

GUINEA BISSAU

PRESIDENTIAL ELECTIONS

19 June 2005

EUROPEAN UNION

ELECTION OBSERVATION MISSION

FINAL REPORT

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I. EXECUTIVE SUMMARY

In response to an invitation from the National Election Commission (CNE), a European Union Election Observation Mission (EU EOM), headed by Chief Observer Johan Van Hecke, Member of the European Parliament, and consisting of a Core Team of eight, 20 Long Term Observers (LTOs), and 60 Short Term Observers (STOs), was deployed to Guinea-Bissau to observe the 19 June 2005 presidential election. Following an inconclusive result in the first round, a second round was held on 24 July 2005. The EOM assessed the election in line with international standards for democratic elections.

The 19 June and 24 July presidential election was generally well organised, in a transparent and inclusive manner, and met essential international principles for democratic elections. Election days were largely peaceful and orderly, and voters were able to exercise their franchise freely, despite a tense pre-second round period which included some violent incidents.

The 2005 presidential election was the last step in an 18 month transition period to re-establish democracy, following a coup d'état in 2003. Guinea-Bissau has limited economic resources and is recovering from a devastating civil war in 1998-9. In these extremely difficult circumstances, and despite huge logistical constraints, the people of Guinea-Bissau demonstrated a clear commitment to peace and democracy.

The legislative framework for elections respects fundamental rights and can provide for the conduct of democratic elections. However, it should be improved in a number of areas, including to allow civil society domestic election observation, provide normative power to the CNE and provide the possibility for citizens living abroad to vote in presidential elections.

The CNE administered the election in a largely professional and independent manner, despite scarce resources and a lack of normative power. Distribution of election materials and training of election officials were generally good, and in most cases the CNE corrected technical shortcomings brought to its attention after the first round. Communication between the CNE and CREs was also good.

The voter register was widely considered to be more accurate than the register used at the 2004 legislative elections, despite some shortcomings. However, as the election district, rather than the polling station, served as the basic election unit, it was impossible for the CNE to produce a voter list for each polling station when two or more polling stations composed the election district.

The decisions adopted by the Supreme Court on the applications for candidature of former presidents Koumba Yalá and "Nino" Vieira were controversial. While the Political Transition Charter and the Constitution are prone to different interpretations, political considerations, aimed at avoiding unrest and facilitating the election process, are widely believed to have been a factor taken into consideration by the Supreme Court when deciding on these cases.

The election campaign prior to the first round took place in a peaceful and orderly manner. Fundamental freedoms of expression, assembly and association were respected and voters were presented with a wide choice of political contestants. However, the period between the rounds saw an increase in political tension and two serious acts of violence which resulted in the death of five persons. Despite provisions in the election legislation, no public funds were distributed to candidates, which limited the ability of some candidates fully reach the electorate. Regrettably, the distribution of goods (cars, bicycles, rice etc), and money-politics (the alleged buying of votes) took place throughout the campaign.

While President Rosa displayed a positive, stabilising and conciliatory role throughout the election period, the government interfered in the process on a number of occasions and misuse of state resources were observed. In a positive development, the armed forces showed a commitment to peace and democracy by not interfering in the electoral process and offering necessary protection and support.

Despite a lack of financial and technical capacity, the media made a real effort to cover the election campaigns of the candidates. The tone of coverage in both public private media was generally neutral, and all candidates were provided with an opportunity to address the public during the free air time period. While *Radio Nacional* provided the most balanced coverage of candidates, in general, coverage was not sufficiently balanced. Prior to the second round, all state-run media strongly promoted the government's achievements. Regrettably, many journalists were recruited by candidates to provide special coverage of their campaign activities.

Women's participation in the election process was modest. Only one woman stood as a candidate and women were generally not very involved in candidate campaigns. In addition, issues of particular interest to women were not addressed in a significant way. However, women were active in civil society and were generally well represented in the election administration.

While civil society organisations were not able to observe the election process, they played an important role in civic education conflict prevention. The role played by an association of "citizens of good will", particularly over the election day periods, and religious leaders was particularly significant.

The voting and counting processes during both rounds were assessed positively in almost all polling stations visited by EU observers. In a welcome contribution to the transparency of the process, candidate representatives were present in almost all polling stations visited and received copies of the result forms. In most polling stations visited, the results were immediately publicly posted once the count had been completed.

Few formal complaints were made during the election process. However, following the announcement of the provisional second round results, one candidate requested the CNE to consider new elections in three regions, followed by a national recount of all votes. This request was dismissed by the CNE, a decision which was upheld by the Supreme Court.

Following this decision, the EU EOM concluded that there were no grounds to re-assess its overall conclusions about the conduct of the elections. Moreover, the final results announced by

the CNE were in line with its own projections. However, the delay in announcing the final results until more than two weeks after the second round contributed to a regrettable increase in the high level of tension in the country during that period.

This report includes a number of recommendations to improve the conduct of future elections in Guinea-Bissau. Key recommendations include:

- The CNE should be provided with sufficient normative powers and financial autonomy;
- The voter registration process should be carried out exclusively by the CNE and CREs, and each polling station should be provided with its own voter list;
- Political contestants should be provided with public funding for election campaigns, as provided in the electoral legislation; and
- State media should ensure impartiality, accountability and pluralism of viewpoints.

The EU is willing to assist the authorities and civil society of Guinea-Bissau to continue to improve the election process in advance of the next elections.

II. INTRODUCTION AND ACKNOWLEDGMENTS

Following receipt of invitations from the National Election Commission (CNE, in its Portuguese acronym) and the government of the Republic of Guinea-Bissau, the European Union deployed an Election Observation Mission (EU EOM) to observe the 19 June 2005 presidential election.

Mr. Johan Van Hecke (Belgium), Member of the European Parliament, and member of its Committees on Human Rights and International Trade, was appointed as Chief Observer. In addition, the EU EOM had a Core Team of experts: Deputy Chief Observer (DCO) Antonio Reis (Portugal), Political Expert - Lurdes Carneiro de Sousa (Portugal), Legal Expert - Jose Antonio de Gabriel Perez (Spain), Media Expert - Lucia Scotton (Italy), LTO Coordinator - Carlo Pappalardo (Italy), Operations Expert - Xavier Noc (France), and Security Expert - Salvador Gine Lacassa (Spain). The Service Provider responsible for providing logistical and administrative support, was the International Organization for Migration (IOM).

The main objectives of the EOM were to conduct a comprehensive analysis of the electoral process, enhance public confidence in the electoral process, serve as a deterrent to fraud, strengthen respect for human rights, and contribute to resolution of conflict. The EOM did not interfere in the electoral process.

The EOM assessed the conduct of the election in line with international standards for democratic elections, in particular those outlined in the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights. The observation covered almost all phases of the electoral cycle, including pre-election day activities, election day/s, and immediate post-election activities. The assessment included a focus on the following criteria:

- The degree of impartiality shown by the election administration;
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- The degree of freedom of political parties and candidates to assemble and express their views;
- The fairness of access to state resources made available for the election;
- The degree of access for political parties and candidates to the media, in particular the state media;
- The universal franchise afforded to voters;
- Any other issue which concerns the democratic nature of the election (campaign violence, rule of law, legislative framework); and
- The conduct of polling and counting the votes.

The mission maintained regular contact with national and regional election officials, candidates, political parties, non-governmental organizations (NGOs), other international observers, the media and citizens of the country. The Chief Observer and Deputy Chief Observer met the President, Prime Minister and Chief of Staff of the Armed Forces on several occasions, and also met regularly with the President of the CNE and candidates participating the election. The Chief Observer and Deputy Chief Observer also paid a courtesy visit to the Bishop of Bissau.

The EOM deployed 20 LTOs to the nine regions of the country, who observed the electoral campaign and preparations by the election administration. They were joined by 60 STOs during the first round and 56 in the second round.

The EOM expresses its sincere thanks to the CNE and its Regional Election Commissions (CREs), the government of the Republic of Guinea-Bissau, the candidates, civil society, the media, the security forces. The EOM would also like to thank the EC Delegation and representatives of EU Member States in country for their cooperation and assistance. The mission is especially grateful to the people of Guinea-Bissau for the hospitality and warmth offered to all observers.

The findings, conclusions and recommendations outlined in this report remain the sole responsibility of the EU EOM to Guinea-Bissau.

III. BACKGROUND

A. Population and Territory

Guinea-Bissau has an area of 36,125 sq km (13,948 sq miles) with a population estimated around 1.4 million. The territory is composed of a continental part and an archipelagic part (Bijagós islands). Despite being such a small country, Guinea-Bissau hosts a large number of ethnic groups. The capital is Bissau, a convergence area where all ethnic groups can be found.

The Muslim population is estimated at 45% and Christian at 5%, with the 50% remaining classified as animists. Nonetheless, whether they are Muslims or Christians, the people of Guinea-Bissau also rely on indigenous beliefs. Guinea-Bissau's multiplicity of ethnic groups can be divided by religious categories, with a main division between Animists and Muslims. However, Islamised sub-groups can be found in some Animist groups such as

the Balanta-Manés. Animists include Balantas (30%), Felupes and Baiotes (1%-2%), Manjacos (9%-10%), Papéis (10%), Mancanhas and Brames (3% - 4%), and Bijagós (2%). Muslims groups include Fulas (30%), Mandingas (13%), Beafadas (3%), Nalús and Sossos (1%).

The GNP per capita is US \$140 (World Bank, 2005) and the country's main exports are cashew nuts, fish, shrimp, peanuts, palm kernels, sawn timber. Natural resources include fish, timber, phosphates, bauxite, clay, granite, limestone and unexploited deposits of petroleum. The country is predominantly rural with few urban centres. In the 2004 UNDP Human Development Index, Guinea-Bissau was placed 172 out of 177 countries.

B. Brief history of Guinea-Bissau

Guinea-Bissau, formerly known as Portuguese Guinea, was colonised by Portugal in the 16th century, and remained a colony until 1974, when Portugal officially recognized its independence after an 18-year war. Independence came one year after the Portuguese "Carnation" Revolution and a year after João Bernardo "Nino" Vieira, President of the self-declared National Popular Assembly, read a unilateral declaration of independence on behalf of all freedom fighters on 24 September 1973.

Amílcar Cabral is the reference name in Guinea-Bissau political history. He was born in 1924 in Bafatá, son of a Cape Verdean father and of a Guinean mother. He studied in Cape Verde and later at the age of 21 went to Portugal where he graduated in agronomy. Together with his half-brother Luis Cabral and other companions, he created the PAIGC (*Partido Africano para a Independência da Guiné e de Cabo Verde* – African Party for the independence of Guinea and Cape Verde) in 1956. The party name reflected the secular alliance between Cape Verde and Guinea-Bissau ruled by the Portuguese under a single administrative unit until 1878.

Cabral did not survive to witness independence. He was murdered in neighbouring Guinea-Conakry in 1973, but remains a political icon and the true hero of the nation. His half-brother, Luis Cabral, was President from 1974 to 1980 when he was toppled by another independence fighter, João Bernardo "Nino" Vieira, who took power in November 1980. The political reasons for the coup were mainly rooted in the refusal of native Guineans to accept the idea of a union between Cape Verde and Guinea-Bissau. It also revealed the early signs of a split within the Party that had ruled the country since independence, except for a short interruption between 2000 and 2003.

The Nino Vieira Years (1980-1999)

After seizing power in 1980 as head of the *Movimento Reajustador de 14 de Novembro* (Movement for Readjustment 14 November), João Bernardo "Nino" Vieira ruled as President from 1980 to 1999. During this time, in 1991, the one party-system was replaced by the multi-party system, leading to the first parliamentary and presidential elections in July 1994.

At the 1994 legislative elections, The PAIGC won the majority of seats in the Assembly (62 seats out of 102). The main newly created opposition parties were the RGB - Bafatá Movement (*Resistência da Guiné-Bissau / Movimento de Bafatá*) headed by Domingos Fernandes Gomes which won 19 seats, and the PRS – Social Renovation Party (*Partido da Renovação Social*) headed by Koumba Yalá, with 12 seats. The remaining seats were distributed between the Union for Change – UM (*União para a Mudança*) with six seats, and the Liberation Front for the National Independence of Guinea – FLING (*Frente para a Libertação e Independência da Guiné Bissau*) with one seat. During the presidential election held in August 1994, João Bernardo “Nino” Vieira won 52 % of the votes in the run-off against Koumba Yalá, leader of the PRS.

The conflict of 7 June 1998

General “Nino” Vieira’s five-year presidential mandate was challenged on 7 June 1998 by an army insurrection led by Brigadier Assumane Mané, the Army Chief of Staff. The uprising quickly gained support among the population, and less than two days later, the President was forced to call in troops from Senegal and Guinea Conakry. The rebel forces slowly gained control of nearly all areas apart from the centre of Bissau, around the presidential palace, which was defended mostly by Senegalese troops. After an attack on the presidential palace in May 1999, “Nino” Vieira was forced into exile in Portugal.

Assumane Mané took power as the head of a military Junta and named the Speaker of Parliament, Malam Bacai Sanhá, as interim President and Francisco Fadul as Prime Minister. The Junta and Mané expressed a commitment to transfer power to a civilian government and in November 1999 a presidential and legislative election was held. At the legislative elections, the PRS of Koumba Yalá gained the most seats (38 seats), followed by the Guinea-Bissau Resistance/Bafatá Movement (RGB/MB) with 29 seats and the PAIGC with 24 seats. Twelve candidates took part in the presidential election. Since no candidate obtained a majority in the first round, a run-off election was held in January 2000 between the two leading candidates, Koumba Yalá, who was elected with 68.38%, and Malam Bacai Sanhá, who gained 31.62%.

The transition period (2003-2005)

A serious crisis arose following the dissolution of the National Assembly in November 2002 by President Koumba Yalá, who was subsequently ousted in a bloodless military coup in September 2003 led by Veríssimo Correia Seabra. Following the coup, a Charter of Political Transition was signed by the Military Committee for the Restoration of Constitutional Order and political parties, which established a transitional government. Henrique Rosa was appointed interim President.¹

¹ As a consequence of the coup, the EU opened consultations under Article 96 of the Cotonou Agreement, considering that the essential elements cited in Article 9 of the Agreement had been violated. The consultations started in January 2004 and were concluded in September 2004. In the wake of the consultations, the EU decided, by way of appropriate measures within the meaning of Article 96, to normalise relations and continue cooperation while monitoring progress in the areas of: (i) public finances, (ii) return to

The Charter established a timeframe for holding legislative and presidential elections, with the latter marking the end of the transitional period. At the legislative elections, which took place in March 2004, having been postponed three times (April 2003, July 2003 and October 2003), the PAICG emerged as the winner (45 seats), followed by Koumba Yalá's PRS, in second place (35 seats), and the United Social Democrat Party (PUSD) of Francisco Fadul in third place (17 seats). The Electoral Union (UE) gained two seats and the United Popular Alliance (APU) gained one seat. The President of the PAICG, Carlos Gomes "Cadogo" Júnior, was appointed Prime Minister.

Following the elections, the National Assembly went through a serious crisis of representation with several of its elected members going under the independent label. Party discipline as far as voting procedures were concerned was not respected, and the three major political formations "lost" several members who became independent or faced splitting into two factions. After difficulties in complying with the timeframe, an addendum was signed which established 19 June 2005 as the date for the presidential election.

C. Political Parties

Abolition by the PAICG of the one-party-state system in 1991 resulted in a "mushrooming" of political parties looking ahead to the first elections in 1994. However, these parties were mostly formed to serve exclusive political personal ambitions and the vast majority lacked the usual components of political formation, appropriate structures, supporters or structured party programmes.

Among the parties created, the RGB (*Resistência da Guiné-Bissau/Movimento de Bafatá*), which was backed by the Guinean Diaspora and exiled politicians based in Lisbon, was the reference point of the opposition parties and brought some inputs into the process of political pluralism. The RGB did very well in the first parliamentary elections in 1994 becoming the second political force in Parliament, a position that was maintained at the 1999 elections. However, at the third legislative elections in 2004, the party lost momentum and disappeared from parliamentary representation. Today the main political forces with national coverage and a consistent parliamentary representation are the PAICG, the PRS, the PUSD, UE and APU.

IV. THE 2005 PRESIDENTIAL ELECTION

A. Candidates for the Election

The presidential elections were held in a post-conflict period marked by civil war in 1998-99 which fractured society and isolated the country for 11 months, and the interruption of the mandate of Koumba Yalá (2000-2003) after he was deposed from the presidency in a military coup in 2003. Moreover, the elections represented the end of the transitional period (2003-2005). The three major contestants were active in politics since

an independent judiciary, (iii) restoration of civilian control of the armed forces, and (iv) conduct of a presidential election, which should be "transparent and genuinely democratic."

independence: former Presidents João Bernardo “Nino” Vieira (1980-1999), Malam Bacai Sanhá (1999-2000) and Koumba Yalá (2000-2003).

As total of 13 candidates contested the presidential race in the first round:

Aregado Manteque (PT) (Workers Party - *Partido dos Trabalhadores*). Born in the Cacheu Region with strong support among the *Manjacos*. Founded the PT in 2003 and is a newcomer to Guinea-Bissau politics.

Mário “Maruca” Lopes da Rosa (Independent). A senior diplomat with a 28-year diplomatic career having represented Guinea-Bissau in several European countries (Portugal, France, Luxemburg, Holland, Switzerland), the United States, Algeria and in international organizations (United Nations and European Union).

João Bernardo “Nino” Vieira (Independent). Joined the PAIGC in 1960 with Amílcar Cabral, the independence leader, in Guinea-Conakry. From 1961 to 1970, fought with the liberation troops in the southern region, becoming Commander of the Southern Front in 1964. Elected as first President of the Popular National Assembly when the rebels proclaimed independence on 24 September 1973. Became Principal Commissioner (i.e. Prime Minister) in the People’s Revolutionary Armed Forces (FARP) in 1978, under Luis Cabral, Guinea-Bissau’s first President. President of Guinea-Bissau and the PAIGC between 1980-1999. Granted political asylum in Portugal in 1999 at the end of the civil conflict. Returned to Guinea-Bissau on 7 April 2005.

Adelino Mano Queta (Independent). A senior diplomat with a long diplomatic career as Ambassador in Portugal, Morocco, Italy, Spain and the United Nations. Also had leadership functions in the CPLP and the Economic Community of West African States (ECOWAS) and is a former General Attorney. He is currently a diplomatic advisor to the President and a lecturer in the Faculty of Law in Bissau. He was born on 23 June 1941 in Mansoa (Oio region).

Idrissa Djaló (PUN). Born in Bissau and belonging to the Fula ethnic group, one of the largest ethnic groups of Guinea-Bissau. Established the PUN in 2000, and has served as president of the party since this time. Studied economics in Egypt and France. As a businessman, was the director of several companies including Alphamar (fishery) and Elf Guiné Bissau Lda (later Total Guiné Bissau).

Faustino Fudut Imbali (*Manifesto do Povo*). Holds a Masters degree in Political Sociology from the University of Bordeaux III (France). PUSD candidate in the 1999-2000 presidential election when he came third. President of the Manifesto do Povo a political movement which he founded in 2002. Prime Minister in 2001 during Koumba Yalá’s period in office.

Koumba Yalá (PRS). Born in Bula, a predominant Balanta area in the region of Oio. Studied Philosophy in Portugal, Political Science in the German Democratic Republic and the former Soviet Union. Founded the PRS in 1992 and was elected President of the Republic in 2000. Ousted by the military in September 2003.

João Tatis Sá (PPG). A medical doctor from the Biombo region who lives in Portugal. President of the Popular Guinean Party.

Empossa Ié “Paulino” (Independent). A businessman from the Biombo region who lives in Italy and Portugal. Elected as the first African municipal delegate to the municipality of Arzignano (Veneto) in Italy.

Francisco José Fadul (PUSD). From Bissorã, in the Oio region. Appointed Prime Minister in the transition government after the civil war of 1998-99. Holds a law degree from the Lusófona University, in Lisbon. His party gained 17 seats in the 2004 legislative elections, becoming the third largest political force in the Assembly.

Mamadú Iaia Djaló (Independent). From Gabu. Former Vice-President of the PRS, and former administrator of the UNICEF programme in Bissau. Held the position of Minister of Foreign Affairs, Minister of the Council of Minister and Second Vice-President of the National Assembly under Koumba Yalá.

Antonieta Rosa Gomes (Fórum Cívico Guineense). Founded the FCG-SD in 1994 when she was a candidate in the first presidential elections. Since then has remained the only female presidential candidate in all elections. Minister of Foreign Affairs under Koumba Yalá.

Malam Bacai Sanhá (PAIGC). From the Quinara region. Studied in the former Soviet Union and graduated in Political Science from the Karl Marx Superior School of the German Democratic Republic. Held several positions in the PAIGC and in the public administration: Member of the Political Bureau (1975-76), Governor of Gabú (1986-90), President of the Worker’s Union (UNTG) 1991-92, Minister of information (1992-94), Minister of the Eastern Region (1989-94), President of the Popular National Assembly (1994-1998) and Interim President (May 1999- February 2000). Candidate in the presidential election of 1999-2000 but was defeated in the run-off by Koumba Yalá.

Since no candidate managed obtain a simple majority of votes, the two candidates with the most votes João Bernardo “Nino” Vieira (independent), and Malam Bacai Sanhá (PAIGC), competed in a second round on 24 July 2005. In the second round Malam Bacai Sanhá received official support from defeated candidate Iaia Djaló (independent) and Antonieta Rosa Gomes (FCG-SD). “Nino” Vieira was supported by Empossa Ié (independent), Koumba Yalá (PRS), Mário Lopes da Rosa (independent) and Francisco Fadul (PUSD). Yalá’s support proved to be crucial for the election of “Nino” Vieira. In addition, both candidates also were supported by politicians from various political background and parties.²

² Malam Bacai Sanhá received support from Amine Saad, UM (*União para a Mudança*); Joaquim Baldé, UE (*União Eleitoral*); Mamadú Uri Baldé, PRP (Partido da Renovação e Progresso); Francisca “Zinha” Vaz Turpin, UPG (*União Patriótica Guineense*); Iancuba Injai, PTS (*Partido do Trabalho e da Solidariedade*); Botché Candé, PRS (*Partido da Renovação Social*); Sanhá Djaló, PDSSJ; Fernando Gomes, *Aliança Socialista*; Candhurai Indjai, FD (*Frente Democrática*); José Seco Mané, PDS (*Partido Democrático Socialista*); Manuel Saturnino da Costa, PAIGC. João Bernardo “Nino” Vieira was supported by Ibraim

B. Analysis of the Results

The results of the first round immediately identified two major trends: the unbalanced distribution of votes and the ethnic vote tendency. Around 90% of the votes were distributed among the top three candidates (Malam Bacai Sanhá, João Bernardo “Nino” Vieira and Koumba Yalá), leaving the 10 remaining candidates in the lower single digits. Taking into consideration that Malam Bacai Sanhá and João Bernardo “Nino” Vieira were both representing the “PAIGC family”, the elections represented a real bipolarization of Guinea-Bissau politics between the PAIGC and the PRS.

The polling also revealed a growing tendency of ethnic politics. The three most for voted candidates benefited significantly from ethnic support. This was particularly evident in the case of Koumba Yalá whose votes could be accurately identified with the geographic distribution of the Balanta people.³ In addition, the religious factor played much less of a role than the ethnic factor. The “Muslim candidate”, Malam Bacai Sanhá, did not benefit from the Muslim vote due to ancestral rivalries between the two predominant ethnic Muslim groups, the Mandinga and the Fula, with the latter clearly choosing not to vote for the PAIGC official candidate.⁴

In a broader perspective, it can be said that the bipolarization between the PAIGC and PRS mirrors the fracture in Guinea-Bissau national politics, reflecting a phenomenon of dissidence and challenge to the political historical legitimacy of the old generation of the PAIGC or the Freedom Fighters. These *combatentes da liberdade da patria*, Malam Bacai Sanhá, João Bernardo “Nino” Vieira and others are opposed by a younger generation not engaged in the liberation struggle who seeks to gain political representation through the electoral process using an ethnic base of political legitimacy.

João Bernardo “Nino” Vieira was the winner of the second round elections with 52.35% of the votes against 47.65% for Malam Bacai Sanhá. As in the first round, the ethnic factor played a major role in voter choice. The support given by Koumba Yalá to “Nino” Vieira practically ensured his victory in the final poll. Although some Koumba Yalá followers

Sow, PP (*Partido Popular*); Fernando Victor “Nado” Mandingua, PCD (*Partido da Convergência Democrática*); Jorge Mandingua, FD (*Frente Democrática*); José de Pina “Dutche,” PRS (*Partido da Renovação Social*); Carlos Domingo Gomes “Cadogo Pai,” PAIGC and Alamaré Nhassé, PRN (*Partido da Renovação Nacional*).

