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- 15 THE CHALLENGES AND CONSTRAINTS OF SECURITY SECTOR REFORM
IN GUINEA-BISSAU: A VIEW FROM THE FIELD
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The Challenges and Constraints of Security Sector Reform in Guinea-Bissau: A View from the Field

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Introduction

I arrived in Guinea-Bissau more than a year and a half ago to participate in a European Union Mission in support of the Security Sector Reform in Guinea-Bissau (EU SSR Guinea-Bissau). During this period, we witnessed a great number of political and security incidents, some with dramatic consequences. There was a situation in which different police forces killed each other; (alleged) coup attempts; unconstitutional laws; airplanes with drugs; a Presidential assassination attempt; and electoral processes. We have known and worked with three Presidents, three Speakers of the National Assembly, three Prime Ministers, three Foreign Affairs Ministers, three Defense Ministers, three Ministers of Interior, two Ministers of Justice, two Ministers of Veteran Combatants and three General Prosecutors. Furthermore, we witnessed the assassination of a Head of State and an Armed Forces Chief of Staff, attacks and arrests, etc. It cannot be said that nothing occurred since the Mission deployment... unfortunately almost none of that which happened helped Guinea-Bissau.

It goes without saying that during this last year and a half, the aforementioned problems did not aid in the fulfilment of our mandate. It is very complicated to move on with any Security Sector Reform (SSR) process in these circumstances. However, many still ask why much of the work done by the Mission, namely the legislative packages for the Defense, Police and Prosecution sectors, still have not been approved by the Council of Ministers.

On the other hand, it is important to remember that we are in a country facing a number of difficulties and limitations – one of the poorest in the world, where the local

perspective is not necessarily similar to Western mentalities. This in turn has repercussions for the pace of work: as a minor example of this, it was eight months before we were able to move into the facilities designated for the Mission.

Most of the time, Guinea-Bissau is referred to for the worst reasons and too often qualified as a narco-state or a failing state. This is how the international community in general classifies the country and it is not difficult to understand the reasoning behind it. The country's level of education is significantly low, its life expectancy is one of the shortest in the world, health care is almost non-existent, corruption is generalized, Law is not respected – one could go on and on...

A Helping Hand

The government of Guinea-Bissau together with the international community, particularly the European Union, sought support to overcome these constraints which are hindering the country's development. As a way of tackling the current situation, the EU has specifically focused its efforts on the task of reforming the Defense and Security sectors: as of June 2008, a European Security and Defense Policy (ESDP) Mission was deployed on the ground.¹

The reform of the security sector, as with any reform in Guinea-Bissau, can only result from a process of political will and national ownership. It is encouraging to note that the new government, like the previous one, remains determined and maintains a strategic interest and commitment towards the reform and the EU Mission.

Designated as EU SSR Guinea-Bissau, the Mission provides local authorities with advice and assistance on SSR, in order to contribute to the creation of conditions for the implementation of the National Strategy Document (NSD).²

The Mission is headed by General Juan Esteban Verástegui and includes 15 military and civilian advisers (plus support and local staff) assigned to work with the Army, the Navy, the Air Force, the Public Order Police, the Judicial Police, the Prosecution Service and the Secretariat of the Technical Coordination Committee. This Mission has special characteristics in terms of ESDP Missions, being the first to operate in a multidisciplinary manner, combining military as well as civilian aspects and operating entirely in the three areas of the reform.

The major objective of the Mission is to operationalize the National SSR Strategy by assisting in the development of detailed implementation plans for downsizing/restructuring the Armed Forces and security sector. Moreover, the Mission assists in the meeting of capacity-building needs by providing training and equipment and facilitating subsequent mobilization and engagement by donors. The Mission's most essential role is to aid Interpol's National Central Bureau in Bissau in the planning and development

of an effective criminal investigation strategy. It also advises and collaborates with the Judicial Police in the planning and organization of short-term training activities as required, and counsels Guinea-Bissau's Prosecution Service in the development of their capacity concerning transitory prosecution and seizure of criminal assets.

