

Guinea Bissau

FINAL REPORT

Popular National Assembly Election 16 November 2008

EUROPEAN UNION ELECTION OBSERVATION MISSION

This report was produced by the EU Election Mission and presents the EU EOM's findings on the 16 November 2008 Popular National Assembly election. These views have not been adopted or in any way approved by the European Commission and should not be relied upon as a statement of the Commission. The European Commission does not guarantee the accuracy of the data included in this report, nor does it accept responsibility for any use made thereof. The report is available in English and Portuguese language versions. Only the English language report should be taken as the official version.

TABLE OF CONTENTS

I.	EXECUTIVE SUMMARY	5
II.	INTRODUCTION.....	8
III.	POLITICAL BACKGROUND	9
	A. POLITICAL HISTORY	9
	B. POLITICAL CONTEXT	10
	C. KEY POLITICAL ACTORS	12
IV.	LEGAL ISSUES	13
	A. LEGAL FRAMEWORK	13
	B. ELECTORAL SYSTEM	15
	C. UNIVERSAL AND REGIONAL PRINCIPLES	16
	D. DOMESTIC AND INTERNATIONAL OBSERVERS	16
V.	ELECTION ADMINISTRATION	17
	A. THE NATIONAL ELECTION COMMISSION (CNE)	17
	B. THE ADMINISTRATION OF THE ELECTION	19
	C. VOTER EDUCATION	19
VI.	VOTER REGISTRATION.....	20
	A. VOTERS' LISTS	20
	B. VOTER PROFILE	21
VII.	REGISTRATION OF POLITICAL PARTIES AND CANDIDATES	21
	A. LEGAL REQUIREMENTS	21
	B. PROLIFERATION OF PARTIES	22
VIII.	ELECTION CAMPAIGN	22
	A. BACKGROUND TO THE ELECTION CAMPAIGN ENVIRONMENT	22
	B. OVERVIEW OF THE ELECTION CAMPAIGN	23
	C. GIFTING AND USE OF STATE RESOURCES	23
	D. CAMPAIGN FINANCE	24
IX.	MEDIA AND THE ELECTIONS.....	24
	A. MEDIA ENVIRONMENT	24
	B. LEGAL FRAMEWORK	25
	C. MONITORING OF THE COVERAGE OF THE ELECTION	26
	D. EU EOM MEDIA MONITORING	27
X.	GENDER.....	29
	A. WOMEN AS CANDIDATES	29
	B. WOMEN AND CIVIL SOCIETY	30
XI.	CIVIL SOCIETY	31
	A. NON-PARTISAN ELECTION OBSERVATION	31
	B. CODE OF CONDUCT	31
XII.	ELECTION DAY	32
	A. OPENING AND VOTING	32
	B. CLOSING AND COUNTING	33
XIII.	RESULTS	34
	A. AGGREGATION	34
	B. PROVISIONAL AND FINAL RESULTS	35
XIV.	COMPLAINTS AND APPEALS.....	37
	A. COMPLAINTS MECHANISMS	37
	B. INFRINGEMENTS AND SANCTIONS	38
XV.	RECOMMENDATIONS.....	39
	ANNEXES.....	45

I. EXECUTIVE SUMMARY

Elections were held on 16 November 2008 to elect 100 members of the Popular National Assembly (ANP) for a mandate of four years. Following an invitation from the National Election Commission (*Comissão Nacional de Eleições* – CNE) the European Union (EU) established an Election Observation Mission (EOM) in Guinea Bissau to evaluate the electoral process. The EU EOM arrived on 4 October 2008 and remained in the country for the duration of the process, until 6 December 2008. Its mandate was to conduct a comprehensive assessment of the electoral process in accordance with international principles and best practices for democratic elections as well as the laws of Guinea Bissau. The Chief Observer was Johan Van Hecke, Member of the European Parliament. The EU EOM deployed the largest international observation mission with 52 observers from 15 Member States and was present in all 27 constituencies (*círculos eleitorais*).

The legislative election was the fourth held since the establishment of a multi-party system in 1994 and was of particular importance for the efforts to strengthen the legislative body. Despite the extreme financial and technical constraints faced by the CNE, the process was organized in a professional, dedicated and transparent way and according to international principles. Voters and candidates fully enjoyed their rights to vote and to be voted within an environment of freedom of expression, movement and association. Guineans clearly showed the will to bring stability to the country by turning out in impressive numbers for a legislative election: more than 82 percent participation. Election day was peaceful and orderly, although the lack of election material in some polling stations in the interior created confusion and postponement of election in some polling stations, and disorderly conduct by party supporters and lack of security cancelled re-polling in one polling station. The election campaign started unenthusiastic, without tensions, but its last days saw a regrettable exchange of unfounded accusations and smearing in a clear breach of the codes of conduct signed by the 21 political parties and coalitions contesting the election.

The legal framework provided for a democratic and inclusive democratic process and respected the fundamental rights for conducting an election in line with international principles. There were, however, some shortcomings that have to be addressed to avoid the confusion seen during counting and tallying activities: votes of polling staff and political parties' representatives registered in other constituencies, which is allowed by law, were transferred to their original constituencies, which is not allowed by law. Also, the CNE exceptional authorization for some persons, including military, to vote in advance of election day in Bissau discriminated other regions that were not able to provide the same benefit to their voters. Provisions in the electoral law are not always compatible with the Constitution, like the timeframe for holding legislative elections.

The National Election Commission, although lacking budgetary autonomy and regulatory and normative power, operated with integrity and competence. The election body was almost paralyzed on three occasions by threats of strikes of its staff claiming the payment of salary arrears and other benefits dating back to 1999. However, it managed to conduct the process in an efficient and impartial manner and according to the electoral calendar, even though some of the regional commissions did not replicate such effectiveness and did not properly managed the distribution of material.

A new manual registration of voters was conducted during three weeks in July 2008, instead of at the beginning of the year as mandated by the electoral law. No objections, however, were made during the registration process and the political parties and stakeholders expressed general satisfaction afterwards. The total of 593,557 voters for a population estimated at 1.4 million inhabitants is satisfactory but under the more than 50 percent average for countries in the area. However, the quality of the registry was compromised by a short registration period, insufficient public information, the under representation of young voters and the more than 1,500 omissions of voters in the copy of the registry received by the CNE.

The three-week electoral campaign was generally held with candidates and voters interacting in a festive and orderly manner and without tensions. Political parties and candidates were free to hold rallies and meetings without facing intimidation or limitations to their freedom of expression and association. Voters were free to attend political rallies without being harassed or limited in their movements. However, the use of inappropriate and defamatory language during the final days of campaign, tainted by an exchange of accusations and smearing were a clear breach of the Codes of Conduct signed by the political parties in Bissau and Banjul, Gambia. Gifting, or vote buying, was also a common practice all across the country as well as the open participation of public officials in the campaign in favour of a political party.

The public and private media covered the electoral process generally with a neutral tone. Freedom of the press was fully respected. However, the extreme financial and technical difficulties faced especially by the state-owned media impacted negatively on its ability to offer a full coverage of the electoral campaign and delayed the start of free airtime programming for the political parties. The private media maintained their readers constantly aware of the electoral process, with different levels of balance in their coverage but with general neutral tone of the public counterparts. However, two private newspapers and one radio station violated the electoral law by publishing opinion polls and accepting political ads.

The incapacity of most of the political parties and coalitions to effectively deploy delegates in all regions and the country's high illiteracy levels impacted negatively on the parties' ability to efficiently scrutinize the polls. The situation was worsened by the legal impediment to civil society participation in domestic observation. However, the presence of representatives of the main political parties during voting and counting in all polling stations observed by the EU EOM contributed to enhance the transparency of the process and offset the absence of domestic observers.

There are no legal or accepted quotas for women's participation as candidates in the political party's lists or in the Popular National Assembly. Women participated as candidates in the election in modest numbers, despite some parties' commitment to establish female quotas and to expand the presence of women in their lists. Also, women were almost in all cases not well positioned in the lists making their chances of winning a seat even more remote. There was also an inadequate female representation in all executive positions within the national and regional election commissions. Only one woman participated in the CNE plenary, which includes its executive secretariat, government officials and representatives of 21 parties and coalitions. The situation reflects on the composition of the new assembly, with women filling 10 percent only of the seats.

The human rights situation is still problematic but citizens enjoyed their full civil and political rights, and no cases were observed or reported of flagrant intimidation of voters or limitations to the free movement of persons. The police provided adequate protection and acted effectively; and no arrests were registered. Human rights, however, is still a delicate problem when the issue are other freedoms and guarantees. The Guinean Human Rights League denounced that the judicial system is practically non existent outside the capital and that the situation of the judiciary is dramatic. Economic and social rights are not respected; salaries are not paid on time, and there is no water, sewage and electric infrastructure besides poor health and education services. Salary arrears of the CNE staff were the most serious threat to the electoral process.

Election day transpired in a calm and orderly environment. Voting was conducted smoothly in the 27 constituencies, although the lack of election material in some polling station in the region of Oio resulted in late openings and the postponement of the election to the next day in nine polling stations, according to the CNE. Re-polling was completed successfully in all polling stations without incidents. However, in one polling station in the region of Oio polling did not take place due to disruptions and intimidation by party activists. The voting process was assessed by the EU EOM as “good” or “satisfactory” in 98 percent of observed polling stations, where the polling staff performed its tasks in a satisfactory manner and generally displayed a good understanding of the process and its procedures.

Despite the efforts by the CNE, the media, civil society, domestic and international institutions, the effectiveness of the civic education campaign to increase public awareness of voting rights and election procedures was hampered by a late start and financial constraints. Civil society, though, has had an intense and active role in the Guinean electoral processes, despite its financial and legal limitations to follow them properly. In spite of the restrictions on domestic observation, civil society organizations have developed a positive and pro-active attitude towards supporting actions to reduce instances of political violence during the election period, organizing civic education programs and facilitating the distribution of election materials.

Vote counting was conducted at polling station level and later tabulated at regional level. Although counting was carried out according to established procedures, there were minor inconsistencies in some polling stations visited by the EU EOM observers: spoiled or contested ballots were not in envelopes as required, manual voters’ lists were sometimes not properly closed and signed by the polling staff and party delegates, number of votes checked in the registry did not match the number on the manual voters’ list, and sensitive materials were not properly packaged for transport to the regional commissions.

Very few complaints were registered by the Regional and National Election Commissions during polling, counting and tabulation of results. Despite the existence of clear general procedures for submitting complaints, there seems to be no tradition or culture of challenging decisions, a peculiarity that might be explained by a frail judiciary. Consensual deliberation mechanisms set in place by the election framework at regional and national level —the CNE/CREs plenary sessions— allowed for adequate redress of complaints and challenges, with the political parties also able to fully participate in the process.

The new members of the National Assembly were sworn in December 2008. The PAIGC leader, Carlos Gomes Junior, or “Cadogo,” became the new Prime Minister on January 2, 2009 when a new government also took office.

A set of recommendations is included at the end of this report for consideration by the authorities aiming at improving the electoral process, among them:

- Attribution of *de facto* normative and/or interpretative powers to the National Election Commission. The CNE should be provided with tools to be able to adapt and update technical electoral procedures, clarify omission in the law and streamline organisational management aspects.
- Nomination of a non-partisan executive secretariat at the National Election Commission by means of changing the nomination and appointment procedures. Its four members are currently elected by two-thirds of the Popular National Assembly and generally reflecting the distribution of seats. The new composition of the Assembly will give the ruling party, controlling almost two thirds of the seats, the capacity to name most of its members.
- Provide the CNE with administrative and budgetary independence through the inclusion of a specific section and funds allocation in the national budget. In order to strengthen the CNE's independence, the election management body should have direct access to an adequate fixed annual allocation of resources ascribed to the national general budget.
- Implement the provision for the vote of the Guinean Diaspora.
- Provisions in the law regarding public funding to candidates and political parties should be effectively implemented prior to the start of the campaign period. Small parties and a much needed new generation of politicians would have the chance to contest elections on a more levelled playing field. Public funding of parties and candidates is a fundamental tool to strengthen competitive democracy and allow a pluralistic participation.
- Introduce mechanisms to allow for effective auditing of political party source of finance. In case the state contributes with financial support to the political parties and its campaign activities, auditing within a reasonable timeframe of one to two month after the poll should promote transparency of funding instead of an annual declaration as set out in the Law of Political Parties. It is also imperative that an auditing system be established for the political parties to check, before election day, campaign activities and other electoral expenses and origin of funds. Expenses should have a ceiling and parties sanctioned when infringing expenses limits.
- Civil society should be given the right to actively participate in the monitoring of the registration of voters and polls.

II. INTRODUCTION

Following an invitation from the National Election Commission (*Comissão Nacional de Eleições* – CNE), the European Union (EU) established an Election Observation Mission (EOM) in Guinea Bissau for the 16 November 2008 legislative election. The European Union Election Observation Mission (EU EOM) to Guinea Bissau arrived in the country on 4 October 2008 and stayed two months to observe the activities of the electoral process leading to the legislative election of 16 November 2008. After election day, the Mission observed the tabulation and aggregation activities and the formal announcement of results of the 102 member of the Popular National assembly (*Assembleia Nacional Popular* – ANP). The election was the fourth legislative poll since 1994 when a semi-presidential, multi-party system was introduced to replace the one-party system prevailing since the independence of Guinea Bissau from Portugal in 1974.

Guinea Bissau is divided into nine regions and 27 constituencies (*círculos eleitorais*)¹ where voters elect their representatives through closed multi-member lists. The estimated 1.4 million inhabitants live mostly in the north and south regions generally in poor conditions, with lack of basic infrastructure both in the urban and rural zones. Many families share what is called “*tabancas*,” a compound or sole unit housing several families, and gather according to their ethnicity. The capital, Bissau, is connected by tarmac roads and reliable telecommunications to the main cities in the north and part of the south; all the regions, however, offer a precarious infrastructure of roads, medical services and transportation. Safety in terms of accidents and health hazards, and not security, was the main concern, even when the 1998 armed conflict is still fresh on the minds of Guineans.

All these factors, added to the 2,662 polling stations established by the National Election Commission (*Comissão Nacional de Eleições – CNE*) to attend 593,557 voters, some of them located in remote areas, presented a challenge to the Mission. These were the main points of consideration when the four-member Core Team (CT)², later joined by the Chief Observer, designed and implemented the deployment of 20 Long Term Observers (LTOs) and 24 Short Term Observers (STOs) from 15 EU member states to observe the electoral activities before, during and after the election. There was no delegation from the European Parliament and no local observers (diplomats accredited to Guinea Bissau are not allowed by law to observe elections). The Mission liaised with and promoted meetings with all other international observation missions, and maintained constant contact with electoral and government officials, security forces, candidates, media representatives and the public in general.

The mandate of the EU EOM, headed by Johan Van Hecke, Member of the European Parliament (MEP), was to conduct a comprehensive assessment of the electoral process in accordance with international principles and best practices for genuine democratic elections as well as the laws of Guinea Bissau. The EU EOM is independent in its findings and conclusions and adheres to the Declaration of Principles for International Election Observation, commemorated by several organisations at the United Nations, New York, in 2005. The Core Team arrived on 4 October 2008 and departed on 6 December 2008. The EU EOM applied the same methodology used by the EU in other observation missions and covered all the regions of the country.

