GUINEA-BISSAU

1. PRESENTATION[1]

Basic Facts[2]	
Name of Country	Republic of Guinea-Bissau
Capital	Bissau
Population	1.6 million
Area	36, 120 sq km
Average Life Expectancy	46.87 years
Ethnic Groups	African 99% (includes Balanta 30%, Fula 20%, Manjaca 14%, Mandinga 13%, Papel 7%), European and mulatto less than 1%
GDP per capita, PPP	$800 (2005 est.)

Community of Democracies	
Previous Participation	Not invited to any previous ministerial

Timeline of Recent Major Events

- **1989** - The ruling African Independence Party of Guinea and Cape Verde under the direction of President João Bernardo "Nino" Vieira begins to outline a political liberalization program which the People's National Assembly approves in 1991.
- **1994** - Vieira wins Guinea-Bissau's first free general elections.
- **1998** – Army uprising triggers civil war.
- **1999** – Army junta, led by General Ansumane Mane, ousts President Vieira. Interim government appointed.
- **2000** – Opposition leader Kumba Yala of the Social Renovation Party (PRS) wins presidential elections.
- **2001** – New constitution approved by parliament, but President Yala neither approves it nor vetoes it, leaving the country in a constitutional limbo.
- **2003** – Legislative elections postponed repeatedly. The army intervenes, President Yala resigns, and a Committee for Restoration of Democracy and Constitutional Order is appointed. Businessman Henrique Rosa is sworn in as President, and Artur Sanha of the PRS, is sworn in as Prime Minister.
- **2004** – Legislative elections held. Carlos Gomes Junior becomes Prime Minister.
- **2005** April - Former President Vieira returns from exile in Portugal.
- **2005** May - Former President Kumba Yala, who was deposed in 2003, declares that he is still the rightful head of state. He stages a brief occupation of the presidency building.
- **2005** July – Vieira wins presidential election.

[1] Principal author: Center for Democratic Development - Ghana

[2] Source: CIA World Factbook at http://www.cia.gov/cia/publications/factbook/index.html, accessed on July 5, 2006.

- **2005** October – Prime Minister Carlos Gomes refuses to accept election outcome and is dismissed by President Vieira. Aristide Gomes appointed Prime Minister.
- **2006** January - Guinea-Bissau's highest court approves the prime minister named by presidential decree in 2005, rejecting a challenge by the country's largest political party that the nomination was unconstitutional.
- **2006** June - Unions call a three-day strike over civil service wage arrears. The regional economic grouping ECOWAS promises to cover teachers' pay.
- **2006** November – International donors' conference on Guinea-Bissau raises $262.51 million.

2. BACKGROUND

After independence from Portugal was finalized in 1974, Bissau-Guinean politics was dominated by the group that fought for independence, the African Independence Party of Guinea and Cape Verde (*Partido Africano da Independência de Guiné e Cabo Verde* - PAIGC), led by President Luis Cabral, and after a coup in 1980, by President Joao Bernardo Vieira. In 1984 the National Popular Assembly (ANP) was reconvened and a new constitution was promulgated, which is still in force today.[3]

Multi-party legislative and presidential elections were held for the first time in 1994, and saw Vieira and his party confirmed in power. The dismissal by President Vieira of Army General Ansumane Mane triggered a military uprising in 1998 that soon involved troops from Senegal and Guinea. In May 1999, Vieira was overthrown by a military junta led by General Mane. Some of the achievements during Vieira's initial 19 years of rule included leading the country towards a market economy and a multi-party system. His administration was however accused of crony capitalism, corruption and autocracy.

The junta carried out plans for a transition, which included two rounds of presidential elections in 1999 and 2000 won by opposition leader Kumba Yala of the Social Renovation Party (*Partido da Renovacao Social* – PRS). Instability returned when fighting erupted between followers of General Mane and President Yala; Mane was killed in the fighting. In 2001, the National Assembly passed a new draft constitution, but President Yala took no action, leaving the country in constitutional and legal uncertainty. In 2002, the crisis worsened when Yala chose to dissolve the National Assembly and rule by decree. Yala's government generated further controversy with ministerial dismissals, policy changes, arbitrary arrests and attacks on the judiciary and the media.