The Mission's first goal was to establish mutual trust between national authorities and Mission staff. Currently, one could say that this objective was met and that the Mission is on the right path to reach its objectives, while acknowledging at the same time some delays in meeting the first deadlines set by the Operational Plan. Two major achievements so far have been the acceptance by local stakeholders of the local ownership principle in the entire SSR process and the reliable and widely accepted political commitment to the SSR – not only by politicians but also by national authorities involved in the Reform. Because it is a cornerstone of SSR that it be a Guinean-driven process, national authorities have officially organized several workshops, supported by EU SSR Mission advisers.

The SSR legal framework in the country presents a fragmented landscape. From a complete but never implemented military legal body, we move to a non-existing legal framework covering the different police bodies, with the sole exception of the Judicial Police. Once the existing legal framework has been analyzed, it will be necessary in order to reach the SSR final status to further proceed in defining the intermediate and final goals in every sector and create a legal framework that will support them. The definition of these goals is of paramount importance and is a task that must be undertaken by the Guineans themselves. In this area, the Mission has been supporting the development and articulation of capacity needs, including training and equipment.

The National Strategy Document

The Bissau-Guineans elaborated the National Strategy for the Restructuring and Modernization of the Security Sector in 2006. This document results from combined efforts by the government and its partners to give body to the SSR, efforts which were boosted in 2005 when the United Kingdom Security Sector Advisory Team (SSDAT) sent consecutive Missions to the country to work with national and international partners in preparing the SSR Strategy Document, which was presented for funding by international donors at a round table in Geneva in November 2006.

The official launch of the governmental implementation of the SSR took place on the 23rd of January 2008 – the National Assembly having previously approved the strategy to be put in place. In this document, which contains the reform's general guidelines, the objectives and main plans of action for the three sectors – Armed Forces, Security Forces and Justice – are listed.

According to the Document, the reform implementation will be undertaken by three committees: the Inter-ministerial Committee that will work as a small council of ministers for the SSR; the Steering Committee, which includes Ministers or government representatives, local authorities and the international community; and the Coordination Technical Committee which comprises working-level groups composed of international and domestic experts.

Difficulties and constraints

This former Portuguese colony in West Africa, which became independent in 1974, is going through difficult times. During the night of 23rd November 2008, four months after another aborted *coup d'état*, the country witnessed an assassination attempt on the President. These events have been shockingly common in Guinea-Bissau and this year saw a greater number of incidents with more tragic outcomes. The Armed Forces Chief of Staff, Tagmé Na Waié, was assassinated with a bomb explosion, and, early the following day, President João Bernardo 'Nino' Vieira was assassinated with gunshots and cutlass blows. More recently, at the beginning of June 2009, events took another violent turn as the ex-Ministers Hélder Proença and Baciro Dabó – the latter a presidential candidate, were also gunned down.

These events are the result of the constant destabilization that the country has been experiencing in recent years, which gravely hampers its institutional, political, economic and social development and affects the legitimate aspirations of its population.

It is difficult to explain the series of dramatic (and traumatic) situations that Guinea-Bissau has faced. The many consecutive commissions created by the government over the years have not produced satisfactory results. Criminal cases have been filed, but no one has been held responsible. The international community applies pressure, but it also seems that they have a modest will to intervene.

However, these are not the only constraints to the reform process. As referred to previously, it is clear that any governmental remodeling or election – be it presidential or legislative – brings new variants to the process. This means that the work planned suffers a delay and that these newcomers will have to be briefed about the various activities the Mission has already carried out. Also, these successive governmental and presidential changes have been used by national authorities as justification for delays in the SSR process, not only through the argument of lack of knowledge about the process, but also with reference to the fact that constitutional legality was not guaranteed during the few months when the presidency was vacant. Delays persisted more than two months after the swearing-in ceremony of the President Malam Bacai Sanhá because the government was slow in approving the legislative package concerning the reform.