This was the second electoral process observed by the European Union in Guinea Bissau, after the presidential election in 2005.

III. POLITICAL BACKGROUND

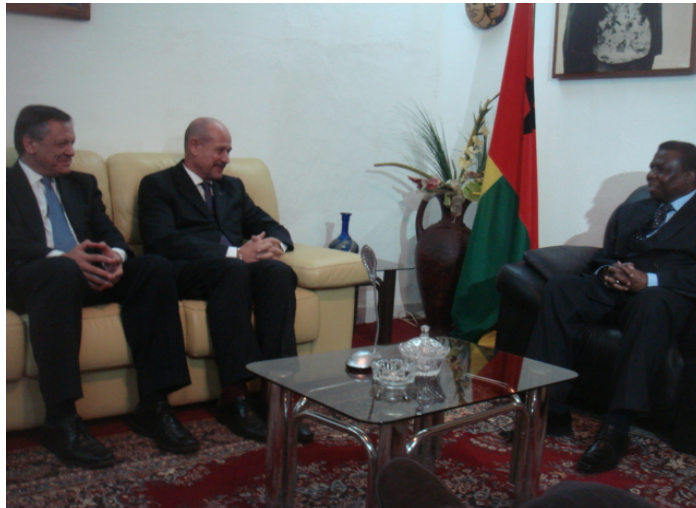
A. POLITICAL HISTORY

Portugal recognized officially Guinea Bissau independence in 1974 after the Portuguese “carnation” revolution, one year after João Bernardo “Nino” Vieira, president of the self-declared Popular National Assembly together with Guinean freedom fighters had unilaterally declared independence on 24 September 1973. Amílcar Cabral is the reference name in the political history of the country. He was born in 1924 in Bafatá, son of a Cape Verdean father

¹ There are two other constituencies for the Diaspora (Europe and Africa) but the Guineans abroad were disfranchised as result of lack of financial resources to register and hold an out-of-country election.

² Chief of Mission (CO), Johan Van Hecke (Belgium); Deputy Chief of Mission, António Reis (Portugal); Legal and Electoral Expert, Margarida Alves (Portugal); Media Analyst and Press Officer, Javier Gutiérrez (Spain); Observers Coordinator, Alexander Gray (United Kingdom). The Operations and Security Expert, Martim Freire (Portugal), worked under IOM contract.

and Guinean mother. He studied in Cape Verde and later at the age of 21 went to Portugal where he graduated as agronomist. Together with his half-brother, Luis Cabral, and other companions, he created the African Party for the Independence of Guinea Bissau and Cape Verde (*Partido Africano para a Independência da Guiné e Cabo Verde* – PAIGC) in 1956. The party name reflected the secular alliance between Cape Verde and Guinea Bissau ruled by the Portuguese as a single administrative unit until 1878.



Chief Observer, Head of EU Delegation with President Vieira (Photo: EU EOM)

Although the armed struggle only started in 1963, the PAIGC is probably the leading reference for the anti-colonial movements in Portuguese Africa. Amílcar Cabral did not survive to witness independence; he was assassinated in Guinea Conakry in 1973, but remained a political icon and the true hero of the nation. His brother, Luis, acted as president from 1974 to 1980 when he was challenged by “Nino” Vieira, who took power in November 1980. The political reasons for the coup are mainly rooted in the refusal of native Guineans to accept the idea of a union between Cape Verde and Guinea Bissau. They uncovered the first signs of divisions within PAIGC, which has been ruling the country since independence, with a small hiatus between 2000 and 2003. PAIGC ruled the country under a single-party system from independence until 1991, when a multi-party system opened the way for holding the first election in 1994.

B. POLITICAL CONTEXT

The legislative election on 16 November 2008 was the fourth held in Guinea Bissau since the semi-presidential multi-party system was established in the country. The transition from the one-party system instituted after independence did not, however, bring the expected political stability. Military coups and dissolutions of the Popular National Assembly (*Assembleia Nacional Popular* – ANP) fed recurrent political crises perpetuating instability in the political and administrative structures of the country. The situation was worsened by the recent surge of criminal networks involved with drug trafficking.

The three presidents of the country since independence were all deposed by military coups, while the others served under periods of transitions. The country also had 14 prime ministers during its multi-party history, or one per year.

The mandate of the last legislature expired on April 2008 and, constitutionally, elections should have been held by that time to renew its 102 members. However, the government failed to secure the financial resources for the election —later almost fully covered by international contributions— before the end of the legislature. President João Bernardo “Nino” Vieira set the election date for 16 November 2008 after the members of the ANP extended their own mandate. The “Exceptional Constitutional Transitional Law,” extending the mandates until the publication of the next legislative election results, was declared unconstitutional by the Supreme Court of Justice (*Supremo Tribunal de Justiça* –STJ). President Vieira then dissolved the Assembly, which is now functioning through its Permanent Commission.

The legislative election was of particular importance to efforts to strengthen the legislative body. Always seen as a weak, rubber stamp institution, the ANP main parties at the time —the historic African Party for the Independence of Guinea and Cape Verde (PAIGC), the Party for Social Renewal (PRS) and the Social Democrat United Party (PUSD) — signed in 2007 a pact for national stability that, for the first time in the history of the country, allowed for promotion and passage of a vote of no-confidence in the government. The prime minister, Aristides Gomes, a close ally of president Vieira, was replaced by Martinho N’Dafa Cabi, who turned the government to Carlos Correia after the Assembly was dissolved by president Vieira in August 2008. Although president Vieira has not committed himself during the electoral process to either PAIGC or the Republican Party for Independence and Development (PRID), political analysts and the media believe that he was behind the new party, one of the 21 contesting the election. PAIGC, PRID and PRS are now the most influential political organisations. PAIGC, led by Carlos Gomes Jr. (also known as Cadogo), a former close ally of the president and now his main adversary, won the election with absolute majority (67 percent of 102 seats) and will form the new government.

One week after the 16 November election, an alleged group of discontent military³ unsuccessfully attacked the president’s residence in Bissau with rocket propelled grenades (RPGs) and automatic firearms, with the clear intention of killing “Nino” Vieira. The government qualified the attack as “cruel and with political overtones” and considered it as a coup attempt. The attack during the early hours of Sunday, 23 November, gave rise to a strong condemnation from the international community and local military and political leaders. Public displays of solidarity with the president came from all sectors, including the PAIGC leadership. Also, the PRS issued a statement condemning the attack and stressing that “conflicts should be solved by legal means.” The PRS reaction came a few days after the general attorney’s office issued a restraint order forbidding its leader and former president, Kumba Yalá, to leave the country. The confinement will last until the end of a legal process related to the charges made by Yalá, during the electoral campaign, that the president was involved with drug trafficking.

Despite this incident, during all this period, the military, who have traditionally exercised power beyond their constitutional mandate, have been outside the last electoral processes and committed to guarantee a peaceful environment. General Tagme Na Waie, chief of the armed forces, composed almost 90 percent of *balantas*, was one of the first local leaders to visit the president and express the support of the armed forces and its commitment to maintain peace and a democratic state.

³ The group, many of whom were detained, was supposedly dissatisfied with the situation of the former navy head, José Américo “Bubo” Na Tchuto, who is now exiled in Gambia after being accused last July of leading a coup attempt.

C. KEY POLITICAL ACTORS

PAIGC is the historic party of Guinea Bissau and has been in government for the last 34 years, except for a three-year period (2003-2003) when the PRS elected its leader, Kumba Yalá, as president. PAIGC is undoubtedly the main political actor and all political debate revolves, directly or indirectly, around its performance and its leaders. Carlos Domingos Gomes Jr., or Cadogo, was elected president during the party's congress in June 2008. Cadogo, a former close ally of president "Nino" Vieira, and who later became his main adversary, was sworn in on 2 January 2009 along with other members of the new PAIGC government after the party's landslide victory in the election. The PAIGC received a clear absolute majority of 67 (against 45 in the last legislature) of the contested 100 seats. PAIGC ran the most expensive campaign if calculated by the amount of rallies, activities of its supporters and intensity of its electoral propaganda.

Kumba Yalá is the PRS uncontested leader, and despite living abroad he still commands the party's supporters, basically Guineans of the ethnic group *balanta*. Maybe in consequence of his regular absence of the country, PRS went through internal divisions recently and many of its leaders left in what the press considered the implosion of the party. PRS obtained 28 seats, losing seven in comparison with its recent representation in the assembly. Kumba Yalá campaigned intensively for his party but was not able to have some of the seats, even in his *balanta*'s strongholds, passing to PAIGC.

The great loser of the election was the United Social Democrat Party (PUSD) after being wiped out of all its 17 seats in the past assembly. PUSD ran a very modest and unenthusiastic campaign and seemed to have been hurt by internal conflicts which led to the resignation of its president, Francisco Fadul. The former PUSD leader went to form a new party, the Party for Democracy, Development and Citizenship (*Partido para a Democracia, desenvolvimento e Cidadania* – PADEC), and was unable to win a seat obtaining less than 2 percent of the total votes.

Another new party was the Republican Party for Independence and Development (PRID), formed by former prime minister Aristides Gomes, a staunch supporter of president "Nino" Vieira. PRID won three seats, guaranteeing a seat for Gomes in the new assembly, and ran a strong campaign and showed a good financial base by displaying several new cars with the party's logo and distributing electoral campaign material all over the country; streets in the capital were "decorated" with PRID's logo and inscriptions and thousands of youngsters were seen with T-shirts inviting "Vota PRID" (vote PRID).

During the entire electoral process, President "Nino" Vieira avoided committing himself to PAIGC or PRID, and at a certain point requested that both parties stopped referring to his name or using his image as political campaign tools. The president, however, never denied press reports and analysts who insisted he was behind the creation of PRID to offset the influence of his rival, Cadogo. "Nino" Vieira ran as independent in the 2005 election, which he won ironically in part thanks to the support of Kumba Yalá and the *balantas*. Moreover, he also supported Cadogo in the PAIGC congress that elected its new president.

The remaining two seats were given to the New Democracy Party (*Partido da Nova Democracia* – PND) and the Democratic Alliance (*Aliança Democrática* – AD), a coalition between the Party for Democratic Convergence (*Partido da Convergência Democrática* – PCD) and the Democratic Front (*Frente Democrática* – FD). AD was formed in 2008 and has as president an ally of “Nino” Vieira and his supporter in the 2005 presidential election, former Finance Minister Victor Fernando Mandinga (aka Nado Mandinga). PND was created in 2007 by a former PRS leader and former Foreign Minister, Iaiá Djaló, who also was an independent candidate in the 2005 election.

All other parties contesting the elections have very modest expression in the political life of the country and many had regional representation only. (see list in Annexes)

IV. LEGAL ISSUES

A. LEGAL FRAMEWORK

The legislative framework in Guinea Bissau generally provides for holding of genuine democratic elections according to international principles. Governed by the Constitution of 1984 (last amended in 1996⁴) it protects fundamental freedoms and political rights in accordance with international principles embedded in the International Covenant on Civil and Political Rights (ICCPR)⁵. The electoral framework is regulated by: Law on Voter Registration (Law 2/98), Law for the Election of the President and the Popular National Assembly (Law 3/98), Law on the National Election Commission (Law 4/98), and Law on International Election Observation (Law 4/94). Additional legal regulations pertaining to elections are found in the Criminal Code, in the Law on the Right of Meetings and Demonstration (Law 3/92), in the law regulating the constitution of political parties and other norms developing the fundamental political rights proclaimed in the Constitution.

Civil and political freedoms, such as freedom of movement, of assembly, of association and the right to vote and to stand as a candidate are guaranteed by law and widely respected by the national stakeholders and parties. Access to participation in all aspects of public life, as well as equal rights and opportunities for women and men in regard to elections, is broadly reflected in the legal framework.

The Law⁶ structures the judicial system in one high Court, the Supreme Court of Justice (*Supremo Tribunal de Justiça* - STJ) based in the capital and regional courts in all eight regions and the autonomous sector of Bissau. First instance courts at sector level exist but suffer from poor infrastructure and experience reluctance of the local population to adhere to the law. Special courts based in Bissau are the Commerce Court (*Tribunal do Comércio*), the Office of General Accounting (*Tribunal de Contas*) and a Military Court. Local traditions and consuetudinary law are widely accepted, while not always in conformity with the constitutional law. The sector courts decisions may also be challenged by traditional authorities (*Régulos* or *Homens grandes*) who truly embody local power parallel to state authorities.

The legal framework envisages a shared electoral institutional responsibility among several organs of the state. The National Election Commission supervises voter registration, organizes

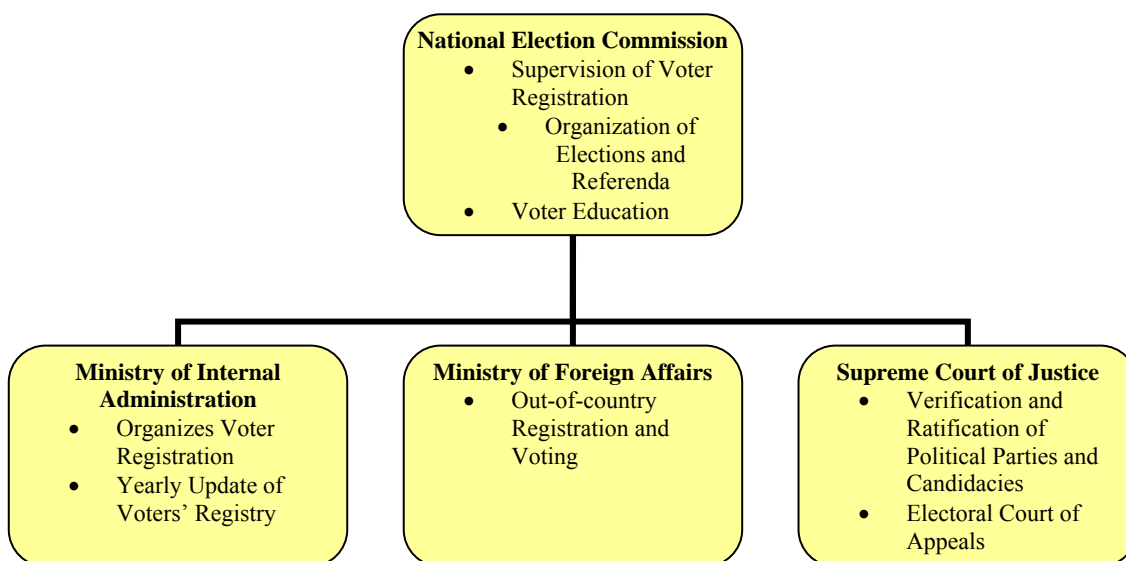
⁴ Since Guinea Bissau's independence the Constitution has been amended six times: on 16 May 1984, 4 May 1991, 4 December 1991, 26 February 1993, 9 June 1993 and 4 December 1996.

⁵ Guinea Bissau signed the International Covenant on Civil and Political Rights (ICCPR) on 12 September 2000. Ratification is pending.

