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Country Profile: Guinea Bissau

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I.   Introduction

The Republic of Guinea-Bissau is a Lusophone West African country located between Senegal and Guinea with an estimated population of 1.6 million (and occupies land space of about 36.125 km. For administrative purposes, the country is divided into nine regions namely Bafatá, Biombo, Bissau, Bolama, Cacheu, Gabú, Oio, Quinara, and Tombal and 27 multiple-member constituencies for electoral purposes. Guinea Bissau voted for the first round of Presidential Election on 18 March 2012 without a clear winner. The first round results indicated that Prime Minister Carlos Gomes, Jr. won 49% of the vote and former President Kumba Yala, received 23%. Without a clear majority above 50%, Guinea Bissau was preparing for a run off election to determine the President. However five opposition Candidates contested the result and promised to challenge the outcome before a military coup d'état, on 12 April 2012 prevented the run off elections entirely.

II.   Political History

Guinea Bissau has since independence from Portugal in 1974, experienced a spate of political unrest including coup d'états and political assassinations. Amical Cabral is credited as the founding father of Guinea Bissau. In 1956, together with his brother, Luis Cabral, he founded the African Party for the Independence of Guinea and Cape Verde (PAIGC) to champion anti-colonial struggles in Portuguese Africa. Amical Cabral was assassinated in 1972 before Guinea Bissau officially gained independence in 1974 so, Luis Cabral became president from 1974 to 1980 when he was overthrown in a coup d'état led by Bernardo "Nino" Vieira in November 1980. The period after 1980 was characterized by several attempted and unsuccessful coup d'états to unseat President Bernardo Vieira.

III.   Transition to Multi-party Democracy

As part of the mass movement towards multiparty democracy in Africa in the early 1990s, in 1991, Guinea Bissau embarked on a transition to multiparty rule, drafted a new constitution and organized the first democratic elections in 1994. Until then, one party the PAIGC had ruled the country. President Vieira won the second round presidential election in August 1994 with 52%, against his main opponent, Kumba Yalá, the leader of the Party for Social Renovation (PSR) who gained 48%. The PAIGC also won the majority of seats (62 of 100) in the National People's Assembly in the parliamentary election of July 1994.

The transition to multiparty rule did not produce the needed political stability in Guinea Bissau as the country continued to experience political upheavals. After the 1994 presidential and parliamentary elections, in 1998 the country experienced a civil war, albeit brief. The civil conflict was followed by a coup d'état in 1999 in which President Vieira was overthrown, adding to the spate of instability. After the coup d'état, the country embarked on another transition to democracy. The transition was

supervised by an interim administration led by Malam Bacai Sanhá, as the Acting President.

The interim administration supervised what was considered to be a transparent two-round presidential election in November 1999. The opposition leader, Kumba Yalá and his Social Renewal Party (PRS) won the second round election with 72% of the votes. The Acting President, Malam Sanhá received the remaining 28% of votes. The parliamentary election in November 1999 produced balanced results in which the ruling PRS gained only 38 seats of the 102 seats in the National People's Assembly. The Resistance of the Guinea-Bissau-Bafata Movement (RGB-MB) came second with 29 seats, and the PAIGC, 24 seats. This provided the National People's Assembly with a balanced house in which decisions would have to be arrived at through consensus.

Once again President Yalá did not complete his term in office and was overthrown in another coup d'état in September 2003. Subsequently a third political transition followed the overthrow of Yala under the political transition Charter agreed by all political parties. The transitional Charter provided for parliamentary election in six months and a presidential election a year later. As part of the transition, Henrique Rosa was sworn in as the interim President and a parliamentary election was held in March 2004. The parliamentary election saw the PAIGC becoming the major party in the National People's Assembly with 42 seats, followed by the PRS with 35 seats and the United Democratic Social Party (PUSD), 17 seats. With no single party having absolute majority in the National People's Assembly, there was opportunity for political actors in Guinea Bissau to pursue consensus politics. After delays, the first round presidential election under the third transition was held on the 19 June 2005 with no candidate gaining the required 50% plus one vote. Subsequently, in the run-off election, Bernardo "Nino' Vieira, running as independent candidate, won with 52% defeating Malam Bacai Sanhá, to become president again.