³ The Balanta people are spread over the regions of Tombali, Quinara, Oio and Cacheu - in the Electoral Circles where Koumba Yalá obtained his highest national scores: Circle 19 (Bula) with 51% of the votes, Circle 5 (Bissorã) 70%, Circle 8 70%, Circle 4 (Fulacunda-Tite) 48%, Circle 1 (Cátio) 62%. The same trend applies to other candidates. Malam Bacai Sanhá obtained his highest scores in the Mandinga and Beafada areas in Circle 7 (Mansabá) with 74% of the votes, Circle 6 (Farim) 65%, Circle 3 (Buba-Empada) 56%. João Bernardo “Nino” Vieira gained an overwhelming majority in the Papel areas and the Bijagós islands with 80% in Circle 9 (Quinhamel), 55% in Circle 10 (Prábis-Safim), 54% in Circle 26 (Bissau), and 62% in Circle 11 (Bolama-Bijagós). The case of Aregado Mantenque is also illustrative; the 10% vote obtained in the Cacheu region among his ethnic family, the Manjacos, placed him in 5th position at national level.

⁴ Mamadu Iaia Djaló, an ethnic Fula, benefited from his highest score in Bafatá and Gabu regions amongst the Fula. Since he supported Malam Bacai Sanhá in the second round, some of his Fula vote was reported to be given to the PAIGC candidate.

abstained in the second round through reluctance to vote for João Bernardo “Nino” Vieira due to past political events, a large majority of the Balanta people cast their vote in favour of the General.⁵ In return, Malam Bacai Sanhá benefited from the Mandinga/Beafada vote.⁶ In the end, victory was dictated by the massive ethnic base of support of the victorious candidate group in the Papel area. In a very close race, with a 19,408 vote difference due to the similarity of the two candidates, the support of the Papel ethnic group, concentrated mostly in Bissau and Biombo regions, was decisive. Indeed was precisely in the Biombo region where João Bernardo “Nino” Vieira secured his national victory by winning the region with a difference of 21,020 votes.⁷

Essentially, when the 2005 Presidential elections brought together in the run-off two candidates from the same political “family” it emphasized the leadership crisis within the PAIGC and the party’s internal fracture; the two candidates were not only running for the presidency but struggling for the control of the party.

V. LEGISLATIVE FRAMEWORK

A. Institutional Framework

The Constitution of Guinea-Bissau establishes a semi-presidential system in which both the President of the Republic and the 102 member Popular National Assembly are elected by universal, direct suffrage for terms of five and four years, respectively.⁸ The Government has to be voted by the Assembly (and can be removed by a motion of no confidence), but the Assembly itself can be dissolved by the President of the Republic. The independence of the Judiciary is guaranteed by the Constitution, and the Supreme Court, besides being the apex of the judicial system, has the power of constitutional review.

B. Relevant Legislation

Elections in Guinea-Bissau are governed by the 1984 Constitution (amended in 1993) and a set of election related laws, including the Law on Voter Registration (Law 2/98), the Law for the Election of the President of the Republic and the Popular National Assembly (Law 3/98), the National Election Commission Law (Law 4/98) and the International Election Observation Law (Law 4/94). Other election related legal provisions can be found in the Criminal Code, the Law on the Right of Meeting and Demonstration (Law 3/92) and other norms which develop the fundamental political rights proclaimed by the Constitution. Specific regulations on media activities during the election period are established by the

⁵ João Bernardo “Nino” Veira obtained a comfortable result in predominant Balanta areas such as Circle 1 – Catió (63%); Circle 5 – Bissorã (63%); Circle 8 – Mansoa/Nhacra (72%);and Circle 25 – Bissau (65%).

⁶ Malam Bacai Sanhá overwhelmingly won in the electoral circles with predominant Mandinga/Beafada populations such as in Circle 3 Buba/Empada (66%); Circle 6 Farim (73%) and Circle 7 Mansabá (83%).

⁷ In the Biombo region, João Bernardo “Nino” Vieira secured 88.86% of the vote against 11.14% obtained by Malam Bacai Sanhá.

⁸ Due to logistical and financial difficulties the two deputies of the Diaspora circles (one for Africa, one for Europe) were not elected during the last legislative elections.

Law on Free Airtime in the Electronic Media and the Law on the National Council of Social Communication (Law 6/91).

C. Political Transition Charter

The 2005 presidential election was also governed by the Political Transition Charter of September 2003 (and its addendum, signed in March 2005), which regulated the return to the constitutional order after the events of September 2003, when a coup ousted President Koumba Yalá. The Transitional Charter, an extra-parliamentary norm born out of a Constitutional breakdown, suspended some parts of the Constitution while the rest stayed in force. This led to an unclear constitutional framework and had an impact on the election process, especially during the judicial examination of candidate eligibility.

The Political Transition Charter (i) partially suspended the Constitution, (ii) created a set of interim institutions: President of the Transition Republic, Transition Government, National Transition Council and Military Committee, (iii) established a transition road-map, to take the country back to the constitutional order, (iv) granted immunity to the Junta for the military coup, and (v) barred Koumba Yalá from running as a presidential candidate for five years after his resignation/deposition.

In March 2004, following the legislative elections, a new government was appointed and the Transition Government and the National Transition Council ceased to exist. The parts of the Constitution regulating these institutions were re-enacted. The presidential elections of 19 June 2005 marked the end of the period of transition, meaning the definitive extinction of the Transition Presidency and the Military Committee, the almost complete derogation of the Political Transition Charter and the total re-enactment of the Constitution.

D. Assessment of legislation

The legislative framework respects fundamental rights and can provide for the conduct of democratic elections in line with international standards for democratic elections. However, it includes a number of shortcomings that should be addressed, including a lack of provisions for domestic election observation, the lack of normative power by the CNE hindering the necessary updating of technical regulations, and the disenfranchisement of citizens living abroad for the presidential election (they are able to vote in legislative elections). The Election Law provides for a public subsidy to candidates' campaign, although conditioned to financial availability. The Election Law also contains a very comprehensive catalogue of electoral offences, including an extremely comprehensive definition of "money politics".

E. System of representation

The Constitution and the Election Law provide for a direct, absolute majority, two-round system for the Presidential election. To be elected in the first round, a candidate must obtain 50% + 1 of the valid votes. If no candidate obtains an absolute majority in the first round, the two candidates who polled the most votes face each other in a run-off election to be held 21 days after the official publication of the first round results. If one of the two

second round candidates withdraws, the third placed candidate contests the run off. Guinean citizens who have reached the age of 18 prior to election day, enjoy full civil rights and are eligible to vote.

F. International and Domestic Observers

The International Election Observation Law (Law 4/94) provides international election observation missions with an outstanding legal framework to implement their tasks in a proper manner. In contrast, the Election Law (Article 73) does not allow the accreditation of domestic observers from civil society and considers the representatives of political organisations to be the only domestic observers. While no complaints on this subject were received from civil society organisations, this issue should be addressed when the law is next revised, to bring it line with international best practice.

G. Election Complaints Mechanism

The Election Law establishes an acceptable system of election complaints, with two compatible mechanisms for settling election related disputes or irregularities. The first way of complaint is administrative, and operates at every level of the election administration, providing an opportunity to political contenders to reach consensual agreement. On election day, at the polling station, any voter or party agent may file a complaint to the polling station committee about any irregularity observed during the process. A decision has to be taken by the majority of the committee members. In case of a draw, the Chairperson has the casting vote. Appeals against polling station committee decisions can be addressed to the plenary of the CREs, where all representatives of all candidates can be present. The plenary of the CREs can only adopt decisions on the basis of unanimity, being an instrument to promote consensus. If consensus appears to be impossible, then a decision has to be taken by the President of the CRE. The same scheme applies for the CNE, although in this case the final decision on any complaint, whenever the plenary fails to reach a unanimous agreement, shall be adopted by the Executive Secretariat.

The second way to settle election complaints is the Judiciary. All irregularities during voting, counting and partial or national consolidation may be brought to court. The Regional Courts are only competent for complaints regarding the registration process. The competent Court for the vast majority of the complaints is the Electoral Section of the Supreme Court. An appeal against its decisions can be addressed to the plenary. Surprisingly, if the Supreme Court declines to give a decision or to rule on a specific case, the CNE is entitled to settle the question.

The consensual procedure to settle disputes at the CRE and CNE plenary level, although positive in the promotion of an inclusive atmosphere of transparency in the election management, should be limited to its legal deadlines. The attempt to find a consensual agreement over a dispute should not delay the adoption of a decision by the election management body beyond the legal deadlines, as was the case for the proclamation of the final results of the second round.

H. Pre-election day complaints

Guinea-Bissau is a country with a “culture of no-complaints”, rather the tendency is to complain verbally and informally. This was reflected in the election process. No formal complaints were filed against supposed irregular candidacies, and very few were made about the registration of voters or other issues.

VI. ELECTION ADMINISTRATION

A. Election Structure

For electoral purposes, Guinea-Bissau is divided into eight Regions and one Autonomous Sector (Bissau). These are further divided into 27 Electoral Circles corresponding to the parliamentary constituencies, plus two Electoral Circles for the Diaspora in Europe and Africa for legislative elections. The Electoral Circles are divided into Sectors, and these are divided into Electoral Districts, which may have up to four polling stations. In remote rural areas, to make sure the inhabitants of the inaccessible small villages can vote, one polling station table may become mobile.

B. The National Election Commission

The CNE is an independent and permanent election management body without normative power. All regulations regarding elections have to be adopted by the National Popular Assembly. The plenary of the CNE is composed of a Secretariat of four members elected for a four-year term by two-thirds of the members of the National Assembly, and includes a President, an Executive Secretary and two Deputy Executive Secretaries, one of which is a woman, two representatives of the Government, a representative of the National Council of Social Communication, a representative of each legally constituted political party and (for presidential elections) a representative of each candidate. The plenary can adopt decisions only on the basis of consensus, which confers to it a deliberative rather than executive character. When the plenary fails to reach agreement, decisions must be adopted by the Secretariat, with the President having the casting vote.

The nine CREs, which are only active during the election period, are composed of a President and a plenary, which in addition to the President, includes a representative of each political party and presidential candidate. Polling stations are composed of six members, a Chairperson, secretary and four members, appointed by the respective CRE. Budgetary constraints forced the CNE to reduce the legal number of polling station staff from six to four in both rounds.

C. Training of Electoral Staff

More than 12,000 people were involved in the organisation of the presidential election, most of them as polling station staff. They were selected through a nationwide examination process to make sure they had the necessary skills to fulfil their duties. The vast majority

of the polling station staff were young people. Cascade training of election officials was conducted all over the country both for polling and counting activities. The CNE made a remarkable effort to select and train the election staff and the experience they gained should be beneficial for the future.

D. Assessment

The CNE, as the central organ of the electoral structure, generally performed in a professional, independent and transparent manner. Despite its lack of normative power to adapt technical procedures to the needs of the process and resources available, it was able to show flexibility to the election timetable and by reducing the number of polling station staff from six, as required by law, to four, due to lack of resources. In addition, despite logistical difficulties, election materials were distributed efficiently to the 2,219 polling stations although, during the second round, materials failed to reach some electoral districts in the south of the country on time. However, this only affected a very small number of polling stations. In most cases, the CNE corrected technical shortcomings brought to its attention by the EU EOM and the presidents of the CREs after the first round.

In a positive development, the Permanent Secretariat of the CNE encouraged the participation of representatives of candidates and political parties in the decision making process, with a view to promoting an atmosphere of consensus. Communication between the CNE and the CREs was excellent throughout the election process, despite the limited resources available.

The late announcement of the final results of the second round and the public reactions it provoked showed the extent to which the CNE has a crucial role to play in the institutional life of the country, and how important it is that it is perceived to be neutral and independent by both the public and the political actors. Its administrative independence, granted by the Election Law, should be reinforced by a financial autonomy, with a section in the national budget, to facilitate operation free from material constraints or last minute financial dependencies.

VII. VOTER REGISTRATION

A. Legislation: The 2005 Register

Responsibility for the voter registration process lies within the Ministry of Territorial Administration, which delegates the task to the Institute of Statistics and Census (INEC). According to the Law on Voter Registration, voter registration is compulsory and the register should be updated annually. Since the voter register used at the 2004 legislative elections was widely considered to be inaccurate, a new register was compiled for the presidential election.

A total of 540,555 persons were registered to vote in the presidential election, around 15 per cent lower than the 2004 registration for the legislative elections. The reason for the decrease in registered voters was primarily due to an improved system of registration and

avoidance of duplicate names and other irregularities that had affected previous registers. However, other factors also included an inadequate campaign to inform voters about the registration process, and the fact that registration took place during work days, whereas previous registration was carried out during holidays. Moreover, there was no out-of-country registration, since the Election Law only grants citizens living outside the country the right to vote in legislative elections.

The provisional lists posted for the exhibition period were initially hand-written, which made it very difficult for voters to check their names. However, the CNE rectified this situation by posting a second, computerised version of the lists, after which few corrections were made.

In general, most stakeholders were satisfied with the voter register compiled for the presidential election, which was widely considered to be more accurate than the register used for the 2004 legislative elections. In a positive development, regional serial numbers were included on voter cards as a measure to prevent proxy or double voting. However, during the first round, discrepancies between voter card serial numbers and names and those in the voter lists were detected in some polling stations, especially in Bissau. The CNE managed to address this problem in a few polling stations on the basis of unanimous decisions adopted by the candidate representatives at the CNE before election day, or at the polling stations on election day. Due to the lack of legal capacity of the CNE to make corrections to the voter register, all voter lists in polling stations remained unmodified for the second round election.

The EU EOM was only present during the last phases of the voter registration process, when the data entries work of the voter lists was being done in the CNE. However, the methodology used during the process, in which the Electoral District was used as the basic electoral unit instead of the polling station, proved to be the cause of several problems and misunderstandings and malfunctioning during the two rounds of the elections. Use of the Electoral District, instead of the polling station, as the basic election unit, made it impossible for the CNE to produce a voter list for each polling station when two or more polling stations composed the Electoral Districts. This weakened the safeguards against multiple voting and created confusion among voters and polling station staff on the assignation of voters to polling station. In addition, it made it virtually impossible for the polling station staff and party agents to calculate the turnout at the polling station level.

B. Voter education

During the first round, a campaign of civic education, involving the CNE, the media and civil society organisations increased public awareness of voting procedures, although failed in some cases to reach the most remote areas in the country. In contrast, voter education activities were almost non-existent during the second round.

VIII. REGISTRATION OF CANDIDATES

A. Overview

The EU EOM arrived in country when the registration of candidates was already completed. Nevertheless, the nomination process attracted considerable attention from the public, political actors and the international community, especially regarding the candidacies of former Presidents “Nino” Vieira and Koumba Yalá.

B. The Nomination Process

A total of 21 candidates applied for registration with the Supreme Court. Three candidacies were rejected by the Supreme Court for not fulfilling legal requirements, and one candidate withdrew immediately. During the campaign, four other candidates withdrew, including Ibrahim Sow (Popular Party), whose late announcement of withdrawal prevented the CNE from removing his name from the ballot papers.⁹

C. The cases of Joao Bernardo “Nino” Vieira and Koumba Yalá

The decisions adopted by the Supreme Court on the applications for candidature of former presidents Koumba Yalá and “Nino” Vieira were controversial prior to the start of the campaign period. Both the Political Transition Charter and the Constitution are prone to different interpretations, however, political considerations, aimed at avoiding political unrest and facilitating the election process, are widely believed to have been a factor taken into consideration by the Supreme Court when deciding on the Yalá and Vieira cases.

The acceptance of Koumba Yalá by the Court (Acórdão 20/2005 P.E.) was perhaps the most controversial decision. Koumba Yalá claimed his resignation to be invalid and unconstitutional because it was done under pressure after a *coup d'état*. In other words, he claimed that he did not resign freely, but only after having been deposed against his will. Consequently, Yalá considered the five-year term of ineligibility after a presidential resignation, regulated under article 66 of the Constitution, non applicable to his case, and even less the “ad hominem” clause of ineligibility of Article 23 of the Transition Charter, which barred him from running in the next presidential election. The former president considered that the Charter was enacted after his resignation and that, as stated in Article 30.3 of the Constitution, laws having a restrictive impact on individual rights and freedoms cannot be retroactive in their effects.

The Attorney General advised the Court to reject the candidacy of Koumba Yalá, considering that his formal resignation (17/09/2003) was valid because it was never declared to be unconstitutional by the Supreme Court in a separate process. Consequently, the clause of ineligibility established in Article 23 of the Transition Charter and Article 66

⁹ The other candidates were Iancuba Injai (PST), Salvador Tchongo Domingos (RGB) and Abubacar Baldé (UNDP).

of the Constitution should be applicable. This was the only argument of the Attorney General discussed by the Supreme Court. But the Attorney's filing included a far more relevant line of reasoning: the Charter constitutes the legal framework for the recovering of democracy during its period of validity (the political transition) and, consequently, should be applicable to the case.

The Court accepted the claims of Koumba Yalá on the unconstitutionality of the retroactive limitations of basic rights of Article 23 of the Political Transition Charter, as well as his claim that his resignation was invalid because it had been done under pressure. According to the decision, the resignation was a "mere political act", not a proper "constitutional one". The Court rejected as well the Attorney General's argument on the necessity of a separate procedure where proper evidence should be produced to establish the validity or not of the act of resignation. Although the application of Koumba Yalá was finally accepted by the Court, one of the magistrates, who voted against, produced a declaration of discrepancy considering the decision adopted by the court to be a revocation of the whole transitional system, not only of Article 23 of the Charter. In a meeting with the EU EOM, the President of the Supreme Court stated that although the resignation of Koumba Yalá was invalid, the Court considered he ceased to be President when he was deposed by the military coup, not when he signed the formal resignation, which was irrelevant for this purpose.

The acceptance of the application of former President Joao Bernardo "Nino" Vieira (Acórdão 21/2005) was initially opposed by the Attorney General and by an "Ad hoc Commission of PAIGC Members." The Attorney General considered that his status as a political refugee in Portugal entailed a limitation to his "full civic and political rights" and, consequently, to his eligibility in accordance with Article 101.1 of the Election Law. Furthermore, the Attorney General invoked Article 66 of the Constitution. Both claims were rejected by the Court: the first on the factual basis that Vieira had already renounced his status as refugee and the second on the factual basis that the former president resigned on 2 June 1999 and the constitutional period of ineligibility (in the hypothesis it would be applicable to the case, which the Court denied) is only five years after the resignation. Concerning the allegations that Vieira could be responsible for certain acts during the civil war that could legally entail his non eligibility as a candidate, the President of the Supreme Court told the EU EOM that none of the political or civil society actors backing this accusation ever undertook any legal action against the former President for these facts and, consequently, he was not affected by the cause of ineligibility of Article 102b.

D. Accreditation of Candidate Representatives

Despite minor complaints by some candidate managers, which proved to be unjustified, the accreditation of the candidate representatives by the CNE and the CREs was performed in a timely and efficient manner. During the first round, two candidate agent accreditations per candidacy were available for each polling station. During the second round, the same applied for the agents of the two runners. In a remarkable effort to strengthen pluralism in the election administration and despite the ambiguity of the Election Law, the non permanent members representing the defeated candidates in the plenary of the CNE and CREs kept their positions.

IX. ELECTION CAMPAIGN

A. Legal Framework

The Election Law regulation on campaign activities is based on the principles of equality, free access to the electorate, and no interference from government officials, police or armed forces with candidate activities, in line with international principles. Hate-speech is forbidden.

The Election Law provides for a public subsidy for candidate campaigns, although conditioned to the State financial availability. However, no public financial support was provided to the candidates in any of the two rounds, thus hindering the capacity of the candidates to convey their programmes to the public. The only relevant restriction on the legal sources of funds for campaign activities applies to foreign governments and related organisations.

B. Campaign prior to the first round

The election campaign prior to the first round was marked by a peaceful environment with freedom of expression guaranteed to all candidates. Nonetheless, the disparity of financial resources available to the candidates, worsened by the total absence of any public funding support, seriously reduced the opportunities for minor contestants to make their programmes and ideas known to the national electorate.

Only the major contestants were able to campaign actively on a national level. Other candidates primarily organised mass rallies in the capital city and in regions where they had an ethnic base of support, since they were unable to campaign in all regions due to a lack of financial and transportation resources. The general pattern of the political rallies aimed at catching voters' sympathies through entertainment (music shows) or distribution of goods (T-shirts, caps, even rice) rather than pushing a political agenda and programmes. Candidate speeches did not concentrate on national issues, but rather focused on regional and local issues. On the few occasions that national issues were addressed, they focused on economic issues (price of principal export commodities like cashew nuts) or on political issues of the day, such as peace and reconciliation, the restoration of Guinea-Bissau national credibility and international prestige, and reform of the armed forces. Social development issues such as education, HIV/AIDS, gender equality or child mortality were rarely addressed.¹⁰

The distribution of goods (cars, bicycles, motorcycles, rice etc.) and money-politics (the alleged buying of votes) was a permanent feature throughout the campaign especially aimed at traditional chiefs (*régulos*) or influent community leaders. The use of influential

¹⁰ The *UNICEF 2005 State of the World's Children Report* places Guinea-Bissau among the last 10 out of 192 countries in the under-five-year-old mortality ranking. Sérgio Guimarães, UNICEF representative in Guinea-Bissau, estimates that 100,000 children died in Guinea-Bissau as a direct or indirect consequence of the 1998-99 conflict.

community leaders and traditional authorities in order to secure the community or village vote was widely used by candidates, especially the major contestants.

The involvement of government officials in the campaign, as well as the misuse of state resources were often reported by EU observers, particularly by candidate representatives. These reports included allegations of the use of official cars for campaigning, regional governors actively campaigning in favour of the government candidate, and use, by the government, of international donor funded projects and NGO assets. However, no official complaint was filed to the mission or to the electoral officials regarding these allegations.

More generally, the government interfered in the electoral process prior to the first round. The head of the executive personally interfered in the process, in contrast to the neutral attitude adopted by the interim President of the Republic. Accusations against public institutions were made repeatedly by the government. For example, the Judiciary was accused by the government of betraying the people of Guinea-Bissau, a reference to the process of registration of candidates by the Supreme Court in the first round, and to the neutrality of the armed forces in the second round. The Prime Minister also went personally to the airport to block the delivery of election material to the government's main rival candidate. Although peace and reconciliation were the key words of the electoral campaign, the government used the 1998-99 conflict against one of the candidates. On 7 June 1998, the anniversary of the start of the civil conflict, radio *Bombolon* broadcast pieces from the war days and the head of government promoted a ceremony for the inauguration of a monument in the "*Poilão de Bra*".¹¹

Although no serious violent incidents or clashes between the supporters of the different parties took place prior to the first round, a few minor disputes took place were reported by LTOs. These included minor clashes in Gabu region on 7 June, the arrest of a party worker as a result of a fight on 14 June in Bafata North, and injury to three persons in Quinara region on 16 June.

C. Campaign prior to the second round

In contrast to the period prior to the first round, the period prior to the second round was marked by an increase in political tension. During this period, two serious acts of violence leading to the death of activists overshadowed the overall peaceful environment of the electoral campaign.¹² However, despite these incidents, the festive environment witnessed in the closing day of the second round campaign, when supporters of the two candidates

¹¹ "Poilão" is the name of a tree which marked during the war the line between Government and rebel forces.

¹² As a result of the security situation, on 24 June and 27 July, the 60 STOs who remained in Bissau, had to be brought to or told to remain at the hotel Bissau until their departure to the airport. On 24 June, as a result of the march of the PRS and the death of four of their supporters, a Yellow code was applied to observers all around the country (yellow code establishes the suspension of normal work and observers are required to remain at their accommodation until further notice). On 27 July, when the PAIGC did not accept the provisional results published by the CNE, a real risk of unrest was possible after some disturbances and stone throwing in downtown Bissau, but this never materialised.

marched side by side in the streets of Bissau, showed the aspirations of the population for a genuine and peaceful electoral process.

