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PARLIAMENTARY ELECTIONS AND FIRST ROUND OF THE PRESIDENTIAL ELECTION IN GUINEA BISSAU

13 APRIL 2014

REPORT BY FIONA HALL, CHAIR OF THE DELEGATION

Annexes:

- I. Final programme of the Delegation (including participants' list)**
- II. Declaration of Ms Fiona Hall, Chair of the EP Delegation**
- III. Preliminary Statement of the EU Election Observation Mission (in EN and PT)**

INTRODUCTION

Following an invitation from the National Election Commission (Comissão Nacional de Eleições, CNE), from 13 November 2013, and the decision of the High Representative and Vice-President of the Commission Mrs Catherine Ashton on the deployment of an EU Election Observation Mission (EU EOM), the Conference of Presidents of the European Parliament authorised on 6 February 2014 the sending of a delegation to observe the general elections in Guinea-Bissau.

On 13 April 2014, Bissau Guineans returned to the polls to elect a President and National Assembly after several postponements, nearly two years of transition and many more years of political instability and turmoil. The country experienced several coups, the latest of which cut short the last elections in 2012 before the second round could take place. Transitional arrangements brokered by the Economic Community of West African States (ECOWAS) have not been recognised, and the international community has repeatedly called for elections. If successful, these would mark a return to constitutional order, a crucial step watched and waited by international actors before they can commit to restarting political and development cooperation.

The European Union has earlier deployed Election Observation Missions to monitor presidential elections in 2005 and 2009, after which most of the recommendations still remain to be implemented. Moreover, 2014 elections are particularly important to restore the constitutional order.

The EU Election Observation Mission (EU EOM), present in Guinea-Bissau since 19 March 2014, was led by Chief Observer **Krzysztof Lisek**, Member of the European Parliament. In total, the EU EOM deployed 46 observers from 17 EU Member States across the country to assess the whole electoral process against international and regional obligations and commitments for democratic elections as well as the laws of Guinea Bissau.

The delegation of the European Parliament joined the EU EOM on 11 April. The delegation was chaired by Ms Fiona Hall, ALDE, United-Kingdom and was also composed of Ms Maria do Céu PATRÃO NEVES, EPP, Portugal, Ms Anna GOMES, S&D, Portugal and Ms Anna ROSBACH, ECR, Denmark.

The Delegation wishes to highlight its excellent cooperation with and express its particular thanks to the Chief Observer Krzysztof Lisek, MEP, the EU Election Observation Mission, and the Head of the EU Delegation in Guinea-Bissau, Mr. Joaquin Gonzalez-Ducay.

BACKGROUND

In April 2012, just before the second round of presidential elections, Guinea-Bissau's military carried out a coup d'état, leading to the establishment of a National Transitional Council.

European Union institutions, including the European Parliament, condemned the coup and have since refused to recognise the legitimacy of the National Transitional Council. In the sign of strong condemnation from the EU, political negotiations were suspended and several targeted sanctions against members of the military junta were placed in May 2012. Humanitarian and financial aid continues to be provided to directly support the people of Guinea-Bissau, with health and rural development related initiatives.

Following the coup, the African Union suspended Guinea-Bissau's membership and multi- and bi-lateral donor agencies such as the African Development Bank (AfDB) suspended most operations in the country.

The rule of the transitional government has been affected by strong military influences and marked by human rights abuses including extra-judicial killings of officials and supporters of the former regime and intimidation and harassment of the opposition and the media. Freedoms of assembly and movement have been severely restricted and Guinea-Bissau is also facing lack of institutional capacity and judicial independence.

Impunity, corruption and the interference of the military in all aspects of political life resulted in the country's classification as 'not-free' in the 2013 Freedom House' Freedom in the World Report.

Illicit drug trade from South America, transiting through Guinea-Bissau and the West African region on route to Europe, further fuels nepotism and political instability. Aggravated by porous borders and impunity of the military, Guinea-Bissau is considered by some to be a 'narco-state'.

INTERNATIONAL ELECTION OBSERVATION

Around 400 international observers, including the EU EOM, were deployed in the country for the election. The Economic Community of West African States (ECOWAS) had the largest group with 200 observers, and provided support to the local security forces with a 450-men military contingent based in the country since after the military coup. The African Union (AU) brought 46 observers to reinforce its nine-member team already in Bissau. A 22-member mission of Pacific and Asian countries, including East Timor and New Zealand, is also observed the electoral process. These missions were joined by others from the Community of Portuguese Language Countries (CPLP), the Francophone International Organization (OIF) and the British Parliament.

Civil society organizations in Guinea Bissau are not allowed by law to participate in election observation. Despite this unreasonable limitation highlighted in EU EOM final reports, civil society organizations showed a strong commitment to participate in the electoral process.