Multiple postponements of promised legislative elections, a fiscal crisis, numerous strikes and the constitutional limbo prompted an army intervention, led by General Verissimo Correia Seabre, in September 2003. Yala was forced to resign, and after consultations with political parties, General Correa Seabre appointed a Committee for the Restoration of Democracy and Constitutional Order, led by a new president, businessman Henrique Rosa, and a new Prime Minister, Artur Sanha, of the PRS.

[3] Although this may change, if the 2001 draft constitution is adopted.

Long-delayed parliamentary elections were held in March 2004, and saw a victory for the PAIGC, with 45 out of a 100 seats, followed by the PRS, which captured 35 seats. Former President Vieira returned to Guinea-Bissau from exile in April 2005 to contest presidential elections. The run-up to the July 2005 elections were overshadowed by protests and actions carried out by supporters of ousted president Yala. Although they had initially been banned from contesting the elections, both Yala and Vieira were authorized to take part by a Supreme Court decision, after tensions rose significantly. Yala had earlier threatened to take power by force if he was not allowed to stand.[4] Despite the ruling, Yala and his supporters briefly occupied the presidential palace, demanding to be reinstated as president.

The first round of the presidential elections featured more than a dozen candidates, and strong showings by Malam Bacai Sanha, Vieira and Yala. Yala refused to accept the outcome and organized protests which led to clashes with the police and security forces. Because no clear winner had emerged in July, a run-off was held in August 2005. The second run-off was held in an atmosphere of continuing tension, heightened by an attack on the Ministry of Interior by armed supporters of Yala a week before the run-off election. The run-off saw the victory of Vieira, after Yala mobilized his ethnically-based supporters in favour of Vieira. Vieira's main opponent, Sanha, of the PAIGC, refused to recognize the election result, and appealed to the National Electoral Commission (CNE). This body ruled against him, and the Supreme Court confirmed the verdict on August 19, 2005. Yala returned to Guinea-Bissau in October 2006 to contest the leadership of the PRS, with the intention of leading the PRS to victory in the 2008 elections. His leadership bid was successful.

Although Vieira had made a commitment to a unity government, this was cast into doubt when he dismissed Prime Minister Gomes Junior before a confidence vote could be held in the National Assembly over his continued tenure. The PAIGC challenged this decision as unconstitutional and sought redress in the courts. President Vieira, however, claimed that he had the support of a majority of MPs in Parliament, and that former Prime Minister Gomes Junior was using World Bank funds to bribe MPs to support him.[5] Soon after, Vieira appointed Aristide Gomes, of the PAIGC, as Prime Minister.

In addition to the political tensions witnessed during the last few years, external conflict and economic deprivation cloud Guinea-Bissau's future. Strife on the border with the Senegalese region of Casamance has been a feature of Bissau-Guinean politics, and in the last few years, ongoing fights between Casamance rebels and Bissau-Guinean forces have become recurrent. The Bissau-Guinean army fights against a Casamance separatist splinter group, the Movement of Democratic Forces of Casamance (*Mouvement des Forces Democratiques de Casamance* – MFDC), which refuses to sign a 2004 peace agreement between the Senegalese government and other Casamance separatists. The Bissau-Guinean army's incursions are welcomed by Senegal, which has had problems

[4] Amnesty International (2006).
[5] 'Guinea-Bissau President Says 56 out of 100 MPs Back Dissolution of Government' *Radio France International* (October 30, 2005) BBC Monitoring Africa, through www.nexis.com .

suppressing the rebellion. Most Bissau-Guineans live off subsistence farming, and the military conflicts of the late 1990s have left a lasting impact on an already impoverished economy.