Additionally, the Steering Committee (SC) and the Coordination Technical Committee (CTC) are not acting as real incentives to the reform process, and as a result there has been a lull in the work in progress. The concerned bodies have never had the means to operate correctly: specifically, the CTC has yet to receive the financial allocation meant to assure its regular functioning. Therefore, the support that this committee was supposed to give to the SC has always been compromised from the start.

Moreover, the SC performance presents many shortcomings, most of which result from the lack of technical support. Several examples can be cited, such as the quasi-inexistence of meeting minutes and their lack of distribution to all Committee members; the late convening of meetings; the lack of participation of ministers and other national authorities, such as representatives of the President or the Prime Minister; the absence of an agenda or its late distribution; the difficulty in creating a permanent and actualized SSR donors matrix.

Another fact that has not helped the Mission is the lack of information in the country about the SSR in general, and the Mission mandate in particular. Even though the paucity of information concerning the Mission's mandate could be partially attributed to the EU, it does not justify that the national authorities and the community in general know so little about the reform process. It is symptomatic that the NSD, elaborated, as we have said before, in 2006 and approved in January 2008, is practically unknown. It is difficult to understand that the great majority of interlocutors, whether national authorities or international organizations, do not have deep knowledge of the critical document of the reform: therefore the Mission has undertaken the task of distributing the document and making presentations about it.

The lack of knowledge concerning the NSD results in a lack of respect for its content. The Document was approved by the National Assembly and cannot be altered without legal formalities. Contrary to what some thought to be contained in the National Strategy, it is not simply a guiding document, susceptible to alteration according to the whim of politicians; it is a binding document, which means that the alterations of the numbers of Armed Forces staff or the option for a dual police system may not be frivolously discussed without thinking of the resulting consequences. In this phase of the process, it is necessary to realize that a structural change in the Document would imply a return to the starting point. This would also mean that more than eighteen months of Mission activity would become irrelevant and that the legislation elaborated in strict respect of the Document would have to be totally rethought. The new holders of the Defense and Interior portfolios seem to have recognized the imperative of moving forward with the process in rigorous respect for the National Strategy Document.

Directly related to the low level of information about the SSR is the lack of knowledge of the Mission's mandate. The mandate has not been properly explained to Bissau-Guineans, be they stakeholders or members of the general population, and this has created

misconceptions about the Mission's activities and the goals it wishes to achieve. This Mission being essentially involved in the preparation of documents and the elaboration of laws and projects, its activity and achievements are not necessarily visible or publicized. Thus, expectations created about a quick sending-off of military and police for retirement, of building new infrastructures, acquiring new equipment or beginning training sessions, were quashed. This more practical and visible phase can only happen if the numerous decisions about the internal organization of the Armed or Security Forces are implemented. It is necessary to know which barracks should be built or renovated and how many men will stay in them. These and other decisions are waiting are waiting to be made by the national authorities.

State of Play

Even though it is true that the situation has slightly improved in the recent past, the reality is that the country's major problems such as corruption, drug trafficking and criminal impunity still remain unsolved and continue to be the source of constant internal conflicts. Much needed reforms, especially those concerning the rule of law and the SSR, suffer because of the weakness of some local institutions which are incapable of dealing with drug trafficking, illegal immigration and crime in general, and the widespread sense of impunity that exists in the country. Not only are these issues problematic for Guinea-Bissau but they are also a major cause for concern for the country's international partners and, if over-emphasized, also act as an inhibitor to potential investors. In addition to this, the lack of proper resources and the years of war experienced by the country have created many other internal problems, chiefly the issue of pensioning ex-freedom fighters currently serving in the Armed Forces, in the police and in public administration. Many specialists have pointed out this issue as the main hurdle to be overcome in order to succeed in reform actions.

The fact that no one has claimed responsibility for the 2009 assassinations, both the President's and the Armed Forces Chief of Staff's – and later of two former ministers – is also symptomatic. This differs greatly from military involvement in politics in other African countries, where typically a military strongman appears in front of the international press following a *coup d'état* to explain how the army is going to save the country from destruction. Nobody can say for certain who was behind the killings in March and June of last year, and taking into consideration the evolution of the Commission of Enquiry's investigation, the perpetrator's identity won't be determined anytime soon. Therefore, we can be sure that the persons involved will continue to circulate freely in the country.

