

Guinea-Bissau: Priorities for long-term stability

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The legislative election slated for 10 March 2019 in Guinea-Bissau is a promising step towards political stability. But institutional reforms are needed to achieve long-term stability. To this end, dialogue is required to define priorities and create favourable conditions for reform. At the same time, Guinea-Bissau needs the backing of regional and international partners, who should frame their support in terms of a long-term vision.

Key findings

- ▶ The March legislative election will clarify the political landscape and allow the formation of a legitimate government, but it will not be enough to guarantee Guinea-Bissau's long-term stability.
- ▶ The crisis of 2015 was caused not only by leadership conflicts but also by major institutional weaknesses. Constitutional and electoral reforms must be adopted to prevent the country from falling into a new crisis after the election.
- ▶ Demands for reform transcend political divisions and are the strongest they have ever been. Creating the necessary conditions for their implementation after the election must remain a priority.
- ▶ The stabilisation process will also require more coordinated involvement of regional and international actors.

Recommendations

- ▶ In order to minimise the risk that the election results are contested, national electoral bodies should, with the support of regional and international partners, ensure the smooth running of the voting process and the transparency of the vote count and announcement of the results.
- ▶ The adoption of the Stability Pact on 14 February, which requires the implementation of institutional reforms, is an important step in stabilising the country. Achieving this however will depend on the will of political actors. These actors should prioritise the interests of the country above their own.
- ▶ Regional and international partners should ensure that the Stability Pact is implemented after the elections by reminding political actors, if necessary, of their commitments.
- ▶ The timing of reforms (short, medium, and long term) should take political and financial constraints into account. Constitutional and electoral reforms that could prevent another crisis must be prioritised.
- ▶ Regional and international partners should learn from their commitment in Guinea-Bissau and frame their support in terms of a long-term vision.

Introduction

In August 2015, about a year after elections that were widely viewed as credible and transparent, Guinea-Bissau President José Mário Vaz dissolved the government of Prime Minister Domingos Simões Pereira, plunging the country into political and institutional crisis.

Negotiations under the aegis of the Economic Community of West African States (ECOWAS) led to the signing on 14 October 2016 of the Conakry Agreement, designed to end the political impasse and lay the foundation for lasting stability through the implementation of constitutional, electoral, political, security sector and justice reforms that had been debated for several decades.¹

The persistence of political tensions and differences over the interpretation of the Conakry Agreement, however, delayed its implementation and led to ECOWAS adopting sanctions against personalities considered as blocking the implementation of the agreement.

It is in this context of pressure that on 14 April 2018, a prime minister was appointed through consensus by political actors. Since then, there has been relative calm and considerable progress towards resolving the country's political crisis. Both national and international actors are now focusing their attention on the legislative election scheduled for 10 March. However, while important, this election is not enough to guarantee long-term stability, which will depend largely on the implementation of institutional reforms.

The 2015 crisis shows that recurring political problems go beyond leadership quarrels. It also results from the failures of the country's institutional architecture. It is therefore necessary, as part of the process, to initiate a national dialogue to create the conditions for the implementation of the structural reforms necessary for the long-term stability of the country.

This report is based on field research in Bissau and telephone interviews conducted between November 2016 and January 2019. It is organised in five parts, discussing the origins of the crisis, the way partisan tensions have weakened state institutions, the difficulties experienced in recovering from the crisis, the fragile electoral process, and the importance of institutional reforms to Guinea-Bissau's long-term stability.

From post-electoral optimism to political crisis

The presidential and legislative elections of 2014 raised the hopes of Bissau-Guineans and the international community that the country would enter an era of constitutional order. But these hopes were dashed by a new crisis that jeopardised the country's political and socio-economic prospects.

Hope in 2014

Bissau-Guinean citizens participated in the elections of April 2014 in record numbers,² with the hope of turning the page on the political instability and poverty that had plagued the country since independence in 1974. The elections ended a transition that followed the coup d'état of 12 April 2012, which had interrupted a presidential election held after the death of President Malam Bacai Sanhá in January 2012.³

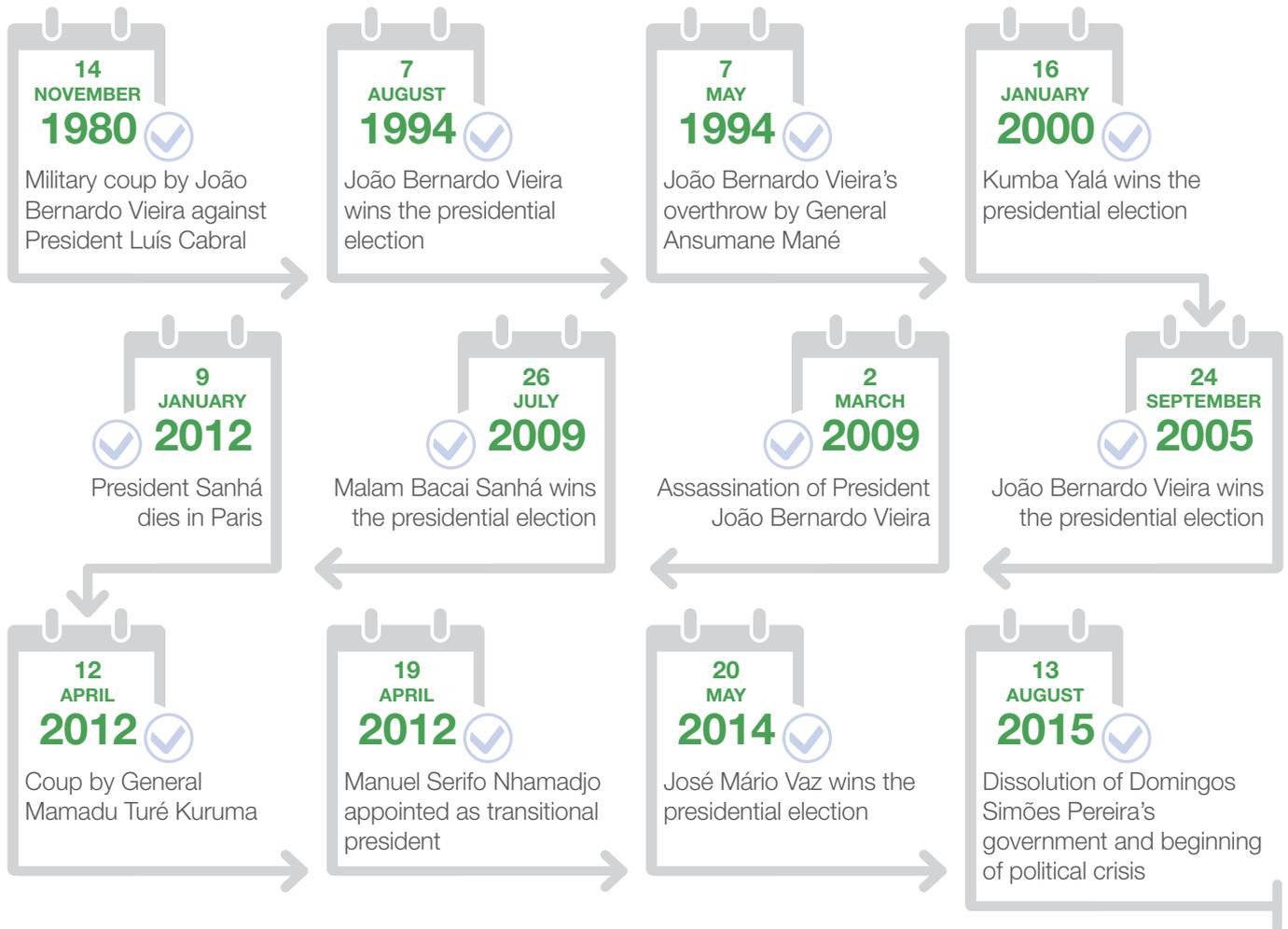
In the first round of that election, neither of the two front-runners – Carlos Gomes Júnior of the African Party for the Independence of Guinea and Cape Verde (PAIGC) and former president Kumba Yalá of the Social Renewal Party (PRS) – won a majority. A runoff election between the two candidates was interrupted when a group of military officers arrested Gomes Júnior.⁴