⁶ Law 3/2002, 20 November on the Judicial Structure of Guinea Bissau.

elections and referenda, voter education activities, and decides in election complaints and protests. The Ministry of Internal Administration is responsible for organizing voter registration and its yearly updating. The Ministry of Foreign Affairs is, responsible for out-of-country registration and voting. The Supreme Court of Justice verifies and ratifies party candidacies and decides on electoral disputes acting as the Electoral Court of Appeal. Finally, the Presidency of the Republic announces the elections dates.

The electoral framework fails in certain areas to develop and explain in detail its clauses and reveals inconsistencies, like the timeframe for holding parliamentary and presidential elections. Sovereign organs, such as the Presidency of the Republic and the Popular National Assembly, with five and four years of mandates respectively, should be elected within a reasonable timeframe before the expiration of their mandates. The electoral law (Article 185) states that the President of the Republic is to take office on the last day of his/hers predecessors mandate, which sets the date for Presidential elections within the timeframe of the mandate. This clause, however, is in contradiction with Article 3 which stipulates that presidential and legislative election should be held in the year of term of office between the 23 of October and the 25 November.⁷ Also, the Constitution determines that the National Assembly should be renewed every four years, implying that its new members should be elected before the end of the four-year term, in contradiction with the electoral law.



A cause for concern were the imprecise electoral procedures observed during voting and counting such as those related to anticipated and military voting, distribution, handover, retrieval of sensitive elections materials, regional tabulation of results and data entry of tallying sheets. Moreover, incongruous procedures such as the one erroneously allowing the transfer of ballots cast by polling officials and political parties' representatives to other constituencies (*círculos eleitorais*) during election day, or conceding recounting of ballots in some Regional Election Commissions (Comissão Regional de Eleições CREs), can be attributed to CNEs poor organizational and communication mechanisms and the lack of clear technical procedures and administrative guidelines. The transfer of ballots to another constituency was a breach of the election law. The law stipulates⁸ that voters shall vote in the polling station corresponding to

⁷ Electoral Law 3/98.

⁸ Article 68, Electoral Law 3/98.

their registration locations. Exceptionally, members of the Regional Elections Commissions, polling staff and party delegates can cast a ballot at the polling station they are assigned to work on election day, which may not eventually be the one where they were registered.

These voters are not, however, exempt from presenting basic voting requirements such as a valid voter's card, despite not being listed in that particular voters' lists when voting outside their registration area. Ballots are to be cast and counted for that station. The polling station staff is supposed to count these voters' ballots and include them in the final results tallying sheets (*actas de apuramento*). Procedures adopted *ad hoc* and observed during polling and counting differed from region to region. In most of the CREs, ballots were transferred to other constituencies, some sealed in envelopes with indication of the constituency to be transferred to, and many without any indication at all. In many instances, information on the number and origin of the transferred ballots were not forwarded by the Regional Election Commissions to the CNE. Although political parties' representatives seemed to have accepted such practice of transferring ballots, the nature of the legislative election, with unique ballots attributed to each constituency—since not all parties contested in all 27 constituencies—is such that the use of a transfer voting method can only be achieved if more sophisticated mechanisms are put in place.

B. ELECTORAL SYSTEM

Guinea Bissau has a semi-presidential, proportional representation electoral system to fill 102 parliamentary seats from 29 multi-member constituencies; 100 seats are elected in the national territory and two in the Diaspora, both in Europe and Africa. Despite the existence of legal provisions, the Diaspora was disenfranchised since no preparations were made for out-of-country registration and voting. Candidates to the National Assembly are elected for a four-year term according to their positions on the party's closed list, and seats for each constituency are allocated taking in consideration the number of votes of each party and applying the D'Hondt system. Legislative elections are limited to parties and coalitions and there are no independent candidatures.

The electoral law defines a fixed number of deputies (*deputados*) per constituencies, independently of demographic changes that may have occurred in the country. The distribution of seats thus introduces an element of inequity regarding the number of votes necessary to elect a deputy in different constituencies (*círculos eleitorais*). Larger constituencies may elect one deputy with almost five times the number of votes needed in a smaller constituency. The system's "disproportional representation" is a result of the lack of a defined population and legislative seat quotient, or redistricting, in the electoral law which could grant equal or similar weight for each vote cast in the legislative poll. The constituencies correspond to the politico-administrative zones that existed before the establishment of the multi-party system in 1994. The CNE has 30 days after the public announcement of final election results⁹ to announce the date for the swearing in of the new members of the assembly.

⁹ Electoral Law 3/98, article 186.

The newly elected assembly will carry the responsibility to decide on the revision of the electoral framework that has been proposed but not acted on despite recommendations and calls by international institutions and the civil society groups for more procedural clarity of the election process.

C. *UNIVERSAL AND REGIONAL PRINCIPLES*

Guinea Bissau signed the International Covenant on Civil and Political Rights (ICCPR) on 12 September 2000. Ratification is pending. In addition, it ratified the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), signed the International Convention on the Elimination of Racial Discrimination (ICERD) and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC). At regional level, Guinea Bissau ratified the African Charter on Human and Peoples' Rights (ACHPR) and signed the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (ACHPR-PW, March 2005). Within its regional security and economic framework, the ECOWAS Member States signed a Protocol on Democracy and Good Governance, Supplementary to the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security (December 2001).

Democratic benchmarks for good electoral practice mainly revolve around principles as enshrined in the Universal Declaration of Human Rights (UDHR) and Article 25 of the International Covenant for Civil and Political rights (ICCPR) of 1966: *periodic elections, universal and equal suffrage; right to stand for public office; right to vote; and genuine elections allowing for the free expression of the will of the people.*

D. *DOMESTIC AND INTERNATIONAL OBSERVERS*

While the legal framework generally respects fundamental rights it lacks provisions for broad domestic observation leaving it to political parties the task to monitor the electoral process. However, the ability of political parties to organize and deploy observers is doubtful since a few parties only have the resources and national representation to effectively cover the country. Furthermore, Guinea Bissau's high illiteracy levels reflect on the party representative's aptitude to understand and scrutinize the poll. Civil society groups have expressed the wish to be able to participate in domestic observation and showed interest in supporting voter education campaigns. It is imperative a change in the law in order to bring domestic observers to the Guinean electoral processes activities to enhance transparency in addition to the political party agents. When playing a neutral role and reporting objectively, domestic observers highlight shortcomings in the elections and alleviate potential for conflict. Their generally large numbers, ample geographical presence and knowledge of local situations make them easily aware of irregularities, intimidation or corruption in their areas of responsibility. In post-conflict situations, like in Guinea Bissau, domestic observation can play a crucial role in areas where international presence is not possible, and give participation in the process to groups in society who may traditionally be excluded from the decision-making process.

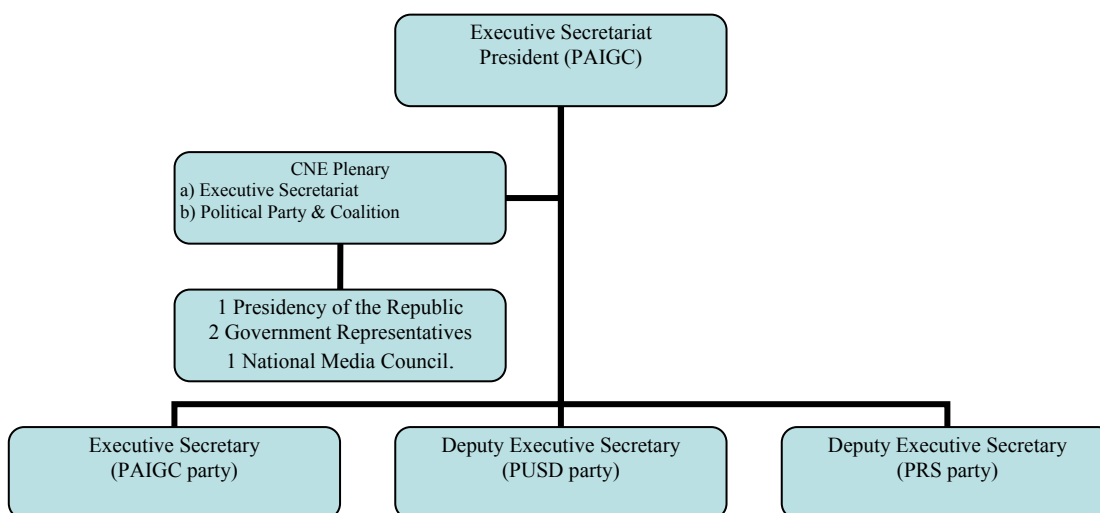
The law regulates the rights and duties of international observers within international accepted principles. The law recognizes the observers as, primarily, being part of the African Union, United Nations and the European Union and fully able to fulfil their mandate without any hindrance or limitation. The CNE has shown flexibility to extend invitations to other regional and international organizations allowing for a number of organizations to participate in the observation process. Rights and duties of observers include i) freedom of movement throughout the entire country, ii) freedom to contact any institution or individuals linked to the electoral process, iii) right to obtain any information and documents relating to the electoral process, iv)

observation of the entire process including voter registration, campaign, voting, counting and tabulation and vi) the right to be informed of all complaints and appeals during and after the balloting.

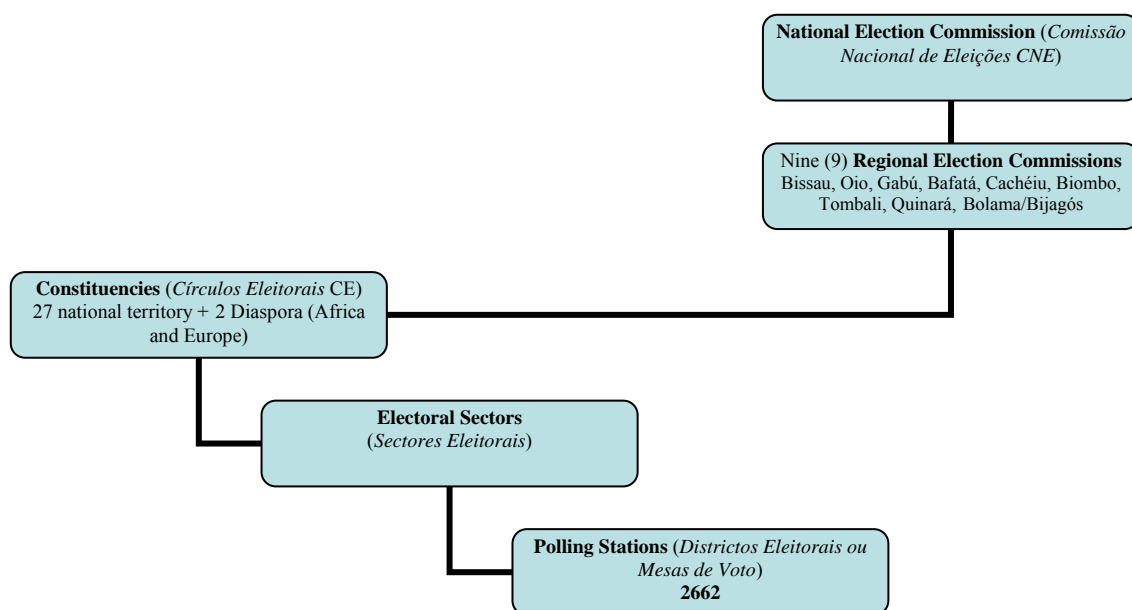
V. ELECTION ADMINISTRATION

A. THE NATIONAL ELECTION COMMISSION (CNE)

The National Election Commission was established as a permanent and independent body responsible for organizing the elections in Guinea Bissau. Its competence and structure, as established in the Law on the National Election Commission (Law 4/98), does not provide the CNE with regulatory, budgetary and normative power as all regulations have to be adopted by the Popular National Assembly (ANP). Powers that are afforded to the CNE include supervising voter registration, approving voter registration bulletins and voter card design, devising, printing and distributing ballot papers, deciding upon the number and location of polling stations, managing CNE financial resources, conducting voter education, distributing free air time for political party propaganda and the adjudication of complaints.



The Electoral administration consists of a four-member permanent Executive Secretariat appointed in 2004 for a four year mandate, plus nine Regional Election Commissions; the secretariat, the representatives of the political parties contesting the election, representatives of the president of the republic and of the National Council for Social Communication (CNCS) and two government delegates compose the plenary of the CNE . The CNE meets in plenary sessions and decides on consensus whenever possible. In case the CNE fails to reach consensus the law provides for the Secretariat to decide by majority, with the President holding a qualified vote. The CNE is appointed by two-thirds of the ANP and its partisan secretariat reflects the 2004 legislative election results: two members from the PAIGC, one from PRS and one from PUSD. The nine CREs are only active during the election period and are composed of a President and a plenary, which includes a representative from each political party and coalition contesting the poll. The CREs' members were sworn-in in July 2008 and will finish their office term after submitting their final reports to the CNE.



For electoral purposes, there are eight regions in the country and one autonomous sector, Bissau. These are divided in 29 geographically defined constituencies (or *círculos eleitorais*) each one with a given number of seats, from three to six deputies, or *deputados*; 27 constituencies are on national territory and two abroad for the Diaspora. Electoral constituencies are further sub-divided into sectors and these into electoral districts (*districtos eleitorais*), composed of one polling centre (*assembleia de voto*) which may have one or more stations (*mesa de assembleia de voto- MAV*). In remote areas, the CNE may exceptionally deploy mobile polling stations (*mesa móvel*) to reach voters who live in *tabancas* (small family units) far from polling sites. The Regional Election Commissions decide on the number of mobile stations according to the distribution and location of the electoral population.

The CNE does not enjoy budgetary independence, and rather relies on a specific ANP budget line. Due to its very limited governmental financial support, the CNE faced real challenges in conducting its activities that added to its poor human and material resources. In fact, the CNE had also to deal with constants delays in the disbursement of funds to operate and to organize the elections. Daily activities were jeopardized by lack of funds to buy fuel for its generators and to run a smooth operation. Facilities and installations were precarious. A direct allocation of funds as part of the government overall budget would give the CNE independence from the political actors in the Assembly, flexibility in its activities and financial guarantees for its operations. A strong international donor support to the electoral process, administered by the UNDP through an International Donor Basket Fund, was essential to guarantee that electoral process could be developed and implemented according to an electoral chronogram.

B. THE ADMINISTRATION OF THE ELECTION

Three consecutive threats of strike during the weeks prior to elections called by the CNE Workers Union almost paralyzed the electoral activities, casting doubts about the negotiation capacity of the CNE and highlighting its financial fragility. The union claimed the payment of old debts¹⁰ like salaries, balances left from salary cuts, and *subsídios* (fees for temporary work and gratification during election periods) from past elections. In addition, The staff also protested against the CNE deplorable working conditions, lack of electricity and poor infrastructure. Promises of government funds for the payment of long standing salary arrears were unfulfilled adding to the general atmosphere of discontent. The CNE members of the executive secretariat were accumulating four months of work without pay. CRE staff, mainly their presidents, received their salaries before election day, satisfying their immediate claim but falling short of receiving arrears regarding the 1999 and the 2004 elections. A sixty-day moratorium was signed between the CNE and the workers union allowing for unhindered election preparations in all nine regional commissions, followed by an agreement for payments of arrears until 12 November. Lastly, much needed international funds were channelled to pay arrears in subsidies and debts from previous elections¹¹. At the time of writing the report public servants salary arrears, totalling five month, remained to be paid.

