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THE GUINEA-BISSAU CONSTITUTIONAL REFORM DEBATE

by

WATSON AILA GOMES

A master's capstone project submitted to the Graduate Faculty in Liberal Studies in
partial fulfillment of the requirements for the degree of Master of Arts, The City
University of New York

2020

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The Guinea-Bissau Constitutional Reform Debate

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Watson Aila Gomes

This manuscript has been read and accepted for the Graduate Faculty in Liberal Studies in satisfaction of the capstone requirement for the degree of Master of Arts.

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ABSTRACT

The Guinea-Bissau Constitutional Reform Debate

Watson Aila Gomes

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The enactment of law is not to be confused with the rule of law, and simply having a constitution does not guarantee political order. In Guinea-Bissau there have been calls to write a new constitution, but whether that helps Guinea-Bissau become a more stable country is questionable. Currently, there is a gap in the research of social science, history and political science examining how the processes of instability have unfolded in Guinea-Bissau. Few studies attempt to examine the correlation between a country's stability and its constitution. A paradoxical situation exists in many countries in Africa where the political system is characterized by the existence of a constitution, and yet principles of constitutionalism are nowhere to be found in everyday life. This thesis analyzes the correlation between constitutional reform debate and instability in Guinea-Bissau. The thesis begins with a definition of constitution, followed by legal and social science thought on constitutions. Second, this thesis offers an answer to the research question: what is specific about Guinea-Bissau's historical, societal, economical and organizational context that causes instability? Third, this thesis answers the question: if constitutional reform is not enough to make Guinea-Bissau stable, what else is needed? This thesis explores the function of law in the debate around Guinea-Bissau's constitutional reform.

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Introduction

In this thesis, I will be analyzing the role of constitutions in newly established democracies, specifically in Guinea-Bissau, to assess the extent to which they can stabilize previously colonized societies and legitimize new governments. The constitution is the organization of principles and rules according to which the state is governed. The most vital purpose of a constitution is to create governing structures and to determine the criteria that serve as the basis for assigning political power. At first, a constitution may seem vitally important for a newly democratic nation. On one hand, the idea of a constitution in a newly democratic state helps give the impression that the state is well-settled. In that sense, most legal constitutionalists agree that a constitution is important. However, many sociologists tend to avoid ascribing such importance to the role of a constitution in modern societies, emphasizing instead how a constitution performs a function that serves the interests of the dominant classes. That is, a constitution could promote the legitimacy of a social order including its inequalities. It secures social harmony and gives consent by the public to be ruled by the dominant classes.

Most nation states in the world have written constitutions. People have adopted written constitutions to organize their societies, and constitutions are found in newly independent nations as well as established nations. Generally, a constitution is created as a single, comprehensive written document such as in the case of Guinea-Bissau. Conversely, the United Kingdom (U.K.) has an unwritten constitution that consists of court decisions, legislative acts, and customs that are not codified in a single written document.

The jurisprudence of judges' decisions, customs and legislative law passed by the U.K. parliament has status and functions as a constitution, despite not being codified.

What is a Constitution?

As defined by Weiner and Simpson (1989), a constitution is a mode in which a state is constituted or organized; especially, as to the location of the sovereign power and as the system or body of fundamental principles according to which a nation, state or body politic is constituted and governed" (p. 3). But there are many other definitions of a constitution that address fundamental principles of sovereignty and authority. Legal constitutionalists such as Trevor Allan and Ronald Dworkin define a constitution as a legal norm that contains substantive principles of political morality that make up the legitimating basis of legal order (Dyzenhaus & Thorburn, 2019). Similarly, for Kelsen (2009), "the constitution in its material and positive sense is a collection of norms that regulates the creation of general legal norms. The constitution is the highest level of the hierarchy of positive legal norms in the state" (p. 222).

According to Dicey (1902), a constitution can be defined as "all rules which define the members of the sovereign power, all rules which regulate the relation of such members to each other, or which determine the mode in which the sovereign power, or the members thereof, exercise their authority" (p. 22). Hart (2012), also looks at constitutions in terms of rules, defining a constitution as "a complex union of primary and secondary rules" (p. 92-93). The primary rules establish the rights and responsibilities of the people and regulate their behavior. The secondary rules lay down the process by which the primary rules are to be introduced, enacted, and amended. These secondary rules are typically elaborated and codified in a body of constitutional law, and as such,

they enable society to overcome the kinds of common governance problems identified by legal theorists and social scientists (Hart, 2012).

Given the various definitions of a constitution, there needs to be more analysis on how those definitions are used to have a better understanding of their precise meaning. To understand the definitions, the studies have to look to see what people do when they describe something as fundamental, entrenched, or as implicating political power (Rosenfeld & Sajó, 2012). Like all definitions, these rest upon some presuppositions which are evident when examining the terms, authority and sovereignty.

Legal scholars on constitutions

This section begins with a review of legal constitutional theory, which covers a range of legal scholars. Despite their differences, these theories reflect a general agreement that a constitution is a guarantor of a state's legitimacy. Recent theoretical views can help to clarify what is distinctive about the archetype of the legitimacy of a constitutionalist state.

A constitution is important for a nation state to legitimize its government by outlining the government's role in society. For legal scholars, there is no question that states are likely to gain legitimacy if they ensure that their citizens are protected by and recognized in the rights that are enshrined in a constitution. The theories of legal scholars assert that a constitution is a set of documents and legal rules that govern the government and thus describes the structure and legitimation of the government's power. According to Greenberg (1993), "the establishment of the constitution is a means to form legitimate order, thus, a nation's constitution designs and creates a political system" (p. 7).

Ahmed and Perry (2017), note that constitutional legislation establishes state institutions and confers functions, responsibilities, and powers upon them. The key function of the constitution is to organize and establish the division of powers and duties of a state. The constitution lays out the plan and foundation for the state, and therefore every action is guided by the constitution since it explains how the government works, lists citizens' rights, and describes how transitions of power are to be handled. As noted by Young (2008), "a constitution is important for a nation state to legitimize its government by outlining the government's role in society" (p. 400).

Specifically, the constitution explains what each branch of government can do, and how each branch can control the other branches. For governments that have a constitution, it is fundamental that actions taken by each branch of government must be in accordance with the terms of the constitution. When the legislative branch passes a law, or when the courts decide a case, they must apply the principles established in the constitution to help them decide. Finally, the executive branch must abide by the constitution and protect, defend, and preserve it.

In summary, a country following the rule of the constitution would work in the following way. A constitution creates the structures of state power and determines the criteria that serve as the basis for assigning political power. Austin (1861) argues that "constitutional law" provides a structure of government that determines the character of the person or persons in whom sovereignty shall reside at any given time. Marshall (1981), notes that "laws are commands issued by the sovereign power to govern their citizens" (pp. 3-4).

Perhaps the most important perspective in legal constitutional thought is the theory of rules of conduct developed by Austin. This theory proposes that constitutional law should consist of rules of conduct that govern the exercise of the official state power and are recognized as obligatory by the legislative, executive or judicial organs of the state (Marshall, 1981). He notes that the term “states” can be dangerously misleading and a cause of much confusion, as can be observed in any encyclopedia or dictionary definition of the concept of the state (Marshall, 1981, p. 31). For example, Encyclopedia Britannica, asserts that the state may be understood as an abstract idea of government in general or as the governing authority as opposed to the governed. This may further cause misperceptions in arguments about the subjection of governments to legitimacy and in some traditional debates on the doctrine of sovereignty. To illustrate this, Anson (1982), states that the place of constitutional law in jurisprudence deals with rights that the state declares to itself against the citizens and the rights which it permits to be exercised against itself. Anson goes on to define the state as the sovereign body by which rights are created and maintained, and by which acts or forbearances necessary for the maintenance of these rights are habitually enforced. However, this use of ‘state’ designates both the body which creates and amends law, and the executive agencies that enforce those laws. Dyzenhaus and Thorburn (2019), hold that the idea of a “legal constitution” is implicit in the conceptions of both legal positivists and political constitutionalists, as their conceptions contain authorization rules that determine validity.

A constitution serves as the guardian of fundamental human rights. Fundamental rights are a group of rights recognized by the constitution as inviolable, and which the governing power has the duty to both protect and promote. States may add rights to the

group of fundamental rights but can never diminish fundamental rights by legislative processes. Examples of fundamental rights include liberty, political rights, economic rights, privacy rights, work rights, and social and cultural rights.

Most of the recent constitutions in Guinea-Bissau have incorporated the African Charter on Human and Peoples' Rights (ACHPR) of 1981 and have adopted certain civil and political rights. This charter recognizes most of what are regarded as universally accepted civil and political rights. This charter also recognizes certain economic, social, and cultural rights for individuals as well as for collective groups.

Similarly, an expansive approach to integrate the Universal Declaration of Human Rights is provided in Guinea-Bissau's constitution. The importance of international human rights protection is emphasized throughout the document, and while these rights are not necessarily enforced, they are recognized by the constitution (Guinea-Bissau constitution article 29-I-II). The Constitutional and legal principles relating to fundamental rights have to be interpreted in harmony with the Universal Declaration of Human Rights. In the event that these fundamental rights are violated, the law provides special procedures for their enforcement by allowing any person aggrieved by any violation of these human rights to seek redress from the court.