The return to constitutional order in 2014 sparked hope among locals and the international community

The subsequent transition, the country's third since it adopted multiparty democratic rule in 1991, lasted a little over two years. It was characterised by precarious socio-economic conditions, including strikes by civil servants in the health and education sectors over wages and working conditions. The government only managed to resolve the situation by paying wage arrears with the support of the international community, notably ECOWAS.

Politically, the transition was characterised not only by considerable differences regarding the organisation of the 2014 elections, but also by the emergence of new independent and political figures, even within the main political parties. After sustained international pressure, the elections were held in April 2014.

Figure 1: Key events related to post-election instability



In addition to promising a return to constitutional order, the election results seemed to reflect a widespread desire for change. The success of the PAIGC candidates, José Mário Vaz as president and Domingos Simões Pereira as prime minister, was based on their image as good managers.⁵

Following the elections, the Pereira-led administration sought to begin a new era of stability and economic development and promote national cohesion by forming a unity government that included all the parties present in the National People's Assembly (NPA). These were the PRS, the Union for Change (União para a Mudança – UM), the Party for a New Democracy (PND), and the Party of Democratic Convergence (PCD). This created a sense of hope among citizens and restored the confidence of the international community.

The salaries of education and health officials were paid regularly, and there were improvements in the supply of

water and electricity, particularly in Bissau.⁶ International partners, including financial institutions, some of which had frozen cooperation with Guinea-Bissau following the 2012 coup, lifted sanctions and pledged to support the country.

Against this background, the government organised a roundtable of Guinea-Bissau's international partners on 25 March 2015 in Brussels. This resulted in commitments of \$1.2⁷ billion to support the implementation of the government's 2015–2020 Strategic and Operational Plan, known as Terra Ranka, which laid the foundation for Guinea-Bissau's economic development and political stabilisation.

The roundtable was considered a success, but rumours had begun to emerge of tension between President Vaz and Prime Minister Pereira. On 12 April, while the government was developing a strategy for monitoring donor commitments,⁸ the president dismissed the prime minister and his government.

Crisis in 2015

The dissolution of the Pereira government precipitated yet another crisis. Vaz accused Pereira, among other things, of lack of transparency in the awarding of public contracts, corruption, nepotism and obstruction of justice.⁹

In addition to the deep disagreements between the two men, the political crisis was also fuelled by the struggle for control of the PAIGC. This was evident during the party's February 2014 congress in Cacheu, during which the bodies of the party were renewed and presidential and legislative candidates elected.¹⁰

A highly divisive issue was the contest for the leadership of the party, and the conflicting positions of the two key contenders, Domingos Simões Pereira and Braima Camará, on the amendment of the party's statutes. The conflict focused most notably on Article 40 which defines the appointment of the head of the party's list in legislative election. It stipulates that the party president tops the legislative list and is the party's candidate for the post of prime minister while the Secretary-General manages administrative functions.

Pereira, along with two candidates for the presidency of the Republic, Carlos Correia and Adja Satú Camará, called for Article 40 to be amended. They proposed to switch the roles by making the party's Secretary-General the candidate for the post of prime minister and giving the party president an administrative role.¹¹

This coalition had been formed to prevent Braima Camará's victory as he was opposed to changing Article 40. Camará was criticised for his lack of advanced academic credentials and his alleged tendency to appeal to Mandingo and other Muslim communities within the party.

Although the effort to change Article 40 failed, Pereira won the PAIGC presidency with two-thirds of the vote.¹² A defeated Camará supported Vaz, who was elected as the party's presidential candidate with nearly two-thirds of the vote. Pereira supported Mário Lopes da Rosa, former minister of fisheries in the last transitional government from 2012 to 2014, for candidate to the Presidency of the Republic.

The allocation of positions within PAIGC was also a source of discord. Having lost the election but obtaining nearly 35% of the vote, Camará wanted proportional representation in the party organs.

These tensions continued to trouble the PAIGC as it entered the 2014 general elections, although it projected a unified front during the campaign. Following the party's electoral victory, disputes between the two camps, led by Pereira as prime minister and Vaz as president, persisted.

If these internal party tensions affected the normal functioning of state institutions, it is due to the lack of clarity and detail in the Constitution's delineation of the roles of the president and prime minister. Guinea-Bissau has a semi-presidential system of government, inspired by that of Portugal, with an executive branch shared by a president, who is elected by direct universal suffrage, and a prime minister, who is designated by the parliamentary majority.