After the crises of the late 1990s and 2002-2003, international involvement and attention has steadily increased. In 1999, the United Nations established a UN peace-building support office in Guinea-Bissau (UNOGBIS), which serves as a coordinator for all UN activities in the Bissau-Guinean peace process. The Community of Portuguese-Speaking Countries (CPLP) held its annual summit in Bissau in July 2006, in part to reinforce an image of recovery in Guinea-Bissau.[6] In September 2006, an International Contact Group on Guinea-Bissau first convened in New York, after a joint initiative of the Economic Community of West African States (ECOWAS) and the CPLP. Most recently, the Contact Group has focused on preparing and holding an international donors' round table, which was held in November 2006.[7] The conference, centered around the theme of "Security and Development," raised $262.51 million, falling short of the target of $538 million. However, political stability was included as one of the preconditions for the disbursement of the pledged funds.[8]

3. ANALYSIS

Democratic Institutions and Processes

Constitution and Institutions

Politics in Guinea-Bissau takes place in a framework of a semi-presidential republic, whereby the president is head of state and the prime minister is head of government, within the context of multi-party competition. The country is in a constitutional vacuum, since the 1984 constitution was meant to have been superseded by a new constitution approved by the National Assembly in 2001, but the latter was neither vetoed nor approved by then President Yala. Executive power is exercised by the government, led by a president and a prime minister. The president is elected every five years and may serve only two terms; the president appoints the prime minister based on the composition of the parliament. The legislative branch consists of one chamber, the National People's Assembly, composed of 102 members, elected every four years, though legislative power is vested in both the government and the National People's Assembly. Since the introduction of multi-party competition in 1994 the political system has been dominated by the PAIGC and the PRS, though other parties have seats in parliament as well. Ethnic differences underlie many political cleavages.

The judiciary is made up of a Supreme Court and lower courts, and is intended to be independent of the other branches of government. Since the ouster of President Yala, efforts have been made to restore the judiciary's independence; for instance, judges that

[6] UN Security Council (September 2006) p2.
[7] Ibid. p2.
[8] UN Security Council (December 2006) p3.

had been ousted by Yala have been reinstated.[9] A recent report by the UN Secretary-General's Special Representative on human rights defenders notes that the government is planning to create an inter-ministerial council on human rights as well as an office of national ombudsman.[10] While no plans seem to have been advanced for these offices, the Ministry of Education has created a National Steering Commission on Education in Human Rights, Democracy, Citizenship, Culture of Peace and Intercultural Dialogue, in coordination with UNOGBIS.[11] UNOGBIS continues to work with the government to prepare legislation for a national institution on human rights.[12]

Elections and Political Processes

Despite political unrest, most elections held in Guinea-Bissau since multi-party competition was introduced have generally been declared to have been free and fair.[13] The same goes for the most recent election cycles: the legislative elections of 2004 and the presidential elections of 2005.

The legislative elections of March 2004, held after a year of instability in Guinea-Bissau marked by the frequent postponement of the date for elections, were generally peaceful. The PAIGC won 33.8% of votes, and 45 seats in the National People's Assembly; the PRS won 26.5% of votes, and 35 seats. The United Social Democratic party (PUSD) won 17% of the votes, and 17 seats. The remaining three seats were divided between two other, smaller parties. Turnout was around 76%.[14]

An international observation mission of the International Organization of Francophone states (OIF) concluded that the elections had taken place in an atmosphere of "civism, dignity, great mobilization, and transparency" and noted the high willingness to vote among Bissau-Guineans. They noted that even though there had been some technical issues regarding the late delivery or failed delivery of ballots, there was no reason to doubt the outcome.[15]

The presidential elections of 2005 were also generally considered to be technically satisfactory. The first round of the election, held on June 19, 2005, featured a very high turnout of 87.6%, and had an inconclusive result, which triggered a run-off. The run-off,