A constitution, as a covenant, symbol and aspiration, is an agreement made by a group of people that gives authority to a new group of people and is made legal by the highest relevant authority, religious or civil. For Elazar (1980), a covenant follows the writing of a constitution as the people adopt the practices the constitution formally outlined in hopes of creating a civil society. The implementation of a constitution works to impose the idealized covenant of the people and put it into action (Elazar, 1980). A constitution

thus represents a covenant by which an assembly of individuals reach an agreement to retransform themselves into a nation (Inoue, 1991). As noted by Greenberg (1993), a constitution may function like a marriage consummated through the pleading partners' positive, active consent to remain a nation for better or worse through prosperity and poverty, in peace or war. For later generations, the constitution may operate more as an arranged social contract in which consent is passive. To come to an agreement on their joint designation as a political unity under a covenant, a group of individuals must previously share some evocative communal background and identity. Therefore, the nation based on a constitution as a covenant means it solemnizes a previous alliance into a more perfect unification.

The development of a constitution is different from nation to nation and period to period. For example, one can reasonably claim that Guinea-Bissau has been ruled under a nondemocratic system, military dictatorships, and republican forms of government. A constitution may thus function as a uniting force and "the only principle of order," for there may be no other shared memory or social vision powerful enough to bind a nation together (Levinson, 1988, p. 104). A constitution may transform into a holy symbol of the people themselves. This symbolism might turn a constitutional text into a semi-sacred covenant which serves the important function of unifying and ordering a body of people (Grey, 1984). In related fashion, a constitution may serve as a binding statement of a people's aspirations for themselves as a nation (Barber, 1986). Greenberg (1993), noted that:

A text may silhouette the sort of community its authority subjects are or would like to become not only their government structures, procedures, and basic rights, but also their goals, ideals, and the moral standards by which they want

others, including their own posterity, to judge the community. In short, a constitutional text may guide as well as express people's hopes for themselves as a society. The ideals the words enshrine, the process they describe, the actions they legitimize must either help to change the citizenry or at least reflect their current values. If a constitutional text is not "congruent with" structures that form or will reform its people and express the political structure they have or are willing to try to put on, it will quickly fade (Greenberg, 1993, pp. 8-9).

The constitution has many functions in newly democratic societies. First, a constitution limits power and creates checks and balances. The constitution helps a government to control the governed and assists the government to control itself. It helps in setting boundaries for the judiciary, legislature and executive by separating powers of the three arms of government. Checks and balances may include the power of judicial review, which is the power of courts to declare actions of other branches of government to be contrary to the constitution and therefore null and void. Second, as Greenberg (1993), noted that a constitution must protect substantive rights by limiting the power of the people's freely chosen representatives (p. 8-9). Constitutionalism stands for the principle that the exercise of political power shall be bound by rules which lay out procedures and deter all acts of self-interest by government officials or the ruler.

In constitutional theory, there is both the concept of descriptive and prescriptive constitutionalism. It may be said that the touchstones of descriptive constitutionalism are the concepts of limited government under a higher law, and acceptance by the legal community of the authority of the constitution. The descriptive concept of constitutions is deeply embedded in recent historical experience, which subjects the officials who

exercise governmental powers to the limitations of higher law. Throughout the literature on modern public law and the foundations of statecraft, the central element of the concept of descriptive constitutionalism is that in political society, government officials are not free to do anything they please, in any manner they choose. They are bound to observe both the limitations on power and the procedures that are set out in the constitutional law of the country.

Additionally, constitutionalism offers a prescriptive view of how constitutions should be formed and used in a society. Casper (1987), notes that “its [the prescriptive view’s] proper idea intends a system of principles established to secure the subject in possession and enjoyment of their rights and privileges against any encroachment of governing part or ruler” (p. 5). Canadian philosopher Waluchow (2017), writes that constitutionalism embodies “the idea that the government can and should be legally limited in its power, and that its authority depends on it observing these limitations and commitment” (p. 10). To further clarify the differentiation between these concepts, descriptive constitutionalism can be thought of as what should be done, while prescriptive constitutionalism may be thought of as the specific mechanisms, encoded in constitutional law, which lay out how these things will be done.

Constitutional limitation can be understood as a commitment to regulate potentially arbitrary state powers through principles such as the rule of law. The equivalent of constitutionalism understood in this way would for Schmitt be the Rechtsstaat principle, that is, the sovereign state’s powers are limited by a self-imposed constitution, something that Austin referred to as a “flat contradiction in terms” (Minkkinen, 2013, p. 590). Like Minkkinen, Waluchow (2017), defines sovereignty as the possession of the supreme (and

possibly unlimited) normative power and authority over some domain, and government as those persons or institutions through whom that sovereignty is exercised.

The theory of the constitutive public means not just law in the abstract, but of the people as a state capable of producing law. It is a law of state that is made possible only through its exercise for the public good (Dyzenhaus & Thorburn, 2019). In modern times, this theory has found robust support, particularly in Western democratic countries that holds that government officials are not free to do anything they want. They must act in accordance with the procedures and the limitations on the exercise of power that are stated in the supreme, constitutional law. The theory of the constitutive public may be described as the decisions which identify and characterize the different authoritative decision-makers; specify and clarify basic community policies; establish appropriate structures of authority; allocate bases of power for sectioning purposes; authorize procedures for making the different kinds of necessary decisions; and administer general community policy.

According to political constitutionalists such as Dyzenhaus and Thorburn (2019), the constitution is a set of democratic principles that legitimates the legal order. In addition, legal constitutionalists such as David and Malcon argue that the constitution contains substantive principles of political morality that make up the legitimating basis of the legal order.

McIlwain (1947), notes that it is “obvious in the historical treatment, namely, that in all its successive phases, constitutionalism has one essential quality: it is a legal limitation on government; it is the antithesis of arbitrary rule; its opposite is despotic government, the government of will instead of law” (p. 21). The most persistent trait of true

constitutionalism remains what it has been almost from the beginning, the limitation of government by law. Closely akin to McIlwain's interpretation in its emphasis on the law, a much broader contention, is the oft-repeated formula that a good political order is "a government of laws and not of men" (McIlwain, 1947, p. 1).

A third function of constitutions in newly democratic societies is the support they provide for the due process of law. Once there is some life-interest, liberty-interest, or property-interest at stake, the government must provide the person with both reasonable notice and a reasonable opportunity to be heard. According to Ramraj (2004), in discussing the substantive model of due process, noted that the limits imposed on the state are not merely procedural but also substantive in the sense that they impose constraints based both on individual privacy and on the principles of criminal fault. He argues that with the procedural-privacy model, the courts following this model will be inquiring into the reasons for the deprivation of life or liberty but will not limit their inquiry to questions of privacy. They will also ask whether the deprivation of life or liberty is justified by the degree of moral blameworthiness of the defendant. The issue, then, is not only whether a particular course of conduct can be properly criminalized, but rather whether the person who is to be deprived of life or liberty was sufficiently at fault as to justify the deprivation. Ramraj (2004) states that this model of substantive due process is thoroughly retributive in its approach to criminal law, insisting both on the presence of fault or moral culpability as a precondition to criminal liability and on proportionality between the punishment imposed and the degree of fault. These factors all need to be balanced and considered in the many contexts in which procedural due process arises, such as in administrative agency proceedings, public hearings, and prison proceedings.

Finally, constitutions can create pathways for leadership successions through elections. Constitutions are an externalized self-description of political power, which allows a society to follow the law for its required transmission of power. The legitimating functions of a constitution as operating in a more practical structural dimension sustaining political legitimacy have the quality that they provide norms that allow a political system to adapt adequately to its distinct societal environments, and to use its power in a manner that remains sensitive to the characteristically plural shape of a modern society.

Legal scholars primarily focus on constitutional theories and present structural considerations that bear on the study of the role of the constitution in a newly democratic society. The enduring focus in these theories is the set of rules which governs a nation state, gives legitimacy to the government and defines the power under which a government may act in society.

Sociological views of a constitution

Law in theory is not the same thing as law in action. This brings us again to the central issue of constitutionalism controlling the power to coerce. Social scientists argue that legal laws, unlike the scientific ones, are made for human purposes, by people who must consider the merits of the purpose. In this view, the nation operating under the “rule of law” is not the same thing as that of “a government of laws and not of men.” The first of these ideas refers to the supposition that law enacted by law making authorities should apply to everyone from legislators, executive officers from the highest rank to the lowest, policemen, judges, military personnel, and so on. If a part of the state apparatus becomes immune to law, there is little doubt that at least some of the people in that part will abuse

their authority. Typically, a gap is shown between law-in-action and law-in-theory. Griffith, Megarry, Morton, and Tunks (1961), noted two kinds of defects.

First, the implementation of laws often affects populations who have no say in what laws are passed, whereas those in political power are often largely unaffected by many laws. Second, that the legal rules work in such a way that the interests of certain individuals or groups (private and public) are advanced to the disadvantage of other individuals or groups. But the principle of the “rule of law,” even if it were rigorously adhered to, will not suffice to create and sustain a constitutional political order because there are always situations that require individuals to apply an interpretation of the law. That means there is ambiguity in how the law is applied, potentially compromising the legitimacy of that law as defined by the constitution.

In the modern state, we have innumerable cases where an individual’s interpretation of the law create ambiguity and affects outcomes of how the laws were written. One such example is demonstrated by Guinea-Bissau post-independence where the collapse of devolved institutions and the growth of single party, in terms of political ideals, drove development. The goal of the one-party system abandoned the principle of constitutional safeguards for the protection of civil rights and freedom of expression.

