



**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 provides 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;
- 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.

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 present 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 per cent 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 especial 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-ff election held on 25 July 2005.

Legislative Framework

Election 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 assignment 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.