On 24 June, soon after the announcement of the results of the first round, which placed the PRS candidate, Koumba Yalá, in third position and therefore, out of the presidential race, a demonstration was organised by the youth wing of the party to protest against alleged fraud. The unauthorised march resulted in four deaths after clashes with the police in the streets of Bissau, and marked the highest political tension point of the electoral process. Regardless of the fact that the event did not generate other protests, the poor handling of the march by the government, with the police using real bullets to control the demonstrators, caused uneasiness between the military forces and the government. The military indirectly expressed disappointment and disagreement with the way in which the government had handled the situation.

When a peaceful mood had returned to the country, a surprise assault against the Ministry of Interior by a group of paramilitary commandoes again brought tension to the electoral process. In the early hours of 16 July, government buildings were attacked, resulting in the deaths of two people and injury to several others. Although the incident was apparently not directly related to the elections, the timing of the incident (a few days before the run-off election) added tension to the electoral climate without a timely and effective explanation from the government authorities. The assault occurred following the arrest at Bissau airport, on 15 July, of a Guinean businessman arriving from Portugal, carrying a substantial amount of money. Part of the money was supposedly a donation from Portuguese business people to João Bernardo “Nino” Vieira’s campaign.

During the period prior to the second round, an unhealthy atmosphere developed due to the underhand strategy of both candidates that created and spread some rumours and news that scared the population. These rumours were related to the alleged presence of “guerrillas”, weapons and money in neighbouring countries ready to penetrate to Guinea-Bissau, or concealed in some areas of the country, waiting for an order to operate against the other candidate. The march that resulted in the death of four people and the assault on the Ministry of Interior, with two fatalities, clouded the environment and gave more substance to these rumours. This put more pressure on the institutional authorities, and created a real belief among the population that the armed forces could intervene in a *coup d’etat* and the electoral process could be disrupted.

In addition to the two serious acts of violence, the period prior to the second round also saw an increase in minor incidents, involving confrontations between supporters of the different candidates, in comparison the period prior to the first round. These included quarrels and the destruction of a motorbike in Bissau on 12 July, a blocked road (between Bafata and Bambadinca) and fights on 14 July, quarrels and damage in several places in Bissau on 19 July, gun threats and throwing of stones and hot water in Bafata region on 20 July, injury to one person arrest of two others in Gabu on 21 July and injury to one person in Gabu region on 23 July.

The same pattern of government interference during the period prior to the first round was also verified prior to the second round with allegations of use of state resources in favour of

the government candidate. The political tension rose significantly and was again rooted in the a personal conflict involving the head of the executive with the second round independent candidate which even culminated in a threat of resignation, later corrected after the announcement of the final results and the victory of the independent candidate¹³.

X. MEDIA

A. Background

From 1973 to 1989, the media landscape Guinea-Bissau consisted of one radio (*RDN – Radio Difusão Nacional*) and one newspaper (*Nô Pintcha*). In 1989, the government created the public television channel known as TVGB. All media outlets were state controlled and no freedom of the media was accepted. However, 1991 marked a turning point in the Guinean communications sector with the government engaging itself in political reforms and moving to a multi-party system. In this framework, the National Assembly passed a bill on freedom of the media together with a package of other fundamental freedoms (legalisation of trade unions, worker’s right to strike and other fundamental rights).

With the freedom of the media law which allowed for simplified procedures for media concessions and creation of new means of communication, approximately 16 private radios were created (including *Radio Pinjiguiti* and *Bombolon* FM) as well as private newspapers (*Diário de Bissau*, *Gazeta de Notícias*, *Banobero*, *Fraskera*, *Kansaré*). However, these rights were seriously curtailed during the presidency of Koumba Yalá, who he frequently and arbitrarily closed several media outlets, including the newspaper *Diário de Bissau* and *Radio Bombolon*. Foreign journalists, like the correspondent for the Portuguese network RTP/Africa, were expelled from the country under his direct instructions. Presently, the situation has greatly improved and such methods have not been in use.

All public and private media face tremendous financial and technical difficulties. The national TV does not have a full coverage throughout the country and is mostly seen in the capital, where electric power is not always available. Only radio stations cover the whole country. Today, only the Portuguese network RTP/África has a 24-hour broadcast service. Newspapers are only published on a weekly basis, though not regularly. Distribution on a nationwide basis is not guaranteed and access to these publications is basically limited to the capital.

Although the media in general suffers from significant limitations, it is nonetheless a powerful sector, especially as far as radio is concerned, in influencing public opinion. Radio has particular influence since most of the population has a low level of education and broadcasts are available in widely spoken local dialects such as Crioulo. Most journalists are poorly educated and do not receive any sort of training. As a result, their degree of

¹³ On 3 July, the Prime Minister stated, on an official visit to Cape Verde, that he would resign if the independent candidate João Bernardo “Nino” Vieira was elected.

autonomy from political and economical interests is rather low and, consequently, they often fail to adhere to the usual standards of ethics expected of journalists.

B. Legal Framework

The legal framework comprehensively defines limits and rights for the media and reflects international principles of freedom of the press. Freedom of expression and information is granted by the Constitution, which also establishes the *Conselho Nacional de Comunicação Social* (CNCS), an independent body in charge of supervising the respect for pluralism and independence of the media.

The legal provisions guaranteeing free air time for all political forces is another safeguard for granting pluralism of opinion in the media. The electoral law defines precisely the amount of airtime political parties or candidates should be granted to convey their messages during the election campaign. The State media must provide 10 minutes daily free airtime on the radio and five minutes daily free airtime on TV for each candidate. Considering the lack of resources and the large number of candidates participating in the first round, the difficulties faced by the State media in fully complying with these provisions is understandable.

In addition, the electoral law establishes a number of benchmarks to ensure a fair and equal treatment of all stakeholders by the media during the campaign. This includes a prohibition on paid political advertising and the publication of opinion polls during the whole election period.

The CNCS was particularly active after the first round when it regularly advised the media about their rights and duties. However, besides the publication of guidelines for the coverage of the campaign prior to the first round, the CNCS did not intervene directly despite a few violations being detected and denounced by the newly established journalists' union (SINJOTECS, in its Portuguese acronym) as well as by one of the candidates. SINJOTECS showed commendable commitment in defending the role and independence of the media during the elections by highlighting the weaknesses of the system and the pressures faced by journalists while fulfilling their duty to inform voters.

C. Public and Private Media

State media in Guinea-Bissau consist of one radio station, *Radio Nacional*, one television station, RTGB, and one newspaper, *Nô Pintcha*. These media outlets are entirely dependent on the government for their economic survival and are conceived as an instrument at the disposal of the government. However, they lack financial and technical capacity and personnel periodically stage strikes to demand months of salary arrears and better conditions. As a consequence the most qualified journalists move from the public to the private sector.

Only radio reaches the entire territory and remains the main source of information for the Guinean population. Together with the State *Radio Nacional*, the private radios *Bombolom* and *Pindjiguiti* are very popular and offer about 16 to 18 hours of broadcasting a day,

including several information and news programmes. At the local level, there are a considerable number of community radio stations which in most cases survive thanks to international funding. They provide listeners with music programmes and news.

D. Methodology

In order to monitor the degree of impartiality and freedom of the media and access to information in Guinea-Bissau, the EU EOM used a methodology in accordance with the standards and guidelines applied to EU election observation missions. This involved a quantitative and qualitative analysis of media coverage by measuring and evaluating the time, space and tone devoted by the media to the political parties and candidates.

The following media were monitored: two state-owned media - the TV channel *RTGB* and *Radio Nacional*; two private nationwide radio stations - *Radio Pindjiguiti* and *Radio Bombolom*; the four main weekly newspapers - *No Pintcha* (state run), *Gazeta de Noticias*, *Diario de Bissau* and *Kansaré*. LTO teams also provided useful information about the broadcasts of local community radios.

E. First Round

The lack of financial and technical capacity was the main problem that prevented the media from providing comprehensive coverage of the campaign and the election process.

The media made a real effort to inform citizens about the election campaign, particularly in view of the difficult conditions in which they were operating in. However, the recruitment of many journalists for the campaign caravans of the front-running candidates undermined the independence and impartiality of the coverage, making it more difficult for voters to form their own opinion and make an informed choice.

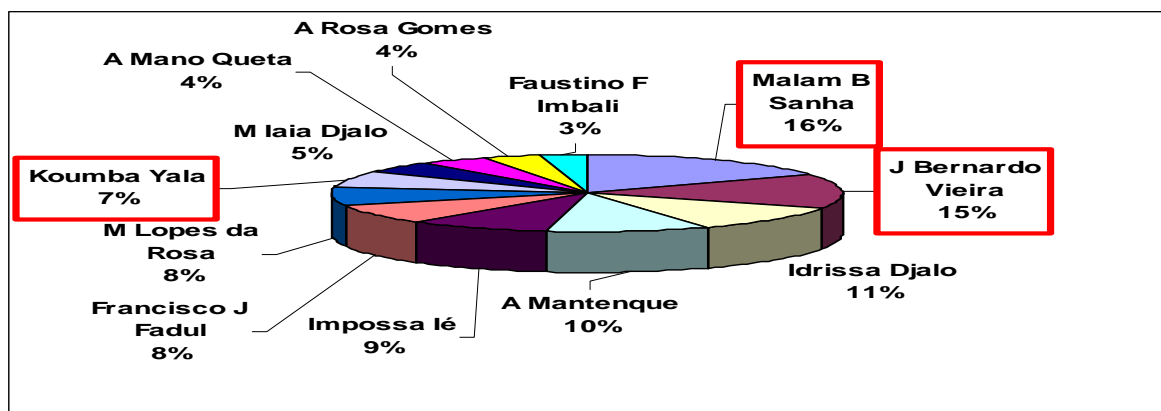
The State media obligation to provide free airtime to all contestants was only partially fulfilled due to financial constraints. These difficulties reduced the capacity of State-run TV, TVGB, to fully comply with the law. Free airtime was aired with delays, and not on a regular basis. On the positive side, however, radio stations played an important role and both private and public stations offered free air time space to all contestants to present their electoral programmes. Information programs (*Jornal de Campanha*) and free air time were broadcast daily and voters were kept regularly informed about candidate campaign activities.

Nevertheless, the absence of the main candidates in the live debates organised by the CNE and broadcast by TVGB and *Radio Nacional RTGB*, networking with other radio stations covering the entire country, during the last week of the campaign (they were reportedly engaged in campaign activities outside the capital) weakened the role of media in providing an arena for the political debate. The debates were generally conducted professionally and the journalists ensured that equal treatment was provided to all participants. However, the moderator of the debates was a well known local journalist who was involved in the campaign of “Nino” Vieira. This was not appropriate and raised doubts about the impartiality of the programme.

As far as the private media was concerned, the EU EOM noted a few violations of the electoral law. *Radio Pindjiguiti*, as well as a local radio based in Gabu, were reported to be selling air time to candidates, violating the provision prohibiting paid advertising. A further source of concern was the re-broadcast on *Radio Bombolon* on the occasion of the celebration of 7 June 1998, of war propaganda recalling memories of those tragic events and old conflicts.

In general, the tone of the coverage in the media, both private and public, was generally neutral and all candidates were provided with the opportunity to address the public during the free air time period. However, the distribution of air time among the candidates appeared to be unbalanced. The EU EOM media monitoring revealed that the coverage mainly focused on the main candidates Malam Bacai Sanhá, who received 26 per cent of total air time during news programmes and “Nino” Vieira, who received 18 per cent. As shown in Chart 1, the State-run *Radio Nacional* presented the most balanced picture, with most of the candidates receiving an equal treatment.

Chart 1. Distribution of air time in regular news programmes on Radio Nacional



While *Radio Pindjiguiti* focused on the front runners with no special preference shown to any of them, *Radio Bombolon* showed a clear tendency to favour Malam Bacai Sanhá who received 27 per cent of the space devoted to the campaign reporting.

Chart 2. Distribution of air time in news programs on Radio Pindjiguiti

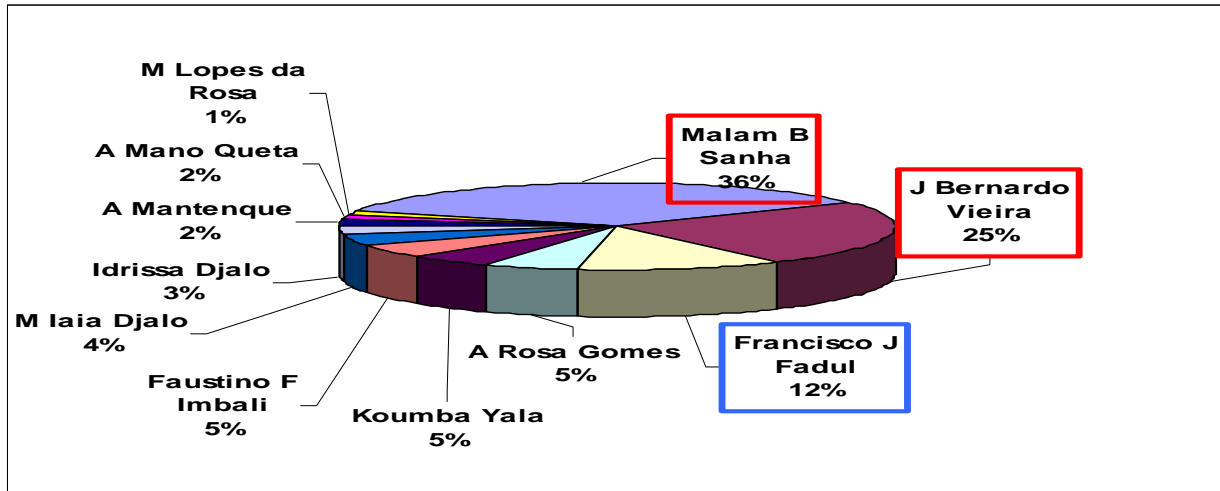
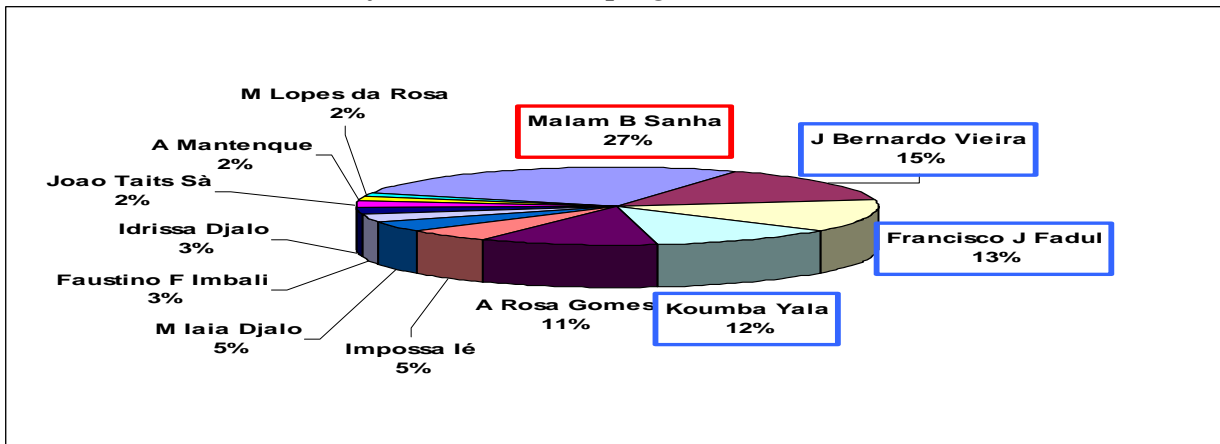


Chart 3. Distribution of air time in news programs on Radio Bombolon



The print media generally provided balanced and comprehensive coverage. However, the weekly *Gazeta de Noticias* conducted an indirect campaign in favour of the PAIGC candidate Malam Bacai Sanhá by publishing several editorials against “Nino” Vieira. This reached a climax when it called on voters to cast a “*voto certo*” (right vote), the electoral motto of Sanha.

On election day, after respecting the 48-hour “gag” period on election news imposed by law, all radios with national coverage reported throughout the day on the process and related problems, including information about loss of voter cards. The presence of both national and international journalists was noticeable throughout the country, particularly in Bissau, where the main candidates cast their vote. The front-runners were followed by dozens of journalists while casting their vote. An overreaction by the security personnel of the candidate Koumba Yalá led to the wounding of a journalist. The case was taken to the Association of Journalists, which responded by issuing a public statement condemning what it called “aggression” and blaming the candidate’s bodyguards.

In the aftermath of the 24 June 2005 events, when four activists were killed during an unauthorised march in the capital to protest the results announced by the CNE, the media offered good and balanced coverage of the accusations exchanged between the PRS, promoter of the march, and the government, as well as on the talks held later in Dakar between the Senegalese President and the three candidates who gained the most votes in the first round. The coverage was generally neutral and kept the public informed, despite a lack of information and explanations by Guinean officials. However, bias in the press became gradually more evident after the first round. The weekly *Diario de Bissau* showed support to the PRS and Koumba Yala’s interests. The paper strongly attacked the government, in particular Prime Minister Carlos Gomes Junior, for the 24 June incidents through several articles and a front page headline claiming the existence of “State terrorism”.

F. Second Round

The lack of financial and technical resources remained the main obstacle to the independence and impartiality of the media. As in the first round, some editors were involved with candidates in the election campaign and, regrettably, many journalists were again recruited by the two candidates to provide special coverage of their campaign activities, despite the fact that the government and civil society financially contributed to their expenses.

State TV and radio offered free air time to both candidates. While *Radio Nacional* provided equal treatment to both candidates, once again RTGB was not able to fully comply with the requirement to provide daily free of charge air time and comprehensive coverage of the campaign. Moreover, all State-run media (TV, radio and press) conducted a strong campaign to promote the government’s achievements, thus indirectly benefiting the ruling party candidate. RTBG chose to cover the campaign only through special programmes in which the two candidates were given equal treatment.

SPECIAL ELECTION PROGRAMS			
2nd Round			
Candidate	RADIO		
	BOMBOLOM	RADIO NACIONAL	RTGB
JB VIEIRA	45%	49%	44%
MALAM BACAI SANHA	55%	51%	56%

Chart 4. Coverage of second round elections by RTGB

RTGB - 2nd round - News

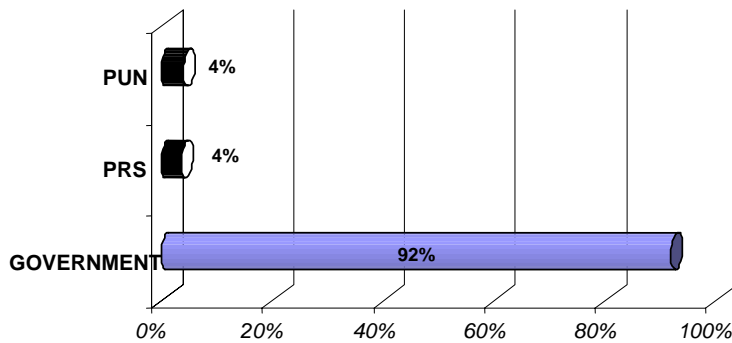
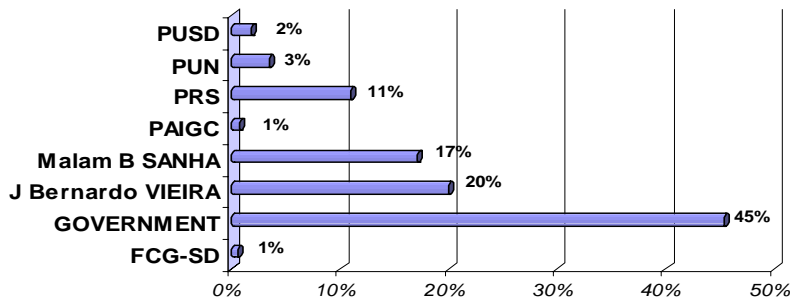


Chart 5. Coverage of second round elections by Radio Nacional – news programmes

Radio Nacional - 2nd round - News



The coverage of the private radios *Bombolom* and *Pindjiguiti* appeared to be generally balanced despite the two having a clear political preference. Once again, the presence of government activities in the news aired by the private radio stations was significant (see charts below) and showed a clear effort by government officials to promote events on the media during the campaign period.

Chart 6. Coverage of second round elections by Radio Pindjiguiti – news programmes

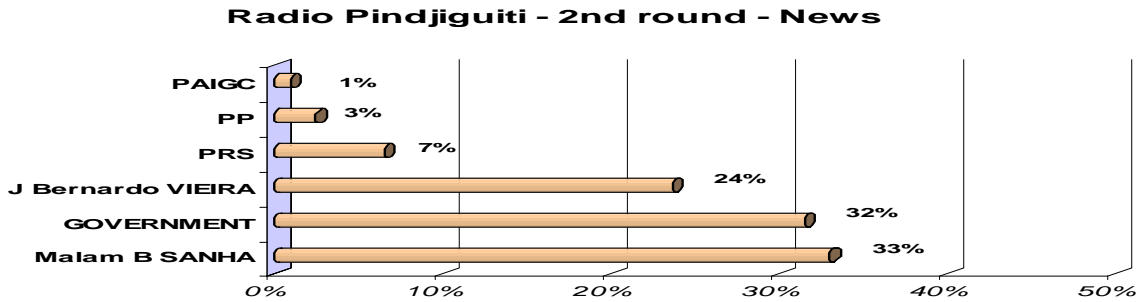
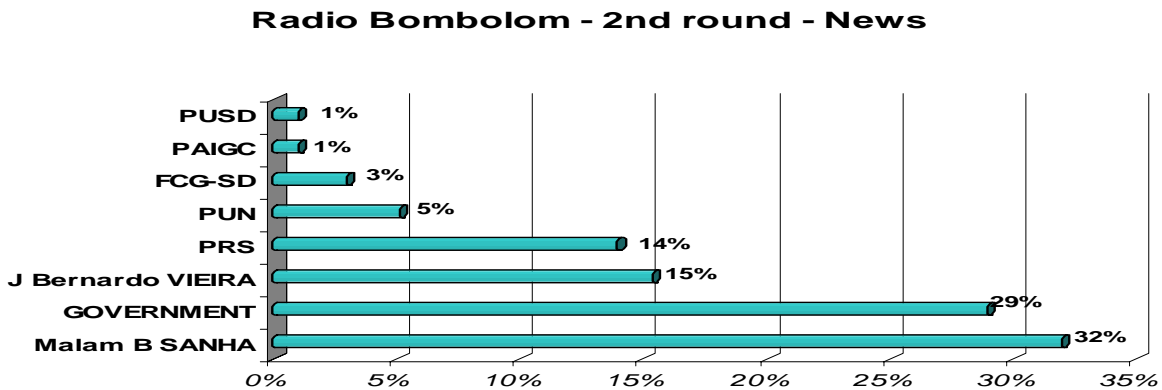


Chart 7. Coverage of second round elections by Radio Pindjiguiti – news programmes



Private radio and newspapers repeatedly violated the legal provisions regulating the role of the media during the election campaign. The principle of equal treatment of the contestants was not fully respected by all print media and in at least two cases newspapers openly supported one of the candidates. In addition, the same newspapers violated Article 33 of the Electoral Law which prohibits the publication of opinion polls during the election period.

Moreover, the two main private radios, *Bombolom* and *Pindjiguiti*, constantly breached Article 45 of the Electoral Law by accepting paid airtime to promote the candidates, becoming a stage for the exchange of accusations. In this respect, the CNE and the CNCS, played an active role in calling on candidates to moderate their language. However, the CNCS refrained from taking official steps to stop the illegal broadcasts.

As in the first round, the media respected the “gag” period during the two days preceding polling and reported throughout the day about the process.

XI. CIVIL SOCIETY

While conditions are poor for civil society, a determined presence is emerging in the country. Its presence and participation in the electoral process was modest although the

main organisations issued regular statements on the conduct of the process. Both domestic and international NGOs are grouped under an umbrella organization called the PLACON-GB (*Plataforma de Concertação das ONGs Nacionais e Estrangeiras da Guiné-Bissau*), which was created in 2000 and legalised in 2001. Today it has 125 member organizations. Its broad objectives are: (i) to promote the coordination and defence of common interests members, (ii) to create mechanisms and tools for enhancing dialogue with the government and NGOs, and (iii) to contribute to the democratisation and development of Guinea-Bissau.

The Guinea-Bissau Human Rights League (*Ligua Guinéense dos Direitos Humanos – LGDH*) is a member of PLACON-GB and, since its foundation in the early 1990s has been a major player in promoting human rights and the search for peaceful solutions to conflict. Recently, a new organization called FUNDDEP (Fundação para a Democracia, Desenvolvimento, Estabilidade e Paz – Foundation for Democracy, Development, Stability and Peace) was created and had some participation in the electoral process issuing statements on the electoral process development and acting as a watchdog.