Recurring political problems go beyond leadership quarrels and reflect failures of the country's institutions

Under Article 98 of the Constitution, the president appoints the prime minister, 'taking into account the results of the elections and after consulting the parties present at the NPA'. By giving the party (or coalition of parties) that won the election the power to appoint the prime minister, the legitimacy of the ballot box prevails, as provided by the Constitution. Thus, the PAIGC, having won 57 out of 102 deputies' seats in the 2014 legislative election, choose Domingos Simões Pereira as prime minister in accordance with the Constitution.¹³

In Guinea-Bissau's semi-presidential system, the president is the head of state, with the power to appoint the prime minister, and guarantees the country's sovereignty, national unity and respect for the Constitution. The prime minister is the head of government and is vested with most of the executive power. However, the prime minister is accountable to the president,¹⁴ giving the president the ability to dismiss the government in the event of a crisis.¹⁵ Citing a 'serious crisis preventing the functioning of institutions,' Vaz dismissed Pereira and dissolved his government in August 2015.¹⁶

In this system, circumstances that prevent the functioning of state institutions often arise in the legislature, to which the prime minister is politically accountable. They usually

result in a vote on a motion of censure, the refusal of confidence and the rejection of the government's programme by the National People's Assembly. The president is then obliged to either dismiss the government, or dissolve the legislature and hold a legislative election. However, by providing for the accountability of the prime minister to the president without defining the limits, the Constitution allows abusive interpretations that are often sources of tension.

Power struggles and the weakening of institutions

Following the dismissal of Pereira, tensions increased within the PAIGC and between political parties regarding the appointment of a prime minister. Divergent interpretations of the Constitution plunged Guinea-Bissau into political and institutional crisis and thus weakened state institutions.

Battle for control of the PAIGC

Conflict over the choice of prime minister

After Vaz dismissed Pereira, he appointed Baciro Djá, then third vice president of the PAIGC, as prime minister on 20 August 2015. This was contrary to the party's suggestion to re-appoint Pereira as he is still the leader of the party.

Djá's appointment was perceived as an attempt to destabilise the party leadership, as he had been suspended from office on 6 August 2015 for refusing to account for expenses incurred when he managed the party's 2014 election campaign.¹⁷ It also violated the PAIGC statutes, which establish an order of succession in case of a vacancy in the post of prime minister.¹⁸

While Djá took office and formed a new government, which was sworn in on 7 September, the PAIGC filed a lawsuit asking the Supreme Court to declare his appointment unconstitutional, which the Supreme Court did on 8 September. Djá resigned his position the same day. Based on Article 98 of the Constitution, the Court ruled that the PAIGC, with its majority in the Assembly, had the right to appoint a prime minister.

Further negotiations ensued between the president and the five parties represented in the Assembly. This was facilitated by former Nigerian president Olusegun Obasanjo, based on a mandate by ECOWAS. The negotiations led to the appointment of Carlos Correia,

first vice president of the PAIGC, as prime minister on 17 September.

Dissidents expelled

Correia's appointment allowed the pro-Pereira faction to regain control of the PAIGC; it heightened tension between Vaz and the PAIGC, and between parties in the Assembly.

The disagreements quickly became visible during the formation of the government, when Vaz rejected two of Correia's ministerial nominations on the grounds that the nominees were subjects of a parliamentary investigation for alleged wrongdoing.¹⁹ This compelled Obasanjo to launch new negotiations, leading to Vaz's appointment of members of the government on 12 October while temporarily entrusting the prime minister with the two contested portfolios (the Ministries of Natural Resources and Interior).

Around the same time, negotiations were held to bring the PRS – the second most powerful party, with 41 deputies, which got closer to the president – into the Correia government, but these did not succeed. The refusal of the PRS to join the government accentuated the crisis, which was now transposed to the National Assembly in which a new pro-Vaz alliance was taking shape between the PRS and 15 PAIGC deputies (also named Group of 15 or G15).

Divergent interpretations of the Constitution plunged Guinea-Bissau into crisis and weakened state institutions

This alliance resulted in the Assembly's rejection of the programme of the Correia government on 23 December. Among the 101 Members of parliament present, 45 from the PAIGC voted in favour, all 41 PRS members voted against, and the members of the G15 abstained.

To avoid a second rejection, which would have led to the dissolution of the government in accordance with Article 104b of the Constitution, the G15 deputies were expelled from the party and stripped of their mandate, which was taken up by their alternates, allowing the PAIGC to regain its majority.

On 4 April 2016, however, the Supreme Court restored the original 15 deputies' mandate. Their return to the

Assembly again gave the majority to the alliance between the G15 and the PRS. Following the failure to secure the Assembly's approval of the government's programme, Correia was dismissed by Vaz on 12 May and replaced by Baciro Djá, who became prime minister for the second time.

Weakening of institutions

Supreme Court decision challenged

After the dissolution of the Correia government, the president declared that it was up to the party that could have the confidence of the National People's Assembly to appoint the prime minister – ruling out the possibility of the PAIGC doing so. He justified his decision to appoint Baciro Djá on 25 May by the need to obtain the support of the new parliamentary majority.²⁰ Even though this requirement is not expressly outlined in the Constitution for the choice of prime minister, it is for the programme of government.

The Supreme Court recognised the legality of Baciro Djá's appointment as prime minister on 14 July. It gave the PRS and the G15, together constituting the new parliamentary majority, the power to choose the prime minister and form a government. This decision was based on the PAIGC's inability, despite winning the last election, to obtain the Assembly's approval of the Correia government programme.

The Supreme Court's decision was challenged by some political actors and members of civil society.²¹ They argued that the decision violated Article 98 of the Constitution, which gives the party that wins the legislative election the power to choose a prime minister and form a government, and that the Assembly's procedural rules do not allow a deputy to sit as an independent, like the G15 members did after they were expelled from the PAIGC. In addition, allegations of corruption were made against judges who voted in favour of the decision, tainting the Court's credibility.²²

Paralysis in the National People's Assembly

Despite the new majority, Prime Minister Djá was unable to secure the Assembly's approval of his government programme. It was blocked by the PAIGC – which, although it was a minority in the Assembly, had a majority in the Standing Committee, the only body authorised to decide the agenda and to hold a vote on the government programme.²³ The Committee, led by the president of the Assembly, had nine PAIGC members and six PRS members. The PAIGC was thus able to prevent a vote on Djá's government programme and its budget.

In this way, the PAIGC sought to prevent the control of the Assembly by the PRS-G15 coalition and force the president to dissolve it and call early elections,²⁴ a step that the Constitution permits in a crisis. This had been suggested by many stakeholders following the dismissal of Correia. Early elections could have clarified the political game and perhaps helped unblock the Assembly.

