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Elections in Guinea-Bissau: A Roadmap for Restoration of Constitutional Order

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Introduction

On 12 April 2012, following the first round of Guinea-Bissau's presidential elections, the armed forces staged a *coup d'état*.¹ Interim President Raimundo Pereira and presidential frontrunner Carlos Gomes Júnior (won 49% of the votes in the first round), were arrested and forced into exile. A military-backed interim regime took over. The international community's refusal to recognize the post-coup interim regime, and the sanctions imposed by the African Union (AU) and European Union (EU), has led the Economic Community of West African States (ECOWAS) to appeal for international legitimization of the transitional government and removal of sanctions in sake of the country's security sector reform (SSR) and smooth return to full democratic rule. It can be argued that the divisions within the international community have contributed to the transition authorities' consolidation and the indefinite postponement of elections for the last two years, which raises doubts about the effectiveness of international intervention. Nonetheless, the ECOWAS mission is not without merit, as it has managed to avoid further instability that could have worsened the situation in the field. Elections scheduled for 13 April 2014 may mark the country's return to constitutional order. The armed

forces have historically posed a threat to constitutional order, and will probably haunt the forthcoming elections. Likely motivated by the possibility of military meddling, the PAIGC's new secretary-general, Domingos Simões Pereira, has dismissed his support for Carlos Gomes Júnior, the former prime minister and presidential candidate on the eve of the 2012 coup.² In sum, this situation shows how important it is to implement an effective, extended and resilient SSR.

The Ups and Downs of International Intervention

Prime Minister Carlos Gomes Júnior implemented a program of reform and modernization of the defense and security sectors, aimed at curbing the armed forces' influence. However, in September 2010, one of the major sponsors of the SSR, the EU, withdrew its mission following a coup attempt.³ Angola, which then chaired the Community of Portuguese-Speaking Countries (CPLP), signed a protocol with Guinea-Bissau's government aimed at contributing for the SSR and increasing its influence in the country. The cooperation agreement was renewed in February 2011,

1 See Paulo Gorjão and Pedro Seabra, "Guinea-Bissau: Can a Failed Military Coup be Successful?" (*IPRIS Viewpoints*, No. 95, May 2012).

2 "Líder do PAIGC exclui apoio a Carlos Gomes Júnior nas eleições presidenciais na Guiné-Bissau" (*Lusa*, 18 February 2014).

3 Farouk Chotia, "EU pull-out hits Guinea-Bissau reforms" (*BBC News*, 4 August 2010).



with approval of a US\$ 600 million line of credit.⁴ One month later, the Angolan Military Mission to Guinea-Bissau (MISSANG) emerged. Moreover, ECOWAS agreed to support the SSR, and pledged to expand its collaboration with Angola and the CPLP with the deployment of a 600-strong ECOWAS-CPLP mission that included Brazil.⁵

However, soon after the *coup d'état* that followed the first round of the 2012 presidential elections – deemed largely free and fair by the international community – the armed forces began complaining. According to the military, in the aftermath of the coup, Angola brought weapons to the country without the knowledge of the national authorities, which suggested that the Angolan mission had other objectives, namely to overthrow the junta.⁶ This led to friction between the two countries. Tensions escalated when the opposition made public a letter⁷ – from three days before the coup – wherein Prime Minister Carlos Gomes Júnior asked the United Nations Security Council (UNSC) to authorize the deployment of an international force with an extensive mandate under Article 24. The opposition and coup plotters claimed this constituted an attack on the country's sovereignty.

Coupled with growing opposition in Guinea-Bissau, the unwillingness of some West African countries – such as Côte d'Ivoire, Nigeria and Senegal – in having one of Africa's regional powers in their sphere of influence, the Angolan forces withdrew in June 2012. This ruptured the bilateral agreement with Angola, and with it the financial support and on-going projects. An ECOWAS force (ECOMIB), comprised of 600 troops and police from Burkina-Faso, Nigeria and Senegal, took over MISSANG's part of the mission, despite in-existent UNSC's formal backing.

In February 2014, ECOWAS agreed to increase the 750-strong ECOMIB mission, although maintaining its original mandate to provide security during the elections.⁸ Nonetheless, it failed to gather more financial and logistical support needed to effectively reinforce the ECOMIB. France, the United Kingdom and United States made it clear that the regional bloc must use its own resources.⁹ It is worth noting that almost two-thirds of the financial burden for ECOWAS operations falls on the organization's largest contributor, Nigeria (nearly two-thirds of the budget),

clearly showing the dependency of the West African bloc on the West African economic powerhouse.¹⁰

ECOWAS is comprised of several troubled states, with young democratic systems and limited military capabilities. Some like Côte d'Ivoire¹¹ and Nigeria face major social, political and military challenges within their own borders, while others just recently recovered from civil wars. The crisis in Mali, in particular, has drained ECOWAS resources. In addition, many of the countries that have shown solid progress in terms of consolidation of democratic institutions and improved governance, like Cape Verde and Ghana, are still susceptible to backsliding. Moreover, these countries comprise a minority within ECOWAS, and they lack the economic clout to influence policy-making and promote their model of governance.