The CNE, however, is generally well respected by Guineans and international stakeholders. The executive secretariat has shown determination to uphold electoral principles and effectively helped to manage conflicts between political parties. Regardless the criticism as to the political affiliation of the secretariat, it is nonetheless a fact that it serves the purpose of “checks and balances” within the Commission, as main parties are bound to cooperate beyond their political agendas. Even so, several interlocutors expressed to the EU EOM a preference for a non-partisan Secretariat composition. As the CNE reaches its final four year mandate with the conduct of the 2008 legislative poll, the Popular National Assembly will elect a new secretariat. The PAIGC party won by a qualified majority and is now in a position to elect all four members to the future CNE Executive Secretariat, despite possible claims from the PRS party for a position within the Secretariat.

C. VOTER EDUCATION

The voter education campaign, involving the CNE, the media, civil society and international organizations helped increase public awareness of voting rights and procedures while specially targeting women and first time voters. Issues such as the secrecy of the ballot, polling absenteeism, vote buying, first time and women voters found large echo in messages transmitted through radio, television, and printed media and by means of local dissemination via non-governmental organizations working close to rural populations. In line with the EUEOM’s 2005 recommendation the topic regarding the tendency of ethnic voting was touched upon by the various civic education campaigns. The conduct of a peaceful and nonviolent campaign and the acceptance of election results as a sign of democratic maturity were also repeated subjects throughout the voter education campaigns.

¹⁰ Election related subsidies debts refer to 1999 and 2004 polls. CNE salary debts refer to general civil servants salaries not paid by different government during the last years.

¹¹ Arrears refer to subsidies and salaries from the 1999 and 2003 elections, including civil servants salaries during 2003.

The European Commission sponsored a civic education program designed in cooperation with the National Election Commission, local Non-Governmental Organizations, and community radios and youth and women groups. The implementation of the program started in September with the training on electoral issues of 22 Guinean NGO's, of which six were chosen to continue the civic education campaign called "We all are observers" –calling for citizens to informally participate in monitoring the elections. A separate training course for 330 trainees targeting community radios, first time voters, youth and women groups was organized on a regional level in Buba, Gabú, Bubaque and Bula. In addition, two theatre groups staged 18 street presentations in major popular concentration points in Bissau as a follow-up to a eight week "special electoral" four-page newspaper insertion in the *Diário de Bissau*. An extra run of 1,000 copies was requested by the National Election Commission for national distribution.

VI. VOTER REGISTRATION

The electoral law on voter registration (Law 2/98) requires the government to update the voters' roll on a yearly basis thus maintaining a good quality, valid voter register. Despite this good practice of voter registration, the government failed to implement timely register updates, resorting to new full registration exercises for each electoral process. Due to delays in deciding whether or not to introduce a biometric registration system in the first half of the year and the lack of financial resources and time, the UNDP proposed biometric option was abandoned by the government early in June. The government decided to revert to manual registration for the 2008 electoral process, a decision that found consensus among political parties, civil society and the international community.

Voter registration falls under the responsibility of the Ministry of Internal Administration, while overall supervision of the process lies with the National Election Commission. Within the Ministry, it is up to the Secretariat for Territorial Administration and its Technical Cabinet for Electoral Support (*Gabinete Técnico de Apoio ao Processo Eleitoral- GTAPE*) to organize and implement the voter registration activities in the country. The Ministry further delegates the implementation of voter registration to the National Institute for Statistics and Census (*Instituto Nacional de Estatística e Censo INEC*).

A. VOTERS' LISTS

A full new voter registration started on 3 July 2008 for a period of 21 days in accordance with the CNE electoral calendar. The government decided later to extend the registration phase to an additional three day period since registration numbers were lower than expected. INEC registered a total of 593,739 voters. Despite the INEC ready-to-use voters' list, approximately 1,500 voter omissions were discovered by the CNE. The omissions were noticed during the printing of the final voters' lists for the 2,662 polling stations. A few *tabancas* on the final copy of the voters' lists provided by GTAPE recorded no voters despite the allocation of a polling station to that specific location. The omissions and subsequent corrections procedures were explained to the political parties and coalitions during a CNE plenary meeting with no objections raised or requests for additional clarifications made.

The CNE, however, expressed its overall satisfaction with the implementation of the registration process. In comparison to the 2005 registration, there was an increase of 53,002 voters in the total national voting population. However, out-of-country registration was not conducted by the Guinean consulates abroad, thus leaving two seats vacant in the National Popular Assembly election, the two seats assigned to the African and European Diaspora.

B. VOTER PROFILE

While carrying on the voter registration, INEC collected information regarding the type of document used for registration and also recorded the gender and age of registrants. Guinean citizens are allowed to register by presenting a valid identity card, passport, birth certificate or other national document. The majority of rural population does not hold identity cards and is, therefore, allowed to register by presenting two witnesses. INEC statistical information showed that up to 73 percent of female registrants used witnesses for voter registration purposes compared to 55 percent for males. Regarding age groups, INEC revealed that out of the total registered population only 3.8 percent fell within the age group of 18 to 28 years. The largest registered age group was between 29 and 38 years with 39 percent, followed by 23 percent between 39 and 48 years. Registrants older than 49 years made up the remaining 32 percent. Both INEC and CNE were unable to come up with an explanation regarding the exceptionally low number of youngsters and first time voters in the 2008 voters' list. The poor and delicate situation of the country encouraging apathy and disinterest, the short period of time for registration, and the lack of an adequate information campaign might be the causes associated with such low percentage of youth participation. Further analyses on the reasons for such low participation should be part of the exercise when designing future civic and voter education campaigns.

VII. REGISTRATION OF POLITICAL PARTIES AND CANDIDATES

A. LEGAL REQUIREMENTS

A total of 19 parties and two coalitions were accepted by the Supreme Court of Justice (STJ) to contest the legislative election. Four candidate lists were rejected on grounds of absence of a party structure, lack of internal party elections and leadership disputes. Several candidates were disqualified from running for not satisfying basic legal registration requirements such as presenting a valid identity card, a voter card or a signed registration declaration. The final party and candidates' list was made public by the STJ on 3 October 2008 having been widely publicized in the public and private printed media.

The legal requirements for the registration of candidates' lists can be considered reasonable by international good practices. It seemed, however, that a few parties, specially the smaller ones, were poorly organized in fulfilling identification requirements on time to meet the registration deadline. Candidate registration requirements include the presentation of a valid identity card, a document only available in Bissau, and thus not easily accessible to citizens living outside of the capital. The legal framework for registration of candidates is clearly established by law, providing contesting parties and candidates the opportunity to rectify technical errors, submit missing or incomplete documentations and to challenge their disqualification.

However, the Guinean Movement for Democracy (*Movimento Guineense para a Democracia MGD*) complained to the EU EOM against what it considered discriminatory procedures by the STJ in the qualification of its candidates and lack of response for its requests for revision. The STJ informed the mission that all parties had equal opportunity to rectify their lists and to seek redress, and those cases not acted upon were due to non-observance of legal deadlines and closed.

The Party for Democracy, Development and Citizenship (*Partido para a Democracia, Desenvolvimento e Cidadania - PADEC*) challenged the legality of all running parties and coalitions except five: its own, the PAIGC, PRS, PSD and PRID. PADEC claimed that the majority of political parties infringed basic democratic requirements set out in the legal framework. PADEC alleged that the majority of legalized parties did not practice internal

democracy nor acted in a transparent manner. Legal requirements include keeping a permanent party headquarter, the holding of democratic internal elections, the registration with the Supreme Court of Justice and a pre-electoral notification to be submitted to the STJ 60 days prior to election day of at least 1,000 signatures of supporters.

B. PROLIFERATION OF PARTIES

Out of the 19 parties and two coalitions contesting the ballot, 77 percent of the votes were cast for the three larger parties: PAIGC, PRS and PRID. Nine parties scored less than 5,000 votes nationwide with four attaining less than 800. In order to avoid frivolous parties and candidatures the introduction of a system of fee, or deposits, and higher number of signatures should be considered for future elections. This system could help to limit the proliferation of political parties while fees could be refunded if a candidate or party gains a proportion of valid votes (threshold).

VIII. ELECTION CAMPAIGN

A. BACKGROUND TO THE ELECTION CAMPAIGN ENVIRONMENT

The human rights situation in Guinea Bissau is still problematic but citizens enjoyed their full civil and political rights, their rights to vote, to stand as candidates and their freedoms of association, of assembly and of expression. There were no cases observed or reported of flagrant intimidation of voters or limitations to the free movement of persons and of candidates. The police provided adequate protection of voters and political parties' representatives while campaigning and proved efficient when it was needed to separate supporters from different parties during rallies in the capital. There were no reports of election-related arrests during the entire electoral process. Human rights become a problem, though, when involving certain other freedoms and guarantees; the judicial system is practically non-existent outside the capital, where in turn citizens have no trust in its functioning. Impunity is still at large for the perpetrators of crimes like drug trafficking, many serious incidents involving drugs had no judicial follow up and some of them puzzled the population who did not believe in the actions of the officials, as was the case of a supposedly burning of a great quantity of drugs seized in late 2006. The situation of the judiciary was characterized by the vice-president of the Guinean Human Rights League as dramatic and without a solution in sight. The League denounced abuses by the armed forces, arbitrary detentions in the border, women and children's abuses, and, above all, a historic interference of the security forces in the political life of the country. Also, economic and social rights are not respected; salaries are not paid, union freedoms exist according to the sensibility of each government, and there are no water, sewage and electric systems in the country. The salary arrears of the staff of the election management body were the most serious threat to the electoral process.

B. OVERVIEW OF THE ELECTION CAMPAIGN



(Photo: EU EOM)

The three-week election campaign started on 25 October and was conducted generally in a peaceful and orderly way, despite the intensification and rising tone of the speeches during its last stage. The EU EOM has not observed or received reports of major incidents involving the activities of candidates or people during the election campaign, besides the destruction of campaign materials and minor clashes among supporters of different parties. With election day drawing near, the main political parties embarked on an exchange of accusations and smearing. Candidates of the main political parties (PAIGC, PRS, PRID and PADEC) breached two Codes of Conduct, one signed in Bissau and other in Banjul, Gambia, by using inappropriate and inflammatory language during rallies, public speeches and in media interviews. Involvement in drug trafficking became the main issue of the campaign and one difficult to assess. Since the EU EOM arrival in the country, political leaders and civil society representatives expressed fears of drug money financing of electoral campaigns and even participation of candidates directly involved with trafficking. Former president and leader of the PRS, Kumba Yalá, publicly charge president “Nino” Vieira of being involved with drug trafficking. After the election, he was served with a copy of a restraint order forbidding him to leave the country while a legal process was underway regarding his accusation. Candidates accused each other of being linked to drug networks. The local press ran several articles on what it called the drug control of the election campaign, involvement of the military with drug trafficking and one newspaper even came with a figure of 33 among the 100 members elected to the National Assembly as linked to drugs. The United Nations warned Guinea Bissau of sanctions in relation to its role as a market and transshipment point for drugs.

C. GIFTING AND USE OF STATE RESOURCES

Gifting was a commonly observed practice across the country. Although it might be considered vote buying, the practice is deeply ingrained in the society; offering presents to the traditional chief, or *régulo*, may have the connotation of influencing his decision on who he should tell his people to vote but at the same is an old tradition when visiting the *tabancas*. The one who offers more will certainly have the support of the local chief, however the secrecy of the vote does not guarantee that they will vote accordingly. The major political parties were the more visible in such practices. At the opening of a new PAIGC party headquarters in Bula, region of Cacheu, the party’s top candidate gave the local health clinic a generator and an ambulance. In Bubaque,

Bijagós islands, two influential *régulos* switched their allegiance from PAIGC to PRID, reportedly in return for a motorcycle and zinc roofing (the PAIGC, though, won by a landslide).

The replacement of public officials with PAIGC party faithful was a cause of concern for some political parties. No explanation was given for such substitutions, although they might be a consequence of the withdrawal of the PRS and PUSD from the government coalition after the National Stability Pact was broken up. According to a former governor of Quinara, a member of PUSD who was also substituted in September, it was of no surprise for public officials not backing PAIGC to be replaced before the election. The parties' concern was that the new sector administrators and governor might use state resources for campaigning activities and could influence and less educated population due to their respected position in public service. In fact, EU EOM observers reported a candidate in Bijagós using during the campaign a boa belonging to the Ministry of Fishery. The observers also reported that public officials were involved in political campaign activities: in the archipelago of Bijagós, the governor and sector administrators actively supported the PAIGC campaign; in Tombalí, both traditional and institutional authorities were highly politicized and siding with one party, the governor drove around in a car showing PAIGC posters and flags, while wearing a T-shirt and a cap encouraging the PAIGC vote; the governor of Cacheu, a former PAIGC member, openly changed his support from PAIGC to PRID.

D. CAMPAIGN FINANCE

The political parties have not received financial support from the government, creating an imbalance in the playing field in detriment of the smaller parties unable to match the organizational capacity and financial power of the most influential parties. The state, according to the Electoral Law (Article 47), determines the amount of its contribution to the political parties "in accordance to its possibilities." Since the state is in a chaotic financial situation, with civil servants facing more than four months in salary arrears, there was no contribution to the political parties. The law forbids the direct financing of election campaigns by foreign governments or government institutions and allows contributions only from supporters, candidates and income from electoral activities. Therefore, only those parties with better organizational structures and an established electorate had the financial capacity to promote a national election campaign, while the majority of the 21 political organizations contesting the election were limited to their regional activities, resorting often to different and less expensive strategies to motivate voters, like door-to-door campaigning instead of big rallies.

IX. MEDIA AND THE ELECTIONS

A. MEDIA ENVIRONMENT

The media environment in Guinea-Bissau experienced a notable change after the approval of the Law of the Press in 1991. Until then the public *Rádio Difusão Nacional* (RDN) and the public newspaper *Nô Pintcha* were the only media available in the country. The Law of the Press simplified the procedures for media concessions in Guinea-Bissau, allowing for the creation of new means of communication, including the establishment of numerous private radio stations. After a period in which the rights of the press were seriously curtailed—several media outlets like newspaper *Diário de Bissau* and *Rádio Bombolon* were arbitrarily closed during Kumba Yala's Presidency (2000-2003)—the current situation has clearly improved. Media institutions and local journalists presently operate in an environment of freedom of expression, with only very few cases of threats or intimidation to journalists eventually registered when reporting on drugs trafficking or state corruption. Public and private media, however, continue to face enormous financial and technical limitations that clearly reduce their capacity to operate with

normality and, therefore, have a negative impact on the level of access of information by the Guinean population. Moreover, this critical situation also jeopardizes independence of reporters who often depend on logistic or financial support to cover activities.

Radio is the main source of information in Guinea-Bissau. There are approximately 30 radio outlets operating across the country. Nevertheless, only four (state-owned *RDN* and private stations *Rádio Bombolom*, *Rádio Pindjiguiti* and *Rádio Nossa*) have national coverage. Most of the radio stations operating in the country are private community radio stations based in the different regions and funded by international donors. Radio broadcasting has a particular influence among the Guinean population since national illiteracy levels are very high.