However, in addition to the financial and technical challenges it posed, an election would have not resolve the impasse: if the PAIGC won, Pereira would



ONLY THE STANDING COMMITTEE CAN
DECIDE ON THE AGENDA FOR
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have again become prime minister. Partly for this reason, Vaz rejected this option and appealed to ECOWAS to help find a solution to the crisis.

A difficult recovery

ECOWAS launched a negotiation process in September 2016. First, a delegation of ECOWAS foreign ministers held discussions with national and international actors in Bissau from 5 to 8 September. The resulting ‘Agreement for a way out of the political crisis in Guinea-Bissau’, signed on 10 September, involved a six-step roadmap:

1. Meeting of all stakeholders in an inclusive dialogue including 15 dissidents; representatives of PAIGC, PRS, and other political parties; and representatives of civil-society and religious groups.
2. Formation of an inclusive and consensual government to implement the roundtable platform and lead the country until the legislative election, originally scheduled for 2018.
3. Implementation of reform of the Constitution, electoral laws, the Framework Law on political parties and reform of territorial administration, and the strengthening of justice for more credibility.
4. Establishment of a mechanism for monitoring and evaluation.
5. Implementation of the Defence and Security Reform Programme.

6. Demobilisation of the military force of the ECOWAS mission in Guinea-Bissau (ECOMIB) within six months after the formation of a Guinean contingent to replace the force in its role of protecting the institutions of the state and senior state officials.

In line with the roadmap, dialogue between national political actors was carried out in Conakry, Guinea, from 11 to 14 October under the chairmanship of Guinean President Alpha Condé, who had been appointed as a mediator by ECOWAS. The process led to the signing of the Conakry Agreement on 14 October, as the first step toward implementation of the roadmap. Signatories of the Conakry Agreement committed, among others, to the following:

- Consensus on the choice of a prime minister who has the confidence of the president, to remain in office until the legislative election is held in 2018.
- Formation of an inclusive government based on an organisational chart agreed upon by all political parties in the Assembly, in line with the principle of proportional representation.
- Preparation of a national roundtable leading to the adoption of a Stability Pact signed by key political actors and members of the civil society, and structured around the following principles:
 - Constitutional reform aimed at establishing stable relations between the executive, legislative and judiciary

Figure 2: Chronology of key points in the 2015 political crisis



- Reform of the electoral law for the organisation of legislative and local elections concurrently in 2018
- A new political party law including public funding of political parties on the basis of their representation in the Assembly
- Reforms of the defence, security and justice sectors.

Problems implementing the Conakry Agreement

Rather than easing tensions in Guinea-Bissau, the Conakry Agreement and the mediation process leading up to it further increased differences among political actors.

According to the Agreement, all the political parties represented in the Assembly and present at the Conakry talks should by consensus, choose a prime minister. A day before the talks begin, the president Vaz proposed three people: Mamadou João Fadia, Umaro Sissoco Embaló and Augusto Olivais.²⁵ The choice of a prime minister was limited to these three.

By the end of the talks, an agreed-upon name had not been provided to participants, which led to confusion. The G15 and the PRS – supporters of the president – argued that none of the three candidates on the list sent to and discussed in Conakry was selected. On the other hand, the PAIGC, PCD, PND and UM maintained that Augusto Olivais was the consensus candidate.

Also, the Agreement preconditioned the president's appointment of the prime minister to one in whom he had confidence. Although this may have been necessary to resolve the crisis, it appeared contradictory to the Constitution as he is only given the power to appoint the one designated by the parliamentary majority.

The application of the Agreement is also made difficult by two conditions: the one discussed above, regarding 'the

appointment of a consensual Prime Minister but enjoying the confidence of the President,' and the call for 'the reinstatement of the 15 dissident MPs in the PAIGC without conditions, but in accordance with the rules in force within the PAIGC.'

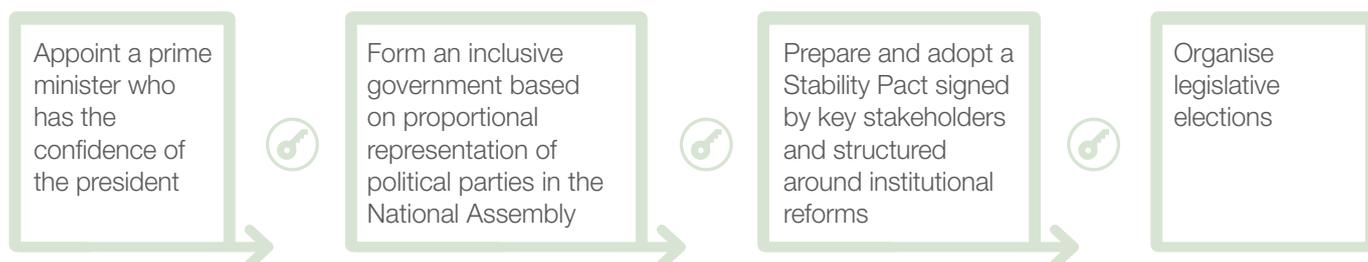
Divergent interpretations of the Agreement, and the ensuing confusion, led to President Vaz's dissolution of the Djá government on 15 November 2016. Vaz cited Djá's failure to obtain the Assembly's approval of his government programme and the national budget. On 18 November, Vaz appointed Umaro Sissoco Embaló, one of the three candidates he had proposed to the ECOWAS mediator, to replace Djá.

This decision was not in line with the Conakry Agreement. Although Embaló enjoyed the president's confidence, he was not chosen consensually. In addition, his appointment was not in accordance with the Constitution, which vests the power to appoint the prime minister in the majority party in the Assembly.

Instead of easing tensions, the Conakry Agreement has further divided the political class

The negative reactions to Sissoco's appointment by many political parties, starting with the PAIGC, were therefore predictable. Apart from the PRS, the other parties represented in the Assembly refused to participate in the government led by Sissoco arguing that he is a close relative of Vaz without any particular legitimacy. Having neither the inclusiveness nor the representativeness stipulated in the Conakry Agreement, the Sissoco government, like that of Djá, failed to have its programme approved by the Assembly.

Figure 3: Key points of the Conakry roadmap



The continuation of Sissoco in office, despite the expiration of the legal deadline for the adoption of his programme²⁶ and the calls of the international community for the implementation of the Agreement, exacerbated tensions. On 16 December 2017, ECOWAS gave Guinea-Bissau one month to resolve the crisis or face sanctions; Sissoco resigned on 12 January 2018.

Given the lack of significant progress in the implementation of the Conakry Agreement between October 2016 and December 2017, ECOWAS issued an ultimatum to Vaz to appoint a prime minister accepted and recognised by all political parties. The signatory parties were required to agree on the formation of a government before 31 January 2018.

