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REPORT OF THE CHAIRPERSON OF THE COMMISSION
ON THE SITUATION IN GUINEA-BISSAU

**REPORT OF THE CHAIRPERSON OF THE COMMISSION ON
THE SITUATION IN GUINEA BISSAU**

I. INTRODUCTION

1. Following the coup d'état of 14 September 2003 that toppled President Kumba Yala, a process for a return to the constitutional order was initiated. My Special Envoy, Francisco Madeira, visited Bissau on several occasions and continues to monitor the situation. During these visits, Mr. Madeira held consultations with the political actors, administrative officials, representatives of the civil society and religious denominations, as well as with the heads of diplomatic missions, the Representative of the Secretary-General of the United Nations and the Resident Representative of the United Nations Development Programme (UNDP).

2. The present report reviews the progress made thus far in the political transition, particularly following the military uprising of 6 October 2004 and the threats it posed to the country's future. It also covers the forthcoming presidential election.

II. POLITICAL SITUATION

3. It should be recalled that, in compliance with the Transition Charter, legislative elections were held on 28 and 30 March 2004. In the statement issued on that occasion, international observers welcomed the smooth conduct of the elections, despite some loopholes observed in the organization, and stated that the voting was free, fair and transparent. Twelve political parties and three coalitions competed. Out of a total of 603,639 registered voters, 460,250 voted in the national territory, representing a total participation of 76.25%. In the results proclaimed by the Supreme Court on 21 April, no party obtained an absolute majority. However, the African Party for the Independence of Guinea and Cape Verde (PAIGC) had the largest number of seats at 45 seats. The Party for Social Renovation (PRS), of former President Kumba Yala, won 35 seats. The United Socialist and Democratic Party (PUSD) of former Prime Minister Francisco Fadul won 17 seats. The Electoral Union, a coalition of five small parties, emerged with 2 parliamentary seats, while the United Peoples' Alliance, a coalition of two parties, won only one seat.

4. A Government headed by Mr. Carlos Gomes, President of the PAIGC, was formed in May 2004. The new Peoples' National Assembly, comprising 102 parliamentarians for a 4-year term of office, was sworn in during that same month. It was inaugurated as the seventh legislature since the independence of Guinea Bissau, thus ending the tenure of the National Transition Council and transforming the Military Committee for the Restoration of Constitutional Order into an advisory organ to the Office of the President.

5. From the Government's assumption of office until the military uprising, the transition proceeded smoothly, and there were encouraging developments in the political situation. The Interim President, Mr. Henrique Pereira Rosa, and the new Government had been working towards restoring the constitutional order and the revival of institutions, when, on 6 October, a military uprising occurred in the capital, Bissau. Heavily armed soldiers occupied the city's intersections and strategic points,

to press their demand for the payment of a balance of five months allowance owed to them for their participation, from September 2003 to June 2004, in the United Nations Mission in Liberia (UNMIL). The mutineers also claimed to be protesting against their precarious living conditions and the corruption in the military hierarchy.

6. Negotiations were quickly initiated between the Minister of Foreign Affairs and the mutineers, and the military hierarchy, held responsible for the situation, was soon left without leadership. General Verissimo Correia Seabra, Chief of Defence Staff, and Colonel Domingos de Barros, Head of the Army Intelligence Service, were assassinated, while other officers were arrested or sought refuge in the diplomatic missions in Bissau. A declaration by the Portuguese Foreign Minister condemned the “attempted coup d’Etat”, which the mutineers promptly denied, in a bid to place their action within the framework of claims for better conditions of employment.

7. On 8 October, I issued a communiqué in which I expressed my concern over the situation then prevailing in Guinea Bissau. In this regard, I strongly condemned the recourse to violence, deplored the loss of human life and urged all the actors concerned to seek a solution in strict compliance with constitutional legality.

8. As part of efforts geared towards putting an end to the “mutiny”, a Memorandum of Understanding was signed on 10 October between the representatives of the mutineers and the Prime Minister, and endorsed by ECOWAS and the Representative of the Chairman of the AU, the Nigerian Ambassador in Bissau. The mutineers demanded and obtained the commitment of the Government, in the said Memorandum, to consider a general amnesty for all those who had participated in military take-overs since 1980. They also demanded that General Tagmé Na Waie, then Army Inspector-General, whom they favoured, be appointed Chief of Defence Staff. This appointment was confirmed by a presidential decree on 28 October. General Tagmé and his three deputies assumed duty on 11 November, after a one-month vacuum at the head of the Guinea Bissau Army.

