enabled consolidating participatory democracy in the country.

b) Legal framework for elections

The Legal Framework for Elections is a structural element regulating electoral processes. It relates to the legal ordering of elections and the political system of states in relation to the nature of elections and the candidates, parties or coalitions running for office.

In the present case, several norms constitute the legal architecture of the political system of Equatorial Guinea which governs the organization of the aforementioned elections. Among the basic rules are:

- The 2012 Constitution
- The Laws: N°7/2015 of 28 May 2015 relating to Presidential Elections; N° 6/2017 of 20 June 2017 amending the provisions of Law N°8/2015 of 28 May 2015 on elections of the Chamber of Deputies, the Senate, Municipalities and the Referendum;
- Decree No. 116/2022 of 20 September 2022 convening the electorate and fixing the presidential, legislative, senatorial and municipal elections of 20 November 2022.

Because of the complex interdependencies and the intertwining of the internal and external spheres, the National Legal Framework obeys as well as possible the subtle interactions it has with international law. The *body of case law* governing electoral processes also incorporates relevant international, continental and regional standards, including: the Universal Declaration of Human Rights (UDHR), the Charter of the United Nations (UNC), the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Charter of the African Union on Human and Peoples' Rights.

In addition, the revised 2012 Constitution prescribes an electoral system that is scalable according to the nature of the elections, candidates or political parties and coalitions. Indeed, the election of the President of the Republic is done by uninominal vote in a single round for a renewable term of 7 years.

The Mission noted that: as a result of the bicameralism consecrated by domestic law, the lower house corresponding to the National Assembly and the upper house, the Senate; are elected in various ways. Indeed, the 100 deputies are elected by universal suffrage for a term of 5 years, according to the system of proportional suffrage with blocked lists in the 7 multi-member constituencies corresponding to the 7 administrative provinces of the country against 19 constituencies for the Senators.

The 55 Senators out of the 70 in the Senate are also elected by proportional vote with blocked lists for a term of 5 years while the remaining 15 are appointed by the President of the Republic. Former Heads of State are ex officio members.

A common electoral threshold of 10% for both chambers is enshrined in the Election Act.

The 244 municipal councillors are elected by voters by universal suffrage on the basis of proportional blocked lists for a five-year term.

c) Election Administration

The Electoral Management Bodies (EMBs) that deal with the electoral process include:

- The Supreme Court responsible for the validation of candidatures, processing and clearing the electoral dispute and proclaiming the final results;
- The National Electoral Commission (CEN) is responsible for the operational management of the electoral process. Appointed by the Head of State, it is non-permanent since it is put in place 5 days after the promulgation of the Decree convening the electoral body and it ends 100 days after the elections, in accordance with the provisions of Law No.7/2015;
- The Ministry of the Interior and Territorial Collectivities plays a certain role in the management of the electoral process as well as the Ministry of Foreign Affairs with regard to the voting of the diaspora. These two ad hoc institutions of the electoral process support the actions of the CEN in the organization of elections at the national and international levels because while the former ensures the enrolment of voters and the proclamation of provisional results; the latter facilitates the voting of the diaspora abroad; in close collaboration with the CEN;
- Lastly, the regulatory body for the audiovisual sector was responsible for ensuring equal airtime for candidates and respect for media and political pluralism, as well as the rejection of violence and hate speech in the public arena.
- These important institutions of regulation of the electoral process each fulfil in their field of competence the material organization of elections.

d) Public funding of applicants

Despite the repercussions of the global environmental crisis, the Republic of Equatorial Guinea provided its own funds for the financing of the elections. In addition, it allocated 350 million CFA francs from its national budget to each of the three presidential candidates.

e) Electoral census

The AUEOM noted that the electoral census took place from June to August 2022. It was based on a republican political dialogue between the stakeholders in the electoral process that led to the consensual development of the National Electoral Register, which was fully managed by the Joint Commission for the Census of Votes, composed of both the majority and the opposition. The National Electoral Register had: 427,663 registered in 1,486 Voting Centres and Stations.

f) Civil Society

National Civil Society played an important role in civic education, electoral and political awareness in electoral processes. The Civil Society Organisations involved are those specialised in elections, public governance and human rights.

g) Electoral Campaign

The AUEOM noted that the electoral campaign took place from Thursday 03 November 2022 at 00:00 to Friday 18 November 2022 at midnight. The candidates and the contesting political parties and coalitions developed various partisan mobilization strategies in an attempt to win the largest number of votes. This was done through meetings, door-to-door, conferences and tea debates, speeches and caravans. The campaign also took place in the public and private media, internal and external as well as in the New Information and Communication Technologies (NICT). The Mission also monitored the final days of the campaign. Among other things, she was at the candidates' closing campaign.