Law making, and enactment of the law have little or no impact on the legislators who enact it, or on the officials who enforce it. Therefore, the preservation of the rights cannot be absolutely guaranteed. When the statutes are enacted, and the constitution come into force, despite all good intentions, the interpretations of laws are not always clear and unequivocal. When differences in understanding laws are irresolvable, the

parties having an interest in what is meant may end up in litigation and ask the court to come up with its interpretation.

The only thing then that can be salvaged from the slogan, “a government of laws and not of men,” is the notion that good laws should not place power in the hands of authorities to act arbitrarily or capriciously. (Gordon, 2009, p. 6). As a slogan, the phrase “a government of laws and not men” is appealing, but like most political slogans, it sounds better than it is in all actuality. The plain fact is that all governments are, unavoidably, exercises of coercive power by some people over others (Gordon, 2009). For example, after Guinea-Bissau’s independence from the 1974 African Party for the Independence of Guinea-Bissau and Cape Verde, their respective presidents, Luis Cabral and João Bernardo Vieira used the constitution to oppress those who oppose their policy; in addition, they used the interpretation of the constitution for the perpetuation of those in power.

In sum, legal rules and the interpretation of those rules must be understood in context. Law is not autonomous, standing outside of the social world, but is deeply embedded within society. Halperin (2017), notes that while passing a law may appear to affect certain changes or address an issue, the true impact of a law depends on its interpretation, which may vary depending upon the circumstances. If a law relies more on interpretation than written rules, it becomes easier to ascertain that the true effect of laws is determined by legal discourse.

A constitution performs a function that serves the interests of the dominant classes. The refusal of normative constitutionalism was demonstrated across a variety of social science analysis. According to Thornhill (2012), at the very inception of modern social

theory, for example, the works of Burke, De Maistre, Savigny Bentham and Hegel can be loosely grouped together as in themselves greatly divergent endeavors to propose an anti-formalist theory of constitutional law. He states that at the center of each of these theories was a negation of the principle that states acquire legitimacy from constitutional laws because these laws articulate simple promptings of universal reason to which states, to exercise their power in legitimate fashion, automatically owe compliance.

According to Thornhill (2012), a constitution is a distinctively political structure, originally and enduringly typified by its function in producing, restricting and refining power utilized by states. The constitution is thus observed as a restrictive order of public law that possesses a distinct normative valence for those who use and those who are subject to political power, it is an institution that allows societies to construct and articulate power as the power of states. It is now evident that 45 years after independence in Guinea-Bissau, the opportunity made possible by the end of colonialism was never effectively utilized to design laws that could have provided for peaceful coexistence of social groups, enhanced the ability to create wealth and maximize individual participation in development. Instead, the institutional arrangements that Guinea-Bissau adopted after independence was weak, inefficient and not particularly viable. They were easily subverted by political interested in maximizing their own welfare at the rest of society. As a result, the law in Guinea-Bissau has been characterized by political opportunism.

There is a contradiction between what constitutions lay out as government and the real system of government in Guinea-Bissau. It's true that ever since independence there has been a wide gap between the institutional practices and principles described by the country's fundamental law and the reality of government. Gramsci (2000) argues that the

ruling class dominates society not through physical violence, but through the imposing of a dominant hegemony that dictates cultural norms of a society, its beliefs, values, and perception. Thus, we may view the constitution as an extension of the hegemonic norms present in Guinea-Bissau. For instance, the rulers of Guinea-Bissau have never intended to profoundly transform their regime in any democratic sense. Rather, their objective has been to tweak their political operation systems to adapt them to changes in the political climate, and above all, allow for their survival.

All governments, unavoidably, exercise coercive power of some people. Weber (1991), defined power as the ability to achieve desired ends despite the resistance of others. Weber (1991) goes on to explain that authority as the accepted power that is, power that people agree to follow. People listen to authority figures because they feel that these individuals are worthy of respect. People perceive the objectives and demands of an authority figure as reasonable and beneficial. An interaction between authority official, military officer-civilian, supervisor-employee, and police officer-citizen is a good example of how people react to authority in everyday life. Giving orders to someone is generally used to get them to obey your authority and do what you are telling them to do with as little resistance as possible. For instance, in Guinea-Bissau when is there a power struggle between different institutions, the military officials intervene. Guinea-Bissau has experienced since independence from Portugal in 1974 numerous coups, in which the military has generally played a leading role. The country has undergone nine coups or attempted coups since 1980 and no elected leader has served a full term since independence. People most likely assume that the military behind a coup is a legitimate authority and has the right to take out the corrupt and dictator president. If the military,

however, were to command the coup against the elected president, people would likely protest that the military does not have the legitimacy and authority to make such a decision.

Not all authority figures are elected officials or government authorities. Besides formal offices, authority can arise from tradition and personal qualities. Max Weber realized this when he examined individual action as it relates to authority, as well as large-scale structures of authority and how they relate to a society's economy. Weber stated that law is related with three vital elements: coercion, legitimacy, and rationality (1964).

Regarding the idea of law as coercion, Weber (1964), identifies law as merely organized coercion, or power. He states that "an order will be called law if it is externally guaranteed by the probability that physical or psychological coercion will be applied by a group of people to bring about compliance" (p. 34). For example, in Guinea-Bissau, the military uses the physical coercion to stay in power, after the death of President Malam Bacai Sanha in 2011. The frequent political changes, fragility and instability of different institution of state permitted the consolidation of power and influence of armed forces. In this context, as the political power of the army becomes stronger, the constitution becomes less respected. The interim president at the time had limited constitutional power in addition that the prime ministry had no significant power and no authority, despite legitimacy derived from the elections, had made himself a hostage of the army.

Second, law is one method of "legitimacy order," a term he uses to denote any organized source of standard of right conduct. He noted that these normative orders are socially structured systems. Weber thought of law, like custom and convention, as one of the basic sources of normative guidance in society, a place where men look to determine

how they ought to be have “order” which have coercive powers were called “law” (Weber, 1978, pp. 31-36). Weber noted that the idea of law legitimizes the political structure of society. Law while seeming to constrain the state, really strengthens it, and while the system guaranteed formal equality, it also legitimized class domination. For example, the Guinea-Bissau rulers from 1964 to 1994 made the laws that often shields them from the rule of law and give them an unfair advantage in the new democracy’s politics and economy. These rulers protected their own life and welfare, avoiding accountability for human rights violations and political repression. Weber noted that law can be a source of legitimate authority in society, and men might accept legal obligations as binding without specifically being threatened by sanctions (Weber, 1978).

The third type of legitimation is rational or legal. Weber (1964), notes that “legal authority existed when rulers based their claim to legitimacy upon a belief of rational established rules” (pp. 31-36). Power is vested in a system, not in the person implementing the system. People then accept the legitimacy of that system because they have the expectation that its processes are conducted in a neutral, disinterested fashion, according to written rules and laws.

From these laws, rulers derive their right of command and subordinates derive their corresponding duty of obedience. Command and obedience in such circumstances constitute forms of compliance toward a norm rather than an arbitrary freedom, favor or privilege, or an expression of devotion to the person of the authority holder. Legal authority therefore differs from charismatic authority, where command and obedience occur not in accordance with norms but in accordance with personal beliefs and expectations of superior and subordinate concerning the legitimacy of command and

obedience. Legal authority also differs from traditional authority, whereas the former rests upon belief in legality of rational establish norms. The latter rests upon a belief in the sanctity of norms based on precedent.

Factors for political instability in Guinea-Bissau

In this part of the thesis, I will provide an account of specific factors that have caused political instability in Guinea-Bissau, despite the presence of a constitution. Guinea-Bissau has experienced much political turbulence and crises following the country's independence from Portugal in 1974, which has hindered economic development and democratization of political institutions. The problem is a lack of consistency between the ideals of the revolution for independence and the actions of leaders scrambling for wealth and power.

International organizations have elaborated important criticisms about Guinea-Bissau's history of political crises and stability in terms of post colonization. But these criticisms fall into the common tendency to compartmentalize of Guinea-Bissau's history into pre-colonial, colonial and post-colonial. This subtly reinforces the view that the political instability in Guinea-Bissau could have started with colonialism. However, the aim here is not to provide historical account per se, but to provide an explanation of the making of the contemporary political instability in Guinea-Bissau. In short, it is not possible to fully comprehend or account for the condition of modern political instability in Guinea-Bissau, without reference to the process of Portuguese colonialism.

Considering this, the historical account needs further analysis. Otherwise, we risk categorizing Guinea-Bissau's state of instability as a failure due to an unforeseen crisis.

Yet in Guinea-Bissau's case, much of this instability was created by historical, economic, social and organizational factors.

Historical cause - repeating the social hierarchies of colonialism

The legacy of Portuguese colonialism has continued to be at the core of present-day conflicts in Guinea-Bissau. Guinea-Bissau's political stability performance, since independence, has been poor. One explanation for this poor performance is the unique historic legacy left by the Portuguese. This legacy is characterized by four major events: the war of pacification, the period of colonial rule, the institution system, and the war for independence. Several empirical studies have found evidence supporting this explanation. These studies suggest that the country's colonial heritage, especially its authoritarian model of government and the structures, laws and usages of the colonial state, continue to be at the core of present-day Guinea-Bissau's political instability. Lange (2004), finds that "countries who were governed by indirect rule are now less politically stable and have a worse rule of law" (pp. 905-922). Acemoglu, Johnson, and Robinson (2000), show that in former colonies where the colonizer's focus was on extraction, arbitrary laws were established, and that these arbitrary laws persist today. Guinea-Bissau is a prime example of how political instability and poor institutions originating in the colonial state can persist to today.