On 30 January 2018, the president appointed Artur Silva after a new round of consultations with political parties and civil society. These consultations were boycotted by the PAIGC. Silva, the fifth prime minister after the dismissal of Pereira, was rejected by the majority of political parties, which refused to join his government.

Further intervention by the international community

On 4 February 2018, ECOWAS imposed sanctions against 19 Bissau-Guineans seen as impeding the resolution of the crisis. This marked an important turning point in efforts to resolve the crisis.

The sanctions targeted eight MADEM-G15 deputies, six PRS deputies and five close associates of the president, including his son Emerson Goudiaby Vaz. The sanctions consisted of the suspension of their participation in ECOWAS activities, denial of visas for them and their family members, and freezing of their financial assets and those of their families wherever they may be.²⁷

The term of the legislature expired on 23 April 2018; this created additional pressure, particularly for the PAIGC and the PRS. The president, whose term ends in 2019, would have remained the only authority with democratic legitimacy and would have therefore greater leeway in the fight for control of state power.

Against this background, the PAIGC and the PRS began discussions on the choice of prime minister, facilitated by the Archbishop of Bissau, José Camnate na Bissign. The two parties continued the talks during an ECOWAS summit on Guinea-Bissau that was held in Lomé on 14 April 2018.

The talks helped put an end to the crisis, and the sustained efforts of ECOWAS finally led President Vaz to accept the appointment of Aristides Gomes as prime minister on 16 April and to set 18 November 2018 as the date of the legislative election. On 19 April 2018, the National People's Assembly sat for the first time in two years to extend the mandate of the deputies until the election.

The reopening of the Assembly also allowed the appointment of the president of the National Electoral Commission and renewal of the mandate of its executive

Table 1: Distribution of MPs by electoral district

Regions	Districts	Administrative sectors	Number of MPs
Tombali	1	Catió	3
	2	Bedanda / Cacine / Quebo	4
Quínara	3	Buba / Empada	3
	4	Fulacunda / Tite	3
Oio	5	Bissorã	5
	6	Farim	4
	7	Mansaba	3
	8	Mansôa / Nhacra	4
Biombo	9	Quinhamel	3
	10	Safim / Prábis	3
Bolama	11	Bolama / Bijagós	3
Bafatá	12	Bafatá / Galomaro	6
	13	Bambadinca / Xitole	3
	14	Contuboe / Ganadu	5
Gabú	15	Boé / Pitche	4
	16	Gabú	4
	17	Pirada	3
	18	Sonaco	3
Cacheu	19	Bigene / Bula	5
	20	Caió / Canchungo	5
	21	Cacheu / São Domingos	4
Africa	22	Africa	1
Europe	23	Europe	1
Bissau	24	Bissau	3
	25	Bissau	4
	26	Bissau	3
	27	Bissau	4
	28	Bissau	3
	29	Bissau	3

Source: Relatório Final das Eleições Gerais de 13 a 18 de Abril de 2014 da CNE – COMISSÃO NACIONAL DE ELEIÇÕES.

secretariat, all of them elected in 2013 for a four-year term.²⁸ Since the electoral reform of 2013, they are magistrates elected by the Assembly from a list of persons nominated by the Superior Council of the Judiciary.

The paralysis of the Assembly would certainly have prevented the normal functioning of the National Electoral Commission and thus the holding of the legislative election as planned. Finally, consultations facilitated by ECOWAS enabled the formation on 25 April 2018 of an inclusive government in which parties represented in the Assembly, including the one created by PAIGC dissidents, MADEM-G15, were represented.

The progress in implementing the Conakry Agreement resulted in the lifting of ECOWAS sanctions in July 2018 and enabled the new government to focus on organising the legislative election.²⁹

The legislative election

The Gomes government and international actors involved in the resolution of the crisis have prioritised the legislative election. The results of the election will clarify the political landscape by establishing a legislative majority and enabling the formation of a legitimate government. However, the persistence of differences among the main political actors over the transparency of the electoral process threatens the proper conduct of the polls.

Delays and challenges

Initially scheduled for 18 November 2018, the legislative election was postponed to 10 March 2019,³⁰ mainly due to financial and technical difficulties and differences between the main political parties on the conduct of voter registration.

The budget of \$7.7 million was not finalised on time and there was a delay in disbursement of funds to the Electoral Commission. The voter registration was scheduled for the month of 23 August to 23 September 2018. However, delayed delivery of 350 kits by Nigeria led to its postponement to the month of 20 September to 20 October 2018. Only 205 of the kits were delivered, all by Nigeria.

This delay led to changes in the deadlines initially set for the electoral timetable, reducing the guarantees of

inclusion and transparency. The short time allocated to the census, combined with the inadequate number of kits and other logistical problems, prevented the registration of a large number of voters. On 8 October, 18 days after the start of the census, only 99 477 out of an estimated 900 000 voters had been counted.

This was largely due to the lack of updates to the electoral register since 2014. An annual update, as mandated by the electoral law, would have contributed to faster registration. The extension of the census to 19 December allowed the registration of 733 618 voters, using additional kits made available by international partners.

On the political front, criticism by political parties such as the People's United Assembly – Democratic Party of Guinea-Bissau (APU-PDGB), the Movement for Democratic Change – G15 (MADEM-G15), and by the PRS, in particular on the irregularities of the voters registration, foreshadowed a questioning of the poll if the election was held on 18 November.

The postponement of the elections to 10 March has made it possible to meet the deadlines provided by the electoral laws for the organisation of electoral consultations. It also encouraged the signing by the 21 political parties of a Code of Ethical and Electoral Conduct on 14 February. This code proposed by the Civil Society Movement for Peace, Democracy and Development mainly commits the signatory parties to respect the electoral laws and accept the results of the ballot.

Doubts about the transparency of voter registration and the reliability of the electoral roll remain

However, it did not dispel the doubts of the main opposition parties about the transparency of voter registration and the reliability of the electoral roll. This is due not only to the shortcomings noted during voter registration, but also to the role played by the Ministry of Territorial Administration in the electoral process through the Technical Office for Support to the Electoral Process (GTAPE). This body, which is in charge of the census and the establishment of the electoral register, is under the control of the ministry currently led by a member of the PAIGC – hence the mistrust of the opposition.