In addition, the Mission was also able to note that the election campaign was conducted in a generally peaceful environment. It was not seized of any threat or obstruction suffered by any of the competing camps. It also noted that the protagonists were able to mobilize freely but with an imbalance in terms of militant political mobilization in favour of the presidential camp. Indeed, the omnipresence of its posters everywhere in cities and rural areas, the magnitude of the dynamics of its meetings and the determination of its activists and sympathizers, illustrate its national base and scale in the political arena.

Finally, electoral silence was observed on the eve of the election in accordance with the Election Act.

h) Meetings of the AUEOM

During its stay in the Republic of Equatorial Guinea, the AUEOM met with the following national and international actors and institutions:

- The outgoing President of the Republic candidate for his succession, leader of the Presidential Coalition as well as his two opponents;
- The Prime Minister
- The Vice Prime Minister in charge of National Education;
- The Minister for Foreign Affairs
- The Minister of the Interior
- The National Electoral Commission (CEN);
- La Cour Suprême
- The following Civil Society Bodies: AGEDEA, DERECHOS HUMANOS, ASSONAWI, AMUDIGE, AMIFLORA and the Guinean RED CROSS;
- The accredited African Diplomatic Corps;
- The United Nations System (UNS) and the United Nations Development Programme (UNDP);
- Electoral Observation Missions of the Economic Community of East African States (EAC) and the Community of Portuguese-Speaking Countries (CPLP).

IV. OBSERVATIONS OF THE VOTING DAY

The vote is the highlight of deliberative democracy, which makes it possible to give the sovereign people the legitimating anointing of power for free expression of universal suffrage.

It is a decisive moment in the democratic breathing of political systems. It was in this context that the Mission deployed eighteen (18) teams of observers, which covered: 210 polling stations, 71 per cent of which were in urban areas and 29 per cent in rural areas; in particular in the districts of Aconibe, Akurenam, Antonio De Palé, Cogo, Ciudad de la Paz, Evinayong, Ebebiyin, Luba, Malabo, Mbini, Mongomo, Mikomeseng, Nsork, Niefang, Nzoc, Nsomo, Riaba and San Bata.

During the election day, the following relevant observations were made by the Mission from the opening of the polling stations until the end of the polls and the counting of the voting results in the witness stations.

a) Opening of the polling stations

The AUEOM noted that at the opening, the 18 witness polling stations had opened on time with an average of 4 election officers easily distinguished by specific uniforms mentioning their quality in the management of the electoral operations. The members of the polling stations had demonstrated good control of the procedures for opening the ballot. The ballot boxes were transparent and sealed properly. Sufficient electoral materials were available. Representatives of the presidential coalition were more present in the polling stations visited followed by those of Mr. Andrès ESONO ONDO and Mr. Buenaventura Monsuy ASUMU.

b) General atmosphere of the vote

The Mission noted with satisfaction that the voting took place in a generally peaceful atmosphere in accordance with international standards and the national legal framework governing the elections. The voters, candidates and election staff of the polling stations and the Election Management Bodies played individually their full role in its regard with competence. Electoral materials were in most cases sufficient, with the exception of a few garbage bags intended to hold ballots not used by voters, as well as fabric or cardboard polling booths in some polling stations. However, the secrecy of the vote was respected and the candidates' representatives were able to carry out their mission without any obstacles observed by the Mission. Older persons, persons with disabilities and pregnant or breastfeeding women were assisted by persons of their choice or electoral staff.

c) Layout and accessibility of polling stations

The AUEOM noted that the polling stations were well equipped to allow a better fluidity of the vote of citizens. Observations from the various Mission teams indicated that 91 per cent of the polling stations visited were accessible to electors with reduced mobility. The security forces did not exert any pressure or obstruction to influence access to polling stations and the free expression of votes.

d) Polling station staff

The electoral staff were competent and male-dominated. Of the 840 members of the polling stations visited by the Mission, only 25% are women.

e) Voting

The electoral statistics obtained by the AUEOM after having compiled and carefully processed all the empirical data resulting from its observation of the vote, indicated that the ballot boxes were properly sealed in: 99.8% of the polling stations observed by the Mission.