9. Subsequently, an amnesty was approved by the Peoples’ National Assembly on 26 November, by a resolution adopted by 86 parliamentarians, most of whom were from the PAIGC, with only 2 abstentions within that party. The amnesty is in line with the national reconciliation process, the form and modalities of which are to be defined by the Commission to be established for that purpose.

10. Furthermore, a presidential election, estimated to cost CFA 3,374,589,889 (Euros 5,152,046) to organize, was scheduled for 19 June 2005, to be preceded by a census and the updating of the voters’ register. I seize this opportunity to call on the international community to assist Guinea Bissau in organizing the election, which represents a decisive stage in the process of returning to constitutional order.

III. MILITARY SITUATION AND SECURITY ISSUES

11. The “mutiny” of 6 October, barely six months after the legislative elections, highlighted the fragility of the transition towards democracy and revealed, once again, the army’s omnipresence and influence in the political management of the country. Consequently, its immediate effect was to weaken executive power and deepen ethnic divisions in Guinean Bissau. However, it should be noted that, since its establishment, the new military command has been working to improve the army’s

image. Upon its assumption of duty, the command reintegrated all officers who had been wrongly dismissed or made to retire, with a view to reuniting the army and redefining its place and role in national affairs.

12. Armed forces and security sector reform has therefore become a top priority. In this regard, I appeal once again to the international community, particularly the principal donors, to participate further in the mobilization of the necessary funds to implement this reform. At the same time, I urge the Guinea Bissau army to refrain from any further interference in the political management of the country, in compliance with the commitment made by the Chief of Defence Staff in his message to the Nation on the occasion of the New Year, and to establish the necessary conditions for its transformation into a republican army at the service of the civilian political authority.

13. Furthermore, since the end of the liberation war, and because of the numerous crises raging in the country, as well as thefts carried out in the armouries, many small arms are in the possession of the civilian population. It is important that the AU, in close cooperation with ECOWAS, the Community of Portuguese Speaking Countries (CPLP) and the UN, re-launch the campaign to sensitize international financial institutions and other donors, with a view to establishing a disarmament programme.

IV. ECONOMIC AND SOCIAL SITUATION

14. The economy is in a critical state. The Government does not have the necessary resources to cover regular expenses and pay the salary arrears of civil servants. Despite the existence of significant economic potential, the ongoing instability is not conducive to economic activity. Guinea Bissau, which is a major consumer of rice, only produces a small quantity, although it has the potential to produce for its own consumption and that of the neighboring countries. The same applies for cashew nuts and fishery products, which could be processed in the country to generate revenue.

15. State operations currently can only be financed with contributions from the Emergency Economic Management Fund, established at the initiative of the Ad Hoc Advisory Group of the Economic and Social Council for Guinea Bissau and managed by UNDP. However, this Fund has been exhausted and will no longer be operational by the end of the year.

16. Basic social and health services are in an alarming state due to lack of adequate infrastructure, financing and medical personnel. With the help of the Emergency Economic Management Fund, for the first time in three years, it was possible to start the 2004/2005 school year in October as scheduled. Also, within the framework of the national immunization campaign against poliomyelitis, 97% of children were vaccinated. And thanks to the support plan for the implementation of the HIV/AIDS control programme, the first National HIV/AIDS Forum took place in September.

17. It should be noted that the Government took financial and administrative measures that contributed to increasing revenue. The Bretton Woods Institutions, with which the Government works closely, appreciated this effort to regain fiscal control. Consequently, the two parties were able to begin discussions on the finalization of the Poverty Reduction Strategy Document, as a prelude to the convening of a Round Table, initially scheduled for December 2004, but which has been postponed because of the events of 6 October.

18. From 4 to 18 December, a mission of the International Monetary Fund (IMF) traveled to Guinea Bissau to assist the authorities in the preparation of the 2005 budget; the mission appreciated the efforts deployed by the Government. Pending the conclusion of a macro-economic agreement with the IMF, the Government hopes to receive 5.3 million Euros as the second installment of a budgetary package totaling 17.2 million Euros granted by the European Union in 2001. After the conclusion of the agreement with the IMF, an additional installment of 5 million Euros could be made available before the end of the year.

19. Nonetheless, in view of the dilapidated state of the economy and social services, the deteriorating condition of roads, communication and the electricity network, the ineffective functioning of telecommunications and the impoverishment of the population, some experts feel that the situation in Guinea Bissau requires massive investment from international financial institutions. Such a flow should however be underpinned by streamlining measures, particularly administrative reform, improved management of the civil service and discipline in Government expenditure.