Given the evidence of the relationship between colonial institutional systems, law and coercion, and Guinea-Bissau's current political instability, a logical question arises: Why do those events which ended years ago continue to matter today? There are many explanations for why these past events may have such long lasting impacts. One important example is the convoluted nature of the process of colonization, which both

started and ended with violent conflicts, as the Portuguese imposed their presence and legal violence through pacification campaigns and the liberation war of the 1960s to 1970s.

During the colonial period in Guinea-Bissau, the Portuguese enacted numerous modalities of formalized rules, based on military and coercive power. The Portuguese used the law to pursue those who rebelled; those 'rebels' were banned from the community under the force of the colonial law which authorized the legal use of violence and coercion. The legacy that the Portuguese left in Guinea-Bissau was one of authoritarian politics, coercion, and the economic exploitation of the people and natural resources.

Eventually, Portuguese imperialists lost the war and left the country. However, Guinea-Bissau was not adequately prepared to maintain a democracy. According to Mamdani (1996), "independence freed the state but did not democratize it" (p. 1996). Perhaps underemphasized, the function of the law is key to understanding the use of strength and force in colonial societies for which was grossly missing by those in power in Guinea-Bissau after the Portuguese left. The positions that the previous Portuguese administration held or appointed in the country were taken over by members of the African Party for the Liberation of Guinea and Cape Verde.

However, after independence, Guinea-Bissau reverted to a military regime which held no competitive elections for 20 years. During this postcolonial period, the central question for the government was what model of state and economic organization would best address the challenges of nation building and socioeconomic development. A convergence of factors leads the PAIGC to adopt the authoritarian and military regime

model. The first casualty after independence was then a free and open democratic society. The African Party for the Independence of Guinea and Cape Verde objected to more than one party politics on multiple grounds.

First, the African Party for the Independence of Guinea and Cape Verde argued that having more than one party would be difficult for political consensus building. The argument held that having more than one political party would undermine national unity and security and thus hinder successful implementation of a postcolonial development plan. It was held by the PAIGC that a one-party political system would help stabilize the government, so they could make decisions more urgently for the country without conflict. However, the issue with a single party system is that it decisively hinders the creation of an open society. In the absence of an open society, there is often more oppression of ordinary citizens. By having a multiparty political system, citizens can engage in politics and decision making to support the country to make choices that are in the interest of the greater good. Had PAIGC implemented such a multiparty system, Guinea-Bissau may have stabilized long ago.

Second, instead of different political parties, the African Party for the Independence of Guinea and Cape Verde's regime was said to present the best hope for uniting citizens and concentrating political and human resources for development in Guinea-Bissau. However, problems with this institutional model could be seen even in the country's recent history, as the Portuguese had used a similar system of power. As seen when implemented by the PAIGC and the Portuguese, the concentration of power was used to exploit the resources of the country far more than it was used to make laws for the benefit of the people.

Third, similar arguments were put forth in defense of a centralized unitary state in which power and resources would be controlled by a central government. From an instrumental standpoint, the authoritarian state model also proved appealing to Guinea-Bissau's postcolonial government. As a result, postcolonial law and institutions reflected the same contours as those which existed under colonial rule.

At that time, the African Party for the Independence of Guinea and Cape Verde was dominated by a narrow ruling class. Some of them were originally influenced by Russian, Chinese and Cuban ideals of statehood. In keeping with these ideals, which came to represent the ideals of the PAIGC as a whole, a dictatorship and an autocratic, centralized, one-party state was established to govern the country. In cooperation with Marxist anti-imperialism, this ideology pressed liberation from colonial control and subjugation. However, despite their public ambition of constructing an entirely new and advanced society, the African Party for the Liberation of Guinea-Bissau and Cape Verde did not follow through on their promises to transform Guinea-Bissau into a free state. That is, even though they passed a constitution in 1974 that was supposed to lay the foundations for postcolonial constitutionalism and for laws establishing state organizations, individual rights, and independent courts, soon after, the PAIGC handed over governmental power to Luis Cabral in order that he could best pursue the control of the people for the security of their interest. In this light, the African Party for the Liberation of Guinea-Bissau and Cape Verde's reliance on party members and government instruction paralleled structures cultivated in fascist colonial states and evidenced through practices such as authoritarian repression, political monopoly, and mass movements co-

opted by the ruling party. So, despite the proclaimed fight for change, PAIGC maintained structures of power similar to those used under colonial rule.

The African Party for the Independence of Guinea and Cape Verde was a dominant force in Guinea-Bissau. Far from exercising power for the common good, they politicized the security force and destroyed the boundaries between party, government and state. As usual, access to power was through the party organization and its rule was enforced through ideological persuasion or coercion. As an example, the PAIGC became the instrument of elite groups that held onto power at all costs and were unwilling to tolerate dissent or serious competition. Kpundeh (1995), states that, “whatever the form, one-party states and other forms of dictatorships suppressed both competition and participation, undermining the potential for a healthy civil society and necessary institutions for democracy” (pp. 2-11). For instance, after independence other political parties were weak and constrained by PAIGC’s strong control of governmental institutions and the military, which remained in their power until the civil war of 1998.

As history has shown, those events which ended years ago continue to matter today because they reveal a recurring and vicious cycle in which the ruling party uses the available mechanisms of oppression to maintain its power at the expense of the citizens. The cycle of violence, war and instability continued to spiral into a failing country despite the constitution that the PAIGC drafted and revised many times. The people of Guinea-Bissau fought for an open and free society; had its post-colonial rules worked to create and maintain a multiparty system instead of replicating the colonial legacy and its institutions, the country would undoubtedly be in a more democratic and equal place today.

Guinea-Bissau's political history of constant changes in leadership, with the coup and military generals, as well as constant changes in constitutions and legislative maneuvering.

In Guinea-Bissau's 45 years (1974-2018) as an independent state with its present borders, the country has seen many political crises, and little progress has been made to reduce the political turmoil. This section provides a historical analysis of efforts to establish democratic constitutionalism in Guinea-Bissau since the mid-1970s.

Political instability and violence were occurring while the constitutions were put in place to establish order and legitimacy. To understand why unrest and violence was happening while the law was put in place to maintain order, one must take a step back and analyze the decolonization process. The failure to establish a stable democratic constitutionalist state is based on two factors. The first is that after independence, Guinea-Bissau was weak. The legacy of colonial domination left unworkable institutions and a country that was economically powerless. The second point is Guinea-Bissau's leaders made decisions that led to coups, resulting in violence, instability and opportunities to profit from corruption. For example, on September 23, 1973, in the free area of Boe, the inaugural session of the National People's Assembly was held. Twenty-four hours later, on September 24, 1973 the independence of the sovereign state of Guinea-Bissau was proclaimed, its basic law was approved (first constitution of the Republic) and the first executives were created. Then on September 10, 1974, the Portuguese granted full independence to Guinea-Bissau. Despite this constitution and newfound independence, there were many military executions by the PAIGC after its full control of the country's territory which triggered a crisis in the party. Wanyande (2007) states that crisis itself is

any event that is expected to lead to unstable and dangerous situations affecting individuals, groups, communities, or nations. Crisis ensued in the country due to the constant coups and constitutional revisions without actual change to the methods of political leaders in power.

Guinea-Bissau went through many variations and attempts at a constitution after Portuguese colonization; the following gives a summary of the turmoil and attempts of the country to implement a constitution in its first years of freedom. As stated in the previous paragraph, the initial constitution was created in 1973. In accordance with the revision rules contained in articles 57 and 58 of the 1973 constitution, a process of constitutional revision was initiated in 1976 and culminated in 1980 in a comprehensive reform of the constitution. The new constitution was approved by the National People's Congress on November 10, 1980 and, by the provisions of the constitutional transition law approved on the same day, the constitution was scheduled to come into effect on January 1, 1981. However, the planned constitution would not become valid on the date provided, nor would it even be published in the newspapers. Luis Cabral was ousted by Vieira on the outbreak of the resetting movement of November 14, 1980, a coup d'état that introduced significant changes to the constitutional system, and which essentially tainted this chapter of attempted constitutional organization of political power and prevented the constitution from taking full effect on November 10, 1980.

However, the constitution of 1984 eventually continued the constitutional revision first imagined in 1973. In fact, as it turned out, the 1984 constitution almost reproduced word-for-word the text of the failed constitution of 1980. Although the current Guinea-Bissau constitution of 1996 was formally adopted as a revision of the 1984 constitution,

which was revised on four separate occasions (1991, 1993, 1995, and 1996), it can be said that the 1996 charter constitutes an entirely new constitution. Multiparty democracy was instituted, and the mixed parliamentary and presidential system was adopted as the model of political organization of the state.

However, the people appointed as leaders in Guinea-Bissau were a large contributing factor to the political failure of the country as they gave the military an unbalanced use of power. General João Bernardo Nino Vieira ruled Guinea-Bissau from 1980 to 1998 and with the military on his side, he was able to dictate authoritarian policies and widely abuse the power of his office. The institutional shortcomings created by Vieira have contributed to a worsening tendency of the military to interfere in the country's politics. The tipping point of crisis began when General João Bernardo Nino Vieira fired the army chief of staff, General Ansumane Mane, under allegations of corruption and arms sales. This led to an outbreak of civil war on June 7, 1998. The collapse of state institutions was a primary contributor to the civil war, during which the government of Guinea-Bissau ceased to exist altogether. On May 7, 1999, General Ansumane Mane overthrew General João Bernardo Nino Vieira and took control of the capital city Bissau.