[9] Freedom House (2006).
[10] Commission on Human Rights (March 2006) p124.
[11] UN Security Council (September 2006) p4.
[12] UN Security Council (December 2006) p5.
[13] Freedom House (2006).
[14] 'Elections in Guinea-Bissau' *African Election Database*, online at http://africanelections.tripod.com/gw.html#2004_National_Peoples_Assembly_Election, accessed on October 11, 2006.
[15] 'Communique de la mision francophone d'observation des elections legislatives du 28 mars 2004, en Guinee-Bissau' OIF (March 30, 2004) online at http://democratie.francophonie.org/fullscreen.php3?id_article=1743, accessed on September 29, 2006.

contested by Vieira, as an independent, and Malam Bacai Sanha of the PAIGC, had a slightly lower turnout of 78.6%, and was won by Vieira, with 52.4% of the votes.[16]

Nevertheless, there were some disturbances during this election cycle. On June 23, protesters affiliated with the PRS demonstrated outside the CNE to demand the publication of results. The police shot at the crowd, killing four protesters. The police then arbitrarily detained 11 protesters, including a PRS party leader.[17] The detainees were released soon afterwards.

The results of the second round were contested by the losing candidate, who demanded a re-vote in a number of regions, as well as a nation-wide recount. The CNE went through the procedures set out in the electoral law, and its executive secretariat ruled on the claim, declaring against his demand. The Supreme Court confirmed this ruling. The European Union (EU) Election Observation Mission (EOM) followed this appeals process closely and declared that all legal remedies were exhausted, and that the CNE handled the process according to law.[18]

Furthermore, the EOM, consisting of 200 EU observers, noted in its press release that on the whole, the 2005 presidential elections had been "well organized, transparent and meeting essential international principles for democratic elections." They went on to declare that "voters were able to exercise their franchise freely, despite a tense pre-second round election period when isolated acts of violence occurred". Throughout this period, the EOM noted, the majority of the Bissau-Guinean people as well as the armed forces displayed an admirable calm.[19]

No specific dates have yet been set, but the next legislative election is due in 2008, and the next presidential election is due in 2010.

Since the end of the election cycle, a number of hopeful political initiatives have taken place, suggesting an easing of political tensions and a will to introduce dialogue into Bissau-Guinean political culture. The PAIGC leadership has started internal negotiations to heal some of the rifts caused by the presidential election of 2005. A number of party members broke with the party to support Vieira's independent candidacy. Since this group includes the current prime minister, this might herald an easing of the tensions caused by the presidential election.[20]

In March 2006, civil society leaders, acting with the encouragement of ECOWAS, UNOGBIS and CPLP, began to convene a series of *Estados Gerais* or "Estates-General,"

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[16] 'Elections in Guinea-Bissau' *African Election Database*, online at http://africanelections.tripod.com/gw.html#2004_National_Peoples_Assembly_Election, accessed on October 11, 2006.
[17] State Department (2006); Amnesty International (2006).
[18] 'EU election observation: Press Release' (19 August 2005) online at http://ec.europa.eu/comm/external_relations/human_rights/eu_election_ass_observ/guinea_bissau/press_statement_190805.pdf, accessed on October 11, 2006.
[19] Ibid.
[20] UN Security Council (September 2006) p1.

designed to bring together social, political and religious stakeholders, to discuss the root sources of conflict and instability in Guinea-Bissau. President Vieira has also held a number of consultative meetings with national leaders, raising "expectations … that this process could lead to a sustainable political dialogue."[21] In September 2006, the *Estados Gerais* dialogues began to discuss issues of security with members of the security forces.[22] Independently of these dialogues, since 2005 the "National Commission on the Reconciliation of the Armed Forces" has addressed the issue of reconciliation in the armed forces.[23]

Rule of Law

The rule of law is gradually improving after the instability of the Yala period. Nevertheless, significant problems remain, rooted in the extreme poverty and lack of resources. Furthermore, the constitutional and legal vacuum opened by Yala in 2001 has yet to be resolved.