While the Electoral Law did not provide for domestic election observation by civil society, an association of “citizens of good will”, grouped around 40 organisations active in the county, decided to get intensely engaged in the electoral process. The core group was a task-force with members interested in promoting a peaceful electoral process. The only condition to be part of the task force was non-involvement in the electoral campaign, in order to maintain the association's independence. Among the associations involved in the group were WANEP (West Africa Network for Peace Building), CNJ (National Council of the Youth – Conselho Nacional da Juventude), the Guinea-Bissau Human Rights League (*Ligua Guinéense dos Direitos Humanos – LGDH*), SENAPROF (Teacher’s Union) and RENAJ (National Network of the Youth – *Rede Nacional da Juventude*).

Various initiatives taken by the association directly addressed the electoral campaign in an attempt to promote a peaceful environment for the elections. In Bissau, banners were posted at main points of the city with slogans appealing to the candidates to campaign in a civic, peaceful spirit, against tribalism and racial distinction. The association also produced a code of conduct which was presented individually to all candidates. This was used by the major religious leaders of Guinea-Bissau (the Catholic church, Muslim community leaders, Protestants and Evangelicals) to be read after services. On election day, members of the association wore T-Shirts identifying themselves as “*combatentes da paz*” (peace warriors) with a mission to intervene around the polling stations in case of any disturbances.

XII. PARTICIPATION OF WOMEN

There are no legal barriers to participation by women in the election process. However, although women represent more than half of the electorate (53.5 per cent), they are seriously underrepresented in elected positions; less than five per cent of the members of the National Popular Assembly are women. Women’s participation was generally modest during the electoral process. Only one woman, Antonieta Rosa Gomes, participated as a candidate. At the 1999 presidential election she had also been the only woman candidate.

Generally speaking women's participation in the campaign and campaign activities of the candidates was low, with the exception of the PAIGC campaign. Issues of particular interest to women, such as improvement of the lives of children, access to education, gender equality and the fight against malaria and malnutrition, were not addressed in the campaign in a significant way.

However, women are very active in civil society. Macaria Barai, a leading local activist, had the most visibility and was a spearhead of civil society. Prior to election day, she organised a march in Bissau to promote a peaceful and orderly election process, and regularly participated in radio programmes, appealing for calm and providing information on the electoral process. Women were also generally well represented in the election administration at the CNE, CRE and polling station levels. There was also generally good representation of women among candidate representatives.

In June 2005, prior to the first round, a document called "Agenda Presidencial para as crianças e adolescentes da Guiné-Bissau" (Presidential agenda for the rights of children and adolescents) was presented to the presidential candidates by organisations of civil society in which women are mostly active, including the Ad-Hoc Commission of the National Popular Assembly on Women and Children Affairs (*Comissão Ad-Hoc para os Assuntos da Mulher e da Criança da Assembleia Nacional Popular*), the Institute of Women and Children (*Instituto da Mulher e Criança - IMC*), the Children's Friends Organization (*Amigos da Crianças - AMIC*) and UNICEF.

XIII. INTERNATIONAL OBSERVERS

Around 80 non-EU international observers were present during both rounds of the elections from a number of organisations including ECOWAS, the United States government, CPLP, the African Union, UEMOA, RADDHO, the Election Commission of Burkina Faso, FOSSAO, Nigerian and the Francophone countries. Their stay was short and limited to election day activities.

The EU EOM maintained regular contact with other international missions and invited them to meetings at the EU EOM headquarters at which mission activities and methodology were explained by the Chief Observer. The EU EOM paid particular attention to maintaining contact with the United Nations, which coordinated the other international observation missions. The EU EOM provided the UN with its deployment plan in order to avoid overlapping and to improve geographic coverage.

XIV. VOTING, COUNTING AND TABULATION OF RESULTS

A. Election Day, 19 June

Opening and Voting

The first round election day was largely peaceful and orderly. No major cases of intimidation were reported or observed throughout the day. Regrettably, a journalist was hospitalized after an incident in Bissau involving a security officer of one candidate. More than 90 per cent of polling stations were operational within an hour of opening time and most of the remainder opened shortly afterwards. While in around 50 per cent of polling stations visited some election materials were missing, including ballot papers in some cases, the electoral authorities generally moved swiftly to resolve problems in this regard. Campaign material was visible in the proximity of around 12 per cent of polling stations visited.

The voting process was assessed as “good” or “satisfactory” in 95 per cent of polling stations visited. While the secrecy of the vote was well maintained, a number of security safeguards were either absent from the process or not properly enforced. These included failure to require ballot papers to be stamped or signed by election officials before being issued to voters and the absence of seals from most ballot boxes. However, in a very positive development, candidate representatives were present in all polling stations observed and played a major role in protecting the integrity of the process. No problems were observed or reported in relation to the conduct of the security forces.

Closing and Counting

Counting was assessed as “good” or “satisfactory” in 94 per cent of polling stations observed. Some difficulties were observed during the reconciliation process, but in all cases these were resolved in a consensual manner. Candidate representatives were provided with a copy of the results in 97.5 per cent of polling stations observed and in well over half of polling stations visited the results were immediately publicly posted once the count had been completed.

Aggregation of Results and Announcement of Results

The announcement of the first provisional regional results was made by the president of the CNE, Aladje Malam Mané, three days after election day, on 22 June. However, during this announcement, he did not provide any information about the number of blank, null and objected votes or about voter participation. Moreover, the consolidated regional results were not immediately posted at the CRE level for public view or released to the media. Further, the presidents of the CREs in the regions of Oio and Bafatá (South) denied access to the results to the EU observers. During the press conference, the president of the CNE, also for no apparent reason, limited the announcement of results to the regional level without presenting the national results, thus creating confusion, unnecessary expectations and jeopardizing the transparency of the results process.

The EU EOM sent a letter to the president of the CNE conveying its concern about the presentation of incomplete results, the limits on the access to information made available to international observers, which was a clear violation of the Memorandum of Understanding signed in advance of deployment of the EU EOM, and the lack of transparency in the process of announcing the results. In a welcome move, the president of the CNE acknowledged these shortcomings and committed to avoid such occurrences in the second round and to implementing some of the suggestions offered by the EU EOM.

B. Election Day, 24 July

Opening and Voting

The run-off election day was largely peaceful and orderly, and the voting process was assessed as “good” or “fair” in almost all of the 350 polling stations visited by the EU observers. Polling stations were generally well organised and their location, most of them placed in the shade of trees, and simple set-up offered adequate conditions for voting and vote secrecy. Candidate representatives were presents in almost all polling stations and played a major role in protecting the integrity of the process. However, EU observers noted some shortcomings in relation to the distribution of electoral material that delayed for many hours the voting in almost 20 polling stations in the region of Tombali. Problems of communication and transportation contributed to the delays. However, polling stations extended their voting time and all voters appeared to be able to cast their vote.

Closing and Counting

Counting was assessed as “good” or “fair” in 95 per cent of polling stations observed. No major problems in counting and reconciliation in the polling stations visited were reported or observed, and no complaints were filed or reported to have been filed regarding the counting process. The counting was held in the presence of observers and candidate representatives. The result forms were signed by 97.5 per cent of the candidate representatives in the polling stations observed, who also received a copy of the results. In 80 per cent of polling stations visited the results were immediately publicly posted once the count had been completed.

Announcement of Results and Complaints

The announcement of the provisional results (regional consolidation) were announced by the president of the CNE on 28 July, and immediately contested by the Malam Bacai Sanha, who lodged two consecutive complaints with the CNE. The first complaint asked for a recount in all the autonomous sector of Bissau and the region of Biombo. The second requested that new voting be held in all polling stations in the regions of Biombo, Bafatá and Bissau, and a recount of votes in the rest of the country. The complaint contained a series of allegations of irregularities and copies of a number of tallying sheets that, according to the claimant, pointed to the existence of a “massive fraud” impacting in the outcome of the election.

The president of the CNE decided to submit the complaint to the plenary of the CNE, where a technical commission was created, including experts from both candidate teams, to verify the alleged inaccuracies in the data contained in the *Actas* presented by the claimant. These *Actas* were compared with the original documents filed at the CREs, the CNE and the computerized data of the CNE. The technical commission submitted a report to the plenary (*Relatório da Confrontação das Actas*, dated 3 August), concluding that the alleged irregularities in the *Actas* were just arithmetical mistakes in the determination of the total valid votes and the total number of votes and had not affected the number of votes received by the candidates nor, consequently, the outcome of the election.

The representative in the plenary of the candidate Bacai Sanhá did not accept the report of the technical commission and asked for a recount of a number of ballot boxes, a request that was opposed by the representative of the candidate “Nino” Vieira.

The process of discussion of the complaint at the plenary of the CNE exceeded the legal deadline for the proclamation of the final results, which should have been announced between seven and ten days after the election. The president of the CNE made several attempts to encourage a unanimous agreement at the plenary, but his efforts were unfruitful. Finally, on 10 August, the Executive Secretariat of the CNE made use of its legal prerogative and announced the final results (National Consolidation), with no changes compared to the contested provisional ones.

On 12 August, Malam Bacai Sanhá lodged an appeal to the Supreme Court against the decision adopted by the Executive Secretariat of the CNE. The argumentation of the appeal followed the same line of argument of the previous complaint discussed at the plenary of the CNE. After notification of the appeal, counter-allegations were sent to the Court both by the CNE and the candidate “Nino” Vieira. In its Resolution, on 29 August, the Court confirmed the decision adopted by the CNE, which had announced “Nino” Vieira as the winner and, consequently, president elect.

XV. DEMOCRATISATION

A. Background for Democratization Strategies in Guinea-Bissau

Guinea-Bissau is part of a group of five African countries which formed the Portuguese colonial empire in Africa (PALOP in its Portuguese acronym) and which gained independence at a later stage than most other African countries. Together with Mozambique, São Tomé and Príncipe, Angola and Cape Verde, Guinea-Bissau’s political history is characterised by the political predominance of a liberation movement whose historical legitimacy as the “movement for independence” was turned into political legitimacy in the aftermath of independence. Guinea-Bissau political culture must be therefore understood in the socio-political framework of PALOP with which Guinea-Bissau shares the same political colonial experience. When Portugal granted independence to its former colonies, it was itself going through a turbulent democratisation revolution after decades of authoritarian rule. In view of this, it left its colonial empire without democratic structures or political culture.

The political background of the 2005 presidential elections is therefore very much linked to the history of Guinea-Bissau and the PAIGC. The association between the party's internal leadership crisis and the election was visible and reflected in its results. The three main contestants of the election, João Bernardo "Nino" Vieira, Malam Bacai Sanhá and to a lesser extent Koumba Yalá represented three opposite factions of the PAIGC "family" with "Nino" Vieira, the independent candidate, and Malam Bacai Sanhá, the official PAIGC candidate, incorporating the old generation of freedom fighters (*"combatentes da liberdade da pátria"*) and disputing the historical legitimacy of leadership of the party and, on the other side, Koumba Yalá representing the younger generation in rupture with the PAIGC *"combatentes da liberdade da pátria"*.

Koumba Yalá created his own political party, the PRS, in 1992, soon after the country moved to a multi-party system, and attracted growing political representation based on an ethnical political alternative to the historical legitimacy of the anti-colonial struggle. With Koumba Yalá defeated in the first round, and Malam Bacai Sanhá and João Bernardo "Nino" Vieira in the run-off, the 2005 presidential elections must be understood as the final stage of the internal battle for control of the PAIGC between the older generation of Guinean politicians.

Malam Bacai Sanhá's attempts to challenge the political leadership of the party against his former companion in fighting for independence, João Bernardo "Nino" Vieira, failed at several of the party's congresses (1991, 1998). "Nino" only lost control of the PAIGC when he suffered a military defeat during the 7 June 1998 conflict. After this defeat, João Bernardo "Nino" Vieira's party membership was cancelled when he went to political exile in Portugal in 1999. Only if these political antecedents are taken into account – in the long-term the internal struggle for the control of the party, and in the short-term, the 7 June conflict – can the rivalries between the two political contestants of the 2005 presidential election be correctly understood.

Considering such a background, any democratisation efforts in Guinea-Bissau must start from the position that there is a lack of a mature political culture in the country. This is partly the result of historical factors, a fragile political culture based on the authoritarian post-colonial tradition. In addition, in the absence of a private sector which could channel and accommodate human resources, the world of politics is seen as the major source of economic survival.

Guinea-Bissau is largely a rural country with few urban centres. Any democratisation efforts must therefore start from the very basic elements in a society that is still in a very early phase of democratisation. This means primarily that the efforts should be aimed at raising the educational level of young generations through basic education programs, including curricula development in schools on human rights, citizenship and fundamental rights.

In addition to raising educational levels, democratization efforts should also pay particular attention to the strengthening of institutional capacity, in particular the political party system, the parliamentary system, strengthening of the rule of law and law enforcement, decentralization, post-conflict management (and in particular the reconciliation process),

women's empowerment and ethnicity. In all these areas the intervention of civil society and civil society participation should be a cross cutting issue. Particular attention should also be given to the major role of the media both in electoral processes and democratic transition. In addition, the armed forces must be included in any effort of democratisation as a guarantee of political stability.

B. Strengthening Institutional Capacity

Political parties are the cornerstone of democratic societies and continue to play an irreplaceable role in the democratic system. The role of political parties in Guinea-Bissau is fundamental and they cannot be a replacement for, or be replaced by, civil society or by any other organized structure. Political parties must be pluralistic and inclusive and work in partnership with civil society to achieve a more transparent and participatory system of governance.

In Guinea-Bissau the political party system is very fragile. In three decades of independence, with the exception of the PAIGC, political parties have not been able to develop as strong, inclusive, pluralistic parties with national grassroots. Today, there are dozen political parties in Guinea-Bissau with no significant representation, party structure, party ethics or discipline. Political parties have turned into personal projects, and plan strategies on a short-term electoral framework, devoid of party loyalty and internal democracy. Because they face an uneducated citizenry, civil society should serve as a watchdog of political parties and raise citizen awareness about their and accountability to citizens. Country specific solutions should be identified and civil society could play a major role, for example, in the reduction of ethnic tensions in political party representation.

C. Strengthening the Role of the National Popular Assembly (ANP) in Electoral Issues and Post Conflict Management

Notwithstanding the role parliaments can play in governance or poverty reduction strategies, they can also play an important role in conflict prevention during the electoral process and in reconciliation in post-conflict situations. The parliament in Guinea-Bissau should act as a fundamental anchor for democratisation. In the 2005 presidential elections, parliament could have played an important role in conflict prevention but its state of political fragility did not allow for this to happen. When the Assembly's Commission for Prevention of Conflict and Crisis Management (CEPGEC) pronounced on an election related issue, it was immediately reprimanded and suspended by the President of the Assembly.¹⁴

Stability, national reconciliation and peace were the key words of the electoral campaign. All candidates used such words but did not fully comply with them, especially when memories of the events that led to the 7 June war were widely used against a candidate. The National Assembly could play a major role in the reconciliation process. Parliaments around the world have increasingly witness the creation of new institutions such as non-

¹⁴ The Commission was asked to pronounce on a request from Malam Bacai's campaign to force the resignation of the President of the National Electoral Commission.

elected 'representative' bodies like *truth commissions*, *national dialogue commissions* or *councils for peace and reconciliation consolidation* to foster dialogue and reconciliation in post-conflict situations or in deeply divided societies. A special commission to investigate the roots of the 1998-1999 conflict could be created in the National Assembly, including the participation of civil society organizations.

D. Promoting Decentralisation

In Guinea-Bissau, municipal elections have never been organised since independence. One of the major causes of the lack of a democratic political system is to be found in a political network based on a centralised form of governance. Democratisation at the local level could bring new political actors to the country's political landscape. Without a viable system of local elections, the transition to democracy in Guinea-Bissau will remain incomplete. However, decentralisation should be carefully planned and organised since the country has witnessed growing ethnic tension in the past years. Local elections should act as a sort of conflict prevention tool rather than a source for deepening the ethnic problem. The 2005 presidential candidates used the ethnic strategy in order to attract voters and the ethnic component was certainly the biggest part of the overall campaign strategies. The politics of ethnicity and attempts to introduce religious factors in the electoral process were clear sources of tensions in the country. The role civil society and grassroots organisations in addressing this situation is therefore essential.

E. Gender Empowerment

In all presidential elections in Guinea-Bissau (1994, 1999-2000 and 2005), only one female has stood as a candidate (the same one each time). Further, the percentage of women in the National Assembly has dramatically decreased over the legislatures.¹⁵ Unfortunately, the participation of a woman as a presidential candidate has not encouraged or motivated a higher number of women to participate in political life. There is no particular cultural factor in Guinea-Bissau that limits women's participation in politics, except the common limitations linked to a traditional society and its view of women's engagement in political life. In general, gender equality is easier to achieve at the local level and Guinea-Bissau has been no exception to this (female mayors, balanced gender representation in polling stations etc.). Measures should be introduced in order to promote gender empowerment and it could prove advisable to introduce gender quotas for elected positions especially in future legislative and in local elections.

F. Media

Media impartiality was poor during the presidential electoral process. Some media openly campaigned in favour of a particular candidate, leaving voters without a clear and impartial electoral information. It is therefore important that democratisation in Guinea-Bissau be supported by the media because of its fundamental role in raising people's awareness on

¹⁵ In 1989, there were 30 out of 150 women in parliament (20%), in 1994 a total of 9 out of 100 elected members (9%) and in 1999 there were 8 out of 102 elected members (7.8%). In the last legislative elections (2004), the number of elected women increased to 10 %.

social and political issues. A critical element of a country's democratisation programme is an effective and independent media. In Guinea-Bissau, radio is the main source of information and education for the vast majority of citizens. Media should play a more independent role in the future, particularly during the election process.

G. Armed Forces

In recent years, the armed forces have been the major source of political instability in the country and have been responsible for ousting governments and failing to obey civilian authority. Reform of the armed forces, together with reintegration, is a key element in bringing political stability to the country. The armed forces stated at the beginning of the 2005 electoral process that they would not interfere in the presidential election and kept this promise despite there being significant moments of political tension. Following the 1998-99 conflict, the government began a five year Disarmament, Demobilisation and Reintegration (DDR) programme with the assistance of the International Organization for Migration (IOM). However, the delicate question of the relationship between civil and military powers remains unanswered both in constitutional practice as well as in political reality. It would be advisable for political stability and the democratisation process for the repeatedly postponed reform of the armed forces to be carried out and the role of the armed forces to be clarified and institutionalised.

XVI. RECOMMENDATIONS

A. Legislative Framework

1. The Election Law should be amended to provide Guinean citizens living abroad with the opportunity to vote in presidential elections. Currently, they are only able to vote in the legislative elections.
2. The Election Law should be amended to provide civil society organisations with the possibility to observe all aspects of the election process. Currently, representatives of political organisations are the only national observers permitted under the Election Law.
3. The role of the National Popular Assembly should be strengthened as a major institutional tool for conflict prevention in the electoral process.

B. Election Administration

4. The CNE's administrative independence should be reinforced with financial autonomy, through a section in the national budget. This should facilitate its ability to operate free from material constraints or last minute financial dependencies.
 5. The legislative framework should be amended to ensure that the CNE is provided with the normative and/or interpretative power to (i) adapt to the resources available, (ii) update technical and organisational aspects of election management that are currently regulated by the election law, and (iii) fill in some legal gaps in the electoral legislation.
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6. The voter registration process should be carried out exclusively by the CNE and the CREs. This would serve to reinforce the independence and neutrality of the election process, and would also have advantages in terms of cost efficiency. Should this measure be adopted, CREs would need to be provided with increased capacity to enable them to update the voter register on a regular basis.
7. The polling station should be adopted as the basic electoral unit, rather than the electoral district, in order to allow the election administration to provide each polling station with its own, comprehensive voter list.
8. The CNE should redesign election forms to ensure that they are more user friendly and understandable.
9. The practice of punching voter card should be replaced by a more cost effective and less destructive method, or simply be eliminated.
10. Ballot papers should be stamped or signed by election officials before being issued to voters.
11. Detailed result forms should be publicly posted at all levels of the election administration after counting and tabulation has been completed at the various levels.

C. Civic and Voter Education

12. Civic and voter education campaigns should be intensified and lengthened in order to ensure that citizens are better informed about their rights and voters have greater awareness of registration and polling procedures, especially in local languages and on local radio stations. The tendency of voters to cast their ballots along ethnic lines should be addressed in such education.

D. Campaign

13. The provisions in the Election Law to provide public funding to candidates should be implemented as a fundamental tool to strengthen competitive democracy and allow more representative and pluralistic participation, especially among the younger generation.
14. Election campaigns should more clearly address issues of concern to the population and be less focused on past political tensions.

E. Media

15. The *Conselho Nacional de Comunicação Social* (CNCS) should play a more active role during election campaign, not only by providing guidelines for the media, but also by monitoring respect for legal provisions, possibly in a joint effort with the CNE in order to promptly react to any violation or complaint related to unfair or illegal media coverage. In this respect timely, clear and accessible procedures to receive and effectively act on complaints on behalf of candidates, political parties or any other act or should be established.
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16. The legal provision prohibiting paid advertising during an election campaign could be reconsidered. If paid advertising is introduced, it should be regulated by rules guaranteeing equal conditions to all contestants and enable voters to clearly identify when such advertising is in use. Limits on the quantity of paid advertising political contestants are entitled to purchase could be imposed, as well as on the amount of airtime media are allowed to broadcast daily. Another way to regulate paid political advertising would be to impose limits on campaign expenditures of political parties and candidates.
17. The State media should ensure impartiality, accountability and pluralism of viewpoints. The political party in power should refrain from misusing this public resource for its own interests by promoting its activity during the election campaign.
18. Concrete support to the media from the State or external donations should be considered during the election campaign period in order to encourage independent and impartial coverage.
19. The level of professionalism in the Guinean media should be increased by ensuring adequate education and training of the journalists. Special attention should be given to the rights and duties of the profession of a journalist. Given the importance of journalist syndicates in developing independent and professional journalists, these bodies should be supported and promoted.

F. Participation of Women in the Election Process

20. Women's participation in political party structures should be enhanced and promoted, if necessary through the introduction of gender quotas for future legislative and local elections in order to create conditions for greater woman participation in presidential elections.

G. Civil Society

21. The role of civil society in the electoral process could be strengthened by allowing it organise domestic observation, which is provided with access to all aspects of the election process.

H. Democratisation

22. Educational programmes on human rights, citizenship and fundamental rights, targeting the young generations, should be introduced into school curricula.
 23. An assessment of the political party system should be undertaken with a view to developing programmes to strengthen the political culture among party leaders through the provision of training to leaders in human rights, democratic issues and ethics.
 24. The law on political parties should be enforced and the minimum requirement for political party registration should be carefully monitored.
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25. Consideration should be given to establishing a parliamentary non-elected 'representative' body to promote reconciliation in Guinea-Bissau.
 26. Political decentralisation should be promoted through the organisation of local elections (never held so far in Guinea-Bissau) with the financial and technical support of the international community.
 27. The repeatedly postponed reform of the armed forces should be carried out and the role of the military should be clarified and institutionalised.
 28. The government should proceed with efforts to fulfil its commitments to the Disarmament, Demobilization and Reintegration (DDR) programme.
 29. Education programmes to counter the ethnic and religious vote tendency should be considered in order to eliminate the dangerous tendency toward a politics based on ethnicity.
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ANNEXES

I. LIST OF POLITICAL PARTIES CONTESTING THE 2005 ELECTIONS WITH NAMES OF THE PRESIDENTIAL CANDIDATE AND PRESIDENT OF THE PARTY

Acronym (Year established)	Presidential candidate	President
P.T (2003) <i>Partido dos Trabalhadores</i> Workers Party	Aregado Manteque	Aregado Manteque
Manifesto do Povo (2002) <i>People's Manifesto</i>	Faustino Fudut Imbali	Faustino Fudut Imbali
P.U.N. (2002) <i>Partido da Unidade Nacional</i> National Union Party	Idrissa Djaló	Idrissa Djaló
P.P.G. (2000) <i>Partido Popular Guineense</i> Popular Guinean Party	João Tatis Sá	João Tatis Sá
P.R.S. (1992) <i>Partido da Renovação Social</i> Social Renewal Party	Koumba Yalá	Alberto Nambeia (interim president)
P.U.S.D (1991) <i>Partido Unido Social Democrata</i> Social Democrat Unified Party	Francisco José Fadul	Francisco José Fadul
P.A.I.G.C. (1956) <i>Partido Africano para a Independência da Guiné e Cabo Verde</i> African Party for the Independence of Guinea and Cape-Verde	Malam Bacai sanhá	Carlos Gomes Júnior
F.C.G.-S.D. (1994) Fórum Cívico Guineense <i>-Social Democracia</i> Civic Guinean Forum– Social Democracy	Antonieta Rosa Gomes	Antonieta Rosa Gomes

II. TABLE OF REGISTERED VOTERS

The voter lists were displayed in most locations that have been observed in the regions. There has been a decrease of almost 15 per cent in the number of voters registered in comparison to the 2004 legislative elections, due to several reasons, including duplication of names and irregular registry during the last registration, general apathy of the electorate, insufficient campaign by the government to increase awareness of the electorate, lack of confidence in the system and the fact that registration took place during working days (whereas previous registration was carried out during holidays).