In 2001 President Yala was elected by a large margin. On April 5, 2001, there was an elaboration and adaption of a new constitution. Despite the high hopes placed in the new leadership and the new constitution (whose changes were never implemented), Yala's rule was characterized by chronic political instability as he constantly fired ministers and supreme court judges and shuffled and reshuffled his government. During this time four prime ministers were nominated and fired. The political crisis created by this

turmoil and the poor financial accounting by the government resulted in the suspension of aid by the International Monetary Fund and World Bank.

President Yala dissolved the parliament in 2002 and called for legislative elections, but these did not take place. Yala did not finish his presidential term in office as a military coup led by General Verissimo Correia Seabra ousted President Yala, and again, Guinea-Bissau was without a working government for several months. Amidst further violence and unrest among political leaders, Henrique Rosa was appointed as interim president, and Artur Sanha, once secretary general of the Party for Social Renovation (PRS), was nominated prime minister. In 2005, João Bernardo Vieira was elected president for the second time. Despite concerns over the election of Vieira spurred by his previous corruption when in office and his flight from Guinea-Bissau as he was being investigated for alleged misuse of power following his previous term, international observers deemed the elections fair and transparent. Vieira quickly went back to his oppressive use of the mechanisms of power, ordering assassinations of military leaders and firing the Prime Minister. President Vieira then appointed Aristides Gomes, former deputy chairman of the Party for the Liberation of Guinea-Bissau and Cape Verde, as Prime Minister. These violent and oppressive decisions by Vieira perpetuated political instability and unrest in the country as they blatantly disregarded existing constitutional norms to the detriment of the greater good.

Despite Vieira's corrupt actions and leadership, by March 2007 National Assembly parliamentarians were able to form a majority coalition. The three major parties, PAIGC, PRS and the United Social Democrat (PUSD), signed a pact meant to create political stability. The pact gave them the right to force the departure of Prime Minister Aristides

Gomes and vote for a new Prime Minister Martinho Ndafo Cabi (Security Council Report, 2019). However, this decision was short lived as the Party for the Liberation of Guinea-Bissau and Cape Verde withdrew from backing Prime Minister Martinho Ndafo Cabi ostensibly to avoid acts of insubordination threatening cohesion and unity in the Party for the Liberation of Guinea-Bissau and Cape Verde. The 1996 constitution legitimated a multi-party government which helped create the conditions for these three parties to exist and then form a coalition, however brief and unstable. These actions lead to further political unrest because of the continual power struggle between the parties in charge. In March 2009, President João Bernardo Vieira was assassinated along with several other political and military leaders. O'Regan and Thompson (2013), noted that "the death of President Vieira, arguably the most powerful and destabilizing figure since independence, gave Guinea-Bissau no respite from coup d'état" (p. 29). There were several attempts to create new power structures through elections and temporary leadership, all of which were to no avail as political instability and unrest continued. In April 2014, general elections were held in Guinea-Bissau, with second round of presidential elections held on May 18 as no candidate received a majority in the first round. Jose Mario Vaz, candidate of the African Party for the Independence of Guinea and Cape Verde (PAIGC), was eventually declared the president elect. Vaz perpetuated political instability with continuous turn over in his cabinet of appointed officials. Despite the minimal efforts put forth by the people of Guinea-Bissau in electing new political officers and military leaders, the continuation of corruption and violence are prominent themes in the countries long-standing unrest.

Political competition and transfer of power in Guinea-Bissau's post-independence history may seem to be solely one of elite competition and intrigue. It is not surprising that a small, recurring cast of characters sought to outmaneuver one another in desperate ways without any respect for the constitution. However, Guinea-Bissau's political turmoil and instability cannot be pinned on an absence of a constitution at this point in its history as there was always some variation of constitution in place. During these years, the constitution has gone through many revisions, but there remained no political stability. Rather, the country's persistent instability is rooted in multiple and interrelated factors. A weak political framework, a politicized military, the emerging instrumentalization of ethnic differences and the sometimes-partisan roles played by international partners, play a primary role in the political instability that persists in Guinea-Bissau despite its constitution.

Therefore, there is no evidence to support the assumption that a new constitution will guarantee stability on its own. In fact, history has shown that frequent revisions have still failed to produce a constitution that adequately meets the needs of the country's citizens. Most of the revisions are simply variations of the first constitution and as such, the lack of actual change in government structures continues. Furthermore, on the basis of the foregoing, it is clear that the constitution is not the main cause of the nation's political instability, rather that instability is a result of poorly constructed government institutions and models.

Economic factors

Lack of economic development and widespread corruption, rather than a constitution that is not developed to fit the country's needs, may also be a main driver of political instability in Guinea-Bissau. Mauro (1995), suggests that "low-income countries are more likely to be politically unstable and corrupt" (pp. 688-689). Indeed, low salaries encourage bad behavior as people see corruption as an opportunity to improve their socio-economic wellbeing. As Guinea-Bissau is currently structured, there is a severe lack of investment which has led to extremely impoverished communities. According to *Guinea-Bissau: National Poverty Reduction Strategy Paper*, Guinea-Bissau's poverty threshold is anywhere from 50%-65% with people living off less than \$2 per day. Without the opportunity to earn a living wage, people are likely to resort to supporting corruption in the government out of fear to feed their families. There are ways that the private sector could support Guinea-Bissau's attempts to break this dangerous and corrupt economic mudslide. Agriculture, fishing, and tourism are a few areas that lag economically in Guinea-Bissau; the absence of development in these sectors is limiting the country's growth. Although the country has comparative advantages in the region in the production and export of several products, weak private investment in these sectors grossly limits the possibility for development of these sectors and the impact they can have on economic growth and the creation of employment opportunities. Poor economic performance may lead to a government collapse and further political unrest. Political stability and economic growth are deeply interconnected; Guinea-Bissau is politically unstable not because of the absence of a constitution, but because of an inability to expand its economy, which condemns its citizens to a lifetime of poverty.

Guinea-Bissau's poverty and unemployment rates are part of the reason that the country is unstable. The rising price of living, high unemployment and frustrations of residing beneath corrupt regimes have led to this situation of instability. This is a clear signal that the system and government are opting for corruption instead of improving the living conditions of its citizens. The unequal distribution of wealth further exacerbates poverty levels and economic instability, as economic resources are directed to elites who do not care about the equitable distribution of income. If income were more evenly distributed, it could foster or alleviate corruption and political instability as the average citizen would have a greater financial capacity to support the wellbeing of the country as opposed to constantly fighting to survive due to lack of livable wages. The government would need to take severe measures to support living wages, including but not limited to: private investment which would create more jobs; mandated livable wage laws to ensure people are able to support their families; and the imposition of higher taxes on the wealthy to ensure a more equal distribution of resources. For Guinea-Bissau to protect its citizens from corruption and poverty, revising the constitution is not enough. The government needs to take more extreme measures to change the economy.

Social Factors

Human rights violations could be one of the root causes of every form of political instability in Guinea-Bissau. Since independence to present date, the government and military have been responsible for numerous human rights violations, such as assassinations, arbitrary arrests and prolonged detention. These atrocities could be the reason for political unrest in Guinea-Bissau because government agencies and the military behave as though they are above the law and force everyday citizens to live in

fear and isolation. Thoms and Ron (2007), noted that the “violation of personal integrity or security rights, such as indiscriminate killings, torture, disappearances, or wide scale imprisonment, do provide a clear link to the escalation of conflict” (pp. 699-700). Furthermore, studies have shown the strong link between human rights violations and political instability. Violations of human rights often lead to conflict, and conflicts typically results in further human rights violations as the battle for power rages.

The arbitrary killings and impunity issues are still present in Guinea-Bissau, with the government failing to bring to justice those responsible for the abuses creating the deep grievances and group identities that may, under some circumstances motivate revolutionary rebellion. The United Nations assessed Guinea-Bissau’s human rights record under the Universal Periodic Review in 2010. Guinea-Bissau’s government rejected five recommendations made by the UN, including those related to bring members of the armed forces to justice for violation of human rights violations. However, if Guinea-Bissau, since independence, had chosen to protect human rights, the country could advance stability. Protecting human rights should be basic requirement to construct a stable society in Guinea-Bissau. Human rights are fundamental rights to which a person is inherently entitled simply because she/he is a human being. However, this is not seen as a priority for the government or military. If different regimes of Guinea-Bissau had not used oppression, torture, arbitrary arrest and assassination civil war, unrest and vengeance could have been avoided. As the constitution was written in the past, if the constitution was respected and observed, of rule of law Guinea-Bissau could be politically stable country now. Unfortunately, the constitution is not enough to change the corruption and human rights violation in practice; there needs to be more extreme measures to

ensure that the citizens of Guinea-Bissau are respected and treated with morality which will lead to a more stabilized country.

The constitutions from 1974 revised 1984, 1991, 1993, 1995, and 1996 did not result in a democratic society as they aimed in Guinea-Bissau; instead, the government ruled by systematic abuse of power. In Guinea-Bissau, the law has been used as a tool for political oppression which can take many forms of control. One example of this abuse of power is the law that was implemented in Guinea-Bissau in 1980s which denied political rights based on one-party membership. This law was one of the most restrictive forms of discrimination for a country that fought for freedom because it grossly violated citizens ability to support opposing viewpoints of the government in power. When citizens are legally silenced, a country faces risk of further oppression and corruption which is exactly what happened during this regime in Guinea-Bissau.