V. HUMAN RIGHTS

20. The human rights situation remains a cause for concern. The history of Guinea Bissau is marked by numerous cases of human rights violations. Twenty prisoners accused of having participated in coups d'Etat have been detained since December 2002. In June 2004, thirteen of them were provisionally released. Under pressure from the UN Peace-Building Support Office in Guinea Bissau (UNOGBIS), all detainees were released last November, and are awaiting trial.

21. The assassination of General Verissimo and Colonel Barros, under circumstances which have yet to be explained, is clear proof of the prevailing insecurity in the country. The trivialization of this act by some members of the political class, as well as the absence of investigations to uncover the perpetrators and their motivations, reflect the pervasiveness of impunity, which, as in the past, continues to protect the guilty.

VI. OBSERVATIONS

22. The principal political parties are going through internal crises. The PAIGC endeavours to manage the co-existence of different political tendencies that are deeply divided on major issues, including the issue of the return of President Joao Bernardo Vieira and his candidature for the presidential election, against the background of a power struggle among some of its leaders. There were a few desertions in the PRS, and, owing to dissent within its ranks, a rival party emerged. Composed mainly of Balantes, the party is reported to be favoured by a large

number of military leaders. According to its adversaries, its objective is to reinstate Kumba Yala in power. Finally, the PUSD, which had seventeen parliamentarians, lost twelve of them who claim to have become independent, though, in some quarters, it is suspected that they have been co-opted by the Prime Minister. The resulting climate of confusion does not reassure donors, who are tempted to disengage, despite the advocacy of UNDP. I urge all the Guinea Bissau political parties, whose role is pivotal in the affirmation of the political consciousness, to demonstrate maturity and a sense of responsibility, and work towards the consolidation of democracy.

23. The general amnesty approved by the Peoples' National Assembly is dividing the Guinean Bissau. For part of the national opinion, the amnesty sanctions impunity and reflects contempt for the victims and their families. For the majority of PAIGC members, it cancels all acts committed during the era of President Vieira, who led the country from 1980 to 1999, and who is banned from political activity until 2009 in terms of the old Constitution that was in force until September 2003. The amnesty also invalidates the act by which Kumba Yala relinquished power and agreed to be ineligible for five years. The two former Heads of State therefore presented their candidatures for the presidential election.

24. Out of a total of 21 candidatures, the Supreme Court validated 14 and rejected 7. Among the candidatures retained are those of former Presidents Vieira, an independent candidate supported by the "Group of 30 Thousand", a civil society movement that organized his return to the country from political exile in Portugal; Kumba Yala, nominated by the PRS and also supported by the "Kumba Yala for President Movement"; and Malam Bacai Sanha, Interim President from May 1999 to 2000, a PAIGC candidate; as well as those of Mrs. Antoinetta Rosa Gomes, former Minister of Foreign Affairs, candidate of the Guinea Bissau Civic Forum/Social-Democrat (FCG/SD) and the only woman to contest the presidential election, and the opposition candidates, Idrissa Djalo of the National Unity Party (PUN), Faustino Fudut Imbali of the Peoples' Manifest Party (PMP), and Salvador Tchongo Domingos of the Guinea Bissau Resistance/Bafata (RGB Bafata). Three candidates, who appealed to the Supreme Court, were allowed to present their candidatures, including former Prime Minister Fadul. In the final analysis, there will be 17 candidates for the presidential election.

25. The candidatures of such influential personalities of the Guinea Bissau political life and the stance of a few officers in support of some of those candidates aggravate political and social tensions. In this regard, I call on the Guinea Bissau parties to exercise restraint and show a sense of responsibility, and to work towards consolidating democracy. Furthermore, I reaffirm my willingness to work with a view to ensuring the smooth conduct of this crucial phase of the peace process. At the same time, I encourage all countries in the region to continue to lend their full support to the transition process.

26. However, it should be stressed that although the situation in the country remains relatively calm, the consequences of the mutiny of 6 October have created tension, exacerbated in the past few months by a number of events, in particular the disintegration of political parties, the controversial candidatures of former Presidents Vieira and Kumba Yala, the declaration of 15 May 2005 by Kumba Yala asserting his legitimacy as President of the Republic and calling for the postponement of the

presidential election, and his attempt to occupy the presidential palace during the night of 24 to 25 May, with the help of a group of soldiers.

27. In light of the above, and also with a view to supporting the ongoing process, I recommend that, following the example of ECOWAS and CPLP, Council endorses the opening of a Liaison Office, with a lean structure, in Bissau. Its mandate would be to provide AU support to the establishment of an enabling environment for the consolidation of peace and democracy in Guinea Bissau.

2005

Report of the Chairperson of the Commission on the Situation in Guinea-Bissau

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