REGION	VOTERS	POLLING STATIONS
TOMBALI	38,581	178
QUINARA	22,832	100
BIOMBO	32,573	156
BOLAMA	14,824	68
CACHEU	64,063	265
OIO	80,479	350
BAFATA	70,747	336
GABU	72,625	302
BISSAU	143,831	455
TOTAL	540,555	2,210

III. RESULTS OF 2005 ELECTIONS – FIRST ROUND

Candidate	Total of valid votes	Percentage of valid votes
Malam Bacai Sanhá (P.A.I.G.C.)	158 276	35.45%
João Bernardo Vieira (independent)	128 918	28.87%
Koumba Yalá (P.R.S.)	111 606	25.00%
Francisco José Fadul (P.US.D.)	12 733	2.85%
Aregado Mantenque (P.T.)	9 000	2.02%
Mamadu Iaia Djaló (independent)	7 112	1.59%
Mário Lopes da Rosa (independent)	4 863	1.09%
Idrissa Djaló	3 604	0.81%
Adelino Mano Queta (independent)	2 816	0.63%
Faustino Fudut Imbalí (independent)	2 330	0.52%
Impossa Ié (independent)	2 215	0.50%
Antonieta Rosa Gomes (F.C.G.)	1 642	0.37%
João Tatis Sá (P.P.G.)	1 378	0.31%
Total of Voters	538 472	
Valid Votes	446 493	
Invalid votes (Blank, Nulls and Objected)	25 350	
Turnout	87.63%	

IV. RESULTS OF 2005 ELECTIONS – SECOND ROUND

	João Bernardo Vieira (Independent)	Malam Bacai Sanhá (P.A.I.G.C.)
Region Bissau	58 482	58 818
Region Tombali	14 091	11 045
Region Quinara	6 608	10 437
Region Oio	27 432	31 570
Region Biombo	24 034	3 014
Region Bolama	7 901	3 641
Region Bafatá	28 189	28 601
Region Gabu	29 920	28 166
Region Cacheu	19 510	21 467
Total of valid national votes	216 167	196 759
(in percentage)	52.35%	47.65%
Total of Voters	538 472	
Valid Votes	422 978	
Invalid votes (Blank, Nulls and Objected)	10 053	
Turnout	78.55%	

V. LIST OF POLITICAL PARTIES CONTESTING THE 2005 ELECTIONS WITH NAMES OF THE PRESIDENTIAL CANDIDATE AND PRESIDENT OF THE PARTY

Acronym (Year established)	Presidential candidate	President
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Candidate	Total of valid votes	Percentage of valid votes
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João Tatis Sá (P.P.G.)	1 378	0.31%
Total of Voters	538 472	
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VIII. RESULTS OF 2005 ELECTIONS – SECOND ROUND

	João Bernardo Vieira (Independent)	Malam Bacai Sanhá (P.A.I.G.C.)
Region Bissau	58 482	58 818
Region Tombali	14 091	11 045
Region Quinara	6 608	10 437
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(in percentage)	52.35%	47.65%
Total of Voters	538 472	
Valid Votes	422 978	
Invalid votes (Blank, Nulls and Objected)	10 053	
Turnout	78.55%	

IX. CONSOLIDATION: OPENING, VOTING AND CLOSING/COUNTING

First Round - OPENING

#	Questions	Total PS	Yes	%	No	%	N/A	%
1	Was the electoral material kit complete?	39	31	79.5%	8	20.5%	0	0.0%
2	Was the Polling Committee represented by at least 3 members?	39	38	97.4%	1	2.6%	0	0.0%
3	Did the PS open on time? (7.00 am, with 1 hour tolerance)	39	37	94.9%	2	5.1%	0	0.0%
4	Were the PS set-up procedures respected? if no, give details in the	39	34	87.2%	5	12.8%	0	0.0%
5	Were candidates agents (delegados dos candidatos) present at the	39	38	97.4%	1	2.6%	0	0.0%
	A - Sanhá	37	94.9%					
	B - Vieira	35	89.7%					
	C - Yala	33	84.6%					
	D - Fadul	8	20.5%					
	E - Outros	18	46.2%					
6	Were there any unauthorized people present at the PS?	39	6	15.4%	33	84.6%	0	0.0%
7	Was there any campaign material inside or outside the PS within 500	39	13	33.3%	26	66.7%	0	0.0%
8	Rate Of Opening							
	A - Poor	5	11.6%					
	B - Fair	19	44.2%					
	C - Good	19	44.2%					

First Round – VOTING

#	Questions	Total PS	Yes	%	No	%	N/A	%
1	Was the Polling Committee represented by at least 3 members?	372	371	99.7%	1	0.3%	0	0.0%
2	Was there any woman among the polling staff?	372	286	76.9%	86	23.1%	0	0.0%
3	Were there unauthorized people inside the PS?	372	59	15.9%	313	84.1%	0	0.0%
4	Was the electoral material kit complete?	372	206	55.4%	166	44.6%	0	0.0%
5	Were voters' fingers properly checked for ink?	372	242	65.1%	130	34.9%	0	0.0%
6	During observation of the PS, did the all voters have a voter card?	372	368	98.9%	4	1.1%	0	0.0%
7	Were voter cards checked for punches?	372	368	98.9%	4	1.1%	0	0.0%
8	Was anyone with an inked finger allowed to vote?	372	12	3.2%	73	19.6%	287	77.2%
9	Was anyone with a pre-punched presidential voter card allowed to	372	0	0.0%	65	17.5%	307	82.5%
10	Were the voter's name and the Numero de Inscrição (horizontal	372	355	95.4%	17	4.6%	0	0.0%
11	Was any voter with the name on the voters list and carrying a voter	372	17	4.6%	355	95.4%	0	0.0%
12	Did you observe (or was it reported to you) anyone voting without	372	12	3.2%	360	96.8%	0	0.0%
13	Was the voter card properly punched by the Polling Staff?	372	370	99.5%	2	0.5%	0	0.0%
14	Was the voting cabin positioned in a way that guaranteed the	372	348	93.5%	24	6.5%	0	0.0%
15	Were voters who needed assistance helped by a person of their	372	35	9.4%	6	1.6%	331	89.0%
16	Were voters fingers properly inked?	372	366	98.4%	6	1.6%	0	0.0%
17	Were candidates agents present at the PS?	372	372	100.0%	0	0.0%	0	0.0%
	A - Sanhá	342	91.9%					
	B - Vieira	350	94.1%					
	C - Yala	341	91.7%					
	D - Fadul	160	43.0%					
	E - Outros	192	51.6%					

18 Was any complaint filed?	372	5	1.3%	367	98.7%	0	0.0%
19 Were there any other International Observers present at the PS?	372	25	6.7%	347	93.3%	0	0.0%
20 Was there any campaigning material inside or outside the PS within 500	372	46	12.4%	326	87.6%	0	0.0%
21 Did you observe (or was it reported to you) any intimidation on	372	5	1.3%	367	98.7%	0	0.0%
22 Did you observe (or was it reported to you) any incident in the PS or	372	7	1.9%	365	98.1%	0	0.0%
23 Rate Of Voting							
A - Poor	19	5.1%					
B - Fair	167	44.9%					
C - Good	186	50.0%					

First Round – CLOSING AND COUNTING

#	Questions	Total PS	Yes	%	No	%	N/A	%
1	Did the PS close at 17.00?	39	34	87.2%	5	12.8%	0	0.0%
2	Were all voters queuing at 17.00 allowed to vote?	39	4	10.3%	1	2.6%	34	87.2%
3	Were candidates agents present at the PS?	39	35	89.7%	4	10.3%	0	0.0%
	A - Sanhá	39	100.0%					
	B - Vieira	37	94.9%					
	C - Yala	38	97.4%					
	D - Fadul	19	48.7%					
	E - Outros	20	51.3%					
4	Were there any other International Observers at the PS?	39	5	12.8%	34	87.2%	0	0.0%
5	Were there unauthorized people inside the PS?	39	17	43.6%	22	56.4%	0	0.0%
6	Were unused and spoilt ballots put in their envelopes?	39	32	82.1%	7	17.9%	0	0.0%
7	Was the manual voters list "closed" and signed by polling staff and	39	24	61.5%	15	38.5%	0	0.0%
8	Did the total number of voters who voted on the voters register	39	25	64.1%	14	35.9%	0	0.0%
9	Did the total number of ballots found in the ballot box match with the	39	31	79.5%	8	20.5%	0	0.0%
10	Was any complaint filed?	39	1	2.6%	38	97.4%	0	0.0%
11	Was counting conducted according to procedures?	39	31	79.5%	8	20.5%	0	0.0%
12	Were there any contested votes?	39	15	38.5%	24	61.5%	0	0.0%
13	Were the results reconciled?	39	36	92.3%	3	7.7%	0	0.0%
14	Was the result form sheet signed by the candidate delegates?	39	37	94.9%	2	5.1%	0	0.0%
15	Were candidate agents given copy of the results?	39	35	89.7%	4	10.3%	0	0.0%
16	Rate of Closing & Counting							
	A - Poor	2	5.1%					
	B - Fair	21	53.8%					
	C - Good	16	41.0%					

Second Round – OPENING

#	Questions	Total PS	Yes	%	No	%	N/A	%
1	Was the electoral material kit complete?	42	30	71.4%	12	28.6%	0	0.0%
2	Was the PS Staff composed by at least 3 members?	42	42	100.0%	0	0.0%	0	0.0%
3	Did the PS open on time? (7.00 am, with 1 hour tolerance)	42	41	97.6%	1	2.4%	0	0.0%
4	Were the PS opening procedures fulfilled according to regulations?	42	37	88.1%	5	11.9%	0	0.0%
5	Was the ballot box properly sealed?	42	17	40.5%	25	59.5%	0	0.0%
6	Was a candidate agent present at the PS?	42	41	97.6%	1	2.4%	0	0.0%
	A - Sanhá	37	88.1%					
	B - Vieira	39	92.9%					
7	Was there a CNE security agent present at the PS?	42	29	69.0%	13	31.0%	0	0.0%
8	Was there any electoral campaign material inside or outside the PS	42	6	14.3%	36	85.7%	0	0.0%
9	Did you observe (or was it reported to you) any incident inside or	42	1	2.4%	41	97.6%	0	0.0%
10	Rate of Opening							
	A - Poor	0	0.0%					
	B - Fair	12	28.6%					
	C - Good	30	71.4%					

Second Round – VOTING

#	Questions	Total PS	Yes	%	No	%	N/A	%
1	Was the PS Staff represented by at least 3 members?	363	363	100.0%	0	0.0%	0	0.0%
2	Did the PS Staff include a woman?	363	298	82.1%	65	17.9%	0	0.0%
3	Was there enough ballot papers in the PS?	363	352	97.0%	11	3.0%	0	0.0%
4	Was the voter finger properly checked for ink?	363	216	59.5%	147	40.5%	0	0.0%
5	Were the voter cards checked for punches?	363	360	99.2%	3	0.8%	0	0.0%
6	Was anyone with an inked finger allowed to vote?	363	10	2.8%	35	9.6%	318	87.6%
7	Were the voter's name and the vertical serial number on the voter	363	345	95.0%	18	5.0%	0	0.0%
8	Was any voter with the name on the voters list and carrying a voter	363	6	1.7%	357	98.3%	0	0.0%
9	Did you observe (or was it reported to you) anyone voting without	363	4	1.1%	359	98.9%	0	0.0%
10	Was the voter card properly punched by the PS Staff?	363	354	97.5%	9	2.5%	0	0.0%
11	Was the voting cabin positioned in a way that guaranteed the	363	333	91.7%	30	8.3%	0	0.0%
12	Were voters who needed assistance helped by a person of their	363	13	3.6%	1	0.3%	349	96.1%
13	Were the voters fingers properly inked?	363	359	98.9%	4	1.1%	0	0.0%
14	Was a candidate agent present at the PS?	363	363	100.0%	0	0.0%	0	0.0%
	A - Sanhá	358	98.6%					
	B - Vieira	363	100.0%					
15	Was any complaint filed?	363	21	5.8%	342	94.2%	0	0.0%
16	Were there any other International Observers at the PS?	363	22	6.1%	341	93.9%	0	0.0%
17	Was there any electoral campaign material inside or outside the PS	363	47	12.9%	316	87.1%	0	0.0%
18	Did you observe (or was it reported to you) any intimidation on	363	13	3.6%	350	96.4%	0	0.0%
19	Did you observe (or was it reported to you) any incident inside or	363	16	4.4%	347	95.6%	0	0.0%
20	Rate of Voting							
	A - Poor	2	0.6%					
	B - Fair	64	17.6%					
	C - Good	297	81.8%					

Second Round – CLOSING AND COUNTING

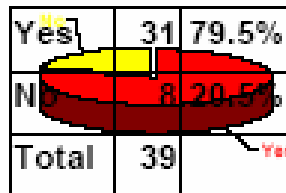
#	Questions	Total PS	Yes	%	No	%	N/A	%
1	Did the PS close at 17.00?	40	37	92.5%	3	7.5%	0	0.0%
2	Were all voters queuing at 17.00 allowed to vote?	40	3	7.5%	1	2.5%	36	90.0%
3	Was a candidate agent present at the PS? If yes, specify here below	40	40	100.0%	0	0.0%	0	0.0%
	A - Sanhá	40	100.0%					
	B - Vieira	40	100.0%					
4	Were there any other International Observers at the PS?	40	3	7.5%	37	92.5%	0	0.0%
5	Was the manual voters list (lista própria) "closed" and signed by the	40	28	70.0%	12	30.0%	0	0.0%
6	Did the total number of voters who voted on the voters register	40	36	90.0%	4	10.0%	0	0.0%
7	Did the total number of ballots in the ballot box match the total number	40	33	82.5%	7	17.5%	0	0.0%
8	Was any complaint filed? If yes, comment	40	3	7.5%	37	92.5%	0	0.0%
9	Was counting conducted according to procedures?	40	32	80.0%	8	20.0%	0	0.0%
10	Were there any objected votes?	40	5	12.5%	35	87.5%	0	0.0%
11	Were the results reconciled?	40	39	97.5%	1	2.5%	0	0.0%
12	Was the result form sheet signed by the candidate delegates?	40	39	97.5%	1	2.5%	0	0.0%
13	Were candidate agents given copy of the results?	40	39	97.5%	1	2.5%	0	0.0%
14	Did you observe (or was it reported to you) any incident inside or	40	3	7.5%	37	92.5%	0	0.0%
15	Was a copy of the results posted out at the PS?	40	32	80.0%	8	20.0%	0	0.0%
16	Rate of Closing & Counting							
	A - Poor	2	5.0%					
	B - Fair	9	22.5%					
	C - Good	29	72.5%					

X. CONSOLIDATION CHARTS

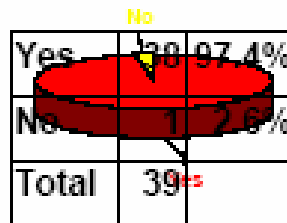
Consolidation of Observation Results 1st and 2nd Round

OPENING – 1st Round

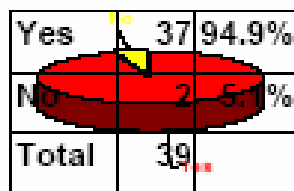
OPENING Q 1 Was the electoral material kit complete?



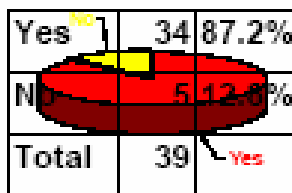
OPENING Q 2 Was the Polling Committee represented by at least 3 members?



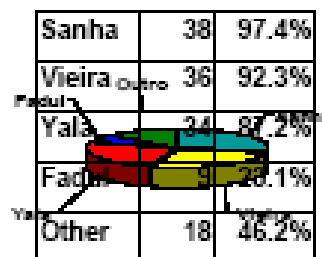
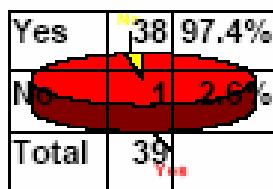
OPENING Q 3 Did the PS open on time? (7.00 am, with 1 hour tolerance)



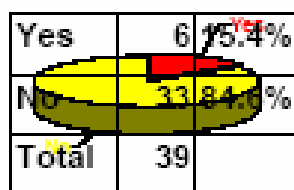
OPENING Q 4 Were the PS set-up procedures respected?



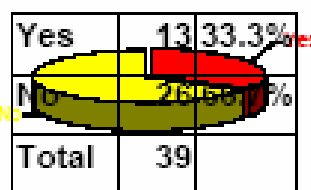
OPENING Q 5 Were candidates agents (delegados dos candidatos) present at the PS?



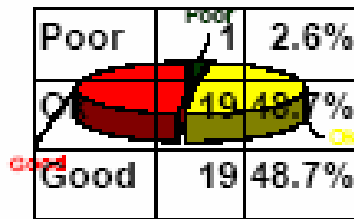
OPENING Q 6 Were there any unauthorized people present at the PS?



OPENING Q 7 Was there any camp. material inside or outside the PS within 500 m.?

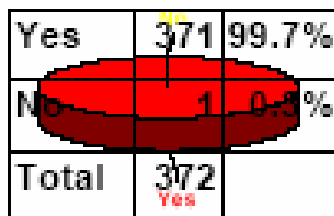


Rate of the Opening Process

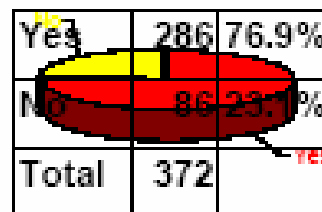


VOTING - 1st Round

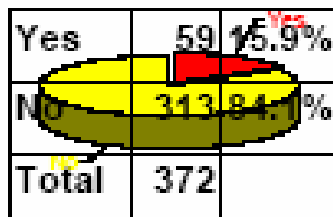
VOTING Q 1 Was the Polling Committee represented by at least 3 members?



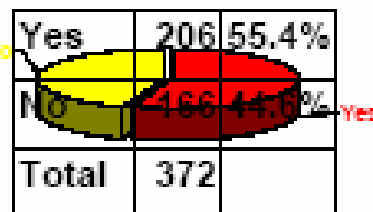
VOTING Q 2 Was there any woman among the polling staff?



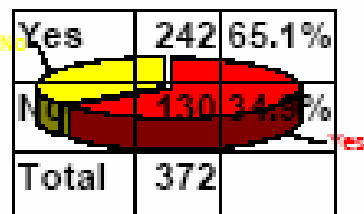
VOTING Q 3 Were there unauthorized people inside the PS?



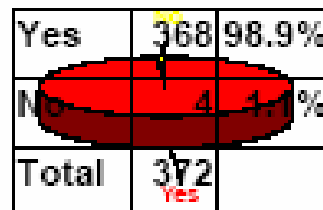
VOTING Q 4 Was the electoral material kit complete?



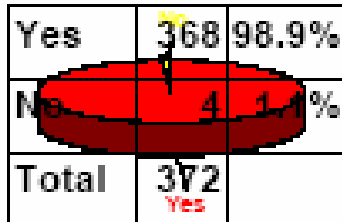
VOTING Q 5 Were voters' fingers properly checked for ink?



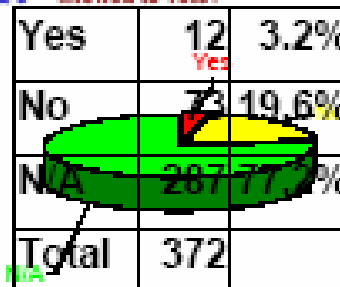
VOTING Q 6 During observation of the PS, did the all voters have a voter card?



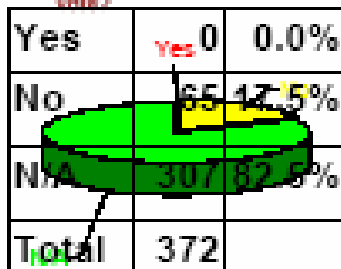
VOTING Q 7 Were voter cards checked for punches?



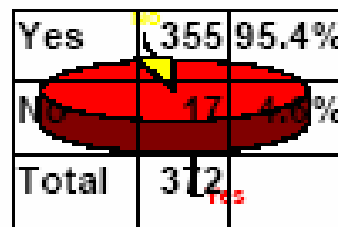
VOTING Q 8 Was anyone with an inked finger allowed to vote?



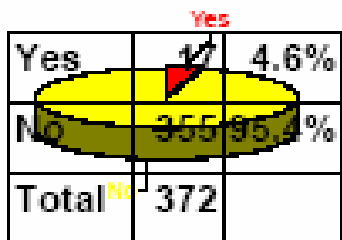
VOTING Q 9 Was anyone with a pre-punched presidential voter card allowed to vote?



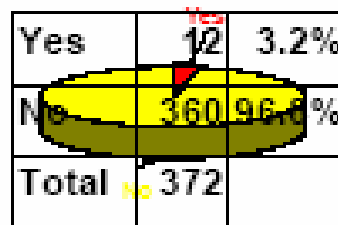
VOTING Q 10 Were the voter's name and the Number in the register (personal code) checked in the register and recorded in the manual list?



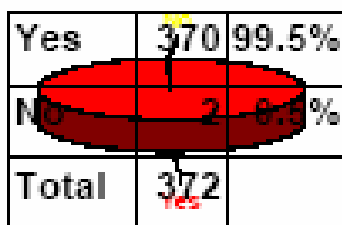
VOTING Q 11 Was any voter with the name on the voters list and carrying a voter card denied to vote?



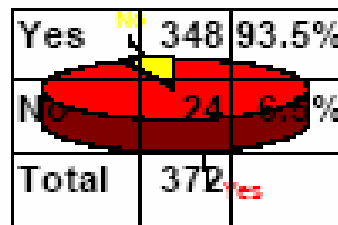
VOTING Q 12 Did you observe (or was it reported to you) anyone voting without having its name on the voters list and/or without the voter card?



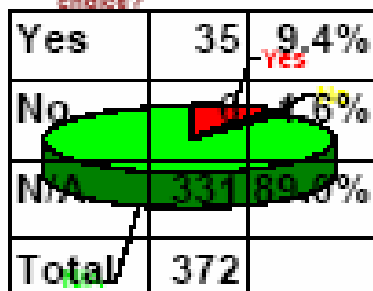
VOTING Q 13 Was the voter card properly punched by the Polling Staff?



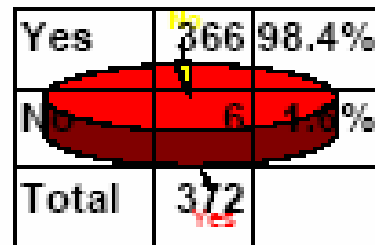
VOTING Q 14 Was the voting cabin positioned in a way that guaranteed the secrecy of vote?