Changes to the political landscape

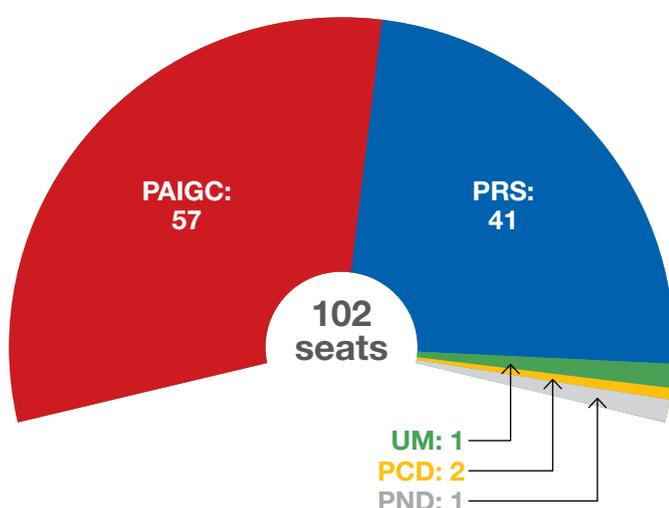
Since the 2014 general elections, new political parties have emerged in Guinea-Bissau. Prominent among them are the APU-PDGB, established in 2014 by former independent presidential candidate Nuno Gomes Nabiam, who came in second in the 2014 presidential election, and the MADEM-G15, founded in 2018 by former PAIGC deputies expelled from the party. These parties will compete with PAIGC and PRS, which have dominated Bissau-Guinean politics for decades. Although the latter two remain the favourites for the upcoming election, the emergence of new parties could cause changes in the configuration of the next legislature.

PAIGC: reorganisation and new challenges

Despite having won the 2014 general election, the PAIGC has been deeply shaken by the leadership struggles it has experienced since the 2014 Cacheu Congress. A battle for its control between President Vaz and his supporters and former prime minister Pereira has seriously weakened the party. Nonetheless, since holding its 2018 congress (from 30 January to 5 February in Bissau), the party has reorganised; Pereira, re-elected as its president, retains control.

This control was evidenced by the expulsion of 14 of the 15 dissident deputies, which neutralised the challenge to Pereira's authority. The party's statutes reinforced the powers of its president, Pereira, in the selection process of presidential and parliamentary candidates and the appointment to important positions in the party.³¹

Figure 4: Results of the 2014 parliamentary elections



The major challenge facing Pereira regarding the upcoming legislative election, and presumably the presidential election as well, remains the cohesion within the PAIGC. Members' divergent political ambitions often create internal tensions before and after elections.

The PAIGC's performance in both elections will largely depend on Pereira's ability to manage these competing ambitions, resist the temptation to surround himself only with his followers, and manage the dissidents expelled from the party, some of whom have established political parties – the MADEM-G15, chaired by Braima Camará, and the Patriotic Front for National Salvation, founded by former prime minister Baciro Djá.

MADEM-G15 will offer the most serious competition for the PAIGC's electoral base. It is composed of former PAIGC officials with the mobilisation capacity and financial resources to conduct an effective election campaign. The party's strategic positioning in the Gabú and Bafatá regions could win it a number of deputies.³² Also, given that it allied with the PRS during the crisis, its members consider a parliamentary alliance with the PRS as a way of reducing the PAIGC's hegemony in the Assembly.

PRS: renewed potential

Weakened in the 2014 elections by the decision of then president and founder of the party Kumba Yalá to support independent candidate Nuno Gomes Nabiam, and the breakaway of party officials Jorge Malú and Ibrahima Sory Djaló,³³ the PRS has sought to reconstruct itself and win political power. It took advantage of the divisions within the PAIGC and allied with the president and the G15. This placed it in the parliamentary majority and gave it control over key ministries within the governments of Baciro Djá and Umaro Sissoco Embaló.

The party experienced internal tensions during its 2017 congress (held 26–29 September in Bissau) as disagreements over positions delayed the establishment of its bodies. At the end of the congress, Alberto Nambéia and Florentino Mendes Pereira were respectively re-elected as head of the party and secretary general.

The PRS seems to be in a position to perform better in the upcoming legislative election than it did in 2014, when it won only 41 of the Assembly's 102 seats. Not only have Malú and Djalo returned, but also the party has the support of Vaz and Botche Candé, who will campaign to

represent Bafatá. Many observers have asserted that these two men's support for the PRS is aimed at obtaining the party's endorsement in the 2019 presidential election.

Indeed, Vaz needs the support of the PRS to secure a second term.³⁴ However, the PRS' willingness to continue supporting the president could divide its militants – predominantly Balante – some of whom had supported Nuno Gomes Nabiam in 2014 presidential election.

APU-PDGB: a new entrant

Established in November 2014 by Nabiam, the APU-PDGB has presented itself as an alternative to the two dominant parties, the PAIGC and the PRS. Although it is difficult to assess its electoral weight, since it has never participated in an election, the popularity of its leader is an asset. Nabiam is considered the heir of Kumba Yalá because he was supported by the latter in the 2014 general elections, much to the detriment of the PRS candidate. Defeated by José Mário Vaz in the second round of elections, he benefited substantially from the PRS's predominantly Balante support base. The APU-PDGB held its first congress in May 2018 and attempted to broaden its political base.

The emergence of new parties could cause changes in the configuration of the next legislature

The APU-PDGB attracted attention and gained some public credibility when it allied with the PAIGC and other parties (including the UM, PND, PCD and Party of National Unity-PUN) against President Vaz and his supporters during the crisis. However, its recent positioning with the PRS and MADEM-G15 as part of the monitoring of voter registration created doubt among its militants, compelling it to hold a press conference to clarify its rapprochement with the two parties. While the APU-PDGB could campaign as an alternative to the PAIGC and PRS and argue that the latter were responsible for the crisis, the party's major challenge remains to mobilise beyond its electoral base.

Rethink the stabilisation process

The PAIGC, PRS, MADEM-G15 and APU-PDGB could form the next legislature in Guinea-Bissau. If none of them succeeds in obtaining an absolute majority, a majority coalition would be formed to select a new prime minister capable of putting together a stable government. However, the constitutional provisions governing this process remain unclear, heightening the potential for a new crisis.

Fragile situation

Elections have often been seen as a panacea for the crises facing Guinea-Bissau. The 1998–1999 armed conflict, the 2004–2005 transition, and the 2012 coup were all followed by elections billed as a way for the country to recover.³⁵ The recurrent strategy to break the deadlock has been the

installation of a national unity government with a mandate to hold elections. Although it has always allowed a short-term return to constitutional order and functioning institutions, this strategy has neither brought about major changes in the country's governance nor strengthened its institutions.