In another tragic political history in Guinea Bissau, President Vieira was assassinated on 2 March 2009, necessitating another Presidential election. The Presidential election that followed was won by Malam Bacai Sanha who pulled 63.31% of the votes against his opponent's 36.69% in a second round election in July 2009. President Sanhá's rule was disrupted by ill health until he was hospitalized in France in December 2011, where he subsequently passed away on the 9 January 2012. Before the death of President Sanhá and during his hospitalization in France, there was an attempted coup d'état, allegedly by the then Navy Chief, Natchuto Bubo, adding to the spate of instability that the country has experienced since independence in 1974.

A day after the death of President Sanha, a coalition of 14 opposition parties rejected the proposal to install the leader of the National People's Assembly, Mr. Raimundo Pereira as the interim President. Consensus later emerged, and Mr. Pereira was sworn-in as an interim president with the responsibility to organize presidential election within 60 days in accordance with the Constitution of Guinea-Bissau.

On 10 February 2012, the Prime Minister, Carlos Gomes Junior, stepped aside to campaign in the presidential election and another Acting Prime Minister, Madam

Adiato Djaló Nandigna, was appointed. It is the first time a woman is occupying the position of a Prime Minister (albeit in acting capacity) in Guinea Bissau.

IV.   Structure of Government

The three key structures of the Government of Guinea Bissau are the Executive, the Legislature and the Judiciary. The structure of the Government is defined by the Constitution, which was promulgated on the 16 May 1984; amended on 4 May 1991, 4 December 1991, 26 February 1993, 9 June 1993, and in 1996. The legal system is based on French civil law.

a. Executive

The Executive is made up of a President and Prime Minister. The President is the Head of State and is elected in multi-party elections to serve a five-year term in office. The Presidential tenure is limited to two terms. In the case of the Prime Minister, he is the Head of Government and is appointed by the President to serve tenure of office together.

Prior to the April coup d'état, Mr Raimundo Pereira, the former head of the National People's Assembly was serving in interim capacity as the President after the death of President Sanhá in January 2012. It is the second time Mr. Pereira is serving as Interim President. He first served as an Interim President when President Vieira was assassinated in 2009. In the same vein, the acting Prime Minister before the coup was Madam Adiato Djaló Nandigna. She was appointed following the resignation of the Prime Minister, Carlos Gomes Junior, to compete in the aborted presidential election scheduled for March/April 2012.

b. Legislature

The National People's Assembly is a 102-member unicameral legislature headed by a Speaker. According to the Constitution, the Speaker of the National Assembly becomes the Interim President in case of death of the President, until election is held within 60 days. The last speaker of the National People's Assembly prior to the coup was Manuel Serifo Nhamadjo who was also serving as President in interim capacity following the death of President Sanhá.

The 102-member National People's Assembly (*Assembleia Nacional Popular*) are elected through a closed-list proportional representation system to serve a 4-year term. The last parliamentary election was in November 2008 and the next was supposed to be in November 2012 had the country continued on its transition path.

c. Judiciary

The Judicial system is composed of a High Court, a Supreme Court and Regional courts in all eight regions and the autonomous region of Bissau. There are also Special courts, which includes the Commerce Court, the Office of General

Accounting, and a Military Court. Local tradition and customary laws are also widely accepted, albeit remains submissive to the Constitution in case of contradictions.

V.   Legal Framework for Elections

a. The Electoral System

As stated earlier, the President is elected through a majority vote in a two-round system to serve a five-year term, limited to two terms. The members of the National People's Assembly are however elected through a direct closed-list proportional representation to serve a 4-year term.

b. The Legal framework

The electoral framework is regulated by the following laws: 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 (Law4/94). 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 relating to the fundamental political rights proclaimed in the Constitution.