As a matter of fact, a few recent episodes depict the weakness of ECOMIB. Last month the vehicle UNIOGBIS head José Ramos-Horta's vehicle was pulled over by the military in the country's interior; and on 16 January 2014 the military and national guard surrounded UNIOGBIS office at the southern city of Buba, following information that Carlos Gomes Júnior was hiding there.¹² It can therefore be argued that these episodes, the likes of which gain greater relevance for having taken place close to the elections, increase the necessity for a mission that effectively safeguards the next government's security.

The ECOWAS-brokered transition period was initially scheduled to end in April 2013, with the election of a new government, during which time the SSR would be consolidated and open the way to swift and peaceful presidential and legislative elections that would mark the return to constitutional order. However, the failure to organize elections, to improve the judicial system, and the persistent military meddling in national affairs shows that the ECOWAS and UN missions have largely failed to influence events. Nonetheless, since it is unlikely that elections will continue to be postponed indefinitely, it is urgent to analyze a post-election scenario for insight into how the international community should engage Guinea-Bissau.

Changing the Course of Events

The upcoming elections will define Guinea-Bissau's short-term future, and in particular the return to constitutional order. In the elections' aftermath, political and social

4 "Militares angolanos já estão em Bissau" (RFI, 17 March 2011).

5 "Angola and ECOWAS revive security sector reform" (EIU, 22 June 2011).

6 "Guinea Bissau Military Command blames Angola for last week's coup" (A Semana, 17 April 2012).

7 See "Letter dated 23 April 2012 from the Secretary-General addressed to the President of the Security Council" (United Nations Security Council, 24 April 2012).

8 "West African defense chiefs to bolster troops in Guinea-Bissau" (AFP, 20 February 2014).

9 "Monthly Forecast: Guinea-Bissau" (Security Council Report, 31 January 2014).

10 "Nigeria, ECOWAS' largest donor, continually outsmarted by smaller West-African countries" (Premium Times Nigeria, 4 February 2013).

11 Laurent Gbagbo, former President of Côte d'Ivoire, was a long-time ally with Angolan President, José Eduardo dos Santos, until the former Ivorian leader's arrest in 2011. When of the recognition by the international community of Alassane Ouattara as the November 2010 presidential winner, and Gbagbo's fierce refusal to concede defeat, Angola was one of the few countries to take part in Gbagbo's swearing-in ceremony. See Paulo Gorjão, "Côte d'Ivoire: A test tube for Angola's regional policy?" (IPRIS Viewpoints, No. 29, December 2010).

12 "Guiné-Bissau: Relatório semanal do UNIOGBIS confirma invasão da sua sede em Buba" (Jornal Digital, 22 January 2014).



instability need to be curbed if Guinea-Bissau is to not be a failed state.¹³ In order to do so, the international community should provide the conditions to guarantee that the democratically elected government will not be endangered by the armed forces. One should bear in mind that the implementation of a SSR¹⁴ program takes time to produce results, which means that in the meantime the country's government will be not only vulnerable to a *coup d'état*, but also the armed forces will retain influence over national politics.

International sanctions and suspension of government-to-government aid¹⁵ following the 2012 coup contributed to the deepening of the country's isolation and maintained or strengthened the armed force's grip on power. Disruption of foreign aid and the suspension of vital internationally sponsored reforms, such as the EU €6.5 million deal aimed at modernizing and resizing the public administration,¹⁶ coupled with diverging post-coup engagement between the ECOWAS and the international community, have failed to restore democratic rule. In addition, they were largely counter-productive in a country with a poorly diversified economy whose economic structure and public finances rely heavily on agriculture, fisheries and foreign aid. In a post-election scenario sanctions and suspension of aid, which only serve to undermine the people's livelihoods and the country's economic development, need to be replaced by constructive initiatives – resumption of foreign aid and international cooperation – aimed at reforming the public administration and promoting economic growth.

The task of rebuilding the state must be supported by international organizations. Programs aimed at rebuilding the state, and the actors involved, have to be protected in order for meaningful changes to be introduced. A legitimate international intervention, ideally in the form of a UN stabilization force, would be the best option, as it would dissuade military meddling. According to Chapter VII,¹⁷ in the event that coercive measures – such as sanctions – have proven inadequate, the UN may allow the use of force. The argument in favor of the application of Chapter VII is all the more important

when taking into account the country's history of *coups d'état*, and the high probability of it happening again.

In order to increase the level of legitimacy, political control and decision-making over the mission would be delegated from the UN to the AU under the principle of 'African Ownership'. In sum, the UN should delegate the mandate not to the West African regional bloc but to the AU, while not excluding it from the mission. In fact, the mission could draw on the ECOMIB's experience in the field – and work developed so far – and team it up with other African military contingents that can offer greater availability of financial, personnel and technical resources. In addition, the AU mission would be eligible for EU financing, namely through its Africa-targeted programs, such as the African Peace Facility. Bearing this in mind, an international intervention under Chapter VII, legitimized by the UN and delegated to the AU, has the potential to end the vicious cycle of military coups.