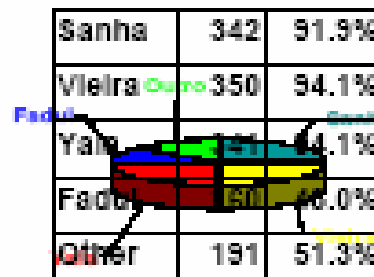
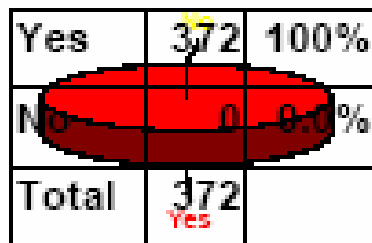
VOTING Were voters who needed assistance helped by a person of their own choice?
 Q 16



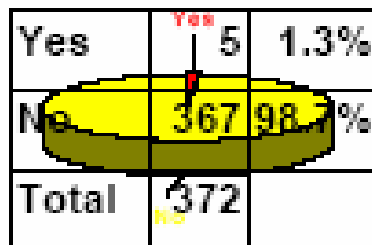
VOTING Were voters fingers properly inked?
 Q 18



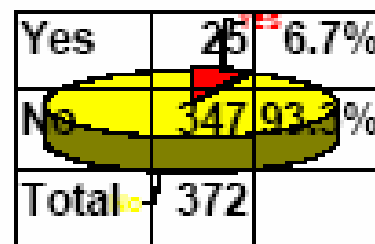
VOTING Were candidates agents present at the PS?
 Q 17



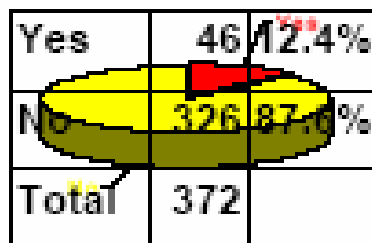
VOTING Was any complaint filed?
 Q 19



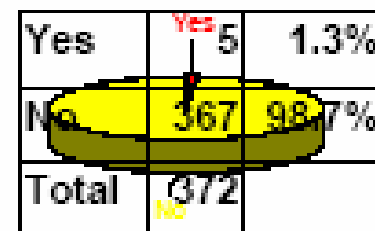
VOTING Were there any other international observers present at the PS?
 Q 20



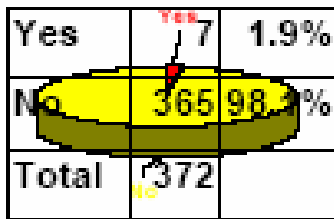
VOTING Was there any campaign material inside or outside the PS within 500 m.?
 Q 21



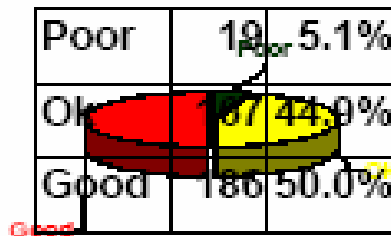
VOTING Did you observe (or was it reported to you) any intimidation on voters inside, within 500 m.?
 Q 22



VOTING Did you observe (or was it reported to you) any incident in the PS or outside?
 Q 22

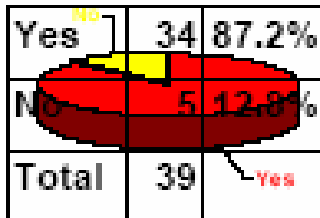


Q 23 Rate of the Voting Process

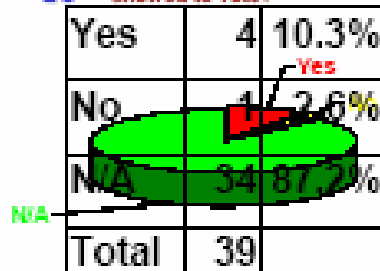


CLOSING & COUNTING - 1st Round

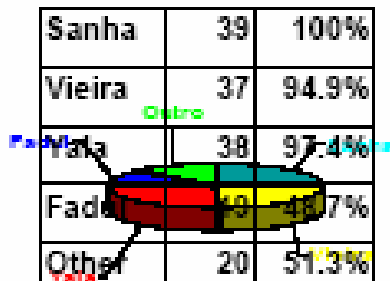
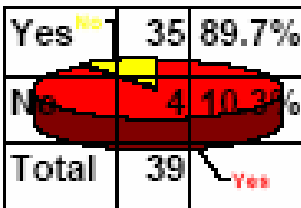
CLOSING Did the PS close at 17.00?
 Q 1



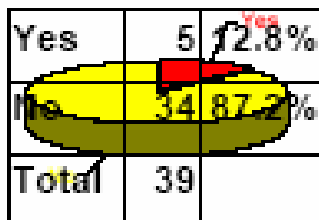
CLOSING Were all voters queuing at 17.00 allowed to vote?
 Q 2



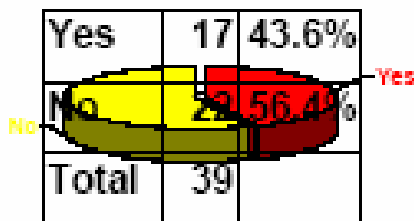
CLOSING Were candidates agents present at the PS?
 Q 3



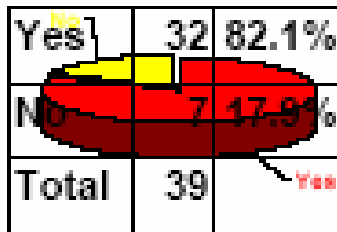
CLOSING Were there any other international observers at the PS?
 Q 4



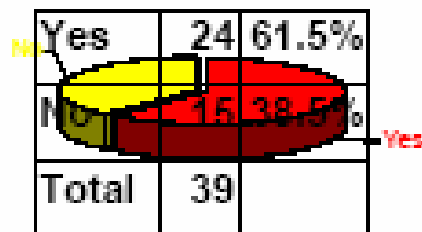
CLOSING Were there unauthorized people inside the PS?
 Q 5



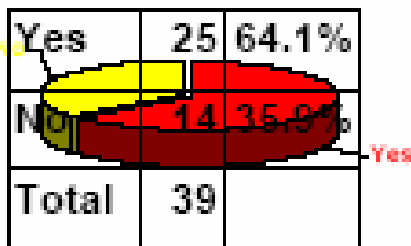
CLOSING Q 6 Were unused and spoiled ballots put in their envelopes?



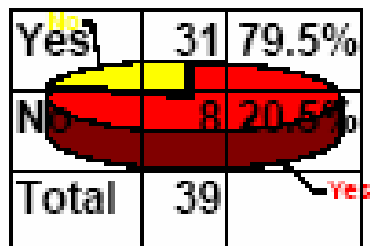
CLOSING Q 7 Was the manual voters list "closed" and signed by polling staff and candidate delegates?



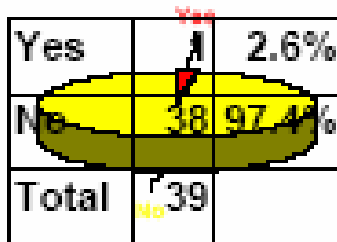
CLOSING Q 8 Did the total number of voters who voted on the voters register match the one on the manual voters list?



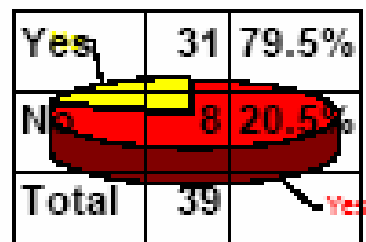
CLOSING Q 9 Did the total number of ballots found in the ballot box match with the total numbers of voters in the register and/or in the manual list?



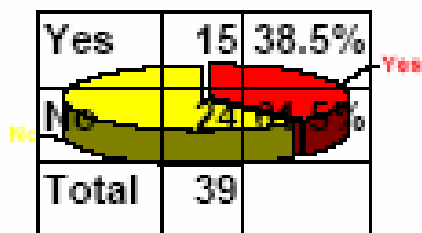
CLOSING Q 10 Was any complaint filed?



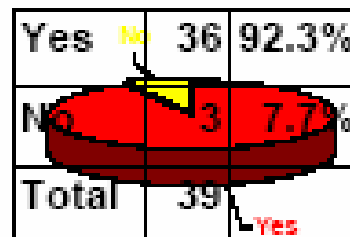
CLOSING Q 11 Was counting conducted according to procedures?



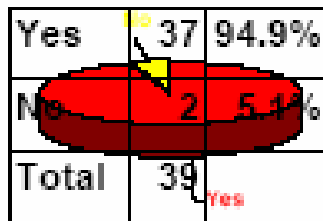
CLOSING Q 12 Were there any contested votes?



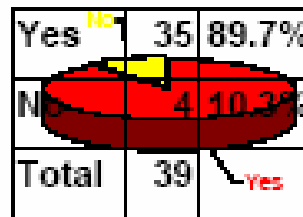
CLOSING Q 13 Were the results reconciled?



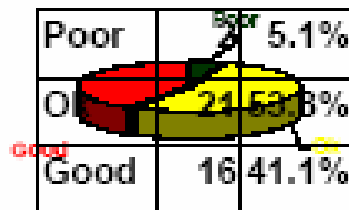
CLOSING Was the result form sheet signed
 Q 14 by the candidate delegates?



CLOSING Were candidate agents given copy
 Q 15 of the results?

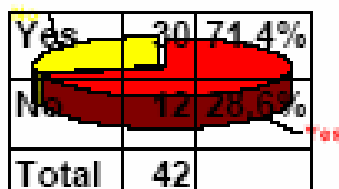


Q 16 Rate of the Closing & Counting

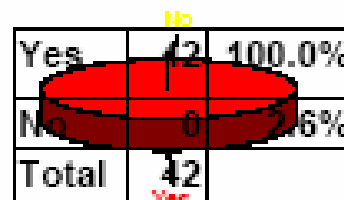


OPENING - 2nd Round

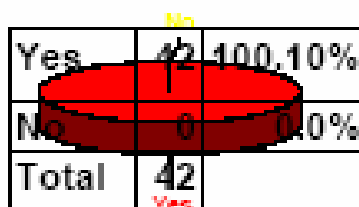
OPENING Was the electoral material kit
 Q 1 complete?



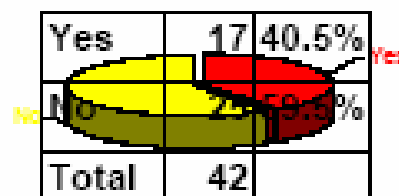
OPENING Was the PS Staff represented by at
 Q 2 least 3 members?



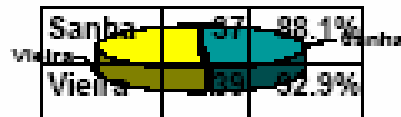
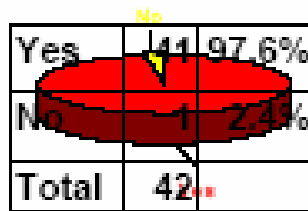
OPENING Did the PS open on time? (7.00
 Q 3 am, with 1 hour tolerance)



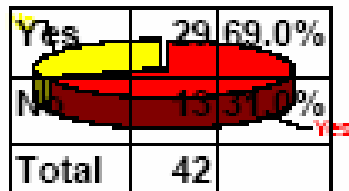
OPENING Was the ballot box properly
 Q 4 sealed?



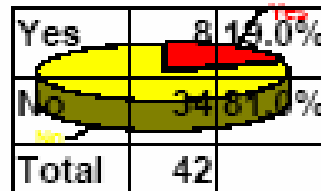
OPENING Were candidate agents (delegados dos candidatos) present at the PS?
 Q 5



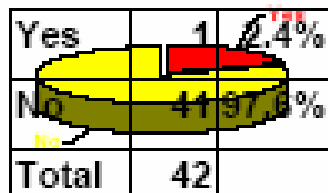
OPENING Was there a CHE security agent present at the PS?
 Q 6



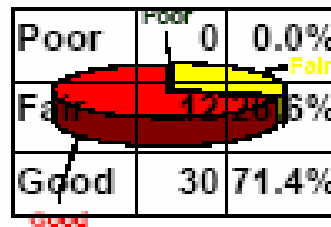
OPENING Was there any electoral campaign material inside or outside the PS within a radius of 500 m?
 Q 7



OPENING Did you observe (or was it reported to you) any incident inside or outside the PS?
 Q 8

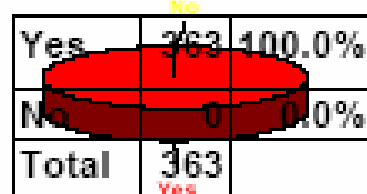


Q 9 Rate of the Opening Process

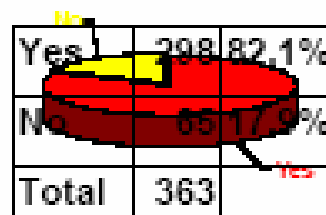


VOTING – 2nd Round

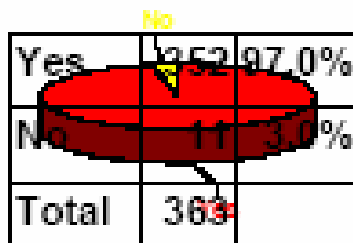
VOTING Was the PS Staff represented by at least 3 members?
 Q 1



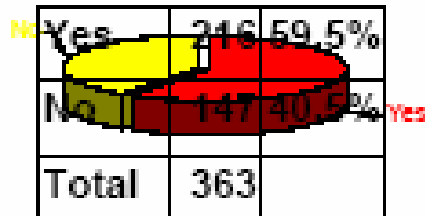
VOTING Did the PS Staff include a woman?
 Q 2



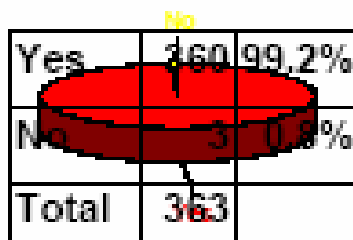
VOTING Was there enough ballot papers in the PS?
 Q 3



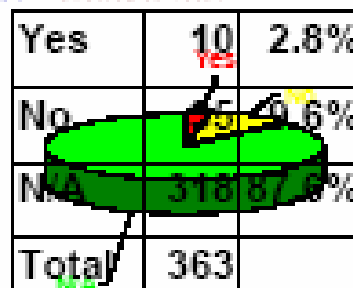
VOTING Was the voter finger properly checked for ink?
 Q 4



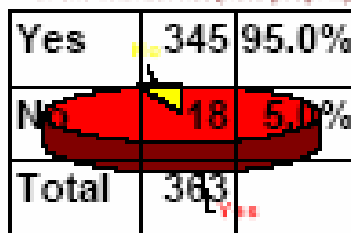
VOTING Were the voter cards checked for punches?
 Q 5



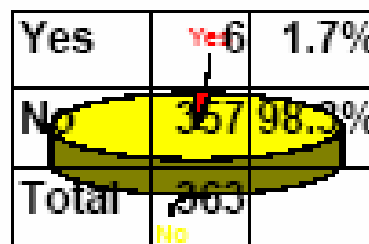
VOTING Was anyone with an inked finger allowed to vote?
 Q 6



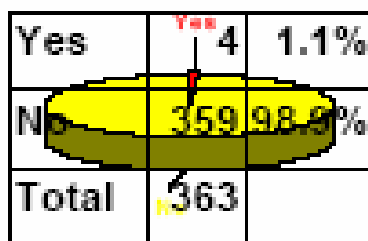
VOTING Were the voter's name and the vertical serial number on the voter card checked in the register and recorded in the manual list (lista própria)?
 Q 7



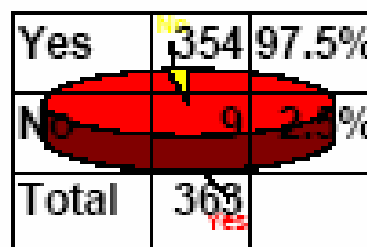
VOTING Was any voter with the name on the voters list and carrying a voter card denied to vote?
 Q 8



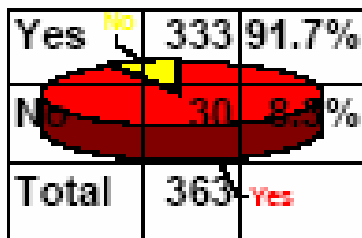
VOTING Did you observe (or was it reported to you) anyone voting without having the name on the voters list and/or without the voter card?
 Q 9



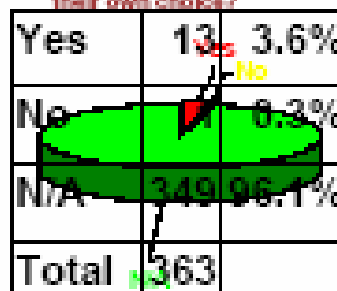
VOTING Was the voter card properly punched by the PS Staff?
 Q 10



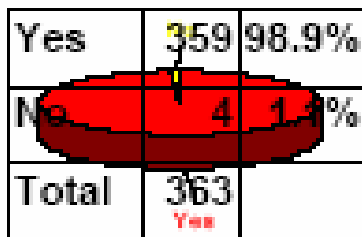
VOTING Q 11 Was the voting cabin positioned in a way that guaranteed the secrecy of vote?



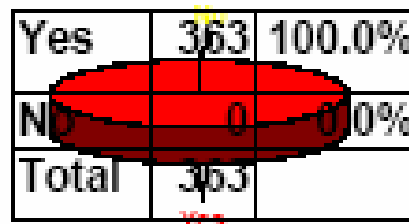
VOTING Q 12 Were voters who needed assistance helped by a person of their own choice?



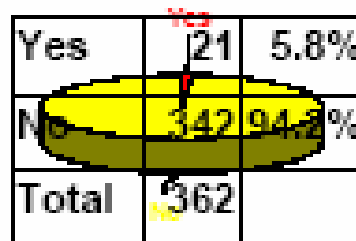
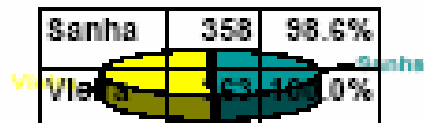
VOTING Q 13 Were the voters fingers properly inked?



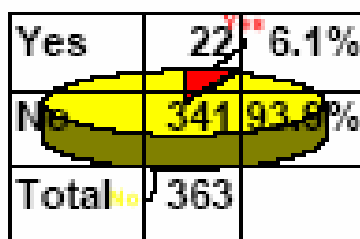
VOTING Q 14 Was a candidate agent present at the PS?



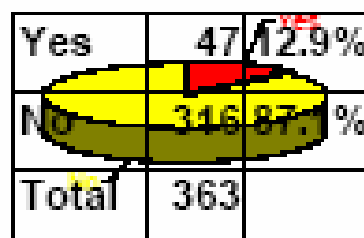
VOTING Q 15 Was any complaint filed?



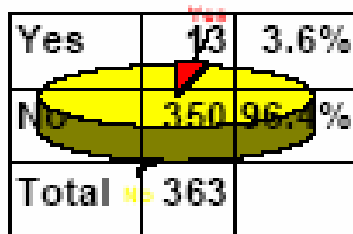
VOTING Q 16 Were there any other International Observers at the PS?



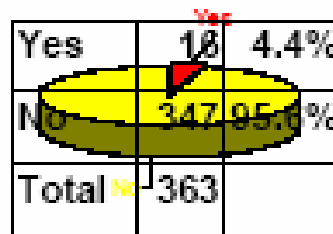
VOTING Q 17 Was there any electoral campaign material inside or outside the PS within a radius of 500 m?



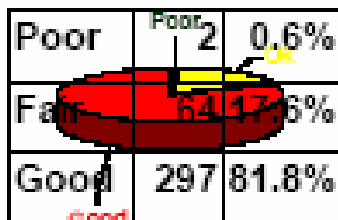
VOTING Did you observe (or was it reported to you) any intimidation on voters inside or outside the PS?
 Q 18



VOTING Did you observe (or was it reported to you) any incident inside or outside the PS?
 Q 19

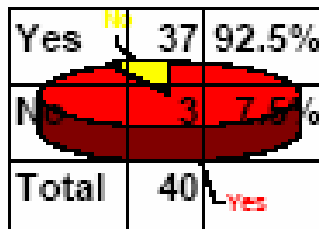


Q 20 Rate of the Voting Process

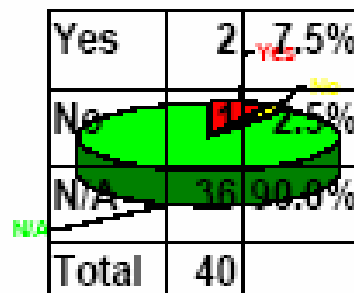


CLOSING & COUNTING – 2nd Round

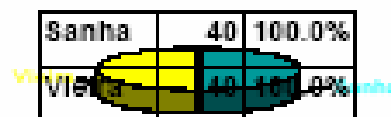
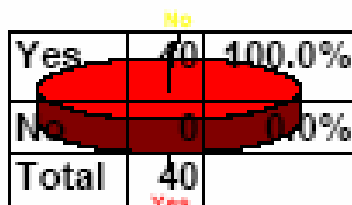
CLOSING Did the PS close at 17.00?
 Q 1



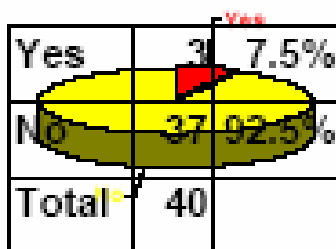
CLOSING Were all voters queuing at 17.00 allowed to vote?
 Q 2



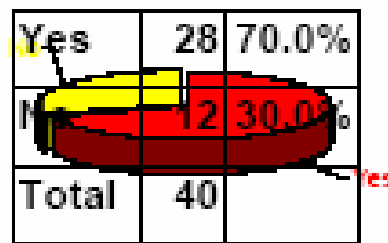
CLOSING Was a candidate agent present at the PS?
 Q 3



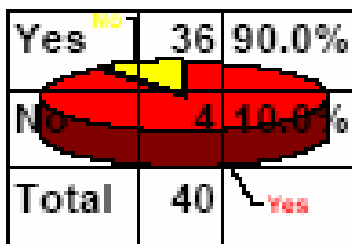
CLOSING Q4 Were there any other International Observers at the PS?



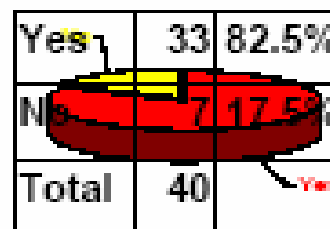
CLOSING Q5 Was the manual voters list (lista própria) "closed" and signed by the Polling staff and the candidate delegates?



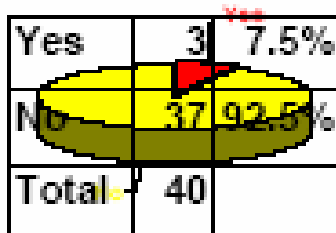
CLOSING Q6 Did the total number of voters who voted on the voters register (cadastro) match the one on the manual voters list (lista própria)?



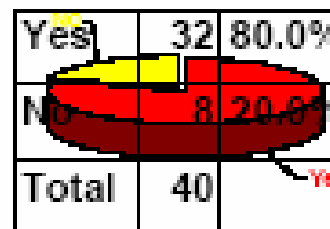
CLOSING Q7 Did the total number of ballots in the ballot box match the total number of voters in the register (cadastro) and/or in the manual list (lista própria)?



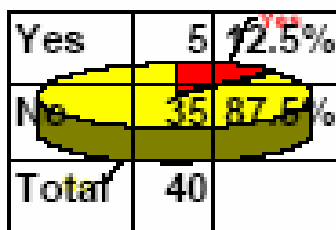
CLOSING Q8 Was any complaint filed?



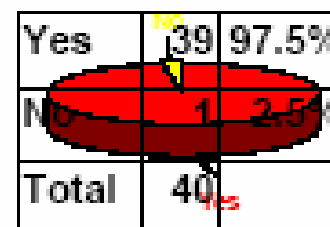
CLOSING Q9 Was counting conducted according to procedures?



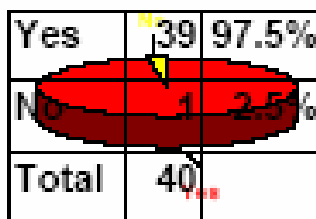
CLOSING Q10 Were there any objected votes?



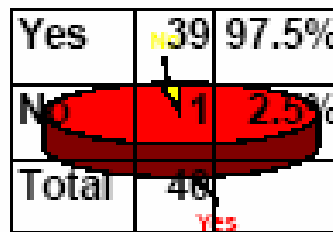
CLOSING Q11 Was the result form sheet signed by the candidate delegates?



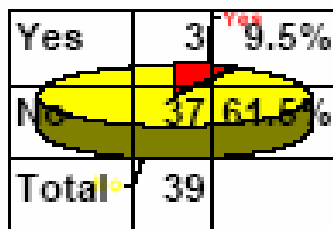
CLOSING Were candidate agents given copy
 Q 12 of the results?



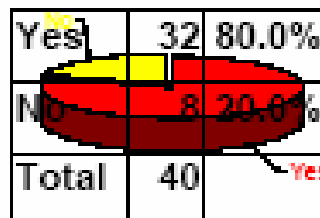
CLOSING Were the voters fingers properly
 Q 13 inked?