The legislative election scheduled for 10 March will be an opportunity to clarify the political landscape and perhaps to form a parliamentary majority capable of setting up a legitimate government. However, the elections will not be enough to guarantee lasting stability if the existing institutional weaknesses are not addressed. The root causes of the 2015 crisis – like those of the country's longer history of political instability – are not only the specific political quarrels that triggered it but also the overall fragility of the country's governing institutions.

If institutional weaknesses aren't addressed, the elections will not be enough to guarantee lasting stability

Institutional reforms were critical components of the Conakry Agreement. In accordance with the Agreement, Prime Minister Aristides Gomes submitted a draft Stability Pact to the political parties in the Assembly and to civil society in May 2018. But the persistence of the crisis did not allow implementation of the roadmap and the organisation of a national roundtable dialogue on the implementation of reforms before the legislative election.³⁶

The idea of a stability pact in Guinea-Bissau is not new. Since the 2012 coup, there have been several national and international calls for such a pact to establish peaceful political and institutional relations based on

the rule of law and respect for the Constitution. Following the political and institutional stalemate of August 2015, the need for such a pact was raised again by political parties, civil society and some international partners.

The pact was finally adopted on February 14 by the 21 political parties in the running. It provides for, among other things, the respect of the election results, the establishment of a stable government after the elections and the implementation of institutional reforms, namely: the reform of the Constitution, electoral laws, the Framework Law on political parties, the judiciary, the defense and security sector, and the administration.

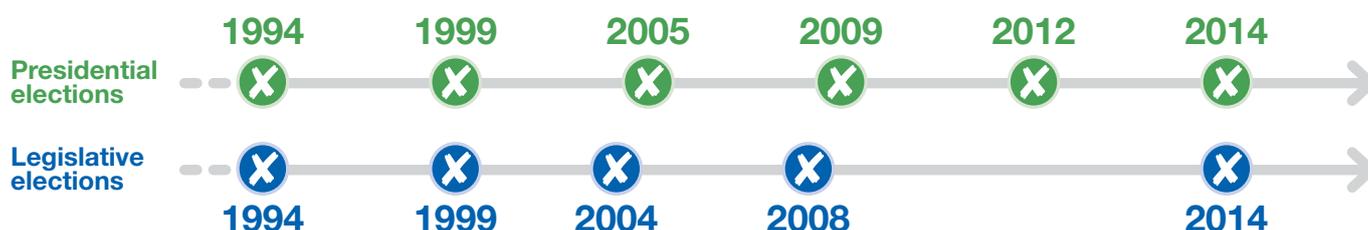
In theory, the Stability Pact is a good way to prevent a new crisis, especially after the elections. It commits the political actors not only to respecting the results of the ballot box but also to working for a stable government in the long term. It places the institutional reforms provided for in the Conakry Agreement, which have a long history in Guinea-Bissau, at the heart of the stabilisation process.

Its effective application before and after the elections, however, remains suspended at the will of the political actors. The questioning of the Conakry Agreement and the persistence of the crisis until April 2018 shows the lack of willingness of some key stakeholders to respect the agreements they signed. The mobilisation of civil society actors and international partners as 'guarantors of this Stability Pact' is therefore necessary. The risk of a new crisis remains real as long as structural and institutional reforms are not implemented.

Institutional reforms needed

The demand for institutional reforms as stipulated by the Conakry Agreement transcends political divisions and is the strongest it has ever been in Guinea-Bissau. These

Figure 5: Dates of presidential and legislative elections in Guinea-Bissau



reforms were based on an assessment by institutional, political and civil society actors of key aspects of the Constitution, the electoral framework, the law on political parties, the judiciary, and the defence and security sector.³⁷

This assessment highlighted the shortcomings of the Constitution in defining the powers and jurisdictions of state institutions and their relations. This lack of constitutional clarity is one of the key factors in Guinea-Bissau's recurrent political crises.

A constitutional review process aimed at addressing these shortcomings led to the adoption of a draft Constitution by the Assembly in 2001, although it was not promulgated by then president Kumba Yalá. Following the 2014 legislative election, the Assembly created a commission for another review of the Constitution.

However, the commission was hampered by the paralysis of the Assembly, which began in January 2016. After the Assembly reopened in April 2018, the commission resumed its work.³⁸ The revision process should be guided by the desire to provide the country with a Constitution designed to prevent political deadlocks and increase state institutions' chances of functioning harmoniously.³⁹

Considerable progress has been made toward reforming the electoral system, but more remains to be done. After the 2014 elections, the Electoral Commission submitted a proposal for the revision of the electoral laws to the Assembly. However, this was not adopted due to the paralysis

The demand for institutional reforms as per the Conakry Agreement transcends political divisions and is the strongest it's ever been in Guinea-Bissau

of the Assembly. The reform project should strengthen the independence of the National Electoral Commission, especially by granting it financial autonomy (its budget is currently managed by the Assembly).

Voter registration, currently devolved to the Technical Support Office for the Electoral Process, which is under the supervision of the Ministry of Territorial Administration, could also be entrusted to the Electoral Commission. This would require the establishment of permanent regional electoral commissions with sufficient technical, operational and financial capacity.⁴⁰

Another key challenge is the regulation of the political party system. The Framework Law on political parties, adopted by the Assembly in 1991, is poorly implemented. The lack of political will, financial resources and the absence of a structure dedicated to controlling parties' activities are obvious limitations. In this sense, regulation should be strengthened by mandating relevant institutions, existing or created for this purpose, to monitor and sanction in the event of non-compliance with the law.⁴¹



Justice, meanwhile, is considered by the public to be inaccessible, manipulated by political leaders, and inefficient due to financial, infrastructural and human resource constraints. A Justice Reform Programme (2015–2019) was developed under Pereira's government with the support of the United Nations Development Programme. Based on a thorough diagnosis of the challenges, the Programme identifies priority areas for reform. However, its implementation has been hampered by the political crisis. The discussions on the Programme should be revived in an effort to reach consensus on its implementation.⁴²

The stability of the country depends on the ability of national actors to transcend their differences

Finally, the defence and security sector in Guinea-Bissau needs to be modernised. A number of strategies to achieve this have been developed since 2006 but have not been implemented, mainly because of political instability and financial and coordination difficulties. Discussions on this reform – with the objective of

gradually building up effective defence and security institutions capable of responding to internal and external threats – remain a priority.⁴³

Conclusion

After more than four decades of independence, Guinea-Bissau still suffers from repeated political crises. Political leaders, focused on their personal and partisan ambitions, failed to appreciate the gravity of the situation facing the country in 2015.