Together with public *RDN*, state media consists of one television station, *Televisão da Guiné-Bissau* (*TGB*), one weekly newspaper, *Nô Pintcha* and one news agency, *Agência de Notícias da Guiné* (*ANG*). *TGB* does not have full coverage of the country and is mostly seen in the capital, Bissau, where electric power suffers constant outages.

Newspapers are published weekly, though not regularly, and distribution is limited to Bissau. Together with public *Nô Pintcha*, *Diário de Bissau*, *Gazeta de Notícias*, *Última Hora*, *Bantaba di Nôbas* or *Kansaré* are the main private weekly papers.

Radio e Televisão de Portugal África (*RTP África*), *Voice of America*, *Agência LUSA* and *Reuters* are some of the international media with permanent presence in the country.

B. LEGAL FRAMEWORK

The Guinean legislation comprehensively defines limits and rights for the media and reflects international principles of freedom of the press. The Constitution (Article 56) guarantees freedom of the press and establishes that state media must be independent from economic and political powers. The Law of the Press 4/91 provides for freedom of the press and freedom of speech, guarantees creation of media institutions and states the independence and pluralism of state media.

Guinean legislation includes as well specific laws for the right of political parties to free airtime in the national radio and TV (Law 7/91), and for the composition and competences of the National Council of Social Communication, or *Conselho Nacional de Comunicação Social-CNCS* (Law 6/91). The council is an independent body created to ensure rights of information, freedom of the press, right to free airtime and independence of the media. With a total of nine members and a mandate of four years, the main role of the CNCS is to mediate on media conflicts and make recommendations. Decisions taken by the council are not binding.

There are several articles in the Electoral Law dealing with the role of the media during the campaign period. Article 37 of the Electoral Law establishes the right of political parties and candidates to have access to free airtime on radio and TV, during the entire campaign period, in the following terms: Radio: 10 minutes of daily free airtime; TV: five minutes of daily free airtime. Although the Electoral Law does not specify whether this free airtime is to be applied to public or to/and the private media, implementation of the regulation is currently done only by the state media, *RDN* and *TGB*. According to the same article, the order of airing free airtime programs (*Tempo de Antena*) is set by a draw conducted by the CNE one week before the start of the campaign period. The line-up order changes on daily basis allowing political parties to have different timetables each day.

Article 39 of the Electoral Law states that publications must ensure equal treatment to all political parties, while Article 45 prohibits political parties' propaganda on private media during campaign period. Other relevant articles on the Electoral Law are Article 33, which prohibits publication of opinion polls or *sondagens* during the campaign period and until one day after polling day, and Article 34 which prohibits diffusion of defamation, calumnies, calls to disorder or insurrection and calls to hate, violence or war.

C. MONITORING OF THE COVERAGE OF THE ELECTION

The public and private media covered the electoral process in an environment of freedom. Civic and voter education spots and ads produced by the CNE were broadcast and published by the media, contributing to a better understanding of the electoral process by the population. Community radio stations played a crucial role in rural areas by disseminating information on the electoral process and reaching remote *tabancas* (family units). A very positive initiative, launched after the signing of an agreement with the CREs, community radio stations broadcast information on the location of polling stations.

Coverage of political party activities remained a huge challenge for the media during the entire campaign period. Critical financial and technical situation and lack of resources severely limited the capacity of both public and private media to carry out their job and properly cover the electoral campaign. The most serious case was the national and public TV channel *TGB*, which was able to offer coverage of political parties' activities only during the last 10 days of the electoral campaign period. With no budget for electoral coverage and only two cars and three cameras to cover the campaign activities of 21 political parties and coalitions across the country, *TGB* decided not to make any campaign coverage during the first 11 days of the campaign period.

However, after receiving financial support from international organizations, *TGB* and the rest of the media managed to keep voters informed about the electoral process and, in general, offered a good coverage of the campaign. However, information provided to voters was still not broad enough to cover all political options contesting the elections. This was in part a consequence of the modest or non-existent information feeding by small parties on their campaign agendas and political platforms.

Main financial contribution for the electoral process coverage came from UNOGBIS, who managed a 31.9 million francs (EUR 48,700) fund, with contributions by France and United Kingdom, to be used for a total of 17 local media. Sixteen media outlets made use of the funds, while private weekly *Diario de Bissau* did not accept the contractual conditions presented by UNOGBIS. In order to receive the UNOGBIS funds, the media outlets signed a media code of conduct expressing their commitment in carrying out a neutral and an impartial coverage of the electoral process. At the same time, several seminars for local journalists took place in Bissau¹² before the start of the campaign period. These seminars on fair electoral coverage, journalistic ethics and the Electoral Law, contributed to a better understanding by the local press of the electoral procedures and may have influenced the generally neutral coverage of the process.

Although airing of free airtime started with 24 hours delay, public *RDN* and *TGB* complied with the Electoral Law by broadcasting the programs dedicated to political parties (*Tempo de Antena*) almost on daily basis¹³. Nevertheless only seven parties on *RDN* and 15 on *TGB* made use of the free airtime, and not always on a daily basis. The reason why only seven out of 21

¹² Held by UNOGBIS, CNE, CNCS, European Commission and CEFOJOR Angola.

¹³ On 12 November *TGB* did not broadcast *Tempos de Antena*.

political parties took advantage of the free airtime programs on the national radio station is that, due to its financial and technical limitations, *RDN* had to ask political parties to pay a fee of 70,000 francs CFA (some EUR 100.00) to have their *Tempo de Antena* taped and aired. The fee was requested by *RDN* to buy the required materials (minidisks) and arrange the studio for recording the programs. The charge, although never applied by *RDN* in previous electoral processes, is legal. According to Article 30 of the Electoral Law, “expenses with magnetic registration of the materials” to be aired must be paid by political parties. However, most of the parties strongly criticized the measure and said it was limiting their rights of access to free airtime on the public electronic media¹⁴.

Political debates among parties’ candidates were also aired on *RDN*, *Rádio Pindjiguiti* and *Rádio Bombolom* from 3 to 11 November, contributing to better inform the population on the different political options. However, absence of representatives of six parties weakened the effectiveness of the initiative and prevented voters to gather information on political proposals of those parties.

Privately owned weekly newspaper *Gazeta de Notícias* and *Diário de Bissau* violated Article 33 of the Electoral Law by publishing on 11 and 12 November, respectively, an opinion poll on electoral results. The community radio stations *Rádio Papagaio* (Buba) and *Rádio Bijagos* (Bubaque) violated Article 45 of the Electoral Law by broadcasting political party propaganda. Also, the broadcast on 14 November by *RDN* of a PAIGC campaign song for almost one hour was highly improper.

D. EU EOM MEDIA MONITORING

From 25 October through 14 November the EU EOM monitored a cross section of eight Guinean media to make a quantitative and qualitative analysis of the electoral coverage by the local press. The main objectives of this exercise were to evaluate the level of access to the media by electoral contestants; the degree of impartiality and neutrality of the analysed media and their level of fulfilment of rules and regulations in place in Guinea-Bissau regarding informative coverage of the elections.

The cross section of the media monitored took into consideration both public and private media, both electronic and printed, and with highest indexes of audience/readership. The media monitored were the following: TV station, TGB (state-owned); Radio stations: *RDN* (state-owned), *Rádio Bombolom*, *Rádio Pindjiguiti*; Weekly newspapers: *Nô Pintcha* (state-owned), *Diário de Bissau*, *Gazeta de Notícias*, *Kansaré*.

The media monitoring unit registered, on daily basis, the total amount of airtime (minutes and seconds) allocated to each political party on the news programs aired by radios and TV, and the total amount of space (square centimetres) allocated to each political party by every weekly newspaper. At the same time, the EU EOM media monitoring unit analysed the tone (neutral, positive or negative) with which the news were presented to the public. Findings of the EU EOM media monitoring show that the media in general made a satisfactory coverage of the electoral campaign, with different levels of balance on the distribution of airtime and space, but generally in a neutral tone.

¹⁴ PRID presented an official complain on this regard to the CNCS on 27 October. Also, CNE’s plenary meeting on 29 October agreed to ask for immediate suspension of all free airtime broadcastings, both on *RDN* and *TGB*. Nevertheless the CNCS rejected the request and *Tempos de Antena* continued to be aired on daily basis until the end of the campaign period.

According to the EU EOM media monitoring results, the public newspaper *Nô Pintcha* had the most balanced coverage of the campaign, allocating reasonably equal and proportional space to 17 out of the 21 political parties and coalitions contesting the elections. Moreover, the tone of that coverage was always neutral (*see Chart 1*).

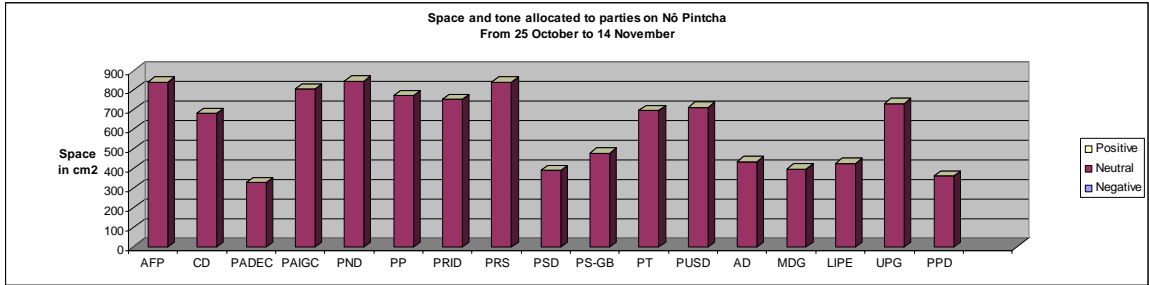


Chart 1

State-owned *RDN* also managed to cover the campaign activities of 17 parties, although showing some bias in favour of PAIGC and PRS, who received 25 and 22 percent, respectively, of the total airtime allocated to political parties on the news programs (*see Chart 2*). The tone of coverage, nevertheless, was generally neutral.

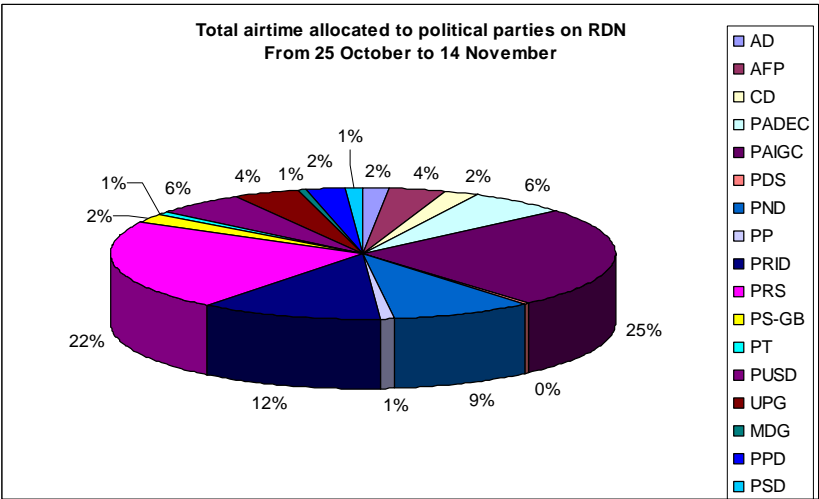


Chart 2

The public TV channel *TGB* was unable to fully cover the political parties' activities during the entire campaign period, due to lack of transport, shortage of technical equipment and budget limitations. The state-owned television covered only the last 10 days of the campaign period, managing to allocate airtime for a total of 12 political parties. PAIGC was the party receiving the highest coverage, with 40 percent of the airtime on the news programs. The tone of the electoral coverage by *TGB* was in general neutral (*see Chart 3*).

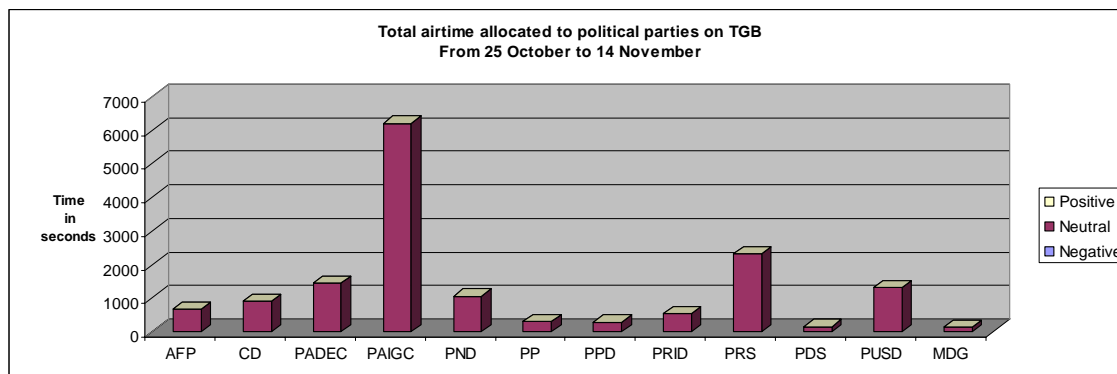


Chart 3

As for the private media, the radio stations and weekly newspapers analysed showed different levels of balance when allocating airtime/space to the different political contestants, with the most influential parties like PAIGC, PRS and PRID receiving the highest coverage. This was also due to modest or non-existent information by small parties on their campaign agendas. The tone of the electoral coverage by the private media was generally neutral (*see charts for all private media analysed in the Annexes*).

X. GENDER

In general, civic and political freedoms, such as freedom of movement, of assembly, of association and the right to vote and to stand as a candidate are guaranteed by law and widely respected by the national stakeholders and parties. Access to participation in all aspects of public life, as well as equal rights and opportunities for women and men in regard to elections is broadly reflected in the legal framework. The law does not include, however, provisions for quota reserved seats for women or other minority candidates to a seat in the National Assembly. Although some political parties expressed willingness to include more women in their candidates' lists, most parties presented a modest number of women, and generally not in prominent positions.

A. WOMEN AS CANDIDATES

The PAIGC candidates' lists included approximately 17 percent of female candidates. The AD coalition had the highest percentage, 46 percent, while UNDP included 38 percent, UPG 33 percent, PUSD, PDS, AFP, PPD, MDG, PP, PRN, LIPE and PADEC between 18 to 25 percent, PRID, PT and CD 14 percent and 11 percent for the PRS¹⁵. The final announcement of the election results confirmed nine women elected for the PAIGC and one for the PRS, representing ten percent of the total elected deputies to the ANP.

Women comprise near 53 percent of the total registered electorate; adult female illiteracy rate is above 70 percent. Having little access to education and being more likely to live in poverty than

¹⁵ Please see table on women participation in the Legislative poll.

men, women are undoubtedly politically disadvantaged when it comes to being included in party lists and in political decision making structures. Similarly, there is deficient female representation in all executive positions within the national and regional election commissions. Within the CNE plenary, the main deliberative election organ that includes 21 party representatives, female participation is almost nonexistent. However, women had a strong participation in voting and as members of polling staff. More than 40 percent of the members of the polling staff visited by the EU EOM were women, although few were acting as president of the polling station.