These laws provide for civil and political rights, such as freedom of movement, assembly, association and the right to vote and be voted for. The rules are largely respected by political stakeholders in Guinea Bissau expect for incessant military intervention.

VI.   Election Administration

Election administration in Guinea Bissau is a shared responsibility between several entities. First, the National Election Commission is responsible for voter registration, organization of elections and referenda, voter education activities, and handles election complaints and protests. Second, the Ministry of Internal Administration is in charge of organizing voter registration and updating the voter register every year. Third, the Ministry of Foreign Affairs is responsible for the registration and voting of citizens living outside Guinea Bissau. Fourth, the Supreme Court of Justice pronounces on admissibility of candidates and parties and on electoral disputes acting as the Electoral Court of Appeal. Finally, the President of the Republic announces election dates.

VII.   Voter Registration

The electoral law on voter registration (Law 2/98) requires the update of the voters list every year. While voter registration is the responsibility of the Ministry of Internal Administration, the supervision of the process is the responsibility of the National Election Commission. Within the Ministry of Internal Affairs, the Secretariat for Territorial Administration and its Technical Cabinet for Electoral Support (GTAPE) has the responsibility to organize and undertake activities relating to voter

registration. This responsibility is again sub-contracted by the Ministry to the National Institute for Statistics and Census (INEC).

VIII.   Registration of Candidates

Registration of candidates is governed by the Law for the Election of the President and the Popular National Assembly Law 3/98 (Articles 105 – 108) and the Articles 60 of the Constitution. The Constitution states that a presidential candidate must be at least 35 years of age and a citizen by birth. Both parents must also be citizens by birth.

In accordance with the elections law, prospective candidates must submit nomination papers 60 days before the date of election to the President of the Supreme Court of Justice. Nomination papers should include the voter card, criminal record, and the birth certificates of candidate and his/her parents as evidence of their citizenship. In case the candidate or parents have no birth certificates, three witnesses can confirm citizenship. Candidates can be nominated by registered political parties or by an association of citizens as an independent candidate. Independent candidates require 5,000 signatures from eligible voters with a minimum of 50 voters from at least 5 of the 9 regions.

In the case of candidates for the National People's Assembly elections, in addition to being citizens of Guinea Bissau, they must be a minimum of 21 years.

IX.   Political Parties and Candidates for the 18th March Presidential Election

a. Political Parties

The opening of the political space in 1991 permitted the growth of political parties. Until then, the African Party for the Independence of Guinea and Cape Verde (PAIGC) operated as the only dominant party. Apart from the PAIGC, there are several registered political parties. The following includes the list of political parties who took part in the last parliamentary election in November 2008. They are the Social Renewal Party (PRS); Republican Party for Independence and Development (PRID); Workers' Party (PT); New Democracy Party (PND); United Social Democratic Party (PUSD); Party for Democracy, Development, and Citizenship (PADEC); Democratic Alliance (AD); Social Democratic Party (PSD); Alliance of Patriotic Forces (AFP); Democratic Center (CD); Popular Democratic Party (PDP); Progress Party (PP); Guinean Democratic Party (PDG); Guinean Patriotic Union (UPG); Democratic Socialist Party (PDS); National Union for Democracy and Progress (UNDP);National Reconciliation Party (PRN); Socialist Party of Guinea-Bissau (PS-GB); and Guinean Democratic Movement (MDG).

b. Candidates for the 18th March 2012 Presidential Elections

Candidates that contested the 18th March 2012 election include **Manuel Serifo Nhamadjo**, of the National People's Assembly; **Vicente Fernandes** of the

Democratic Alliance coalition; **Koumba Yala** of the PRS; **Carlos Gomes Junior** of the PAIGC, the ruling party; **António Afonso Te**, independent candidate supported by the PRID; **Serifo Balde,** Young Party; **Henrique Pereira Rosa,** independent candidate and **Luis Nacassa** also independent candidate.