

Briefing on the situation in Guinea Bissau

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Tomorrow (27 January) the African Union (AU) Peace and Security Council (PSC) is expected to hold a briefing session on Guinea Bissau. The AU Peace and Security Department and Department of Political Affairs may brief the Council. Also expected to make statement is the representative of the Economic Community of West African States (ECOWAS).

The briefing is expected to focus on the recent presidential election conducted in the country. On 24 November, Guinea-Bissau held the first round of its presidential elections. From the twelve candidates, no candidate garnered the 50 percent vote required to win the election. Two candidates, namely, Domingos Simões Pereira (Partido Africano para a Independência da Guiné e Cabo Verde – PAIGC) and Umaro Sissoco Embaló (Movimento para Alternância Democrática (MADEM) G- 15), qualified for the run off election, which was held on 29 December.

Both the AU and ECOWAS have mobilized efforts to support the electoral process in Guinea Bissau. The AU has deployed African Union Election Observation Mission (AUEOM), led by Joaquim Rafael Branco, former Prime Minister of the Democratic Republic of Sao Tome and Principe to monitor and report on the conduct of the election. The Mission comprises 13 Long Term Observers (LTO) and 40 Short Term Observers (STO). The LTO were deployed since 19 November 2019 up to 5 January 2020 while the STO were deployed in Bissau on 22 December until 3 January 2020. Similarly, ECOWAS has supported the election process with 1.5 million USD, deployment of ECOMIB and the deployment of pre- electoral, long and short-term observers and technical team.

According to the preliminary statement of the AU Election Observation Mission, while the runoff election was held in a peaceful political atmosphere, it observed that 'social tension within the ranks of the public administration owing to delays in salaries [and] strikes by teachers.' From final results released by the National Electoral Commission (CNE), opposition candidate Embaló won the December run-off ballot with 54% of the vote while Pereira garnered 46%.

Despite the commission's confirmation of former Prime Minister Umaro Cissoko Embalo as winner of the December presidential run-off vote, Domingos Simoes Pereira contested the result at the Supreme Court with allegations fraud. This has cast a cloud of uncertainty about the post-electoral situation in the country including the political transition.

Embaló's victory has already received recognition from various stakeholders in the region and the international community. ECOWAS welcomed the peaceful conduct of presidential elections and took note of the final results of the run-off presidential election announced on 17 January 2020 by the CNE and reconfirmed by the same authority on 21 January 2020. The ECOWAS in the communiqué released on 22 January further confirmed Embaló victory vis a vis his opponent Pereira. The ECOWAS Commission urged the various national institutions to finalize their activities and to prepare for the inauguration of the new president elect.

PAIGC and its candidate Pereira rejected ECOWAS's statement arguing that it came while the institutions involved in the electoral process are still trying to agree on the election result and the legal process envisaged in the constitution has as yet to be finalized. The Supreme Court of Justice (STJ) ordered the CNE to carry out the national counting of the results. CNE says that it has already taken this step before publishing the results and announcing Embaló's victory. The Parliament, on the other hand has stated that without the steps required by the STJ having been carried out by the CNE,

it will not be able to swear in Embaló on the proposed date of 19 February. PAIGC has also urged the international community to respect the national sovereignty and the country's electoral legal process.

On the other hand, Embaló reiterated that the entity to declare the winner of the elections is the CNE and not the Supreme Court of Justice. He further added that the recount of the votes is unconstitutional.

The National People's Assembly (ANP) has also presented clarifications on the process by stating that the inauguration of the elected President of the Republic takes place in a special session convened by the President of the Assembly, within a maximum period of 45 days after the announcement of the definitive results. To this end, the President of the ANP will need to receive the minutes of the national counting before conferring power to the President. This also includes the clarification by the Supreme Court of Justice on the electoral dispute brought by Pereira.

The Supreme Court of Justice on its part stated that its ruling was not about recounting the votes for the second round of the presidential elections rather it's about national counting operations, particularly ensuring that its uninterrupted and immediately after its completion the minute is shared with all the relevant institutions.

Agreement is yet to be reached between the various national bodies mainly CNE, the Supreme Court and the Assembly. The two candidates as well have divergent positions on the outcome of the election as well as on the process of determining the winning party.

It should also be noted that the election is only one of the many steps in the democratic transition of Guinea Bissau. The PSC at its 896th session underlined 'the imperative for the people of Guinea Bissau to expedite the much- needed

institutional reforms, including constitutional reform immediately after the election'. Once the new president takes office, there are a number of political and legal transformations expected to be underway to ensure a meaningful and sustainable democratic transition in the country.

The expected outcome of tomorrow's session is a communiqué. The PSC may back ECOWAS's statement and may urge national institutions to complete their activities in a way that ensures legality and institutional harmony. It may call on the various political actors to exercise restraint from any form of violence and may call on them to resolve their dispute through a peaceful process, while ensuring that gains made during the electoral process are not lost. The PSC may reiterate its 896th session underscoring the need for implementing the institutional reforms, including the constitutional review process and security sector reform. It may also commend ECOWAS for the efforts and the activities it has undertaken during the presidential election.