Legislative Elections - 16 November 2008

Political Party	Total Candidates	Men		Women	
		Total	%	Total	%
P.A.I.G.C.	100	83	83%	17	17%
P.R.S.	100	88	88%	12	12%
P.R.I.D.	100	86	86%	14	14%
P.U.S.D.	98	80	82%	18	18%
PADEC	99	81	82%	18	18%
U.P.G.	99	66	67%	33	33%
P.D.S.	22	18	82%	4	18%
U.N.D.P.	36	22	61%	14	39%
C. D.	69	56	81%	13	19%
P.T.	99	86	87%	13	13%
A.F.P.	86	70	81%	16	19%
P.N.D.	95	80	84%	15	16%
P.S.D.	81	69	85%	12	15%
P.S.	33	26	79%	7	21%
A.D.	13	7	54%	6	46%
P.P.D.	99	78	79%	21	21%
M.D.G.	16	12	75%	4	25%
P.P.	90	72	80%	18	20%
P.R.N.	36	30	83%	6	17%
LIPE	11	8	73%	3	27%
P.D.G.	87	46	53%	41	47%
Total	1469	1164	79%	305	21%

B. WOMEN AND CIVIL SOCIETY

Commendable efforts were made, however, in the attempt to increase women and young political participation and awareness for the legislative elections. The EU EOM praises the creation of the Women's Political Platform (*Plataforma Política das Mulheres*) with support of the Network for Women of the Parliament Forum of the Community of Portuguese Speaking Countries, UNDP, UNOGBIS and civil society. The platform constitutes another channel for the defence of women's rights and the promotion of female participation in the political life of the country. The Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)¹⁶ stresses that "temporary special measures aimed at accelerating the de facto equality of men and women shall not be considered discrimination." Improvements in this

¹⁶ CEDAW was ratified by Guinea Bissau on March 6, 2001.

regard could include implementing a policy of reserved seats or quotas for women aiming at the 2012 legislative poll.

XI. CIVIL SOCIETY

A. NON-PARTISAN ELECTION OBSERVATION

Conditions for civil society organizations in Guinea Bissau are difficult but they seem determined to strengthen its positions and have more saying in political and social activities. Both domestic and international NGOs are grouped under the umbrella of PLACON-GB (*Plataforma de Concertação das ONGs Nacionais e Estrangeiras da Guiné Bissau*), established in 2001. Today it has more 100 members and is involved in the promotion of the coordination and defence of common interest of its members, the creation of mechanisms to enhance dialogue and to contribute to the democratization and development of Guinea Bissau. The Guinean Human Rights League (*Liga Guineense dos Direitos Humanos –LGDH*) is a member of PLACON-GB and has been a major player in the promotion of human rights and search of peaceful solutions to conflicts since its foundation in the 1990s. Civil society has had an active and constructive role in electoral processes, despite its financial and legal limitations to follow it properly. The election law on observation only provides for international observers and political party and coalition delegates to observe electoral process. Despite these restrictions, civil society organizations developed a positive and pro-active attitude towards supporting actions to reduce instances of political violence during the election period. Also, different groups organized informal monitoring teams in support of the election administration by voluntarily offering to pass on information regarding potential shortcomings involving distribution of materials or instances of tension or disturbances during election day. Civil society groups, in cooperation with local authorities and the CNE, organized civic education programmes, which undoubtedly facilitated the dissemination of a message of tranquillity, order and peace regarding the campaign period, the poll and the post-electoral period.

B. CODE OF CONDUCT

An initiative led by PLACON-GB and the Civil Society Movement (*Movimento da Sociedade Civil - MSC*) aiming at a peaceful and transparent legislative poll culminated with the signing by all political parties of a Code Conduct. The code is based on the ethics norms established in the electoral law which calls on candidates to abstain from defamatory declarations, or inciting violence or disorderly conduct. A second Code of Conduct was signed in Banjul, Gambia, on the occasion of a special pre-election visit at the invitation of the country's President. He called all contesting political parties to join him in a meeting where all reiterated their wish for a peaceful election.

XII. ELECTION DAY

A. OPENING AND VOTING

Election day transpired peacefully and orderly with voters free to cast their ballots without fear of intimidation or interference. The turnout was of more than 80 percent, a high participation rate for a legislative election. The high voter turnout for the legislative elections clearly signalled the citizenry's strong interest in the democratic, economic and stable development of the country.



(Photo: EU EOM)

The voting process was assessed as 'good' or 'satisfactory' in 98 percent of observed polling stations. Polling station staff were mostly considered to be competent and performed in a satisfactory manner. In a positive development, polling staff included a strong presence of women, more than 40 percent, and youth, more than 50 percent. Polling staff generally displayed a good understanding of the process and followed electoral procedures (checking for inked fingers, entry of voter's numbers, punching of voter's cards, inking of fingers); this may be due in large part to the fact that a high percentage of staff also participated in the same role during previous electoral processes. However, problems with election material (lack of reporting sheets, or *actas*, ballot box seals, punchers, voting booths and stationary) was reported across the country and in 35 percent of polling stations visited by EU EOM observers. Missing material was generally of a non-sensitive nature and did not hamper the voting process. An exception to this case was the Oio region, where many polling stations could not open due to missing material or reception of incorrect material. Polling took place on the following day, 17 November. However, it was also characterised by poor organisation and general confusion on the part of electoral authorities and voters.

Political party delegates were present in all polling stations and sometimes over-represented; they abided by the electoral code of conduct and in no instance were observed to obstruct the process. There were no complaints lodged in the polling stations visited. However, in almost half of visited polling stations ballot boxes were not sealed; EU EOM observers noted confusion about how and when to use ballot box seals. Observers also noted the absence of security agents (*agentes de protecção civil*) at more than 25 percent of visited polling stations, indicating lax

security measures. Secrecy of the vote was respected in all polling stations observed, with few exceptions due to positioning of the booth. However, no serious disruptions or other incidents were observed or reported to EU EOM observers.

In Bolama/Bijagós the election day problems stemmed from the fact that the Bissau-based INEC and not the CNE/CRE had been responsible for registration and distribution of polling stations. Locally-specific geographical, weather and seasonal considerations were not taken into account; it was simply impossible for some voters to reach their assigned polling stations. While the CRE had revised voter lists in the run-up to the elections and submitted them to the CNE, the changes were not implemented.

Women, who comprise more than half of the electorate (53 percent), had a strong participation in voting and as polling station staff; and more than 40 percent of the members of the staff of polling stations visited by EU EOM observers were women, although few were presiding the *assembleia de voto*.

B. CLOSING AND COUNTING

Polling stations closed at 17:00 hours in the same quiet and orderly atmosphere observed during the day, and voters in line at that time could freely exercise their franchise. The closing and counting process was assessed as 'good' or 'satisfactory' in 95 percent of observed polling stations. In 90 percent of the cases the number of ballots matched with the total number of voters checked in the registry and/or entered in the manual voters' list. Although counting was carried out according to established procedures in 90 percent of the polling stations observed, there were minor inconsistencies in the closing procedures in 35 percent of the *assembleias de voto* visited: spoiled or contested ballots were not put in the envelopes, manual voters' lists were not closed and signed by the polling staff and party delegates, number of voters checked in the registry did not match number on the manual voters' list, and sensitive materials were not properly packaged for transport to the Regional Election Commissions (CREs).



(Photo: EU EOM)

There is no provision in the electoral law for transferred ballots. Moreover, being a multi-member constituency system, ballot papers were not designed to be cast in all constituencies. In many cases, party delegates voted through ballots which were not meant to be cast in their home

constituency. And in other cases, votes cast by party delegates were counted in the same *círculo* where the vote was cast and not the *círculo* where the delegate resides. Moreover, there were no standard procedures for treating transferred ballots; *ad hoc* methods were applied across the regions.

Party delegates were present in all polling stations contributing to a higher transparency of the process. Delegates signed the tallying sheets, or *Actas de Apuramento*, in 90 percent of the polling stations observed by the EU EOM. In 95 percent of the cases they also received a copy of the *Acta Síntese*, which was also posted at the premises of the polling station. The fact that the official *actas* were reasonable, simple and easy to complete may have contributed to there being few problems during closing and counting procedures. There were no complaints formally filed during the closing and counting process.

XIII. RESULTS

A. AGGREGATION

The aggregation of results at Regional Election Commissions level consisted first of the verification of polling station tally sheets and the total numbers of voters in a particular constituency and of votes won by each contesting party¹⁷. Polling station results were then entered and digitally aggregated on an Excel sheet programme by a CNE IT expert. Political parties and coalitions were invited to send their own experts to monitor the process. The CREs received the blank, invalid, contested and valid ballots in proper sealed envelopes, in addition to the voters' lists, polling station documents and copies of tallying sheets, both the *acta de apuramento* (polling station results sheet) and the *acta síntese* (polling station results sheets for party delegates). These had to be duly signed by all polling staff members and party representatives to be considered valid.

The CRE plenary deliberates and decides on all matters pertaining to the regional aggregation process. Therefore, protests and complaints submitted by party delegates to the CRE are decided at regional level. Decisions in the plenary are taken by consensus contributing to the transparency of the overall process. In general, the CREs plenary activities were carried out swiftly with the first constituency results being finalized two days after the poll. However, a lack of clear written procedures resulted in different tabulation processes across the country. CREs presidents showed flexibility and creativity in solving problems sometimes breaching the electoral law. The absence of clear procedures in both the electoral law and the CNE's polling stations manuals regarding the tabulation process added to the confusion. Particularly, the tabulation of transferred votes was in violation of the election law, although no party delegates have filed written or verbal complaints. Party delegates demonstrated poor knowledge of the electoral framework and procedures and rarely did they indicate irregularities or breaches of the electoral law.

¹⁷ Articles 85 and 86, Electoral Law 3/98 on Constituency Tabulation.

The shortcomings notwithstanding, the results aggregation process was rated by the EU EOM as 'good' or 'satisfactory' in 94 percent of observed polling stations. In 30 percent of observed aggregations, polling station results were being altered at the CRE level, although it was always observed to be due to procedural errors. Significant irregularities were detected by EU EOM observers in only 6 percent of the observed aggregation processes. Few formal complaints were filed by CRE members or party representatives about the aggregation process. In fact, the presence of political party representatives generally contributed to the overall transparency of the process. However, there were unauthorized people present in 12 percent of observed CREs. Also, only 23 percent of the CRE plenary members were women, indicating again that while women had a higher presence among polling station staff and the general electorate they had less presence within political party structures.

B. PROVISIONAL AND FINAL RESULTS



The CNE chairman announces the official results (Photo:EU EOM)

Provisional election results were announced by the CNE on 22 November 2008 while final results were officially announced on 26 November 2008. This was in conformity with the Election Law which stipulates that results must be announced at the national level in a 7 to 10 day period following celebration of elections¹⁸. Results were widely publicized in the media while the printed media also published the list of elected candidates. The publication of the official election results included reference to all complaints submitted to the CNE and decisions. The president of the CNE, within 24 hours of the announcement of final results, sends a copy to all national sovereign organs –the Presidency of the Republic, the Government, the Supreme Court of Justice and the National Popular Assembly. Furthermore, within the following 48 hours of the official announcement of results, the CNE shall also complete a comprehensive results map to be published in the official gazette (*boletim oficial*)¹⁹.

¹⁸ Article 96, Electoral Law 3/98, on the publication of national election results.

¹⁹ Article 99, Electoral Law 3/98, on the official elections results map which should include: i) total number of registered voters, ii) total number of cast ballots, iii) number of votes and percentage attributed to each party or coalition, iv) and the name of elected candidates.

Political Party	Seats
PAIGC	67
PRS	28
PRID	3
PND	1
AD	1
PT	0
PUSD	0
PADEC	0
PSD	0
AFP	0
CD	0
PPD	0
PP	0
PDG	0
UPG	0
PDS	0
UNDP	0
PRN	0
PS-GB	0
MDG	0
LIPE	0
TOTAL	100

The PAIGC won with a qualified majority of 67 seats out of a total of 100 seats in parliament, the PRS party obtained 28 seats and PRID three seats. Both PND and AD elected one deputy. The remaining 16 parties and one coalition were not able to elect deputies. A total of 16,038 blank (3,51 percent), 11,000 invalid (2,41 percent) and 1,196 (0,26 percent) protested ballots were registered. Voter participation was high at 82 percent. The landslide victory of PAIGC may have also contributed for the few number of complaints, three only, filed with the CNE and the STJ.

Party	TOTAL VOTES
PAIGC	227,350
PRS	115,755
PRID	34,314
PT	12,600
PND	10,726
PUSD	7,700
PADEC	7,076
AD	6,321
PSD	6,319
AFP	5,869
CD	5,438
PPD	5,353
PP	3,095
PDG	3,068
UPG	2,809

PDS	1,697
UNDP	1,328
PRN	783
PS-GB	639
MDG	638
LIPE	233
Valid Votes	459,138
Blank	15,712
Invalid	12,023
Protested	0
Voters	486,873
Registered Voters	593,739
Turnout in Percentage (%)	82
Absentee in Percentage (%)	18

XIV. COMPLAINTS AND APPEALS

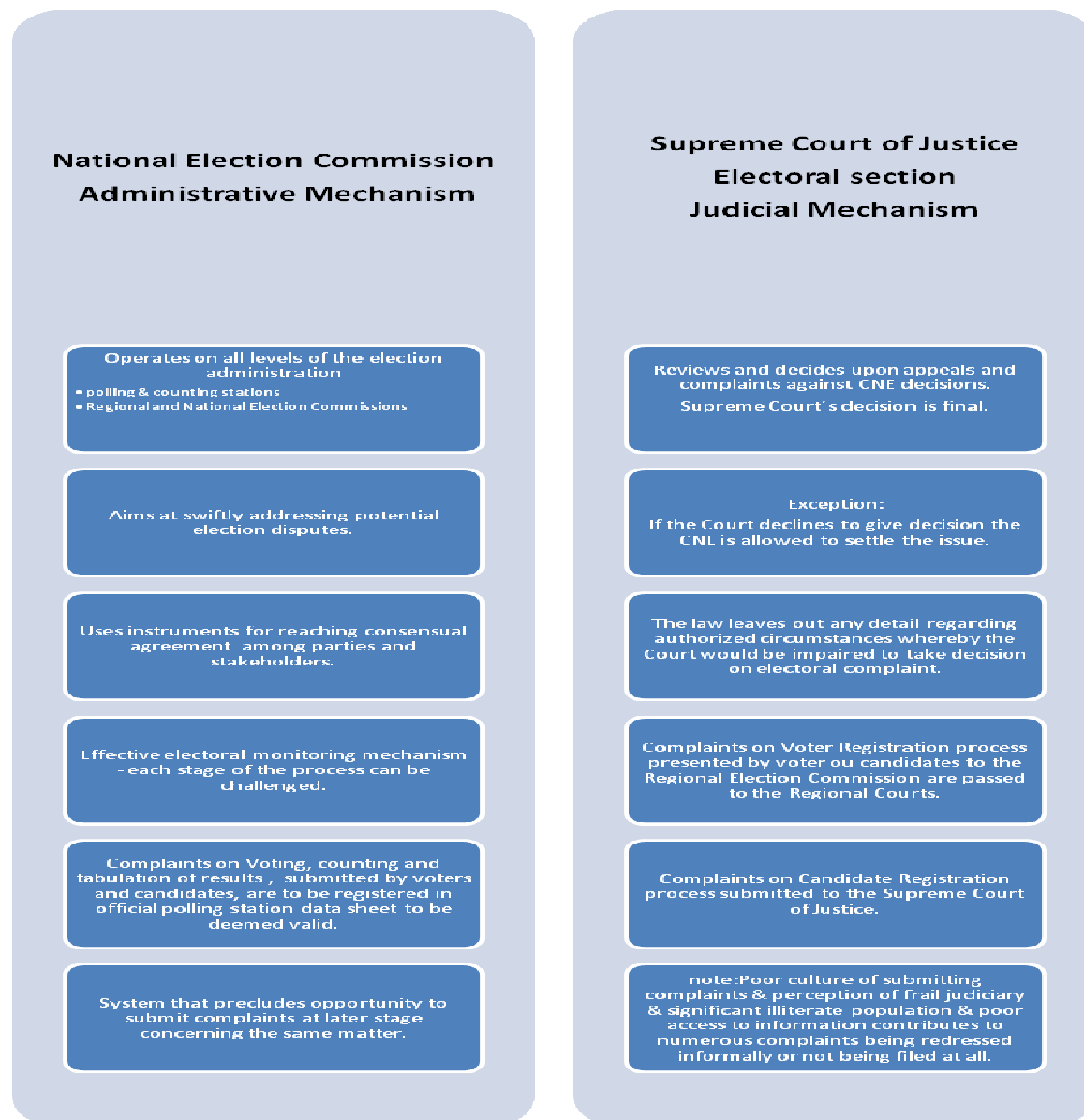
A. COMPLAINTS MECHANISMS

An acceptable election complaint mechanism with a dual component – an administrative mechanism through the National Election Commission and a judicial mechanism through the Supreme Court of Justice – aims at swiftly and effectively addressing election disputes. The provision for legal remedy for election related irregularities and infractions is in line with international principles of effective “remedy for acts violating the fundamental rights granted by the constitution or by the law “ as set out in the Universal Declaration of Human Rights. The electoral law establishes an election complaints mechanism with a dual component:

1. An administrative mechanism through the National Election Commission (*Comissão Nacional de Eleições - CNE*) which operates at every level of the election administration. It includes instruments for reaching consensual agreements among contesting parties. This legal dispute solving method aims at swiftly addressing potential election disputes involving the political stakeholders.
2. The Supreme Court of Justice, specifically its electoral section, to which complaints and appeals against CNE decisions shall be submitted. It is nonetheless possible that, in case the STJ declines to give a decision to rule on a specific electoral issue, that the CNE is allowed to settle the issue. The law leaves out any detail regarding authorized circumstances whereby the STJ would be impaired to take a decision on an electoral complaint.

The legal framework allows for an effective electoral monitoring since each stage of the election process can be challenged. Complaints relating to the voter registration process can be presented by voters and candidate representatives alike. The local registration commission will pass the complaint to the Regional Court for decision. As for candidate registration, complaints are to be submitted to the Supreme Court of Justice while complaints about voting, counting and tabulations of results should, in first instance, be addressed to the CNE. Voters and candidates’ representatives have the right to submit complaints regarding polling while these, to be considered as valid, must be registered in the official polling station data sheet, a system that precludes the opportunity to complain at a later stage concerning the same matter. It is not unusual for parties to lodge a complaint a few days after the occurrence of an alleged

irregularity and doing so they are disqualified for proper redress. Even though general procedures for submitting complaints and the jurisdiction of the tribunals are clearly established (i.e. the Supreme Court of Justice being the apex of the judicial system with an electoral court section dedicated to the resolution of complaints) there seems to be no culture of submitting written complaints combined with a general perception of an, at times, frail judiciary. With a significant illiterate population, party delegates included, with poor access to information outside the capital, Bissau contributes to numerous complaints being redressed informally or not being filed at all.



B. INFRINGEMENTS AND SANCTIONS

The electoral law includes a section on infringements which is fairly comprehensive and details contraventions regarding the pre-election phase (i.e. candidacy registration), infraction of campaign rules and election related violations²⁰. Sanctions vary from the application of small

²⁰ Electoral Law 3/98, Chapter II, on Infractions, articles 153 to 179.

finer to imprisonment from a few months up to five years. Heavier penalties are applicable in cases of proven electoral corruption or attempted fraud which can go up to eight years imprisonment. The CNE officially informed on a few serious election infractions. However, an alleged case of electoral corruption involving the members of the CRE plenary in Bafatá region, the attempted disruption of a few polling stations in Oio region, one instance of blatant voter intimidation of polling station staff and voters and the discovery of a bogus tallying sheet should be duly investigated by the National Election Commission²¹. Depending on criminal prosecution, electoral offenses can be dealt by ordinary courts with appeal to the Supreme Court of Justice. The STJ decision is final. Similarly to previous elections, prosecutions of electoral offenses are rare. With few exceptions, political parties or candidates are generally technically not prepared to initiate legal actions and might be discouraged to do so by the weak judicial structure in the country.

The final election results were challenged by the AFP, PRS and the AD parties. AFP and AD questioned the CNE regarding the results published in a constituency in the Bafatá region, requesting the re-qualification of invalid and protested votes. In dispute was the constituency's fifth seat attributed to the PAIGC party. The PRS, alleging attempts of fraud, requested re-polling in three constituencies in Bissorã and Mansoa-Nhacra, Oio region, and in Caravela-Uno, in the Bolama Bijagós region. The deadline for the Supreme Court of Justice to decide on all challenges was 5 December. However, it took the court almost two weeks, instead of the 48 hours set by law, to announce its decision. After consulting with the Attorney General, who agreed with the STJ decision, the court announced on 17 December 2008 that it rejected the three claims. It ruled that, considering the lack of formal complaints submitted at the level of polling station, as required by the electoral law, it could not accept or act on the claims presented on a later date, by the three parties.

XV. RECOMMENDATIONS

The following recommendations and suggestions to improve the electoral process and related areas are offered for consideration and action by the Popular National Assembly, the National Election Commission, Guineans authorities, political parties and the international community.

Legal Framework

Revise the Election Law in an inclusive and consultative manner to harmonize, improve and define clear election procedures. Feasible timeline for the Popular National Assembly to revise the Electoral Law is within six to eight month of taking office.

Essential improvements include:

1. Provide for **non-partisan domestic groups to observe** all aspects of the election process. Civil society should be given the right to actively participate in the monitoring of the registration of voters and polls.
2. Implement the provision for the vote of the **Guinean Diaspora**. The Ministry of Foreign Affairs, through its Consulates, should be able to conduct voter registration for the African and European Diaspora on the basis of the electoral law that allows for yearly updates of the register. Voters should be able to participate in both Presidential and Legislative (two constituencies were specifically created for the Diaspora) polls. The international community should extend its support for the national election to include out-of-country voting.

²¹ Please see the attached complaint table for further information.

3. The attribution of **de facto normative and/or interpretative powers** to the National Election Commission. The CNE should be provided with tools to be able to adapt and update technical electoral procedures, clarify omission in the law and streamline organisational management aspects.

Election Management Body

Essential improvements include:

4. **Nomination of a non-partisan executive secretariat at the National Election Commission** by means of changing its nomination and appointment procedures. Its four members are currently elected by two-thirds of the Popular National Assembly and generally reflecting the distribution of seats. The new composition of the Assembly will give the ruling party, controlling almost two thirds of the seats, the capacity to name most of its members. It might be considered the nomination of the CNE executive secretariat through a selection of independent candidates by the Supreme Court of Justice, after submission of names of recognized independent, respected Guineans by a mixed mechanism involving the three branches of government, and/or the lawyers bar association.
5. Provide the CNE with **administrative and budgetary independence** through the inclusion of a specific section and funds allocation in the national budget. In order to strengthen the CNE's independence, the election management body should have direct access to an adequate fixed annual allocation of resources ascribed to the National General Budget (*Orçamento Geral do Estado OGE*).
6. **Overall voter registration** activities should be under the exclusive **control of the Election Management Body**. Shared institutional responsibility between the government and the independent election body creates areas of friction and has the potential to impair the CNEs capacity to independently conduct the polls. For instance, the CNE, the supervisory body with overall responsibility for organizing elections, does not have the legal mandate to manage the critical voter registration process which falls under the responsibility of the Government. Changes to the law should be introduced to allow the CNE control of the entire cycle of production of the voters' list alongside the introduction of a systematic and permanent yearly voters' update as foreseen in the electoral law. The CNE and CREs should have full mandate to carry out all voter registration hence strengthening its independency and the neutrality of the register. CRE's would need to have a permanent structure in order to allow for full electoral cycle activities.
7. The voter registration process should be upgraded from manual to an **Automated Fingerprint Identification System (AFIS)**, already used in many countries in Africa, especially in post-conflict environments, to facilitate and speed up registration through a possible active and passive process, whereby citizens go to places of registration and brigades (*brigadas de recenseamento*) visit their places of residence. The voter registration process for the 2008 legislative election, however accepted by all political parties and stakeholders, showed a very low participation (around 35 percent) and motivation of citizens, especially youngsters (3.8 percent), in comparison to same exercises in other countries in the area.

Desirable improvements include:

During the last electoral cycle 2005-2008, some of the existing regulations and procedures under the legal electoral framework continued to lack proper clarification and detailed explanation, as was the case of the voting manuals for polling staff and other procedures, like the transfer of votes from one constituency to another. The absence of action on such issues was apparently a consequence of, on one hand, the CNE's reduced human resource capacity and, on

the other, to some level of apathy and lack of government support during the 2005-2008 electoral cycle. Therefore, the EU EOM suggests:

8. The CNE, although aware of internal weaknesses and unclear election procedures as a result of the 2005 presidential election, did not invest in the **strengthening of internal operational and management skills**. National and regional administrative structures (i.e. departments of logistics and operations, IT, voter education, secretariat, administration and finance) were scarcely upgraded in terms of equipment or much needed human resources and training. It would be desirable to conduct joint **training sessions** for different departments at CNE and CRE levels in cooperation with regional or PALOP and CPLP homologous institutions. Equally, training of polling staff should be improved by fully using the resources of the CREs, regional education structures and NGOs.
9. The CNE Executive Secretariat would benefit from **professional secretary services** freeing the Executive members from minor but time consuming administrative duties. Moreover, the **CNE plenary session** also require proper secretarial support in producing session minutes to include all discussions, deliberations and decisions taken on crucial election issues. These documents should be produced and made available to national and international stakeholders within a reasonable timeframe thus enhancing the transparency of the CNE's decision making process.
10. **Identification requirements for voter registration** should be improved in cooperation with the implementation of a national census or civil registry. The majority of Guinean citizens do not hold an identity card or birth certificate. Registration of voters, mainly in rural areas, is generally only made possible with the use of witnesses. The AFIS project could also be considered as a tool for civil registry.
11. **Civic and Voter Education campaigns** should receive ample financial support allowing for the design and implementation of programmes promoting civil and political rights throughout the entire electoral cycle. Campaigns targeting youth and first time voters, especially those living in more remote areas of the country, should take precedence. Furthermore, involvement of traditional authorities, such as *Régulos* and local social structures, is vital for the access to *tabancas* where illiteracy rates are high and national TV and written media have little penetration or no expression at all. Civic education campaigns need to be extended to effectively cover all national territory, including remote areas in the Tomabali and Bijagós regions. As seen during the 2008 civic education projects funded by the EC, cascade training to local organizations and groups should be implemented well ahead of the pre-election period. Local think-tanks such as the "*Cidadãos de Boa Vontade*", youth and women NGOs, the CNE and the School of Law should be called on to give input to the design of different campaigns targeting specific electorates. Activities should also include comprehensive programmes in schools and media pertaining to issues of civic and political rights and understanding of the democratic process.
12. **Strengthening the participation of women** through efforts to reach a balance in the number of women and men at all levels of the EMB. Example should be set by the CNE and CRE's with the nomination of women to relevant executive and management positions.

Political Parties

Consider the revision of the Electoral Law on Political Parties through a six- to eight-month timeframe project in cooperation with the Popular National Assembly and political parties.

Essential improvements include:

13. Provisions in the law regarding **public funding to candidates and political parties** should be effectively implemented prior to the commencement of the campaign period. Small parties and a much needed new generation of politicians would have the chance to contest elections on a more levelled playing field. Public funding of parties and candidates is a fundamental tool to strengthen competitive democracy and allow a pluralistic participation.
14. Introduce mechanisms to allow for **effective auditing of political party source of finance**. In case the state contributes with financial support to the political parties and its campaign activities, auditing within a reasonable timeframe of one to two month after the poll should promote transparency of funding instead of an annual declaration as set out in the Law of Political Parties. It is also imperative that an auditing system be established for the political parties to check, before election day, campaign activities and other electoral expenses and origin of funds. Expenses should have a ceiling and parties sanctioned when infringing expenses limits.
15. Introduce **efficient mechanisms regarding political party requirements verification**. The law stipulates that parties are required, as part of their internal organization, to have the approval of their members, or of a representative assembly, of the party's statutes and programmes. Party's presidents are elected by the membership and statutes are non-discriminatory. Party identification, symbol and flag are unique and not phonetically or graphically similar to state entities or symbols. Contesting political parties inform the Supreme Court of Justice, 90 days prior to legislative elections, on their number of members. Dissolution of parties, due to lack of a minimum of 1,000 members, is mandatory by law although not verified. In order to avoid the proliferation of political parties, the Supreme Court of Justice (STJ) should have a stronger mandate and means to verify the compliance of legal requirements by the political parties. A STJ-designated task force could be formed in cooperation with the School of Law to analyse party requirements within the given timeframe of 90 days prior to polls, leaving the final decision to the Supreme Court plenary.

Desirable improvements include:

16. **Training of political party delegates in election law and monitoring**. Training could be organized by civil society organization in cooperation with the CNE, civil society groups and the School of Law. Training should cover issues such as universal principles for democratic elections, Human Rights, the Electoral Code of Ethics, voting and counting procedures, nature of complains and appeals and how to file claims.

Security Sector

Essential improvements include:

17. The armed forces have historically interfered in the political life of the country since its independence. All presidents, with the exception of those named for transition governments, were deposed by military coups. It is essential for the consolidation of democracy in the country the submission of the military to the civil power. In this context, domestic and international institutions should strongly **support the efforts of the EU Security Sector Reform mission**, which has the de-politicization and ethnic

balance of the armed forces among its objectives. Although the military have since the presidential election in 2005 adopted an off-politics attitude and contributed for the peaceful and orderly environment of the past electoral cycle, its ethnic composition is still a concern for many political analysts and politicians.

Democratization

Desirable improvements include:

18. Promote **political decentralization through the organization of municipal elections** within a reasonable timeframe of eight to twelve month of the ANP taking office. Although established in the Constitution, local elections were never held so far. The implementation of the first local polls should be carried out with the financial and technical support of the international community.