The Supreme Court and other levels of the court system have been recovering from the Yala period, and some judges attacked and dismissed by Yala's government have been reinstated.[24] Nevertheless, some problems of bias remain. While the ruling allowing both Yala and Vieira to stand in the 2005 presidential elections may have been politically expeditious, opposition leaders have criticized it as evidence of the Supreme Court's submission to threats by supporters of both Yala and Vieira.[25] More important, however, are the major physical and human limitations that the court system faces: a lack of trained and skilled judges, and a lack of financial and physical resources.

The security services face some accusations of human rights violations, but are more known for ineffectiveness and corruption. Some violations have included: ignoring privacy rights in search and seizure operations,[26] and the arbitrary arrest of protesters, such as during the June 23, 2005 protests.[27] Their response to unauthorized demonstrations, such as the June 23, 2005, protest, has been heavy-handed and violent, causing four deaths in the incident mentioned.[28] However, they are also noted for their severe lack of resources, graft, and openness to bribery, which adds to their ineffectiveness.[29]

There are some problems of impunity in Guinea-Bissau, especially where crimes occurred in a political context. Two specific incidents are worth noting. Firstly, there have been no investigations into the death of four protesters during the June 23, 2005

[21] UN Security Council (July 2006) p2.
[22] UN Security Council (December 2006) p2.
[23] Ibid.
[24] Freedom House (2006).
[25] Amnesty International (2006).
[26] Freedom House (2006).
[27] State Department (2006).
[28] Ibid.
[29] Ibid.

election protests.[30] Secondly, the mutinous soldiers responsible for the murder of General Correia Seabra, and for the abuse and beating of senior officers in October 2004 have not been identified or brought to trial under Guinea-Bissau's code of military justice.[31]

There is a lack of formal prison buildings, and detainees are often kept in improvised detention centers in generally poor conditions. According to sources, there is no separation between pre-trial detainees and convicts.[32]

Freedom of Religion

Freedom of worship and religion is generally respected, with the exception of the Ahmadiyya sect of Islam. Considered heretics in their native Pakistan, the Ahmadiyya group was initially banned in 2001. Plans to legalize their group were shelved after Ahmadiyya leaders apparently incited clashes in Gabu in February 2005.[33]

Freedom of the Press

Human rights observers note that the freedom of the press is generally protected in law and in practice.[34] There are diverse media outlets, and private ownership of the media, including newspapers and radio stations. The internet, for those who can afford it, is freely accessible. The major limitation on the freedom of the press seems to be material and financial: there are few printing presses, and financial woes cause publications to be published irregularly.

However, although the situation of the freedom of the press has improved since Yala's tenure, there have been a number of incidents that raise some concern.[35] A journalist for private radio station Bombolom FM was arrested on June 23, 2006, accused of spreading "false news." He was apparently beaten in custody before being released without charge.[36] On December 28, 2005, Radio Kasumai was ordered to stop broadcasting by local police forces, after on-air callers had apparently complained about police extortion. It resumed broadcasts after a meeting between community leaders and the police in January 2006.[37] In September 2005 the transitional government dismissed the directors of national television and radio, after allegations that state-owned radio and TV had been too favourable to former president Vieira during the election campaign.[38]

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[30] Amnesty International (2006).
[31] State Department (2006).
[32] Ibid.
[33] Freedom House (2006).
[34] Freedom House (2006); State Department (2006).
[35] Reporters Sans Frontieres (2004).
[36] 'Guinea-Bissau: Radio journalist beaten, detained' (July 10, 2006) *Committee to Protect Journalists* online at http://www.cpj.org/cases06/africa_cases_06/guinea-bis23june06ca.html, accessed on October 10, 2006.
[37] 'Guinea-Bissau: Radio station censored' (December 28, 2005) *Committee to Protect Journalists*, online at http://www.cpj.org/cases06/africa_cases_06/guinea-bis11jan06ca.html, accessed on October 10, 2006; Freedom House (2006).
[38] Amnesty International (2006); Freedom House (2006b).