ORGANISATION OF THE ELECTIONS

An independent body responsible for the oversight, organisation and management of all elections in the country, as well as voter registration, is the National Election Commission (*Comissão Nacional de Eleições*, CNE), presided by Augusto Mendes, who is appointed by the President. Other bodies co-responsible for the elections include the Ministry of Foreign Affairs (*vis-à-vis* the Bissau-Guineans living abroad) and the Ministry of Internal Administration.

The international community financed the entire electoral process with one-third of the contributions coming from the European Union. The elections had a cost of almost US\$17 per voter, which was on the higher side of the world average and well above the African average of US\$7.

Legislative elections

Guinea-Bissau's People's National Assembly, *the Assembleia Nacional Popular* (ANP), is a unicameral parliament, elected on a four-year cycle according to the proportional representation system. The country is split into 27 multi-member constituency-districts, with a 50% quorum of eligible voters' participation within each district. The Assembly has 102 seats, two of which are, for the first time representing the diaspora in Europe and Africa.

Presidential elections

The presidential electoral system is an absolute majority, two-round, run-off system for a five-year term. The president appoints the Prime Minister, who is the acting head of Government. The multi-party democratic system was introduced in the country in 1991 with the first elections taking place in 1994, transitioning from a one-party state led by the African Party for the Independence of Guinea and Cape Verde (*Partido Africano da Independência da Guiné e Cabo Verde*, PAIGC).

CANDIDATES

The African Party for the Independence of Guinea and Cape Verde (**PAIGC**) is the main political party in Guinea-Bissau. Created in 1956, the party and its founding members were leading figures in the anti-colonial struggles, resulting in the party's victory in the first post-independence presidential elections in 1974, producing the first president Luis Cabral.

PAIGC backed former Finance Minister **José Mário Vaz** as its candidate at the beginning of March. However, following his official registration with the Supreme Court, a legal objection was raised by the attorney general because of on-going proceedings against Vaz for his alleged embezzlement of a USD 12.5 million Angolan grant in 2012 during his term

in office. Despite the legal contestation of his eligibility, the Supreme Court ruled in favour of his candidacy.

The second biggest party in the Bissau-Guinean Assembly is the Party of Social Renovation (*Partido para a Renovação Social, PRS*), which is considered to be attracting voters of Balanta ethnicity (comprising roughly 30 % of the population). PRS previously secured the presidency in November 1999 under the leadership of Kumba Yalá, who was, however, overthrown in 2003 before completing his term.

The official candidate for the PRS was **Abdel Incada** - a business man in the construction sector, and the vice president of the Chamber of Commerce, Industry and Agriculture of Guinea-Bissau (of Balanta origin).

A prominent independent candidate was **Nuno Gomes Nabiam** (the former Director of the Bissau-Guinean Agency for Civil Aviation was supported by the former PRS leader and president Kamba Yalá, suddenly deceased on 4 April, and he is seen as close to the army).

The only female candidate would have been **Antonieta Rosa Gomes** of the Civic Forum for Bissau-Guinean Social Democracy (FCGSD) but she was disqualified by the Supreme Court of Justice on the grounds of an insufficient quorum on 10 March.

The **final list of presidential candidates** also included : Paulo Gomes (Independent), , Afonso Té (supported by PRID), Arregado Mantenque Té, Hélder Vaz, Ibraima Sory Djalo, Jorge Malu, Luís Nancassa, Iaia Djalo, Cirilo Oliveira, Domingos Quadé.

The death on 4 April of the former president Kumba Yalá, shortened to 18 days the electoral campaign.

PROGRAMME OF THE DELEGATION

As is the usual practice, the EU EOM core team and Mr Lisek, the Chief Observer (CO) briefed in detail the EP Delegation upon its arrival. The Head of the EP delegation took part, with the CO Mr Lisek , in the coordination meetings for all the Heads of election observation missions. The delegation had also the opportunity to meet the heads of international election observation missions, notably Mr Joaquim Chissano, Head of the African Union Mission and Mr Leonardo Simão, Head of the CPLP Mission. The EU and Members States ambassadors present in Bissau met several times with MEPs during their short visit to Guinea Bissau.

The EP Delegation and the CO also met H.E. Jose Ramos Horta, Nobel Peace Prize Laureate, Former President of Timor-Leste and United Nations' Special Representative in Guinea-Bissau. As Head of the UN Integrated Peacebuilding Office, Mr Ramos Horta's mandate is supporting political dialogue, national reconciliation and peace building efforts.