In addition, voters were not allowed to vote without the presentation of their voting cards. A systematic check of the indelible ink on their fingers was made before voting as well as their actual presence on the list of voters at the polling station. The cards of voters who had already voted were systematically perforated. This makes them automatically ineffective against potential multiple votes.

Finally, the AUEOM did not identify any tangible irregularities throughout the electoral process of the voting by its teams during their visits to the polling stations observed.

f) Election materials

The AUEOM found that the electoral material was sufficient in 91% of the offices visited during the vote except for the missing objects mentioned above.

g) Vote of Candidates

The Mission's coordination team attended the voting of the three candidates. It noted that it was covered by and interacted with the public and private media. Their vote was also calm and orderly without overflow. The candidates had a beautiful republican posture.

h) Representatives of candidates and observers

The Mission noted the predominance of the presidential candidate in almost all of the offices observed.

i) Safety

The security and defence forces averaged two per polling station. They were discreet and often located in close proximity to polling stations. Overall, they allowed for an orderly and secure vote in peace

j) Civil society

The AUEOM met with some civil society organizations that were making national electoral observation of the elections.

k) Media

The national and international media covered polling day with professionalism. The AUEOM met with the following media, among others: Africa Médias, Asongo TV, Radio Télévision de la Guinée Equatoriale.

l) International Observation Missions met on the day of the vote

The AUEOM met with the Diplomatic Missions of the Embassies of Cameroon, China and the Electoral Observation Missions of ECCAS and CPLP.

m) Closing and Counting of votes

All witness polling stations observed by the Mission closed at standard time of 6 p.m. Thereafter, a suitable arrangement was made to begin the public counting of the votes, which proceeded smoothly without any hindrance, interference or interruption whatsoever. Overall, electoral staff demonstrated a high level of professionalism in the visited polling stations. The representatives of the candidates present then signed the Minutes and received a copy. However, the results of the polling booths observed were not systematically displayed. Finally, there were very few spoiled and blank ballots. This indicates that voters have developed a great deal of electoral maturity because of their familiarity with coupled elections.

V. CONCLUSION AND RECOMMENDATIONS

The AUEOM commends the political maturity of the Equato-Guinean people for the peaceful engagement they have shown throughout the electoral process. The Mission expresses its gratitude to the Government, the Elections Management Bodies (EMBs), Civil Society Organizations (CSOs), candidates and internal and external stakeholders whose positive involvement has enabled the effective success of its mandate.

The Mission noted that the general elections were in accordance with international standards and the national legal framework governing those elections.

The Mission also noted the existence of a stable majority in the decision-making spheres of the country following the provisional proclamation of the official results published on 21 November 2022 by the Minister of the Interior.

At this stage, the AUEOM makes the following relevant recommendations:

The Government:

- Reform and make permanent the National Electoral Commission by strengthening its means of action in the management of the electoral process;
- Continue unremitting efforts to build consensus among stakeholders and maintain public funding for elections and candidates in order to further consolidate democratic gains at the national level;

To the National Electoral Commission (CEN):

- Strengthen its capacities and means of action;
- Promote gender in its reforms throughout electoral processes;
- Make the rest of the polling stations more accessible and
- Provide enough election materials to all polling stations;

To all Political Parties:

- Continuing dialogue to consolidate peace, stability and national unity as a guarantee of any sustainable development;
- Ensure the monitoring of their representatives in the polling stations;
- Promote gender to better stimulate women's electoral representation in elective and semi-elective decision-making bodies;
- Always resort to legal means in case of possible disputes;

To civil society:

- Get more involved in electoral processes in the name of inclusive participatory democracy;
- Strengthen the electoral education capacities of Civil Society Organizations to further strengthen their pioneering roles in electoral processes including election observation.

To the African Union and the rest of the international community:

- Continue their coordination efforts in order to further support the country in its consolidating reforms;
- Further support the state in its efforts to resilience to the geopolitical and security, economic and financial challenges of the international crisis to better stimulate national resilience of Equatorial Guinea.

Done at Malabo, 22nd November 2022

For the Mission

H.E. Mr. José Mario VAZ

Head of Mission