Media

Desired improvements included:

19. As public service with a crucial role in the Guinean society, the state-media need to have the proper conditions to carry out their job in a professional manner. The Guinean Government should establish a section on the national budget to guarantee that *TGB*, *RDN* and *Nô Pintcha* receive the required funds not only to cover payments of salaries and per diems, but also to create the technical, logistical and financial conditions that allow the public media to satisfy the right of Guineans to be properly informed.
20. In similar way, it would be advisable that during campaign period the electronic public media *RDN* and *TGB*, which by law have the obligation to offer free airtime programs to political parties on daily basis, could receive a financial contribution, either from the Government or from the CNE, to guarantee that both media can carry out the task without any kind of problems or limitations.
21. Both public and private media could make a stronger effort, especially during electoral campaign period, to avoid accepting monetary support by political parties in order to get their activities covered. Although the financial and logistical limitations on the Guinean media sector are huge, these are bad practices that clearly jeopardize the independence and neutrality of the journalists.
22. Also, a bad practice to be avoided is the broadcasting of political parties' propaganda during pre-campaign period. Although prohibition in Article 45 of the Electoral Law on broadcasting political propaganda on the private media refers only to the campaign period, private media should try to abide by this provision also during pre-campaign period.
23. A revision on the Electoral Law in order to establish clearer provisions on access of political parties to free airtime in the media would be advisable. Although in practice the access to free airtime programs (*Tempo de Antena*) is only applied to the public electronic media (*RDN* and *TGB*), article 37 of the Electoral Law does not specify that distinction, referring only that political parties have access to airtime "on radio and TV."

ACRONYMS

AD	Democratic Alliance
AFP	Patriotic Forces Alliance
AU	African Union
CD	Democratic Centre
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
LIPE	Guinean League for Ecologic Protection
LTO	Long Term Observer
IOM	International Organization for Migration
MDG	Guinean Democratic Movement
NGO	Non-governmental Organization
PADEC	Party for Democracy, Development and Citizenship
PAIGC	African Party for the Independence of Guinea and Cape Verde
PALOP	African Countries with Portuguese Official Language
PDG	Guinean Democratic Party
PDS	Democratic Social Party
PLACON	Cooperation Platform of Guinean NGOs
PND	New Democracy Party
PP	Progress Party
PPD	Popular Democratic Party
PRID	Republican Party for Independence and Development
PRN	National Reconciliation Party
PRS	Social Renewal Party
PSD	Social Democrat Party
PS-GB	Socialist Party-Guinea Bissau
PT	Workers Party
PUSD	United Social Democrat Party
STJ	Supreme Court of Justice
STO	Short Term Observer
UEMOA	Economic and Monetary Union of West Africa
UNOGBIS	United Nations Organization in Guinea Bissau
UNDP	National Union for Democracy and Progress
UPG	Guinean Patriotic Union

ANNEXES

Complaints and AppealsLegislative Election, 16 November 2008, Guinea Bissau

Party/Coalition	Complaint	Decision	Comments
Guinean Democratic Movement <i>(Movimento Democrático Guineense - MDG)</i> Bissau, 6 October 2008	MDG protested against the Supreme Court's decision that rejected several MDG candidates due to lack of/or incomplete documents required for candidate registration.	The Supreme Court of Justice (<i>Supremo Tribunal de Justiça STJ</i>) stated it closed the process of candidate's verification within the legal time frame. The Court assured that political parties were given equal opportunity to submit and correct candidates' lists and considered the case closed.	The procedural framework and timetable for candidates registration is clearly established in the electoral law. Requirements are determined using objective measures although it can be argued that the requirement to provide a valid identity card might be an administrative restriction to the opportunity to stand. Identity cards can only be acquired in Bissau for around 5,000 francs CFA.
Lawyer Carlos Joaquim Vamain, 8 October 2008, Bissau	Lawyer Vamain denounced to the Public Ministry/ Supreme Court of Justice the alleged use of national symbols by the PAIGC party. He claimed that the PAIGC was making use of the national flag since 1991, in violation of the Law on Political Party and Symbols while deliberately trying to confuse the electorate.	No decision known.	Article 10, number 2, Law on Political Parties stipulates that party symbols, flags or names can not have phonetic or graphic connotation to State entities or symbols. In fact, PAIGC's party flag is in breach of the Law on Political Parties since its flag is very similar the Guinean National ensign with only a small black star in the middle of the flag to distinguish it from the national symbol.
Party for Democracy, Development and Citizenship <i>(Partido para a Democracia, Desenvolvimento e Cidadania - PADEC)</i> 15 October 2008, Bissau	PADEC informed the EU EOM mission about the party's petition to the Supreme Court of Justice contesting the legitimacy of challenging parties and coalitions to run for legislative elections. With the exception of PADEC, PAIGC, PRS, PRID and PSD the party alleged that all other contestants did not uphold legal party requirements such as: a) legitimate statutory organs; b) democratic internal renewal procedures; c) national party headquarters; d) party registration requirement submitted to the Supreme Court.	The Supreme Court of Justice considered PADEC claim as groundless since it did not specify which parties were not legitimately registered or did not uphold legal requirements.	The Supreme Court of Justice is mandated to register and verify political party and coalition's legitimacy.

Party/Coalition	Complaint	Decision	Comments
<p>Republican Party for Independence and Development (<i>Partido Republicano para Independência e Desenvolvimento PRID</i>)</p> <p>18 November 2008</p> <p>Bafatá region</p>	<p>PRID requested the Regional Election Commission (CRE) in Bafatá. to verify protested and invalid ballots in constituency number 12 due to inconsistencies between the CRE digitalized results and those in the tally sheets held by the party.</p>	<p>CRE authorised the verification of protested and invalid ballots in constituency 12.</p>	<p>The CRE erroneously authorised the verification of protested and invalid ballots at a time when the complaint was precluded. The complaint and request should have been presented during the CRE constituency level tabulation process and not after the closing of procedures. It was then discovered that several CRE plenary members, the President included, were allegedly pressured by party delegates to allow the verification process.</p> <p>The CNE was supposed to conduct an inquiry.</p>
<p>Popular Democratic Party</p> <p>(<i>Partido Popular Democrático - PPD</i>)</p> <p>18 November 2008,</p> <p>Oio region</p>	<p>PPD complained to the CNE regarding the late opening of polling station number 73 (electoral district 56, constituency 6, Farim). The allegedly late opening was due to lack of security for ballot transportation. PPD requested a decision allowing for polling to be conducted on 17 November 2008.</p>	<p>CNE called for an extraordinary meeting of its Plenary to discuss issue.</p>	<p>Decision unknown.</p>
<p>Workers Party of Guinea Bissau</p> <p>(<i>Partido dos Trabalhadores da Guiné-Bissau - PT GB</i>)</p> <p>21 November 2008, Bissau</p>	<p>Complaint to the CNE regarding mistakes found in the provisional election results for the PT Party. Mistakes found for Gabú region and discrepancy between PT total numbers (10,503 or 12,586 votes).</p>	<p>CNE decided to correct the mistake.</p>	<p>Final election results for PT party 12,600 votes.</p>
<p>Party for Social Renewal (<i>Partido da Renovação Social - PRS</i>)</p> <p>24 November 2008</p> <p>Bafatá region</p>	<p>PRS complained to the CNE, and to the STJ. The party requested the annulment of election results in constituency 12 (Bafatá/Galomoro) due to alleged procedural mistakes which might have occurred during the counting process.</p>	<p>The CNE acted on the PRS request and, after comparing tallying sheets, it was found that one of the tallying sheets submitted by the PRS was bogus. Despite being filled with results and signed, the tallying sheet did not correspond to a CNE authorised polling station. The CNE also confirmed the annulment of voting in polling station number 44, in Bissorã, due to undue pressure of voters on officials and instances of intimidation by a local group armed with knives. The ballot box of said polling station included 156 extra ballots. Re-polling was not considered for security reasons. All other tallying sheets submitted by the PRS and examined by the CNE matched its records. The PRS accepted the CNE final decision.</p>	<p>The CNE will conduct an inquiry regarding the presentation of the bogus tally sheet by the PRS for posterior action by the Supreme Court of Justice.. No action was taken until the preparation of this report.</p>

Party/Coalition	Complaint	Decision	Comments
Democratic Alliance (<i>Aliança Democrática AD</i>) 25 November 2008 Bafatá region	AD complained to the CNE,. The protest related to election proceedings conducted by the Regional Election Commissions President in Bafatá. The party requested for the recounting of invalid ballots in constituency 19(electoral districts 12 and 19).	CRE authorised the verification of invalid ballots in constituency 19.	The CRE erroneously authorised the verification of invalid ballots at a time when the complaint was precluded. The complaint should have been presented during the CRE constituency level tabulation process and not after the closing of procedures. The STJ rejected the complaint.
Coalition Alliance of Patriotic Forces (<i>Coligação Aliança das Forças Patrióticas - AFP</i>) 27 November 2008	AFP coalition submitted a complaint to the Supreme Court of Justice requesting a recount of ballots in the Bafatá region, constituency 12, Cosse sector. a) AFP alleged that the CRE /CNE did not provide redress regarding previous request for recount of protested ballots. b) AFP claimed that the CRE changed results in favour of PAIGC (from 9.513 to 10.147 votes) in the absence of the party delegates. A protest and complaint followed. To provide remedy, the CRE seemingly presented two new tallying sheets. These apparently without indicating polling staff identities or bearing their signature. c) AFP claims that five verified ballots boxes contained blank and invalid ballots when these should have been sealed in separate envelopes and sent to the CRE to be checked during the constituency level tabulation of results,.	The Supreme Court of Justice notified the CNE to respond to allegation on 28.11.08. CNE had 48 hours to answer (until 1 December). The STJ, in turn, had 48 hours to act on the complaint (3 December 2008). AFP submitted an incomplete complaint to EUEOM.	The Supreme Court of Justice, acting with a two-week delay, rejected the complaint on grounds that the proper claim was not presented at due time. and place (at level of polling station)
Party for Social Renewal - PRS 24 November 2008 Oio region	Verbal complaint submitted to the CNE regarding provisional results in the electoral district 5, Bissorã.	No action taken.	No action taken.

Political Parties and Coalitions
Legislative Election – 2008
(as ordered in ballot)

Party or Coalition	Background	Leadership
CD- Democratic Center	Founded in 2006/2007 by Paulino Impossa Ié	Paulino Impossa Ié, president, presidential candidate in 2006
LIPE – Guinean League for Ecologic Protection	Established in 1993 by Rachid Bubacar Djaló	Mamadú Mustafá Baldé, interim president, 2008
MDG – Guinean Democratic Movement	Created in 2003 by Silvestre Alfredo Alves, a lawyer	Silvestre Alfredo Alves, president, Minister of Transportation and Telecommunications (1999)
PPD – Popular Democratic Party	Established in 2007 by Braima Corca Embaló	Braima Corca Embaló, president, ex-governor of Gabú (2005/2006), Minister for Territorial Administration (2006)
AFP – Alliance of Patriotic Forces	Coalition created in 2008 by four parties: UM – Union for Change (Agnelo Regala, founder; Amine Michel Saad, president); PST –Work and Solidarity Party (Sola Indjai, founder and president); FCG-SD – Guinean Civic Forum - Social Democracy (Antonieta Rosa Gomes, founder and president); FDS – Social Democratic Front Rafael Barbosa, founder and also a founder of PAIGC, Lucas da Silva, president). FCG-SD and FDS were denied participation in the coalition by decision of the Supreme Court of Justice.	AFP president: Amine Michel Saad, lawyer, Attorney General (1999)
AD – Democratic Alliance	Coalition established in 2008 by two parties: PCD – Democratic Convergence Party (Victor Fernando Mandinga, founder and president); and FD – Democratic Front (Aristides Meneses, founder, Jorge Fernando Mandinga, president)	Victor Fernando Mandinga (aka Nado Mandinga), AD president, Minister of Finance (2005-2007)
PADEC – Party for Democracy, Development and Citizenship	Created in 2005 by Francisco José Fadul	Francisco José Fadul, president, ex-PAIGC member, Advisor of the Military Junta (1998-1999), Prime Minister (1999-2000), president of the General accounting Office (2007-2008)
PRID – Republican Party for Independence and Development	Established in 2007 by Aristides Gomes	Aristides Gomes, president, sociologist, ex-combatant, former leader of the African Youth Amílcar Cabral (JAAC), campaign advisor of President “Nino” Vieira in the 2005 election, Prime Minister (2005/2007)
PDG – Guinean Democratic Party	Created in 2007 by Eusébio Sebastião da Silva	Eusébio Sebastião da Silva, president, former director of the International Bank of Guinea-Bissau (BIGB)
PDS –Democratic Social Party	Created in 2007 by João Seco Mamadú Mané	João Seco Mamadú Mané, president, businessman
PRN – National Reconciliation Party	Established in 2004 by Alamara Intchi Nhasse	Alamara Intchi Nhasse, president, agronomist, ex-PAIGC, founding member of PRS, Primer Minister (2001-2002), presidential advisor (2005-2006)
PSD – Social Democratic Party	Created in 1995 by Joaquim Baldé, historian and Minister of Education (2005-2006)	António Samba Baldé, president, engineer, public servant
PP – Progress Party	Created in 2004 by Ibrahim Sow	Ibrahim Sow, president, sociologist, ex-PAIGC, Minister for Youth and Sports (1994-1997), presidential counselor (2000-2002), presidential counselor (2005-present)
PS – GB Socialist Party - Guinea Bissau	Established in 2004 by Cirilo Oliveira Rodrigues	Cirilo Oliveira Rodrigues, president, ex-member of the Liberation Front of Guinea Bissau (FLING)

Party or Coalition	Background	Leadership
UPG – Guinean Patriotic Union	Created in 2004 by Francisca Vaz Turpin, aka Zinha Vaz	Francisca Vaz Turpin (Zinha Vaz), president, member of the Popular National Assembly (1994-1998) president of the Association of Women in Economic Activities (AMAE)
PUSD – Social Democratic United Party	Created in 1992 by Victor Saude Maria, ex-combatant, Foreign Minister (1974-1980), Prime Minister (1980-1986)	Augusto Barai Mango (aka Papa Calop), technician, aeronautical telecommunications
PRS – Party for Social Renewal	Created in 1991 by Kumba Yalá, philosopher, ex-president (2000-2004)	Kumba Yalá, president, ex-PAIGC, member of the Popular National Assembly (1994-1998), converted to Islam in 2008 and now Mohamed Yalá
PT – Workers Party	Created in 2004 by Arregado Mantenque Té	Arregado Mantenque Té, president, jurist
PAIGC – African Party for the Independence of Guinea and Cape Verde	Founded in 1956 by Amílcar Lopes Cabral, agronomist, leader of the armed struggle for independence from Portugal	Carlos Domingos Gomes Júnior (aka Cadogo), businessman, member of the Popular National Assembly (1994-1998), re-elected in 2008 as president of the party.
PND – Party of the New Democracy	Created in 2006 by Iaia Djaló, Foreign Minister (2000-2001), MEMBER OF THE Popular National Assembly (2004-2008), independent presidential candidate in 2005	Ibraima Djaló, president
UNDP – National Union for Democracy and Progress	Created in 1998 by Abubacar Baldé	Abubacar Baldé, Minister of Interior (1994-1998) ex-PAIGC, presidential candidate in 2000 and 2005