



Security Council

Distr.: General
20 August 2020

Original: English

Progress made with regard to the stabilization and restoration of constitutional order in Guinea-Bissau

Report of the Secretary-General

I. Introduction

1. The present report, submitted pursuant to paragraph 25 of Security Council resolution [2512 \(2020\)](#), is my sixth report on the progress made with regard to the stabilization and restoration of constitutional order in Guinea-Bissau. It provides an update on relevant developments since my previous report, of 29 August 2019 ([S/2019/696](#)), and includes recommendations on the continuation of the sanctions regime in the post-electoral environment, in line with paragraph 12 of resolution [2048 \(2012\)](#).

2. In fulfilment of the request from the Security Council in its resolution [2512 \(2020\)](#), the Department of Political and Peacebuilding Affairs undertook an assessment, in consultation with the United Nations Integrated Peacebuilding Office in Guinea-Bissau. The key findings are set out below.

II. Key findings

3. Since my previous report, Guinea-Bissau has witnessed tensions among political actors prior to and after the 2019 presidential election. Those events hampered the ability of the country to fully capitalize on the peaceful conduct of the election. It is imperative that everyone in Guinea-Bissau work together to implement the Economic Community of West African States (ECOWAS) road map, including by finalizing the reform process for a new constitution, with a view to ensuring stability.

4. Since the coup d'état of 12 April 2012, and throughout the legislative and presidential elections of 2014 and 2019, the defence and security forces had remained apolitical and had taken other positive steps to professionalize their personnel and functions. It is therefore regrettable that, in the context of the contested 2019 presidential election, the armed forces took actions that were not consistent with their professional and apolitical role. The physical control of State institutions and interference in the activities of the legally appointed Government and its officials compromised the neutral stance of the military, which it had upheld for almost six years, following the re-establishment of constitutional order after the coup d'état of 12 April 2012.



5. Interlocutors consulted in the course of the present assessment expressed disappointment over the above-mentioned actions taken by the military, with many expressing scepticism about whether it was time to lift sanctions on the military. Other interlocutors recommended appropriate actions to be taken by the Security Council Committee established pursuant to resolution [2048 \(2012\)](#) concerning Guinea-Bissau in order to hold the relevant members of the military accountable for interference in the political process.

6. Developments in the post-presidential election period emphasize the persistent challenges confronting Guinea-Bissau, where the political and governance situation remains fragile. Civilian political actors have once again demonstrated their ability to draw the military into politics, in contravention of the military's constitutional role.

III. Sanctions

7. There have been no changes to the sanctions regime established by the Security Council pursuant to resolution [2048 \(2012\)](#) since my previous report. The travel ban measure remains in place and the sanctions list of the Security Council Committee established pursuant to resolution [2048 \(2012\)](#) concerning Guinea-Bissau contains the names of 10 individuals, all members of the "military command", responsible for the coup d'état of 2012. One designated individual is reported to have passed away in the reporting period.

8. During the past 12 months, the sanctioned individuals continued to perform their functions as part of the armed forces of Guinea-Bissau. Since August 2018, there has been no indication of those individuals travelling outside Guinea-Bissau. Since my previous report, the Committee has not received requests for travel ban exemptions.

9. For almost six years, the sanctions regime, including the designation of individuals to be subject to a travel ban, had been successful in deterring the military from interfering in politics. However, the involvement of the military in the post-presidential election period represents a major setback in their professionalization efforts of recent years.

IV. Progress made with regard to stabilization and restoration of constitutional order

10. Since my previous report ([S/2019/696](#)), the political landscape has been marked by political tensions in the pre-election and post-election periods, brought about by the seizure of 1.8 tons of cocaine, and the contested outcome of the presidential election.

11. In the period prior to the election, events came to a head on 26 October 2019, when supporters of the opposition parties held an unauthorized demonstration in Bissau. Efforts by the security forces to disperse the demonstrators resulted in one casualty and several injuries, which led the President, José Mário Vaz, to dismiss the Prime Minister, Aristides Gomes. In response, ECOWAS issued a communiqué in which it declared the dismissal of Mr. Gomes illegal and urged the Government to prepare for the timely holding of the presidential election on 24 November 2019, stressing that those who impeded the electoral process would be subject to sanctions. The position of ECOWAS was supported by the African Union, the European Union, the Community of Portuguese-speaking Countries, Portugal and the United Nations. During those events, the military remained neutral, with the Chief of General Staff of the Armed Forces, General Biaguê Na N'Tam, ordering the army to refrain from political interference and from acts that violated the constitutional order. In the

meantime, the ECOWAS Mission in Guinea-Bissau (ECOMIB) continued to provide security to national institutions, including Mr. Gomes.