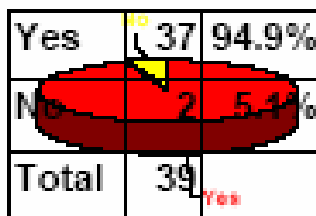
CLOSING Did you observe (or was it
 Q 14 reported to you) any incident
 inside or outside the PS?



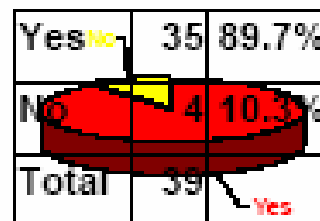
CLOSING Was a copy of the results posted
 Q 15 out at the PS?



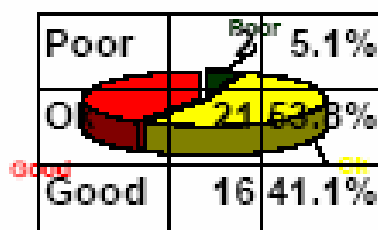
CLOSING Was the result form sheet signed
 Q 16 by the candidate delegates?



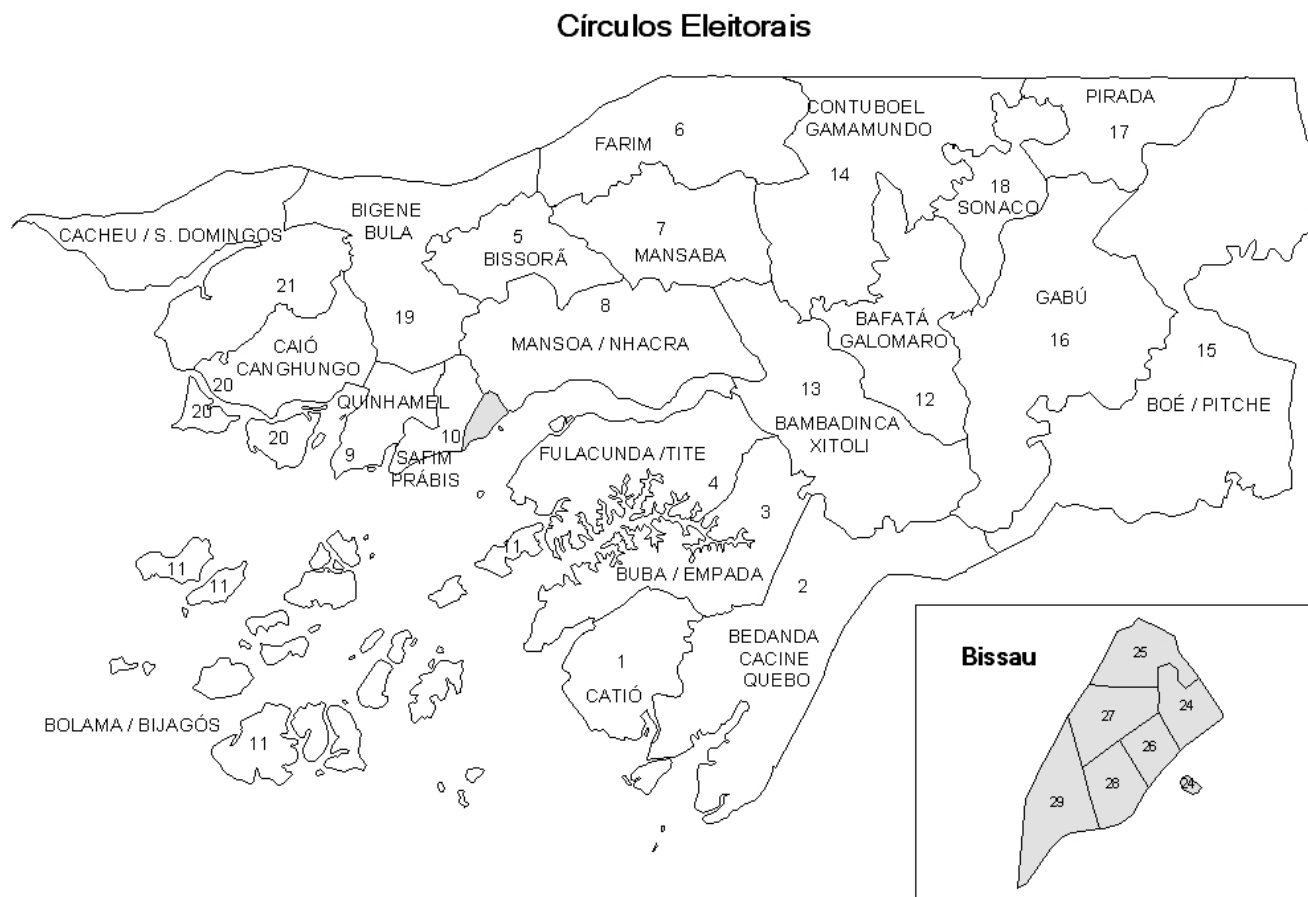
CLOSING Were candidate agents given copy
 Q 17 of the results?



Q 18 Rate of the Closing & Counting



XI. ELECTORAL CIRCLES



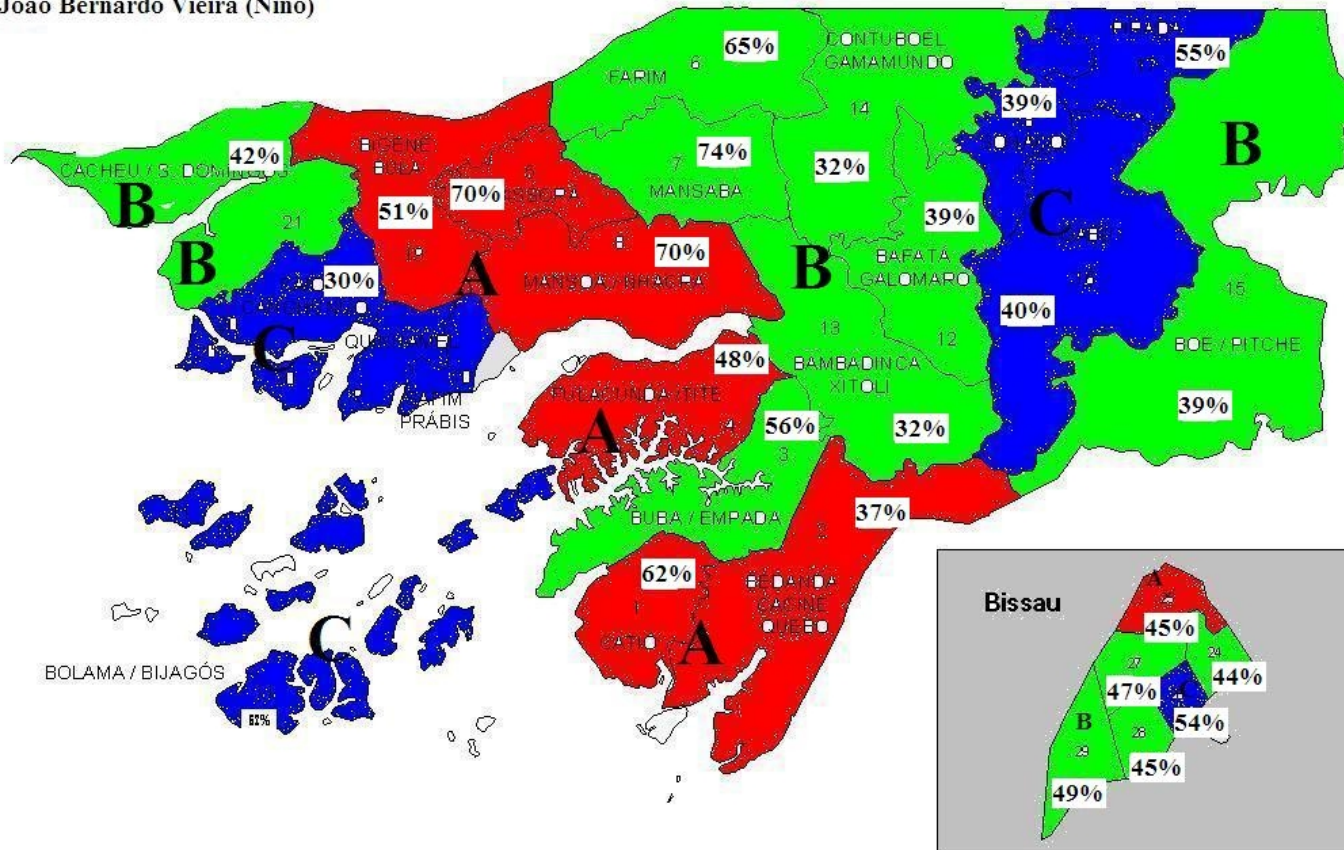
XII. MAP: RESULTS FIRST ROUND

A - Kumba Yalá

B - Malam Bacai Sanhá

C - João Bernardo Vieira (Nino)

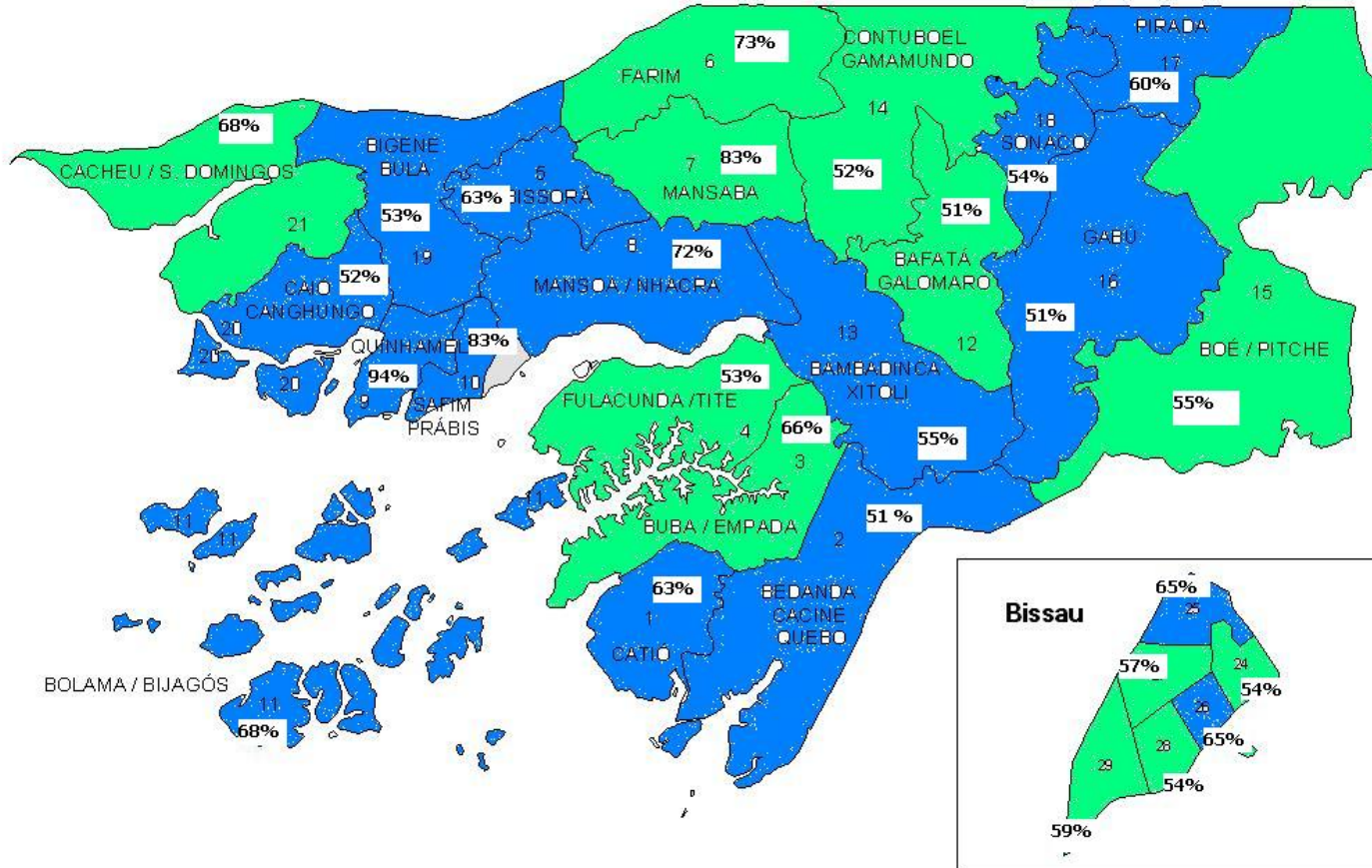
Círculos Eleitorais



XIII. MAP: RESULTS SECOND ROUND

Maam Bacai Sanhá
 João Bernardo Vieira

Círculos Eleitorais



XIV. EU EOM PRELIMINARY STATEMENT – FIRST ROUND



EUROPEAN UNION ELECTION OBSERVATION MISSION TO GUINEA-BISSAU

Peaceful and generally well administered election, with high voter turnout and wide choice of political contestants

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

Bissau, 20 June 2005

The European Union Election Observation Mission (EU EOM) is headed by Johan Van Hecke, Member of the European Parliament, and includes a core team of seven experts, 20 Long Term Observers (LTOs) and 60 Short Term Observers (STOs). Following receipt of an invitation from the National Election Commission (CNE), it was deployed on 25 May 2005, and since this time has observed all aspects of the election process in the light of international standards for democratic elections. On election day, almost 100 EU observers were deployed to observe voting, counting and the tabulation of results, visiting some 460 out of 2,210 polling stations throughout the country. The Mission is currently observing the result tabulation process, and, if necessary, will remain in country to observe a second round.

Preliminary Conclusions

The 19 June 2005 presidential election was generally well administered, in a transparent and inclusive manner, and met essential international principles for democratic elections. The citizens of Guinea-Bissau turned out in large numbers to vote for a new President in a genuinely competitive election, held in an atmosphere that was largely peaceful and orderly.

The presidential election is the last step in an 18 month transition period to re-establish democracy, following a coup d'état in 2003. Guinea-Bissau has limited economic resources and is recovering from a devastating civil war in 1998-99. In these extremely difficult circumstances, and despite huge logistical constraints, the people of Guinea-Bissau have demonstrated a clear commitment to peace and democracy.

The EU EOM would like to recognize the efforts and commitment demonstrated by the public, the National Election Commission and the 12,000 election officials. The Mission also commends the role played by candidate representatives, present in all polling stations, who contributed to ensuring the integrity of the process on election day.

Features contributing to this positive evaluation include:

- The election was conducted under a legislative framework that can provide for the conduct of democratic elections, although which can be improved and simplified in advance of future elections;
- The National Election Commission (CNE) administered the election in a largely professional and independent manner, despite scarce resources and lack of normative power;
- The voter register was widely considered to be more accurate than the register used at the 2004 legislative elections, despite some administrative shortcomings;
- The election campaign took place in a peaceful and orderly manner, with no serious acts of violence or intimidation reported and without any significant restrictions placed on candidates;
- All relevant political forces participated in the election as well as a number of independent candidates. Fundamental freedoms of expression, assembly and association were respected, and citizens were able to participate freely in the process;
- In campaign speeches, candidates advocated for the elimination of ethnic divisions, despite a strategy to gain votes based on ethnic affiliation;
- Candidates were provided with generally fair access to the media, with the State radio station, *Radio Nacional*, providing the most balanced coverage amongst the electronic media;
- A widespread campaign of civic education was undertaken by the CNE, the media and civil society to increase public awareness of the election process;
- President Rosa played a positive, stabilizing and conciliatory role throughout the election period; and
- The armed forces refrained from interfering in the process and supported the conduct of a democratic election process.

Some shortcomings were apparent in the process, including:

- Despite a requirement of the Electoral Law, no public funds were distributed to candidates, which contributed to imbalances in the resources available to candidates for their campaigns and limited the ability of some candidates to fully reach the electorate;
- The government exploited the commemoration of the 7 June anniversary of the 1998 civil war for political ends, adding some unnecessary tension to the last weeks of campaigning;
- Widespread allegations were made of vote buying in the Bijagós islands and Gabu region, and the false distribution of voter cards in some areas of Bissau;
- Voter lists posted during the exhibition period were initially handwritten, making it difficult for voters to check their names and file for corrections;
- As the election district, rather than the polling station, served as the basic election unit, it was impossible for the CNE to produce a voter list for each polling station when two or more polling stations composed the election district; and
- A lack of technical capacity and failure to properly use available resources severely limited the ability of public television to cover the election process.

Election day was largely peaceful and orderly and the voting process was assessed as “good” or “satisfactory” in around 95 per cent of polling stations visited by EU observers. While the secrecy of the ballot was well maintained, a number of shortcomings in relation to the distribution of election materials and ballot security safeguards were noted. However, the

election authorities moved swiftly to address problems, and candidate representatives, who were present in all polling stations observed, played a major role in protecting the integrity of the process. Counting was assessed as “good” or “satisfactory” in 94 per cent of polling stations observed.

The final assessment of this election will depend, in part, on the completion of counting and tabulation, the announcement of results by the CNE, and the complaints and appeals process. The EU EOM will remain in country to observe the remaining aspects of the election process, including, if necessary, a second round, and will publish a final report, containing detailed recommendations to improve the election process, within two months of the completion of the entire process.

The EU EOM would like to thank the election and state authorities, candidates, political parties, security forces, media and civil society, and especially the people of Guinea-Bissau for the invaluable co-operation received throughout the deployment of the mission.

Preliminary Findings

Background

The presidential election in Guinea-Bissau took place in a post-conflict period following the civil war of 1998-99 and a military coup in September 2003, which overthrew President Koumba Yalá, elected in January 2000. Shortly after the coup, a Political Transition Charter was signed by all but one of the political parties. This provided for an 18 month transition period, during which parliamentary elections should be held within six months and a presidential election one year later. Henrique Pereira Rosa was appointed President and head of the transition government.

Following the legislative elections in March 2004, in which the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC) won 45 seats, Carlos Gomes Jr. was appointed Prime Minister of the new government, which replaced the transition government. The presidential election, which will mark the end of the transition period should have been held before 8 May 2005, but was ultimately rescheduled to be held on 19 June 2005. Consequently, the transition period was also extended and will end with the swearing-in of the new President.

Legislative Framework

Elections in Guinea-Bissau are governed by the 1984 Constitution (amended in 1993), and the Election Code, which contains laws on voter registration, the election of the President and the National Popular Assembly (ANP), the CNE, and international election observation. For the 2005 presidential election, the legal framework also includes the Political Transition Charter, signed in September 2003 and its addendum, signed in March 2005. Under the Election Code, the President is elected for a five year term by gaining 50 per cent plus one of the valid votes. If no candidate wins a simple majority, then a second round is held between the two candidates who polled the most votes, within 21 days of the publication of the official results.

The legislative framework respects fundamental rights and can provide for the conduct of democratic elections in line with international standards. However, it includes a number of shortcomings that should be addressed, including a lack of provisions for domestic election observation, a lack of normative power by the CNE hindering the necessary updating of technical regulations, and the disenfranchisement of citizens living abroad for presidential, but not for legislative elections. Additionally, provisions in the Election Code are not always in accordance with the Constitution and the Political Transition Charter.

Election Administration

The CNE, as a central body of the electoral structure, generally performed in a professional, independent and transparent manner. Despite its lack of normative power to adapt technical procedures to the needs of the process and resources available, it was able to show flexibility to the election timetable and by reducing the number of polling station staff from six, as required by law, to four, due to lack of resources.

Cascade training of election officials was conducted all over the country both for polling and counting activities. A vast campaign of civic education, involving the CNE, the media and civil society organizations increased public awareness of voting procedures, although it failed in some cases to reach the most remote areas of the country. Despite logistical difficulties, election material was distributed on time to all nine regions of the country, and then to the 2,219 polling stations, although some materials were missing on election day.

In a positive development, the Permanent Secretariat of the CNE encouraged the participation of the representatives of candidates and political parties in the decision making process, with a view to promoting an atmosphere of consensus. Communication between the CNE and the Regional Election Commissions was excellent throughout the election process, despite the limited resources available.

Voter Registration

A total of 540,555 persons were registered to vote in the presidential election, around 15 per cent fewer than for the 2004 legislative elections. The reason for the decrease in registered voters was primarily due to an improved system of registration and avoidance of duplicate names and other irregularities that had affected previous registers. However, other factors also included an inadequate campaign to inform voters about the registration process, and the fact that registration took place during work days, whereas previous registration was carried out during holidays.

The provisional lists posted for the exhibition period were initially hand-written, which made it very difficult for voters to check their names. To address this problem, the CNE posted a second, computerized version of the lists, after which few corrections were requested. However, in general, most stakeholders were satisfied with the voter register compiled for the presidential election, which was widely considered to be more accurate than the register used for the 2004 legislative elections. In a positive development, serial numbers were included on voter cards as a measure to prevent proxy or double voting.

Due to the methodology in use during the registration process, the election district, instead of the polling station, was the basic election unit, thus making it impossible for the CNE to produce a voter list for each polling station when two or more polling stations composed the election district. This system weakened the safeguards against multiple voting and created confusion among voters and polling staff in relation to the assignment of voters to polling stations.

Candidate Registration

A total of 21 candidates applied for registration with the Supreme Court. Three candidacies were rejected by the Supreme Court for not fulfilling legal requirements, and one candidate withdrew immediately. During the campaign, four other candidates withdrew, including Ibrahim Sow (Popular Party), whose late announcement of withdrawal prevented the CNE from removing his name from the ballot papers.

The decisions adopted by the Supreme Court on the applications for candidature of former presidents Kumba Yalá and João Bernardo “Nino” Vieira were controversial prior to the start of the campaign period. Both the Political Transition Charter and the Constitution are prone to different interpretations, however, political considerations, aimed at avoiding political unrest and facilitating the election process, are widely believed to have been a factor taken into consideration by the Supreme Court when deciding on the Yalá and Vieira cases.

Campaign

The election campaign took place in a peaceful and orderly manner, with the participation of all relevant political forces and without any major acts of intimidation or limitation on the participation of candidates. Fundamental freedoms of expression, assembly and association were respected. Due to the lack of public financing, only the front-runners were able to campaign

intensively. Some candidates alleged that the government used public resources to support its candidate, although this claim was not substantiated.

All candidates chose to campaign in the regions and left the capital for final rallies at the end of the campaign. Candidate efforts were concentrated in the eastern part of the country due to its demographic importance. The front-runners attracted large crowds of supporters in generally well organized rallies, which mixed political discourse with entertainment. Political discourse focused on the themes of reconciliation, peace and economic development. In campaign speeches, candidates advocated for the elimination of ethnic divisions, despite a strategy to gain votes based on ethnic affiliation. The commemoration of the 7 June anniversary of the start of the 1998 civil war was used extensively by the government for political ends, unnecessarily adding some tension to the last weeks of the campaign.

Media

The lack of financial and technical capacity limited the media's ability to provide a fully comprehensive coverage of the political campaign and election process. In addition, public TV failed to properly use the resources that were available. Moreover, the absence of some candidates in the few debates promoted by the public TV and radio stations weakened the role of the media in providing an arena for political debate, and frustrated voters in general.

While the media made a real effort to inform the citizens, in most cases under difficult operating conditions, it is regrettable that a number of journalists were recruited by some candidates to provide special coverage of their campaign activities, thus undermining the independence and impartiality necessary to enable voters to make an informed choice.

Despite the limited resources, both public and private radio stations, the most popular means of communication in the country, were able to offer free air time to all candidates. In contrast, financial constraints prevented public television, TVGB, from fully complying with the requirement to provide daily free of charge air time and comprehensive coverage of the campaign.

Although the tone of reporting by the media, both private and public, was generally neutral, and all candidates had an opportunity to address the public during the free air time period, the distribution of airtime among candidates was unbalanced. According to the EU EOM monitoring of the media, coverage by the electronic media concentrated on two main candidates: Malam Bacai Sanhá (PAIGC), with 26 per cent of airtime, and João Bernardo "Nino" Vieira (independent), with 18 per cent. The State-run *Radio Nacional* provided the most balanced coverage with most candidates receiving equal treatment in its campaign coverage. Private radio stations mainly concentrated on the front-runners, with no special preference provided to any particular candidate, although *Radio Bombolon* clearly favoured a particular candidate, providing him with one third of its campaign coverage. The debates were conducted in a professional manner and all candidates were treated equally. Regrettably, one of the journalists working as moderator was allegedly work with one of the candidates, raising doubts about the impartiality of the debates. The print media generally provided balanced coverage, although one newspaper clearly campaigned in favor of the government candidate.