The current situation in the armed and security forces is very delicate as they not only exert an overwhelming influence in the public and political life of Bissau-Guinean society,

but they also suffer from a wide array of difficulties at different levels in the fulfillment of their institutional tasks.

As a result of the instability that has prevailed in the country since the war of independence and later with the civil war of 1998-1999, the Armed Forces have evolved into playing a preponderant role in Guinean society. This self-promotion, directly linked to a series of privileges attributed to the Armed Forces, was the reason why they have always assumed a position superior to their status: the former Armed Forces Chief of Staff, General Tagmé Na Waié, was considered the most powerful man in the country.

The defense sector in Guinea-Bissau is marked by a conflict of generations due to its varied composition of veterans and freedom fighters from the national liberation era, regular recruits who joined after independence, militias and other paramilitary elements. The military census from last year clearly shows an inverted pyramid whereby more than half of the staff is composed of senior officers. This logically implies inadequate Armed Forces, with a lack of training facilities and weak levels of training, and lingering resistance to innovation and reform, which is preventing the entry of new recruits with the ability to rejuvenate the Armed Forces and make them more flexible. This negative state of affairs is not limited to the advanced age of the military and police nor to their lack of training, but is also the product of virtually inexistent facilities and equipment, such as uniforms, communication devices, transportation, armament, and barracks. Likewise, the lack of an adequate legal framework naturally contributes to the current counter-productivity of the defense and security forces. All these factors, together with the lack of financial means to invest in the sector, aggravate the problems and in weaken the legitimacy of the state and the ensuing application of the law.

The security sector in Guinea-Bissau faces many challenges, maybe bigger than those in the defense sector. In a situation where there is a multiplicity of police forces, there is no legislation that controls their respective missions and scope. This means that at the moment, there are nine police forces in the country (Public Order Police, Judiciary Police, Border Guards, Forest Guard, Immigration Services, Maritime Police, Financial Oversight Services and State Security Information Services) that respond to seven different ministries. The Strategy Document intends to transform these nine police bodies into only four, implying that instead of responding to seven ministers, the forces will respond to only two. Apart from that, routine problems undermine the police force's activities, such as an overage force compounded by a lack of periodical recruitment, poor distribution and presence across the territory, weak levels of training, inadequate performance levels, a discredited public image, generational conflicts and inter-departmental clashes, and poor living and working conditions for personnel.

The justice sector presents a less negative picture, but the situation is very far from being considered positive. If it is true that the international community has given relatively greater attention to this sector, it is also true that there has been little or no advance-

ment. Concrete measures such as the reinforcement of the principle of separation of powers, the promotion of administrative and institutional reforms and development of working facilities, must be taken. The European Commission has undertaken several specific projects in this area, so the Mission only deals with the General Prosecution Services in this sector.

Favorable Conditions for a Successful Reform

Apart from all the difficulties and constrictions endured in the country these last few years, it is also true that maybe more than ever before the conditions for success of a Security Sector Reform are being created.

Nowadays, there is a generalized conscientiousness of the country's security and defense sectors and, more than that, the notion that the process cannot be stopped anymore. The reform has been recognized as a necessary condition for proper exercise of state sovereignty and rule of law; redefinition of the role of the security and defense services; protection of the human rights of groups and individuals; and the pursuit of human, economic and social development, democracy and peace-building. This conscientiousness has a very practical effect in that today there is no speech by national authorities in Guinea-Bissau that does not refer to the SSR and its importance. In this aspect the Mission can, without a doubt, say that it has accomplished its objective.

The fair and peaceful way in which the recent elections were organized is an equally good sign that something is changing. After the agitated period surrounding the assassinations, the air of negativity that had descended on the country has dispersed.