Various reform processes have been launched, but their implementation has been constrained by Guinea-Bissau's political conflicts. These reforms are essential. Their implementation must, however, be sequenced over the short, medium and long term by prioritising reforms that are likely to prevent a new post-election crisis.

The signing of the Stability Pact by stakeholders is an important step. Holding a national dialogue after the election must be considered. Guinea-Bissau's stability depends on the ability of political leaders to transcend their differences, and of civil society to mobilise effectively. The reform process will also require more coordinated involvement of regional and international actors.

Notes

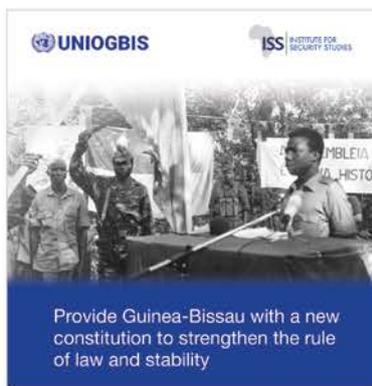
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- 20 Interview with a diplomat based in Bissau, November 2017.
- 21 Interviews with political, institutional and civil society actors in Bissau, November 2017.
- 22 Seven judges voted for the decision and three against.
- 23 Article 30 of the Rules of Procedure of the People's National Assembly.
- 24 Interview with a political actor, Bissau, November 2017.
- 25 A technocrat who is considered honest and competent, Alage João Mamadu Fadia is close to the president; he also served as minister of finance in Carlos Gomes Júnior's cabinet. Umaro Sissoco Embaló was advisor to President Malam Bacai Sanhá between 2009 and 2012 and is close to the G15; rumours about his appointment were circulating in Bissau well before he was appointed by the president. Augusto Olivais is a member of the Standing Committee of the National Assembly and of the PAIGC Political Bureau. He was the permanent secretary of the PAIGC during 2001–2014. When Carlos Gomes Júnior was party president, he was appointed vice president of the National Assembly during the transition, from 2012 to 2014. He has taken a neutral stance since the beginning of the crisis.
- 26 Article 138, paragraph 1, and Article 142, paragraph 1, of the Standing Orders of the National People's Assembly.
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- 29 Communiqué, 53rd Ordinary Session of the ECOWAS Conference of Heads of State and Government, 31 July 2018, 7.
- 30 Decree No. 20/2018, dated December 10.
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- 32 Of the 14 seats at stake in the 2014 parliamentary elections, the PRS won eight, the PAIGC five and the PND one.
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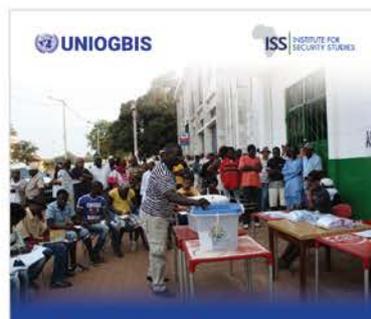
The policy briefs below were developed to inform discussions on institutional reforms in Guinea-Bissau



Provide Guinea-Bissau with a new constitution to strengthen the rule of law and stability

Summary
After the 2014 elections, the National Peoples Assembly (NPA) set up an ad hoc committee on constitutional reform. Little progress has been made before the commission found itself paralysed. In the current NPA, by the 2015 political crisis. The current basic law is outdated and produces a number of important errors, starting with the definition of the powers and competences of the organs of state. The report seeks a contribution that is designed to ensure political stability, promote effective governance and meet the aspirations of citizens and for the delivery of services to the people.

POLICY BRIEF 1 | MAY 2014



Guinea-Bissau: Reform electoral laws

Summary
Since its transition to a multi-party system in 1973, Guinea-Bissau has not had legislative and presidential elections. Significant progress has been made in preparing the electoral legislation before the last parliamentary elections of 2014. But crucial deficiencies still need to be addressed. The electoral framework should be updated to respect the fundamental rights of citizens, clarify and strengthen the powers of the National Electoral Commission (NEC) and rectify inconsistencies between constitutional provisions and electoral laws. This is also a prerequisite for the organisation of local elections, which should give access to the (decentralisation) envisioned in the Constitution but never implemented.

POLICY BRIEF 2 | MAY 2014



Guinea-Bissau: Review the Framework Law on Political Parties

Summary
The legislation that regulates political parties in Guinea-Bissau dates from 1997. The issue of reform legislation aims to reorganise the regulation of political activities, establish political parties, especially in the democratic process, provide equitable access for women and meet political conditions, identify, regulate and control public party funding and make it an effective tool for changing political practices.

POLICY BRIEF 3 | MAY 2014



Guinea-Bissau: Pursue the construction of an independent justice system that is of use to the population

Summary
During the past four decades, the country has experienced time and again the setting of laws among political and military elites. Justice has been, if not been, rendered to victims, promoting peace and healing the social wounds. In response, the judicial system has been justice mechanisms favouring individual arbitrations or war/conflict resolution methods implemented by traditional authorities that have remained highly influential and required. An ambitious four-point Justice Reform Programme (2010-2018) has been prepared but has been obstructed by the political elite and differences between the government (Ministry of Justice) and the justice power (Guinean Court of Justice). It is crucial to create consensus on the implementation of the justice reform.

POLICY BRIEF 4 | MAY 2014



Relaunching defence and security sector reforms in Guinea-Bissau

Summary
Defence and security sector reform (DSSR) in Guinea-Bissau have been a recurring topic for nearly two decades. Despite the obvious intentions taken by the reformers and the engagement of regional and international actors alongside the state, obstacles remain and require persistence. It is essential to analyse the true causes of these obstacles before proposing technical solutions that will address fundamental political, economic and social problems.

POLICY BRIEF 5 | MAY 2014



Which institutional reforms for Guinea-Bissau?

Summary
The multi-issue reform put forth in the October 2014 Country Agreement has a long history in Guinea-Bissau. These are ambitious and will have to be implemented in order to enable discussions on these reforms among political elites and in our society, the Institute for Security Studies, at the request of the United Nations Integrated Peacekeeping Office in Guinea-Bissau (UNIGOBIS), has developed a series of policy notes on constitutional reform, as well as on reform to political party, legislative, judicial laws, the justice sector, and the defence sector and security. This note discusses the main reform challenges.

ISS POLICY NOTE | MAY 2014

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