In turn, the task of garnering technical, financial and personnel support would be eased. The availability of a wider set of contributing countries, derived from the UN mandate, would reduce the financial burden on ECOWAS. In addition, some countries that have previously provided financial support to Guinea-Bissau during the period that preceded the 2012 coup, such as Angola and Brazil, continue to express their commitment to the cause. The same applies to other CPLP members and the EU,¹⁸ in particular Portugal, which is currently a major bilateral donor and also greatly experienced in the field. Although Angola's presence in West Africa goes against ECOWAS geopolitical interests, the possibility of seeing their finances relieved, and the international legitimacy attached to the mission – versus a bilateral one, as it happened in 2010 – may work as convincing arguments for ECOWAS to allow for Angola to re-enter the region.

Conclusion

Following the 2012 coup, the CPLP appealed to the UN for an international intervention mandated by the UNSC, in articulation with the AU, ECOWAS and EU,¹⁹ showing its commitment towards stability in Guinea-Bissau. The CPLP member-states have deep historical and cultural ties that can work as powerful instruments of mutual understanding, cooperation and support.²⁰ In particular, the CPLP member-states can provide experts to work in the country's state ministries – drawing on Timor-Leste's experience, as suggested by José Ramos-Horta²¹ – in order to help reorganize public administration,

13 Highly positioned armed forces officials – with deep connection with the transition regime – have been linked to narco-trafficking by the US. See "Manhattan U.S. Attorney Announces Charges Against Antonio Indjai, Chief Of The Guinea-Bissau Armed Forces, For Conspiring To Sell Surface-To-Air Missiles To A Foreign Terrorist Organization And Narco-Terrorism Conspiracy" (*The US Attorney's Office*, 18 April 2013).

14 See André Monteiro and Miguel Morgado, "Last chance for security sector reform in Guinea-Bissau" (*IPRIS Viewpoints*, No. 1, April 2009).

15 Although the EU countries have suspended institutional support, they have maintained humanitarian aid. In fact, Portugal is still the major bilateral donor, following a restructuring of its aid to the country.

16 Eduardo Jaló, "Guiné-Bissau: uma reflexão patriótica – parte 2" (*Ditadura do Consenso*, 16 July 2016).

17 "Chapter VII: Action with Respect to Threats to the Peace, Breaches of the Peace, and Acts of Aggression" (Charter of the United Nations).

18 The EU is set to start the 11th European Development Fund (EDF) aimed at economic cooperation with African, Caribbean and Pacific countries, from which sub-Saharan Africa can extract major benefits.

19 "Resolução sobre a situação na Guiné-Bissau" (*CPLP*, 14 April 2012).

20 Luís Bernardino, "Que Política de Cooperação para a Segurança e Defesa deve Portugal adoptar em África?" (*Revista Militar*, June/July 2007).

21 "Será preciso a refundação do Estado guineense" (*GBissau.com*, 26 November 2013).



and defense and security forces. This specific type of support and collaboration poses an advantage to CPLP member-states - in relation to other international actors that may be willing to offer support - when considering that countries like Angola, Brazil, Cape Verde, Portugal and Timor-Leste, share similar administrative systems and legal codes. Although most of the CPLP member-countries lack conditions to have an active physical presence in Guinea-Bissau, Angola and Brazil have the financial and military capabilities to spearhead CPLP members' participation in the stabilization force.

Until the most recent coup, Brazil was actively engaged in support of Guinea-Bissau's political reconciliation, SSR, and economic and social development.²² It is worth noting that former Brazilian Foreign Minister António Patriota, who chairs the Guinea-Bissau Configuration of the Peace Building Commission – tasked with marshalling the available resources and propose strategies for post-conflict scenarios²³ – oversaw aid to

Guinea-Bissau from 2011 until the 2012 coup. Drawing on Patriota's knowledge of the situation in the country and on his privileged position to influence policy-making in the UN General Assembly and UNSC, Brazil and the CPLP have the instruments to push more swiftly towards a stabilization force with an extended mandate under Article VII.

Furthermore, one other positive outcome of the CPLP involvement would be the participation of an EU country like Portugal. This is relevant when considering that the stabilization force will need to garner support from as many donors as possible. Portugal can influence EU policy-making in terms of going further than imposing sanctions, and ultimately push for funding. In turn, EU involvement goes in line with its own Africa strategy, namely to tackle insecurity and instability in the volatile Gulf of Guinea and Sahel – illegal criminal activities, international terrorism, among others – which endanger EU members.

22 "Guiné-Bissau: Golpe interrompe ajuda do Brasil" (*Agência Brasileira de Cooperação*, 28 May 2012).

23 "Mandate of the Peacebuilding Commission" (United Nations Peacebuilding Commission).

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