In the light of the failure of the constitution to achieve any kind of meaningful stability in Guinea-Bissau, the debate should not be how to reform the constitution. Researchers and policymakers instead should consider how to develop a systematic organization that fits Guinea-Bissau's reality. There has been an increasing debate about the role of traditional institutions in advancing the democratization process in Guinea-Bissau. Though the total exclusion of traditional local institutions had been practiced since the end of the era of colonialism, the contemporary trend preliminarily grants some room to Guinea-Bissau traditional local institutions. For example, the organizational structure of Guinea-Bissau would benefit from traditional local institutions of chiefs, clan leaders, kings, chief assemblies, accountability structures, and traditional justice systems. Before colonization, these structures helped to run the communities. It could be worth

considering allowing communities to revert to what they were most successful with pre-constitution and pre-colonization.

Organizational Factors

The main organizational causes of the political crisis could be poor strategic decisions and the failure to democratize from top to bottom. The Party for the Liberation of Guinea-Bissau and Cape Verde (PAIGC), after the independence, engaged in practices of oppression, authoritarianism, repression, and political monopolies; these practices helped them to maintain power. Bell (1980), noted that interest convergence provided ways in which the interest of one group in achieving equality will be accommodated only when it aligns with the interests of another group (p. 523). The new constitution is not going to make Guinea-Bissau stable because the cause of the problem is not rooted in the constitution and laws per se; rather the constitution has been used to benefit the ruling class. While Guinea-Bissau is in need to restructure like an organization, the government needs to be cautious of further political crisis due to inadequate transformations. The government needs to be intentional about who is elected into power to support with strategic decisions as it relates to democratization, dissemination of resources, economic distribution and upholding the values they have as a country. Without careful consideration in these areas, the government of Guinea-Bissau is at risk of another organizational failure.

For example, Guinea-Bissau could adhere to Berman's (2009), concept which provides a framework for addressing normative conflicts, one that provides an alternative both to territorially-based sovereignties and universalism, and instead opens space for the recognition and accommodation of multiple normative commitments. This framework

creates a set of values and principles that can be used to assess the effectiveness of procedural mechanisms, institutional designs, and discursively different management practices. Simply reforming the constitution will not solve the instability problem if there are no other changes taken into consideration. Creating a sort of checks and balance system would be a further step to put in place which would support multiple voices and opinions being taken into consideration when making changes for the country and its citizens.

Guinea-Bissau is not the only African country battling through instability and reform issues.

Many countries throughout Africa have battled with similar political struggles that are often led to political instability and unrest. In Africa, a significant number of countries acted toward building a new constitution, but the constitution in many cases did not build positive change and stability. Countries that have similar political struggles include Nigeria, Central African Republic, and Sudan. Their political stability has deteriorated significantly over the last decade, resulting in steady expansion of political unrest.

Nigeria is battling through religious differences which is leading to a political divide and immense instability. The number of Christians in the southern part of the country and the Muslims in the northern part of the country are almost equal. The Islamic insurgence to introduce Sharia laws has led to a series of wars in Nigeria. The overthrow of the Nigerian authorities in March 2013 was caused by prolonged violence with the help of two religious unstable and polarized states. While they had a constitution in place, there are many other factors that dismantled their government structures and have upheld instability.

Likewise, Central African Republic have showcased similar experiences of civil unrest, including wars between Muslims and Christians. Violence and even genocide occurred because of the intolerance of different faiths. The authorities weakened the country through such violence. Because of such violence, there is no proper political organization and structure of governance to be achieved. Again, despite the constitution as a structure that was put in place post-colonization, the document was not enough to support the country to stabilize.

Similarly, Sudan has witnessed widespread state of insecurity and cold war among civilians. Sudan was an independent and free country, but only a few years had been peaceful. The violence between Islamic controlled North fighting with the Christian traditional south. The religious unrest in the country has overshadowed the government's attempt at unifying the country with a constitution. The constitution alone is clearly not enough to support stabilization.

If constitutional reform is not enough to make Guinea-Bissau stable, what else is needed for political stability?

This section outlines the conceptual underpinnings of what else is needed to make Guinea-Bissau a more politically stable country. Since the collapse of Portuguese colonialism, Guinea-Bissau has had the opportunity to establish a more transparent, participatory, and accountable economic systems. Additionally, independence has given a significant boost to establishing more participatory governance structures. However, since independence, little progress has been made politically and economically.

Political actors argued that Guinea-Bissau needed a new constitution to be a stable country. They stated that a new constitution would set the basic laws and principles that

describe the rights and responsibilities for its citizens, give legitimacy to the government, and define the power under which a government may act. On the contrary, this study finds different factors that could make Guinea-Bissau a politically stable country and argues that a constitution alone could not create a condition of stability in Guinea-Bissau. This finding was reached because Guinea-Bissau has already had constitutional reforms more than three times in the past, and no political stability was gained. Therefore, the assertion that a new constitution will make Guinea-Bissau a more stable country is false. Guinea-Bissau has a history of political and institutional fragility dating back to its independence from Portugal in 1974. As stated earlier, Guinea-Bissau is one of the most politically unstable countries in the world, which has experienced more coups than almost any other nation. Since independence, many successful coups have been carried out in Guinea-Bissau, with another 16 unsuccessful coups plotted or attempted. In addition to military coups, frequent regime changes in the government are another manifestation of the country's political instability.

The reasons for Guinea-Bissau's politically unstable condition are varied but boil down to three core factors: lack of decentralization, lack of economic and social development, and unstable civil and military relations.

First, decentralization and shared power: from 1974 to 1994 the transition from colonial rule to independence was hijacked by the African Party for the Liberation of Guinea-Bissau and Cape Verde which was determined to continue monopolizing power. In addition, from 1994 to present day the transition seems to be progressing, but significant policy reform has not been realized post-elections. The elections were supposed to choose a transitional government that would engage in the making and

providing a framework for the reconstruction of the state; however, many of these governments have not taken the job of designing and implementing new societal-legal frameworks seriously. Instead, they have become repressive, and in many instances have continued to suffocate civil society while making it very hard for opposition political parties to have a fair chance to affect the national political process. Decentralization of power will be an important factor for Guinea-Bissau to become stable because the best public policies come from wide participation in public affairs, and from local knowledge about how best to solve problems and meet the needs of citizens.

Since Guinea-Bissau's independence, the centralization of power is one of the primary reasons for its instability. Guinea-Bissau's centralized political system has a central authority, which was a dictatorship from 1974 to 1994. There were many negative effects of centralization which included the replacement of Guinea-Bissau's constitution, the unraveling of social organizations and democratic institutions. The centralized and dictatorial government arbitrarily targeted and persecuted many people for a variety of reasons, including exercising their freedom of expression and opposition to the central government policies. From 1994 Guinea-Bissau had its first free election and became an open society with multi-pluralism, but power was still centralized. With a centralized government in Guinea-Bissau, the government believed that national political leaders and administrators knew best how to provide security, promote economic growth, and maintain political stability.

Decentralization of power could bring stability to Guinea-Bissau. Devolution of power to local government will strengthen regional and local governments by granting them authority, responsibility, and resources to provide services and infrastructure,

protect public health and safety, and formulate and implement appropriate local policies. This will lead Guinea-Bissau to become a politically stable country. Cheema and Rondinelli (2007), states that “when civic organizations, local branches of political parties and community groups can engage in public decision making, they can become powerful instruments for decentralization and democratic government” (p. 7). Therefore, they can increase local support and legitimacy for government intervention, safeguard the interests of local groups and citizens, and expand access to basic services. Decentralization of power in Guinea-Bissau will encompass not only the transfer of power, authority, and responsibility within government, but also the sharing of authority and resources for shaping public policy.

According to Cheema and Rondinelli (2007), “decentralization practices can be categorized into at least four forms: administrative, political, fiscal, and economic” (p. 7). Administrative decentralization in Guinea-Bissau will include decentralization of central government structures and bureaucracies, delegation of central government authority and responsibility to semi-autonomous agents of the state, and decentralized cooperation of government agencies performing similar functions. Dean (1999), stated that political decentralization is about creating the space for local entities and tiers of government to understand and act according to the wishes of their constituents. Decentralization in Guinea-Bissau will include: organizations and procedures for increasing citizen participation in selecting political representatives and in making public policy; changes in the structure of the government through devolution of powers and authority to local units of government; power-sharing institutions within the central government; autonomous regions and institutions; and procedures allowing freedom of association and participation

of civil society organizations in public decision making, providing socially beneficial services, and mobilizing financial resources to influence political decision making.

In the same way, fiscal decentralization will include the means and mechanisms for cooperation in sharing public funds among all levels of government. For example, regional and local governments will be able to have more fiscal autonomy in public revenue raising and expenditure allocation. Adequate arrangements are critical to ensure that the government can meet its assigned expenditure roles and responsibilities across Guinea-Bissau.

At the core of fiscal decentralization is the principle that transfer of responsibilities must be accompanied by a commensurate transfer of revenue or delegation of revenue-raising authority. In theory, an intra-governmental fiscal system is designed to ensure a vertical balance that allows different levels of government to have enough funds in line with their functions, and a horizontal balance allowing local governments to provide a minimum standard of basic services throughout the nation. Regional and sectoral governments should be granted autonomy over at least part of their resource generation, planning, and use. These factors can have a great impact for Guinea-Bissau to become a politically stable country.