The electoral authorities, Mr Paulo Sanha, President of the Supreme Court of Justice and Mr. Augusto Mendes, President of the National Election Commission (CNE) talked at length with the delegation about the efforts carried out to make these elections a success and answered the questions of MEPs.

The EP Delegation and the CO held joint meetings with the main presidential candidates: Mr. Abel Incada (PRS), Mr. José Mário Vaz (PAIGC), Mr. Paulo Gomes (Independent) and the Campaign Director for Mr. Nuno Nabiam (Independent) as well as with Ms. Antonieta Rosa Gomes (President of FCG-SD party). The Delegation also met with Mr. Domingos Simões Pereira, President of the PAIGC and likely new prime minister. The Delegation asked about the candidates' priorities for Guinea Bissau but raised also their concerns about a variety of issues like good governance, the fight against corruption or possible avenues towards women's empowerment. The delegation noted that there are no women presidential candidates and that very few women were in eligible positions for the legislative elections.

As the EU does not recognise the transitional authorities, no meetings were organised with the government.

ELECTION DAY

On a peaceful Election Day, the EP delegation split into 2 groups to observe in Bissau and its surroundings. Both teams observed from the opening to the closing and counting. The Members of the Delegation were shocked by the poverty of the country and impressed by the very high turnout.

In line with the general findings of EU EOM observers, MEPs observed few significant irregularities or incidents; the delegation noted however that although women had an active role as polling agents and voters on Election Day, only a few were heading a polling station.

JOINT PRESS CONFERENCE

The press conference was exceptionally held on Monday 14 April (instead of 48 hours after E-day, as is the usual practice for EU EOMs).

The EU Election Observation Mission Preliminary Statement was presented by the CO, Mr Lisek, under the title "Holding of Elections Brings Guinea Bissau Closer to Constitutional Normalcy". Ms Hall, in the name of the EP Delegation backed the findings of the EU EOM. Almost all the questions from the press concerned the lifting of "sanctions" from the EU against Guinea Bissau and the likelihood that the military would recognise the results of these elections.

FINAL RESULTS FOR THE GENERAL ELECTIONS

The National Election Commission (CNE) officially announced on 24 April the results of the general elections on 13 April 2014:

In the Popular National Assembly, the PAIGC won an absolute majority with 57 seats (now including two for the diaspora), against 41 for the main opposition party, the Party for Social renovation (PRS); the Party for Democratic Convergence (PCD) will fill two seats and the Union for Change (UM) and the New Democracy Party (PND) one each.

A run-off between the candidate of the African Party for the Independence of Guinea and Cape Verde (PAIGC), José Mário Vaz and the independent candidate Nuno Nabiam, was set for 18 May 2014. Vaz obtained 40.98 percent of the votes and Nabiam 25.14 percent among the 13 candidates.

The elections registered the highest turnout since a multi-party system was established in 1994, with 89 percent of the 775,508 eligible voters exercising their franchise. However, almost 10 percent (9.4 percent) of the votes cast in the legislative election were blank against 5.7 percent in the presidential elections.

Second round of the presidential election

Since the date of a second round fell after the end of the EP's legislative working period, the EP delegation was unable to observe it.

The EU EOM continued its observation for the second round and joined other election observation missions in a call to all stakeholders to refrain from premature declarations of the outcome of the elections, recognizing that the National Election Commission is the only legally mandated authority to announce the results. The seven observation missions (African Union – AU, the Community of Countries of Portuguese Language – CPLP, the Economic Community of West African States – ECOWAS, the International Francophone Organization – IFO, the Economic and Monetary Union of West Africa – UEMOA, and the delegation of the United States of America) also urged the candidates and political parties to respect the results and to resort exclusively to legal and constitutional means in seeking redress to any grievances.

On 20 May, the EU EOM issued its preliminary statement: "Electoral process closer to successful conclusion after transparent, orderly and free run-off".

Results of the presidential elections

The electoral commission announced on 20 May that José Mário Vaz of the African party for the Independence for Guinea-Bissau and Cape Verde (PAIGC) won the second round of voting taking 61.9 percent of the vote. Independent candidate Nuno Gomes Nabiam took 38.1 percent.

CONCLUSIONS AND RECOMMENDATIONS

The Election Observation Mission of the European Union (EU EOM) remains in Guinea-Bissau until the end of the post-election process and will present a final report on the process. This report will contain recommendations aiming to improve certain aspects of the electoral process for future elections.

The election observation Delegation of the European Parliament as part of long-term EU mission was an important tool in the evaluation of the electoral situation in Guinea-Bissau. The delegation recommends that the Democracy Support and Election Coordination Group, the Committee on Development and the relevant Standing Delegations monitor the findings and recommendations of the final report of the EU EOM and use it as a basis for their political dialogue with Guinea-Bissau.