Participation of Women

There are no legal barriers to participation by women in the election process. However, although women represent more than half of the electorate (53.5 per cent), they are seriously underrepresented in elected positions; less than five per cent of the members of the National Popular Assembly are women. Moreover, only one woman participated as a candidate in the presidential election, Antonieta Rosa Gomes, who was also the only woman to participate as a candidate in the 1999 presidential election. Issues of particular concern to women were not effectively addressed during the campaign. However, women are very active in civil society, and on election day in around 77 per cent of polling stations visited by observers at least one of the polling station officials was a woman.

Civil Society

The Election Law only provides for international observers and those accredited by political parties and independent candidates to observe the election process. However, civil society groups positively contributed to reducing political tension during the election process by joining together in the so-called “citizens of good will” campaign and by disseminating a message of peace, unity, reconstruction and social and economic development. Despite not being permitted to observe the election, the “citizens of good will” succeeded in organizing themselves as “peace brigades” and to be present around polling stations to intervene in case of disturbances. Civil society groups also played an important role in the voter education campaign, working in close co-operation with the CNE and thus showing their commitment to the election process.

Complaints and Allegations

Guinea-Bissau is a country with a “culture of no-complaints”, rather the tendency is to complain verbally and informally. This has been reflected in the election process. No formal complaints were filed against supposed irregular candidacies, and very few were made about the registration of voters or other issues.

A complaint about discrepancies in numbers in the voter lists (serial numbers not matching the voter names) in the region of Oio was solved after the CNE launched an investigation in the presence of the representatives of all candidates. Allegations were also made of vote buying in the Bijagós islands and Gabu region. Civil society groups expressed concern about false voter cards being distributed in some quarters of Bissau.

In the Gabu region, a complaint was filed with the police on 7 June by “Nino” Vieira’s campaign director against supporters of Bacai Sanhá (PAIGC) for provoking and insulting Vieira supporters. Other minor incidents involving the same actors were also reported in the region of Bafata, as well as fighting involving Koumba Yalá and “Nino” Vieira supporters in the region of Quinara, which resulted in injury to three persons.

Election Day

Election day was largely peaceful and orderly. No major examples of intimidation were reported or observed throughout the day. Regrettably, a journalist was hospitalized after an incident in Bissau involving a security officer of one candidate.

More than 90 per cent of polling stations were operational within an hour of opening time. Most of the remainder opened shortly afterwards. While in around 50 per cent of polling stations visited some election materials were missing, including ballot papers in some cases, the electoral authorities generally moved swiftly to resolve problems in this regard. Campaign material was visible in the proximity of around 12 per cent of polling stations visited.

The voting process was assessed as “good” or “satisfactory” in 95 per cent of polling stations visited. While the secrecy of the vote was well maintained, a number of security safeguards were either absent from the process or not properly enforced. These included failure to require ballot papers to be stamped or signed by election officials before being issued to voters and the absence of seals from most ballot boxes. However, in a very positive development, candidate representatives were present in all polling stations observed and played a major role in protecting the integrity of the process. No problems were observed or reported in relation to the conduct of the security forces.

Counting was assessed as “good” or “satisfactory” in 94 per cent of polling stations observed. Some difficulties were observed during the reconciliation process, but in all cases these were resolved in consensual manner. Candidate representatives were provided with a copy of the results in 90 per cent of polling stations observed and in well over half of polling stations visited the results were immediately publicly posted once the count had been completed.

European Union Election Observation Mission to Guinea-Bissau

At the invitation of National Election Commission (CNE), and following the signing of Memoranda of Understanding with the Government and the CNE, the European Union established an Election Observation Mission (EOM) to observe the 19 June 2005 Presidential election. The EU EOM is headed by Johan Van Hecke, Member of the European Parliament, and has been present in Guinea-Bissau since 25 May 2005. Since its arrival in country, the EU EOM has been observing all aspects of the election process both from its headquarters in the capital, Bissau, and through its 20 Long Term Observers (LTOs) deployed throughout the country. Over the election day period, the mission was joined by 60 Short Term Observers (STOs), which meant that almost 100 observers were deployed on election day, who visited some 460 out of 2,220 polling stations throughout the country. The contents of this report are based on the information reported to and collected by the observers.

Assessment of the Election Process

The EU EOM is assessing the election process in line with the Constitution and election laws of the country, as well as in the light of international standards for democratic elections outlined in international declarations and agreements signed by Guinea-Bissau. These include: (i) the

International Covenant for Civil and Political Rights (ICCPR), which in Article 25 outlines the following democratic principles: periodic elections; universal and equal suffrage; right to stand for public office; right to vote; secret ballot; and genuine elections allowing for the free expression of the will of the people, and (ii) the African Charter of Human and Peoples' Rights, which states that "every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the Law." Guinea-Bissau has also signed the ACP-EU Partnership Agreement which, under Article 9, establishes a comprehensive set of democratic principles and a clear commitment to democracy.

Figure 1

XV. EU EOM PRELIMINARY STATEMENT – SECOND ROUND



EUROPEAN UNION ELECTION OBSERVATION MISSION TO GUINEA-BISSAU

Second round election: peaceful, orderly and well organized elections, despite tense pre-election period

STATEMENT OF PRELIMINARY FINDINGS AND CONCLUSIONS

**PRESIDENTIAL ELECTIONS – SECOND ROUND
Bissau, 25 July 2005**

The European Union Election Observation Mission (EU EOM) is headed by Johan Van Hecke, Member of the European Parliament, and includes a core team of seven experts, 20 Long Term Observers (LTOs) and 55 Short Term Observers (STOs). The Mission was deployed on 25 May 2005, and since then has observed all aspects of the election process, the first round of elections on 19 June 2005 and the campaign and other electoral activities related to the second round. During the second round on 24 July 2005 almost 90 EU observers were deployed to observe voting, counting and the tabulation of results, visiting some selected 350 out of 2,210 polling stations throughout the country. The Mission is currently observing the result tabulation process, and, if necessary, will issue a new statement once the results are announced by the National Election Commission (CNE).

Preliminary Conclusions

The second round of the presidential elections on 24 July 2005 was generally well organized, in a transparent and inclusive manner, and met essential international principles for democratic elections. The National Election Commission (CNE) and the Regional Election Commission (CREs) ran the election process successfully. Although results are still being processed, voter turn-out seemed lower than in the first round. Election day was largely peaceful and orderly and voters were able to exercise their franchise freely, despite a tense pre-election period with isolated violent incidents leading to the death of five persons.

After closely following the electoral process for two months, the EU EOM reached the following conclusions regarding the second round of election:

- While counting is not yet completed, the voting process on election day was largely peaceful and orderly.
 - As in the first round, the second round election was conducted under a legislative framework that provide for the conduct of democratic elections, although it can be improved and simplified in advance of future elections;
 - The National Election Commission (CNE) and the Regional Election Commissions (CREs) administered the second round electoral activities in a professional and impartial manner. The CNE corrected in most cases some technical shortcomings brought to its attention by the EU EOM and the CREs after the first round; there was no lack of ballot papers and ink observed or reported this time.
 - The president of the CNE played a decisive role in the maintenance of a peaceful and orderly atmosphere during the last few days of the campaign by adding his voice to international and domestic organizations calling on the candidates and their campaign managers to observe mutual respect and moderation.
 - President Henrique Rosa once again played a stabilizing and conciliatory role and showed a high sense of commitment to the democratic process by rightfully distancing himself from the political process;
 - The non-interference in the process by the armed forces should be praised as a sign of commitment to the strengthening of democracy and national reconciliation;
 - The civil society contributed in a very substantial way to prevent conflict and reduce tensions. In many cases, religious leaders in the interior played an important role in containing the escalation of conflicts;
 - Fundamental freedoms of expression, assembly and association were generally respected, and citizens were able to participate freely in the process, despite of the acts of violence registered during the campaign in the capital, Bissau, and Bafatá and Gabú, which contrasted with the peaceful and orderly atmosphere during the first round. No significant restrictions were placed on the candidates;
 - The peaceful character of the massive rallies held simultaneously and close to each other by the two candidates on the last day of campaign was remarkable, even more so if compared with the violent incidents and disturbances, although isolated cases, verified during campaign meetings and marches in the capital and other regions of the country;
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- The media generally offered a balanced coverage of the electoral process, and the state-run television and radio aired free air time programs produced by the candidates. However, some private media repeatedly violated legal provisions regulating the publication of opinion polls and broadcast of paid airtime.
 - A women's march in Bissau represented an important contribution to peace and stability in the country.
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However, some shortcomings should be noted:

- The growing political tension contrasted with the peaceful and orderly environment observed in the first round of the elections, and serious accusations were made by the contenders against each other.
- Two serious incidents left a total of five persons dead during an unauthorized march on 24 June and an attack against government buildings on 16 July. No clear explanation has been given so far by the government regarding these incidents;
- Regretfully, the two candidates focused their ethnic-based campaign speech in discussing the past instead of the future, thus frustrating the electorate in its search of information and not contributing to the expected commitment in favour of national reconciliation;
- The political tension that characterized the second round campaign was reflected in an intense exchange of informal, mainly oral, accusations of misbehaviour during the campaign by the candidates. No formal written complaints were received by the electoral officials, courts or the EU EOM about these or other more serious incidents.
- In sharp contrast with the first round, there was no civic or voter education campaigns during the second round, except for some radio spots on voting procedures broadcasted on an irregular basis;
- In Bissau and in some other areas of the country like Bafatá and Gabú, private radio stations accepted paid air time for candidates in a clear violation of the Electoral Law. Moreover, the language used by both candidates in these paid air time intensified the already high political tension;
- The lack of financial and technical resources remained as the main obstacle to the independence and impartiality of the media. Similarly to the first round of the elections, some editors were involved with candidates and regrettably many journalists were once more recruited by the candidates to provide special coverage;

Election Day

The run-off election day was largely peaceful and orderly, and the voting process was assessed as “good” or “fair” in almost all of the 350 polling stations visited by the EU observers. The polling stations were generally well organized and their location, most of them placed in the shade of trees, and simple set-up offered adequate conditions for voting and vote secrecy. Candidate representatives were presents in almost all polling stations and played a major role in protecting the integrity of the process. However, the EU observers noted some shortcomings in relation to the distribution of electoral material that delayed for many hours the voting in almost 20 polling stations in the region of Tombali. Problems of communication and transportation contributed to the delays. However, the polling stations extended their voting time and all voters seemed to be able to cast their vote.

Counting was assessed as “good” or “fair” in 95 per cent of polling stations observed. No major problems in the counting and reconciliation in the polling stations visited were reported or

observed, and no complaints were filed or reported to have been filed regarding the counting process. The counting was held in the presence of observers and candidates' representatives. The results forms were signed by 97.5 percent of the candidates' representatives in the polling stations observed, who also received a copy of the results. In 80 per cent of polling stations visited the results were immediately publicly posted once the count had been completed.

The final assessment of this second round election will depend, in part, on the completion of counting and tabulation, the announcement of results by the CNE, and the complaints and appeals process. The EU EOM will stay in the country to observe the remaining aspects of the election process, and will publish a final report, containing detailed recommendations to improve the election process, within two months of the completion of the entire process.

The EU EOM would like to thank the election and government authorities, candidates, political parties, security forces, media and civil society, and especially the people of Guinea-Bissau for the invaluable cooperation received throughout the deployment of the mission. The EU EOM would also like to recognize the efforts and commitment demonstrated by the National Election Commission and the 12,000 officials responsible for the election. The Mission also commends the role played by candidate representatives, present in all polling stations, who contributed to ensuring the integrity of the process on election day.

Preliminary Findings

Background

The two rounds of the presidential elections in Guinea-Bissau took place in a post-conflict period following the civil war of 1998-99 and a military coup in September 2003, which overthrew President Koumba Yalá, elected in January 2000. Shortly after the coup, a Political Transition Charter was signed by all but one of the political parties. This provided for an 18 month transition period, during which parliamentary elections should be held within six months and a presidential election one year later. Henrique Pereira Rosa was appointed President and head of the transition government.

Following the legislative elections in March 2004 in which the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC) won 45 seats, Carlos Gomes Jr. was appointed Prime Minister of the new government, which replaced the transition government. The presidential election, which will mark the end of the transition period should have been held before 8 May 2005, but was ultimately rescheduled to be held on 19 June 2005. Consequently, the transition period was also extended and will end with the swearing-in of the new President. Since no candidate won the majority of votes in the 19 June elections, a second round was set for 24 July 2005.

None of the 13 candidates that participated in the first round of the elections was able to get 50 percent plus one of the 446,493 valid votes cast. According to the Electoral Law, the two candidates with more votes would face each other in a run-off election to be held 21 days after the official publication of the results. The candidates of the African Party for the Independence of

Guinea and Cape Verde (PAIGC), Malam Bacai Sanhá, received 35.45 percent of the votes while independent João Bernardo “Nino” Vieira obtained 28.87 percent. Voters were then called to choose between the two in a run-off election held on 25 July 2005.

Legislative Framework

Elections in Guinea-Bissau are governed by the 1984 Constitution (amended in 1993), and the Election Code, which contains laws on voter registration, the election of the president and the National Popular Assembly (ANP), the CNE, and international observation. For the 2005 presidential election, the legal framework also includes the Political Transition Charter, signed in September 2003 and its addendum, signed in March 2005. Under the election Code, the president is elected for a five year term by gaining 50 percent plus one of the valid votes.

The legislative framework respects fundamental rights and provides for the conduct of democratic elections in line with international principles. However, it includes a number of shortcomings that should be addressed, including a lack of provisions for domestic election observation, a lack of normative power by the CNE hindering the necessary updating of technical regulations, and the disenfranchisement of citizens living abroad for presidential, but not for legislative election. Additionally, provisions in the Election Code are not always in accordance with the Constitution and the Political Transition Charter.

The Election Law also provides for a public subsidy to the candidates’ campaign, although conditioned to financial availability. There has been no public financial support to the candidates in either round of the elections.

Election Administration

The CNE, as a central body of the electoral structure, generally performed in a professional, independent and transparent manner. Despite logistical difficulties, election material was distributed on time to all nine regions of the country, and then to the 2,219 polling stations and mobile polling stations, although electoral materials failed to reach some electoral districts in the south of the country affecting, however, a very small number of polling stations. The CNE corrected in most cases some technical shortcomings brought to its attention by the EU EOM and the presidents of the CREs after the first round.

Voter Registration

During the first round, discrepancies between the voters' cards serial numbers and name and those in the voters' list were detected in some polling stations, especially in the sector of Bissau. The CNE addressed the problem on the basis of unanimous decisions adopted by the candidates' representatives at the CNE or at the polling station on election day. In face of the lack of legal capacity by the CNE to correct the voters' lists, all *cadernos* (voter' lists) in the polling stations remained without alterations for the second round.

A total of 540.555 persons were registered to vote in each of the two rounds of the presidential elections, around 15 percent fewer than for the 2004 legislative elections. The reason for the decrease in registered voters was primarily due to an improved system of registration and avoidance of duplicate names and other irregularities that had affected previous registers. However, other factors also included an inadequate campaign to inform voters about the registration process, and the fact that registration took place during work days, whereas previous registration was carried out during holidays.

Due to the methodology in use during the registration process, the election district, instead of the polling station, was the basic election unit, thus making it impossible for the CNE to produce a voter list for each polling station when two or more polling stations composed the election district. This system weakened the safeguards against multiple voting and created confusion among voters and polling staff in relation to the assignation of voters to polling station during the first round.

Campaign

The growing political tension during the campaign for the second round contrasted with the peaceful political environment of the first round of the presidential elections. Regrettably, the candidates focused their campaigns on personal attacks rather than on their political program; the contents of the speeches concentrated on the past rather than on expressing ideas about the future of Guinea-Bissau. In this regard, memories of the 1998-99 conflict were brought into inflammatory speeches. The use of the media for personal attacks did not obviously contribute to the expected commitment to a national reconciliation. Moreover, the absence of a public debate between the two candidates diminished the opportunities for voters to be informed about the candidates programs and ideas.

Some isolated incidents, like stone throwing and physical aggression, were registered during the campaign in Bissau, Bafatá and Gabú among supporters of the two sides as a reflex of the growing political tension. However, the high degree of civic participation witnessed on the last day of the campaign in the capital city, when thousands of supporters from both sides rallied side by side in a joyful and pacific manner, must be praised as a clear demonstration of the commitment of the population to a democratic and peaceful election.

Another negative note was the use by government officials, mainly regional officials, of state resources, in most cases vehicles, in support of the candidates.

The President of the Republic, Henrique Rosa, showed a high commitment to the democratic process by keeping throughout the campaign a distance from the electoral and political process, thus contributing in a remarkable manner to reaching the end of the transition period. At the same time, however, it is regrettable that several incidents that occurred after the first round of elections, some resulting in the deaths of Guinean citizens on 24 June and 15 July, were left with no clear public explanation.

Civil Society and Gender

The role of civil society in the electoral process was fundamental for a democratic and peaceful process, and in this context the initiatives of the Permanent Secretariat of the Civil Society Organizations of Guinea-Bissau (PLACON), through the group of “citizens of good will”, were very positive. Repeated appeals to a peaceful election and actions for appeasing existing religious and ethnic tensions influenced the campaign in a very positive way.

Women’s role in a peace march in Bissau represented an important contribution to peace and stability in the country. Women coming from different districts around the capital, led by “1,000 women for the Nobel Peace Prize” candidate Macária Barai, called on the candidates to accept the official results.

A positive development was the presence of women composing the staff of more than 80 percent of the polling stations.

Media

The lack of financial and technical resources remains the main obstacle to the independence and impartiality of the media. Similarly to the first round of the elections, some newspaper editors were directly involved with candidates during the campaign and, regrettably, many journalists were once again recruited by the candidates to provide special coverage.

The state-run television and radio stations offered free air time to both candidates. While *Radio Nacional* assured an equal treatment to both candidates, TV station RTGB was not able for technical and financial reasons to comply with a law requirement to provide daily free air time and comprehensive coverage of the campaign. It should be stressed that the state-run media conducted a strong campaign of promotion of the government’s achievements, thus indirectly benefiting the ruling party candidate.

The EU EOM regrets that some private media have repeatedly violated the legal provisions regulating the role of the media during the election campaign. The requirement for equal treatment of contestants was not respected by most of them, and there were clear violations of Article 33 of the Electoral Law prohibiting the publication of opinion polls during the electoral process.

The two main private radios, *Bombolom* and *Pindjiguiti*, constantly breached Article 45 of the Electoral Law by accepting and broadcasting paid air time, used by the candidates to exchange personal accusations and insults. The CNE and the National Media Council (Conselho Nacional de Comunicação Social – CNCS) played an active role in order to discourage the acceptance of such material but stopped short of officially taking steps to halt such illegal broadcast.

Complaints and Allegations

The political tension that characterized the campaign during the second round of the presidential election was also reflected in the increase of informal, mainly oral, accusations by both candidates of campaign misbehaviour. The accusations were mainly related to:

- The violent and/or inflammatory campaign activities by both candidates' supporters (stone throwing against campaign parades, physical aggression against supporters, and inflammatory language and provocations)
- The misuse of the electronic media for political propaganda by both candidates' teams, and
- The abuse of authority of high rank government officials (including the allegedly illegal seizure of campaign vehicles by custom's officials), implying the government might be jeopardizing the campaign of one of the candidates and, therefore, violating its neutrality.

In most cases, without minimizing the obvious importance and seriousness of the above allegations, the EU EOM noticed that these accusations have been exclusively made known to the media and to the EU EOM, only occasionally to the CREs or the CNE and never to the Courts. The EU EOM believes that the system of complaints and appeals established by the election law guarantees a reasonable degree of possible law enforcement. Furthermore, the CREs and the CNE, with the capacity they showed to address complaints in a professional and consensual manner during the first round, proved to be a powerful instrument to minimize conflict through dialogue and moderation, and should have been turned to more often by the candidates during the second round campaign. It gives, therefore, no excuse to the campaign teams to systematically spread accusations aimed to undermine the image of the opponent and to raise the climate of tension and provocation without following, at the same time, the legal procedures of complaint and producing factual evidence to back them.

Election Day

Election day was largely peaceful and orderly. No cases of intimidation were reported or observed throughout the day. All the polling stations observed were operational within an hour of opening time. Despite the non delivery of electoral material on time to some polling stations in region of Tombali, and the shortage of ballot boxes seals in the polling stations (not considered as a problem by the delegates' candidates and later replaced by stickers), the electoral officials generally moved swiftly to resolve problems in this regard. Campaign material was visible in the proximity or around 15 percent of polling stations visited.

The voting process was assessed as "good" or "fair" in 99 percent of polling stations visited. While the secrecy of the votes was well maintained, some security safeguards were either absent

from the process or not properly enforced. However, in a very positive development, candidates' representatives were present in all polling stations observed and played a major role in protecting the integrity of the process. There were no major problems observed in the voting cycle, from the arrival of the voter at the polling station through the return of his/her punched voting card. No problems were observed or reported in relation to the conduct of the security forces.

Counting was assessed as "good" or "fair" in 95 percent of polling stations observed. No major problems in the counting and reconciliation in the polling stations visited were reported or observed, and no complaints were filed or reported to have been filed regarding the counting process. The counting was held in the presence of observers and candidates' representatives. The results forms were signed by 97.5 percent of the candidates' representatives in the polling stations observed, who also received a copy of the results. In 80 per cent of polling stations visited the results were immediately publicly posted once the count had been completed.

European Union Election Observation Electoral Mission to Guinea-Bissau

At the invitation of National Election Commission (CNE), and following the signing of memoranda of Understanding with the Government and the CNE, the European Union established an Election Observation Mission (EOM) to observe the 19 June 2005 Presidential election. The EU EOM is headed by Johan Van Hecke, Member of the European Parliament, and has been present in Guinea-Bissau since 25 May 2005. Since its arrival in country, the EU EOM has been observing all aspects of the election process both from its headquarters in the capital, Bissau, and through its 20 Long Term Observers (LTOs) deployed throughout the country. The mission was joined by groups of 55 Short Term Observers (STOs) to observe the second round of elections who were deployed all over the country. The contents of this report are based on the information reported to and collected by the observers during the period between the publication of the results of the first round the second round election.

Assessment of the Election Process

The EU EOM is assessing the election process in line with the Constitution and election laws of the country, as well as in the light of international principles for democratic elections outlined in international declarations and agreements signed by Guinea-Bissau. These include: (i) the International Covenant for Civil and Political Rights (ICCPR), which in Article 25 outlines the following democratic principles: periodic elections; universal and equal suffrage; right to stand for public office; right to vote; secret ballot; and genuine elections allowing for the free expression of the will of the people, and (ii) the African Charter of Human and Peoples' Rights, which states that every citizen shall have the right to participate freely in the government of his/her country, either directly or through freely chosen representatives in accordance with the provision of the law." Guinea-Bissau has also signed the ACP-EU Partnership Agreement which, under Article 9, establishes a comprehensive set of democratic principles and a clear commitment to democracy.

XVI. ACRONYMS

CNE	National Election Commission
CO	Chief Observer
CNCS	Conselho Nacional da Comunicação Social
CPLP	Community of Portuguese Language Countries
CRE	Regional Election Commission
CT	Core Team
DCO	Deputy Chief Observer
ECOWAS	Council for Economic Development of West Africa
EU EOM	European Union Electoral Observation Mission
FCG-SD	Guinean Civic Forum – Social Democracy
FUNDDEP	Foundation for Democracy, Development, Stability and Peace
LE	Legal Expert
LTO	Long Term Observer
LTO C	LTO Coordinator
IOM	International Organization for Migrations
ME	Media Expert
MP	People’s Manifest
NGO	Non-governmental Organization
OE	Operations Expert
PAIGC	African Party for the Independence of Guinea and Cape Verde
PALOP	African Countries with Official Portuguese Language
PE	Political Expert
PLACON	Cooperation Platform of Guinean NGOs
PP	Popular Party
PPG	Guinean Popular Party
PRS	Social Renovation Party
PS	Polling Station
PST	Solidarity and Work Party
PT	Workers Party
PTCh	Political Transition Charter
PUN	National Unity Party
PUSD	United Social Democrat Party
RADDHO	African Meeting for the Defense of Human Rights
RGB	Guinea-Bissau Resistance/Bafatá Movement
SE	Security Expert
SINJOTECS	Journalists’ Union
SP	Service Provider
STO	Short Term Observer
UEMOA	Economic and Monetary Union of West Africa
UNDP	National Union for Popular Democracy