The second main factor contributing to Guinea-Bissau's political and social instability is the lack of economic and social development. Economic decentralization in Guinea-Bissau promises to bring stability and development by guaranteeing market liberalization, deregulation, privatization of state enterprises, public-private partnerships, and the acceleration of economic development. According to the World Bank the cost of political fragility has been very high. As shown in the 2011 World Development Report,

there is a strong correlation between state fragility and low levels of economic development. The main consequences of this are high poverty and lack of a strong state presence outside of nations' capitals. However, economic decentralization will help Guinea-Bissau explore its largest natural resources for economic development. Guinea-Bissau has the potential for unlocking untapped income-generating opportunities for growth. Much of the country's natural resources, in the form of forests, vast agricultural lands, fisheries, as well as mineral fields remain unexplored in spite of their advantageous geographical locations, which in many cases are conducive to maritime and inland waterway transport and trade. Exploration of these vast natural resources has the potential to bring prosperity for citizens and lift a lot of people out of poverty, inequality as well as to foster human development and political stability for Guinea-Bissau.

Political instability in Guinea-Bissau is largely the result of endemic rent-seeking throughout the economy, and the interlinked competition for these 'rents' among the elite politicians. A common form of rent extraction is the misappropriation and misapplication of public resources such as taxes and subsidies. Economic decentralization could help accelerate economic development, increase political accountability and enhance public participation in the economy. According to Cheema and Rondinelli (2007), advocates argue that local governments with decision making power, authority, and resources can play a more catalytic role in economic and social development.

The third factor is unstable civil and military relations. There has been a significant pattern of militarization of Guinean political processes in the past decade. The military has remained active in the Guinean political process, intervening in some instances (for example, civil war in 1998, a military coup in 2003, assassination of President João

Bernardo Vieira in 2009, as well as another military coup in 2012) to destabilize democratization. The military has hijacked the democratization process by presenting themselves as an alternative to politicians to rule Guinea-Bissau. However, Guinea-Bissau's political stability will depend on democratizing civil-military relations. Building a national republican army, where the military respects the hierarchy of civil government, will lead Guinea-Bissau towards stabilization. According to Gyimah-Boadi (2004), demobilizing and disarming armed security forces, restoring professional discipline in armies that have been thoroughly politicized, rationalizing the cost of defense and national security, in short, will bring the military-security apparatus under effective democratic control. The elaboration of democratic civil-military relations and the emergence of civil-society based security-sector specialists and think tanks will increase dialogue between national democratic institutions and security establishments, which will in turn institutionalize democratic civil-military relations and stability in Guinea-Bissau.

If Guinea-Bissau follow these practices, this study sees a positive path for a political stability and sustainable development. The crisis in Guinea-Bissau is reflexively repressive and generally disdainful of civil society. Guinea-Bissau has trouble performing the basic functions of statehood, and its proclivity for corruption is well known. These problems stand at the center of the political instability.

Guinea-Bissau should learn lessons from countries that at one time struggled with political instability but overcame through clear transition of power. Two countries that Guinea-Bissau should study and learn from are Cape Verde and Ghana as they once had similar problems but have created a more stable government. Their political stability

achievement could better inform Guinea-Bissau what path to take for political stability reform efforts.

Guinea-Bissau should learn how to be politically stable country from Cape Verde. Cape Verde is a case in Africa with a peaceful democratic transition of power and a functional and peaceful multi-party system. This example is a hope for all those fighting for democracy and Guinea-Bissau is no exception. Cape Verde had a similar problem with Guinea-Bissau after independence where one-party system politicians once taking office hijacked a democratic system to remain in power indefinitely, turning the country into a paper democracy that has democratic institutions like a constitution, courts and legislature but in fact is an autocracy whose governance institutions serve the head of state.

Was there a formula that allows Cape Verde to sidestep the pitfalls of military coups d'état and ambitious tyrants that in an instant can upend years of progressive democratic governance? The answer lies within the collective will of the people of Cape Verde. The pro-democracy movement which introduced multiple parties in 1990 with an effective and largely incorrupt administrative structure was fundamental for the movement for change in Cape Verde to become a politically stable country.

There are several measures of Cape Verde's political stability. These includes the years of normal governance, where free and fair elections have yielded peaceful transfers of power and no coups d'état have occurred. The integrity of elections is another indicator of political stability, as is the respect of rule of law. Strong governance institutions provide checks and balances, with the executive and legislature branches on equal footing and courts empowered to oversee the other two branches and rule the constitutionality of the

laws. The Cape Verde army is under civilian control, and there is freedom of information and expression. There are platforms for the public to report corruption and human rights abuses, as well as independent institutions that have the power to investigate and rectify these evils. The essentially untroubled transfer of power more than three occasions over the past 19 years indicate that the nation has by far and large confidence in its electoral institutions (Baker, 2006).

Cape Verde has shown equal commitment to political stability. The African Country Benchmark Report from 2017 measures economic, political and social indexes of each Africa country's performance; part of the political index looks at which countries have successfully established politically stable governments. For achievement in political stability in this report, Cape Verde had occupied third place among democratically governed countries and the country's peaceful reputation spreads globally.

Moreover, despite the lack of natural resources, Cape Verde has made remarkable progress in economic development since its democratization. According to the United Nations Development Program 2018, Cape Verde GDP growth is at 5.0 %, and the life expectancy is one of the highest in Africa estimated in 2004 as 70.14. There has been 30 years of significant investment in education and health, together with the building of economic infrastructure and doubling of number employed over the last 20 years; the budget prioritized spending on the social sector as well as maintaining the fiscal balance.

Guinea-Bissau could learn many lessons from Cape Verde how it implemented the democratization, peaceful resolution of conflicts, power sharing between different institutions, economic achievement and political stability. The only conclusion about how Cape Verde is stable is that the leaders and people of Cape Verde chose to pursue a

democratic path to achieve political stability. In contrast, Guinea-Bissau chose to pursue confrontation factor to solve the internal problem instead of dialogue and reconciliation to resolve political problems.

Despite being sub-Saharan Africa's oldest independent nation, political stability for Ghana is relatively new. The country was destabilized for 25 years by authoritarian regimes that replaced each other through coups d'état and changes of constitution seeking effective and political stability, like the situation that happened in Guinea-Bissau. The introduction of democracy to Ghana in 1992, which introduced a multi-party elections-based system, gave the citizenry the opportunity for institutionalization of local governmental and administrative systems. Decentralization and the liberation of the airwaves encouraged and broadened the participation of the masses in decision-making in matters that affect their interest, helping lead Ghana to become a politically stable country (Marfo, 2013).

Ghana's political stability is largely attributable to a variety of different factors. First, the democratic transition of power has been highly instrumental in ensuring peace and stability in Ghana. According to Guzman (2000), the transitions of power in elections from 1992, 1996, 2000, and 2004 have been very important in the process of political stability in Ghana because the previous form of representation was undemocratic, and the electoral cycle indicated a growing interest and trust of a democracy. The successful results of the elections were a growing indication of the growing durability of Ghana's political stability.

Second, Ghana's independent legal system and the nation's adherence to the rule of law play a role in political stability. The impartiality, autonomy, and integrity of the

judiciary assured Ghanaians that the ruling government would have checks and balances and would refrain from authoritarian rule. The court asserting its independence helped to maintain political stability by adhering to the law. “Ghana’s political actors strongly adhere to the rule of law and commit to democratic principles because their experience under military dictatorship, whereby political freedom and civil liberties were oppressed, was fresh in their memory” (Guzman, 2000, p. 12).

Third, the active and public participation of civil society organizations and freedom of expression have supported Ghana in maintaining political stability. Civil society organizations played a significant role in Ghanaian political stability by informing citizens about the benefits of stability, and the importance of their vote and economic development in Ghana. Those organizations include think tanks and non-governmental organizations that helped to improve state-societal relations. The media in Ghana has been instrumental since the introduction of democracy in 1992 by significantly strengthening freedom of expression and the free flow of information and ideas. The media has also been instrumental in reporting abuses and serves as a tool for citizens to hold their public officials accountable (Guzman, 2000).

Fourth, the enhanced nature of civil and military relations helped Ghana to become a politically stable country. In Ghana, the civil authority gradually asserted itself over the military after the transition to democracy; the military officers knew implicitly that they were under civilian control. Guzman (2000), stated that the officers themselves wanted political direction, and all understood quite clearly that soldiers were then controlled by civilians. This perception improved civil-military relations and allowed Ghana to gradually accept the norms of military professionalism and civil control of armed forces.

Finally, a supportive role of development partners helped Ghana to become stable. Ghana was able to politically stabilize because of its capacity to forge good international relations with other countries and international organizations. The international community, including the World Bank, the UK, and the USA, pressured Ghana to democratize or move towards political change. They all had announced that if Ghana remained authoritarian, they would reduce or halt completely the flow of loans and other aid or assistance (Guzman, 2000).

The factors mentioned explain the political stability in Ghana. They contribute in one way or another to the absence of violence, government longevity, the legitimacy of the national government, structural change, the existence of legitimate constitutional order, and effective conflict management mechanisms. Guinea-Bissau could look to how Cape Verde and Ghana became politically stable countries and use a similar process to achieve political stability.

Conclusion

In my research, I found that there was no correlation between changing the constitution and stability. Stability is not a result of the constitution. This disproves the notion that law (in the form of the constitution) can create change (e.g., stability to previously unstable societies), despite our idealized views of the laws that might suggest otherwise.

