



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 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, 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.

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 announcement 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, 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 assignation 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.