The Prime Minister, Carlos Gomes Júnior, is respected and has a large popular reputation. The international community sees him as a man capable of leading the country and accomplishing necessary and urgent reforms. However, the first anniversary of the beginning of his mandate is approaching, and many of the promised changes are yet to be accomplished, namely in the security and defense sectors.

In spite of the delays registered, a much greater involvement of the international community in the process is now evident, and is a result of newfound stability as well as of current political circumstances. This allows for a renewed confidence in the future and expectations of greater bilateral and multilateral financial support.

Another positive factor which bodes well for success of the reform process is the fact that there is today a more salutary relationship and respect between the branches of the Bissau-Guinean government, namely between the President of the Republic, the Speaker of the National Assembly and the Prime Minister. State organizations seem to operate better and respect the legal procedures that are demanded in a more scrupulous way, in spite of the serious lack of financial resources that affects them.

Moreover the principle of military non-intervention in politics has begun to be implemented, or at least the new Armed Forces Chief of Staff, General José Zamora Induta and his Deputy, General António Indjai, have been reaffirming this position in their speeches. In recent months, the Armed Forces have respected their role and refrained from the usual interferences of the recent past.

Furthermore the constant references made to the existence of drug trafficking in the country have started to become less frequent now, which could mean that traffickers have chosen another route. However, any deeper analysis of this issue and its influence on the reform process is difficult to undertake, since there is no statistical data (national or international) about the volume of drugs in the country or in the sub-region.

Safe Progress

In spite of this difficult context, Mission advisers and their counterparts have moved forward in paving the way for the implementation of the reform as stated in the National Strategy Document. There was considerable success, specifically in the field of legal drafting, where an important package of organic laws was outlined and is waiting for approval as of the writing of this article. There is still a lot of work to be done. However the basis for success already exists: mutual confidence and trust.

The Mission has gradually achieved its objectives, although with some difficulties, and this should be seen as a success. The realization of its mandate can be verified through the objectives it has already achieved: the revision and subsequent development of the legal framework of the Armed and Security Forces and the definition of its new structures; the reestablishment and functioning of the link between the Guinean Police and Interpol; and the law project for the identification of necessary specific equipment for the creation of a National Guard. In parallel, the Mission has contributed to informing Bissau-Guineans about the SSR and what it really means for the country, especially about the need for cooperation from all of Bissau-Guinean society.

Despite this, the results it has reached have so far had reduced visibility. While measures have been drafted, the Bissau-Guinean government has not yet approved most of them or implemented the actions they recommend.

As mentioned, the essence of the Mission mandate consists of reviewing the existing legal framework in the three sectors of activities: military, police and prosecution, or, in cases where it is inexistent, to write new laws. At the moment, it is possible to say that this work is mostly concluded or in a very advanced phase. However, the progress of the SSR process and Mission activities is heavily dependent on the willingness of local authorities. No matter how fast the Mission can accomplish its own

tasks, approval depends on the government and on the National Assembly. Without the approval of these legislative packages, the move to a more practical phase is compromised.

Based on the work accomplished throughout the last sixteen months, the Mission, in collaboration with a European Union Delegation, carried out an assessment of the situation and produced a report that was presented to EU member states at the end of September 2009: it recommended extending the Mission mandate for six more months. The future of the Mission was decided on the basis of this report and its recommendations, and extended at the request of the government of Guinea-Bissau who wished for the Mission's continuation. In this sequence, the EU Council approved in late October the extension of the Mission mandate for a period of six months, until 31 May 2010.

To achieve its objectives, the Mission tries to work closely with other international actors in the country, but sometimes there are difficulties. Different perspectives on the SSR process in Guinea-Bissau sometimes damage the relationship with other international organizations, such as the United Nations or ECOWAS, even though most of the meetings and exchanges of information have helped in the development of the process. The announced United Nations future Mission in the country (UNOGBIS), will give special attention to the police sector, and will be without a doubt an essential element after the expected approval of the law packet. ECOWAS's role will be equally very important, especially in providing better military training and readiness. However, its role will have a more positive effect if it is integrated into a global reform project and is not only a part of sporadic and uncoordinated initiatives. However, the constant references by ECOWAS to a possible intervention, protection or stabilization force in Guinea-Bissau do not please the national authorities and could damage the process.