There is a simple point of consensus in this heated political moment in Guinea-Bissau. Many in Guinea-Bissau frequently discuss the constitution in hopes of bringing social change and stability. The debate is often about the political crises and the need for a new constitution to strengthen the rule of law, which will serve as a framework for

legislation for constitutional reform to regulate and organize the division of power, define structure of state, political parties, and civil society in Guinea-Bissau. The areas of reform identified aim to strengthen the competency of different institutions to regulate political activities, establish the rights essential to the democratic process, and promote equitable access for women and men to political and civil rights. Specifically, the reform should organize, control and make the constitution an effective tool for changing political practices to achieve stability and peace and social change. I can say that this assumption is not plausible, as historical evidence has shown that Guinea-Bissau's many attempts to revise the constitution have not led to social stability. Therefore, the constitution is likely not an effective tool to bringing stability in Guinea-Bissau. No constitution can create or guarantee stability; stability will follow upon effective policies and not vice versa.

Reforming Guinea-Bissau's constitution will not guarantee that establishing a new order will lead to the organization of legislative, executive and judiciary branches. The clear distribution of power among them and their relationships will strengthen the rule of law and bring stability to the nation. The process however started only after the 2014 elections when the National People's Assembly set up an ad hoc committee on constitutional reform. Since then, little progress had been made before commission found itself paralyzed, likewise the whole National People's Assembly, by the 2015 crisis.

In sum, the current debate around Guinea-Bissau needing constitutional reform centers on how to prevent political instability, promote effective institutions and make the state more efficient and fair in its delivery of services to people. But these ideals and practices should not be limited to constitution reform. For Guinea-Bissau to be a politically stable country it needs to focus on other factors such as economic development, peaceful

transitions of power, investment in education, access to adequate nutrition and healthcare for all, sustainable energy sources, human rights, environmental protection, and security, among others. These issues are wide ranging and generally pose a great challenge to society, and the debate surrounding them often trigger violent conflicts both within and across nations if not carefully managed.

References

- Acemoglu, D., Johnson, S., & Robinson, J. A., (2000). *The colonial origins of comparative development: An empirical investigation*. Cambridge, MA: National Bureau of Economic Research.
- Ahmed, F., & Perry, A. (2017). Constitutional statutes. *Oxford Journal of Legal Studies*, 37(2), 461-481. doi: 10.1093/ojls/gqw030.
- Anson, W. R., Gwyer, M. L., & Keith, A. B. (1982). *The law and custom of the constitution*. Oxford, United Kingdom: Clarendon Press.
- Austin, J., & Austin, S. (1861). *The province of jurisprudence determined*. London, United Kingdom: J. Murray.
- Baker, B. (2006). Cape Verde: The most democratic nation in Africa? *Journal of Modern African Studies*, 44(4), 493-511. doi: 10.1017/S0022278X06002060
- Barber, S. A. (1986). *On what the constitution means*. Baltimore, MD: The Johns Hopkins University Press.
- Bell, D. A. (1980). Brown v. Board of Education and the Interest-Convergence Dilemma. *Harvard Law Review*, 93(3), 518-533. doi: 10.2307/1340546
- Berman, P. S. (2009). The New Legal Pluralism. *Annual Review of Law and Social Science*, 5(1), 225-242. doi: 10.1146/annurev.lawsocsci.131539
- Casper, G. (1987). *Constitutionalism*. Chicago, IL: Law School, University of Chicago.
- Cheema, G. S., & Rondinelli, D. A. (2007). *Decentralizing governance: Emerging concepts and practices*. Cambridge, MA: Ash Institute for Democratic Governance and Innovation, John F. Kennedy School of Government, Harvard University.

- Dean, M. (2009). *Governmentality: Power and rule in modern society*. Los Angeles: CA, Sage Publications Ltd.
- Dicey, A. V. (1902). *Introduction to the study of the law of the constitution*. London, United Kingdom: Macmillan.
- Dyzenhaus, D., & Thorburn, M. eds. (2019). *Philosophical foundations of constitutional law*. New York, NY: Oxford University Press.
- Elazar, D. J. (1980). The political theory of covenant: Biblical origins and modern developments. *Publius: The Journal of Federalism*, 10(4), 3–30. doi: 10.2307/3329741.
- Gordon, S. (2009). *Controlling the state: Constitutionalism from ancient Athens to today*. Cambridge, United Kingdom: Harvard University Press.
- Gramsci, A., (2000). *The Gramsci reader: Selected writings*. Edited by D. Forgacs. New York, NY: New York University Press.
- Greenberg, D. (1993). *Constitutionalism and democracy: Transitions in the contemporary world: The American Council of Learned Societies comparative constitutionalism papers*. New York, NY: Oxford University Press.
- Grey, T. C. (1984). The constitution as scripture. *Stanford Law Review*, 37(1), 1–25. doi: 10.2307/1228651.
- Griffith, J. A. G., Megarry, R. E., Morton, J. D., & Tunks, L. K. (1961). Academic preparation for the practice of law. *Journal of Legal Education*, 14(1), 11–65. Retrieved from: <https://www.jstor.org>
- Guzman, M. de. (n.d.). *Explaining ghana; political stability*. 13(2): 344-365. doi: 10.1093/oxfordjournals.

- Gyimah-Boadi, E. (2004). *Democratic reform in Africa: The quality of progress*. Boulder, CO: Lynne Rienner Publishers.
- Halperin, J. L. (2017). Law in books and law in action: the problem of legal change. *Maine Law Review*, 64(1), 46-76. Retrieved from:
digitalcommons.mainelaw.maine.edu/mlr/vol64/iss1/4
- Hart, H. L. A. (2012). *The concept of law*. New York, NY: Oxford University Press.
- Inoue, K. (1991). *MacArthur's Japanese constitution: A linguistic and cultural study of its making*. Chicago, IL: The University of Chicago Press.
- Kelsen, H. (2009). *Pure theory of law*. Clark, NJ: The Law book Exchange Ltd.
- Lange, M. K. (2004). British colonial legacies and political development. *World Development*, 32(6), 905-922. doi: 10.1016/j.worlddev.2003.12.001.
- Levinson, S. (1988). *Constitutional faith*. Princeton, NJ: Princeton University Press.
- Mamdani, M. (1996). *Citizen and subject: Contemporary Africa and the legacy of late colonialism*. Princeton, NJ: Princeton University Press.
- Marfo, S. (2013). Human security: A key to a meaningful conflict resolution and development in a 'New Ghana'. *Procedia - Social and Behavioral Sciences*, 91, 545-555. doi: 10.1016/j.sbspro.2013.08.453
- Marshall, G. (1981). *Constitutional theory*. New York, NY: Oxford University Press.
- Mauro, P. (1995). Corruption and growth. *Quarterly Journal of Economics*, 110, 681-712. do: 10.2307/2946696.
- McIlwain, C. H. (1947). *Constitutionalism, ancient and modern*. Ithaca, NY: Cornell University Press.

- Minkinen, P. (2013). Political constitutionalism versus political constitutional theory: Law, power, and politics. *International Journal of Constitutional Law*, 11(3), 585-610. doi: 10.1093/icon/mot020.
- Ministry of Economy. (2007). *National poverty reduction strategy paper (NPRSP)*: Washington, DC: International Monetary Fund.
- O'Regan, D., Thompson, P., & National Defense University. (2013). *Advancing stability and reconciliation in Guinea-Bissau: Lessons from Africa's first narco-state*. Washington, D.C: Africa Center for Strategic Studies.
- Ramraj, V. V. (2004). Four models of due process. *International Journal of Constitutional Law*, 2(3), 492-524. doi: 10.1093/icon/2.3.492
- Popular National Assembly. (1984). Guinea-Bissau's Constitution of 1984 with Amendments through 1996. Retrieved from https://www.constituteproject.org/constitution/Guinea_Bissau_1996.pdf?lang=en
- Kpundeh, S. J. (1995). *Democratization in Africa: African views, African voices: Project on democratization; summary of three workshops*. Washington, DC: National Academy Press.
- Weiner, E. S. C., & Simpson, J. A. (1989). *The Oxford English dictionary*. Oxford, United Kingdom: Clarendon Press.
- Thoms, O. N. T., & Ron, J. (2007). Do human rights violations cause internal conflict? *Human Rights Quarterly: A Comparative and International Journal of the Social Sciences, Philosophy, and Law*, 29(3), 674-705. doi: 10.1353/hrq.2007.0034

- Thornhill, C. J. (2012). *A sociology of constitutions: Constitutions and state legitimacy in historical-sociological perspective*. Cambridge, United Kingdom: Cambridge University Press.
- Rosenfeld, M., & Sajó A. (2012). *The Oxford handbook of comparative constitutional law*. Oxford, United Kingdom: Oxford University Press.
- Waluchow, W. (2017). Constitutionalism. In E. N. Zalta, *The Stanford Encyclopedia of Philosophy*. Retrieved from:
<https://plato.stanford.edu/archives/spr2018/entries/constitutionalism/>
- Weber, M. (1964). *The theory of social and economic organization*. New York, NY: The Free Press of Glencoe.
- Weber, M., Roth, G., & Wittich, C. (1978). *Economy and society: An outline of interpretive sociology*. Berkeley, CA: Berkeley University of California Press.
- Young, E. (2008). The constitutive and entrenchment functions of constitutions: A research agenda. *University of Pennsylvania Journal of Constitutional Law*, 10, 399-411. Retrieved from: <https://scholarship.law.upenn.edu/jcl/vol10/iss2/7>