Freedom of Association and Assembly

The freedom of association seems to be protected in law and in practice, and observers have noted the proliferation of groups devoted to defending human rights in various areas, and their freedom to publicize issues and campaign in the media.[39] The main obstacle to NGOs and the freedom of association seems to be the lack of human and financial resources for the operation of many associations.[40]

The freedom of assembly is generally guaranteed, but saw one major negative incident during the election campaign of 2005. On the one hand, there was the calm protest of 15,000 people in May 2005, calling for peace prior to the election.[41] However, the police's heavy-handed and bloody repression of the demonstration on June 23, 2005, described above, is a blot on Guinea-Bissau's record.

4. SUGGESTIONS FOR IMPROVEMENT

A number of measures could help to strengthen and solidify the recovery of democratic institutions in Guinea-Bissau, and prevent future crises.

First, the government, as part of an effort to create a multi-party dialogue, should reopen discussions on what to do with the 2001 constitution, with the stated aim of finding a consensus solution to the lingering issue, and the underlying objective of building an element of trust between parties after the tensions of 2005.

Second, the government should initiate a program of reform for the police services, to prevent the recurrence of incidents like the protests of June 23, 2005. At the same time, the government should hold an inquiry into the killings of the four protesters and the arrest of 11 opposition leaders.

Third, the government should build on the recent approval of the security sector reform strategy paper and generate support for the project of security sector reform ,in order to build a modern, efficient, and democratic military, and prevent future interventions into politics by the armed forces. The UNOGBIS and other international actors, such as the United Kingdom Security Development Advisory Team, should aim to convince all parties that security sector reform is in the interests of a strengthened and secure democracy, and hence all parties' interests. In turn, the government and UNOGBIS should involve all actors in the implementation of the new strategy.

Fourth, the government should establish, in coordination with the media, an institution or ombudsman to investigate allegations of harassment of journalists and media organizations.

[39] Freedom House (2006); Commission on Human Rights (March 2006) p123.
[40] Comission on Human Rights, p125.
[41] Freedom House (2006).

5. COUNTRY STATISTICS AND INDICATORS

World Bank Institute Governance Indicators 2005	Guinea-Bissau Score	Key
Voice and Accountability	37.2	Range 0-100 (Lower value indicates weak voice and accountability; higher value indicates strong voice and account)
Political Stability	30.2	Range 0-100 (Lower value indicates weak political stability and high violence; higher value indicates opposite)
Government Effectiveness	3.8	Range 0-100 (Lower value indicates weak government effectiveness; higher value indicates strong govt. effectiveness)
Regulatory Quality	13.4	Range 0-100 (Lower value indicates weak regulatory quality; higher value indicates strong regulatory quality)
Rule of Law	6.3	Range 0-100 (Lower value indicates weak rule of law; higher value indicates strong rule of law)
Control of Corruption	12.3	Range 0-100 (Lower value indicates weak control of corruption; higher value indicates strong control of corruption)

Freedom House: Freedom in the World 2007	Guinea-Bissau Score	Key
Political Rights	4	Range 1-7 (Lower value indicates good system of political rights; higher value indicates bad system political rights)
Civil Liberties	4	Range 1-7 (Lower value indicates good system of civil liberties; higher value indicates bad system civil liberties)
Statue	Partly Free	3 Categories: F (Free); PF (Partly Free); NF (Not Free) / (*) Indicates electoral system

Freedom House: Freedom of the Press 2006	Guinea-Bissau Score	Key
Total Score	47PF	Range 0-100 (Lower value indicates total free press; higher value indicates less freedom) / 3 Categories: F (Free); PF (Partly Free); NF (Not Free)

6. SOURCES

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