Nevertheless, it is important to highlight at this point the excellent relations between the Mission, the EC Delegation and other international partners. A special word of mention should be given to the joint activity developed with the Portuguese mission in the country, particularly in the police sector, as well as the excellent collaboration with the French and Brazilian Embassies. Other international donors should follow the examples of these representatives, as everyone is seeking improved cooperation and concrete results in the security sector.

Future

The bulk of the needed legislative package has been drafted and is only awaiting approval by the Council of Ministers and subsequently by the National Assembly. The work of the EU Mission advisers during the coming months will be, among other tasks, to monitor this process of legal clearance and, if required, to proceed with possible changes in co-

operation with national experts. Likewise, the Mission will collaborate with the Bissau-Guinean authorities in the preparation of projects to be presented to the international community at a donor's roundtable. This will allow for a transition to the more practical and visible phase of the SSR where the measures envisaged in the legal framework and organizational documents will be implemented.

Holding this donor's round table is thus essential, but it is premature to discuss the elaboration of training projects, equipment, infrastructures or of a pension fund if the necessary laws have not been passed. It would be difficult to find financial support to train a force that does not yet exist, to give uniforms to a police force that is not legally created, or to provide equipment for a post or headquarters whose creation is still uncertain. For these reasons, it is necessary that Guinea-Bissau act more quickly.

The decision to extend the Mission includes a Strategic Review of future EU engagement in the country and in West Africa in general, the result of which is to be presented to the EU Political and Security Council in Brussels in January 2010. This incoming analysis constitutes a real challenge to the Mission and for the country, as it will be used by the EU to decide what to do in Guinea-Bissau: stay in the country with an ESDP Mission or leave. This will depend of course on the commitment of the Bissau-Guinean government. If the legislative packet is not approved soon or no signs are given of a will to change, the EU will not support a Mission in the country. If Laws are passed, a new Mission for implementation of the legal framework and some of the projects will be prepared during the coming months and could be ready to start at the end of the current Mission's extension period, on the 31st of May 2010. The Mission and Guinea-Bissau should present the advances made in the SSR in a realistic and honest way in order to guarantee an effective presence of the EU in the implementation phase. The door for the next phase of implementation of the legislation and structures developed throughout the last year and a half is open, but to move ahead national authorities will have to take a step forward in approving the legal framework and implementing the necessary complementary actions to advance the reform process.

The recent cabinet reshuffle could be the key to positive progress in this process. The new Minister of Defense and Minister of Interior have started their activities, and have already had some working meetings with the Mission. After these meetings, both Ministers were impressed with the amount of work already done and manifested their wishes for the quick approval of the legislative package, so that a more practical new phase could take place. At this moment, the differences of opinion about certain reforms held by the former Minister of Defense seem to have been resolved, and the new Minister demonstrated a sense of integral respect for the National Strategy Document. Another important point: the Minister of Interior added that she or the Secretary of State for Security will participate regularly in the Steering Committee meetings, a participation which was lacking in the past. Taking into consideration the immense volume of work necessary in

the area of police reform, it is essential to have a Secretary of State to exclusively follow that matter.

To conclude, the Mission is in an important decision-making phase about its future role in Guinea-Bissau, one which will be determined by whether or not the Bissau-Guinean authorities take decisive steps towards the reform objectives. The legislative framework for the Military, as well as the Police and Prosecution components of the SSR is in a very advanced phase, and it is now up to the Bissau-Guineans to embrace them in order to advance debate on law proposals and get them approved at the Council of Ministers and the National Assembly level. This will clearly and unequivocally show that the measures defined in the Strategy Document have been accepted, and move Guinea-Bissau closer to the achievement of much-desired institutional, political, economic and social development.

(Endnotes)

- 1 EU Joint Action (JA) (CFSP) 5497/08 in February 2008.
- 2 Approved by the People's National Assembly on 23rd January 2008.