12. Notwithstanding the mediation efforts of ECOWAS and other international partners, on 31 October Mr. Vaz announced a new 31-member Government led by Faustino Imbali, which further exacerbated political tensions. On 8 November 2019, following its high-level ministerial mission to Bissau, ECOWAS issued a communiqué in which it announced the reinforcement of ECOMIB and threatened to impose sanctions on individuals who were trying to derail the electoral process. Following the issuance of the communiqué, the newly appointed Prime Minister tendered his resignation.

13. The presidential election was conducted peacefully on 24 November 2019. Since no candidate had received the required majority vote, a second round was held on 29 December 2019. At the end of the second round, the National Electoral Commission declared Umaro Sissoco Embaló (Movement for Democratic Change MADEM-G15) the winner. Following the announcement, the runner-up in the second round, Domingos Simões Pereira (African Party for the Independence of Guinea-Bissau and Cabo Verde, PAIGC), lodged a formal complaint with the Supreme Court, questioning the overall methodology used to tabulate the votes of the second round.

14. On 27 February 2020, before the Supreme Court could issue its final decision on the complaint, Mr. Embaló proceeded with his self-investiture as President under armed protection provided for by the Presidential Guard of the outgoing President, in contravention of the Constitution. Some military officers, including the former Chief of General Staff of the armed forces, General António Indjai, participated in the event. The armed forces took physical control of all State institutions, including the People's National Assembly and the Supreme Court. The armed forces also ordered the suspension of television and radio broadcasts by State-owned media, which resumed broadcasting on 4 March 2020.

15. On 28 February 2020, at the People's National Assembly, a coalition led by PAIGC swore in its Speaker, Cipriano Cassamá, as President ad interim, on the basis that Mr. Embaló's self-investiture was unconstitutional. On the same day, the self-proclaimed President, Mr. Embaló, issued two decrees, one to dismiss Mr. Gomes as Prime Minister and the other to appoint Nuno Nabiam of the United People's Assembly – Democratic Party of Guinea-Bissau in his place.

16. Also on 28 February, the ECOWAS Commission issued another communiqué in which it noted with great concern the latest developments and reiterated the need for State organs and institutions to play their role in line with the Constitution and to find a satisfactory solution to the electoral dispute. It also announced that an ECOWAS expert mission would be deployed to help to find a solution. Notwithstanding the ECOWAS recommendations, on 29 February 2020, Mr. Nabiam was sworn in as Prime Minister in violation of the Constitution, which states that the Prime Minister shall be appointed taking into consideration the electoral results. The ceremony was attended by the Chief of Staff of the Armed Forces, General Biaguê Na N'Tam, and other members of the military hierarchy, which indicates that the military did not maintain a neutral role in the political crisis.

17. The President ad interim, Mr. Cassamá, citing threats to his life, stepped down on 1 March 2020 and resumed his role as Speaker of the People's National Assembly. On the same day, the ECOWAS Commission issued another communiqué in which it reiterated its concern regarding the risks of internal conflicts. In the communiqué, the ECOWAS Commission also recalled the importance of resolving the electoral dispute through legal processes and called upon the defence and security forces to remain neutral. It further stressed that ECOWAS would not recognize organs created outside of the country's legal and constitutional frameworks. Nevertheless, the following day,

the self-proclaimed President, Mr. Embaló, appointed and swore in the members of the Government of Mr. Nabiam. The ceremony was attended by the Attorney-General, leaders of the opposition coalition and the military hierarchy, including General Biaguê Na N'Tam.

18. On 7 March 2020, Mr. Gomes addressed a letter to General Biaguê Na N'Tam, requesting the restoration of constitutional order. He also requested the army to collaborate with ECOMIB in order to normalize the situation. On 10 March, ECOMIB withdrew its personnel to their cantonment and ceased their activities prior to the official end of its mandate on 31 March, at the request of Mr. Embaló. The mandate of ECOMIB was subsequently extended to 30 June 2020, with the possibility of a further extension to allow the Mission's personnel to remain in Guinea-Bissau until their repatriation, given the travel restrictions related to the coronavirus disease (COVID-19) pandemic. That new timeline has since elapsed, and the Mission remains in Bissau, pending the lifting of the travel restrictions in the region.

19. On 22 April 2020, with the Supreme Court still unable to resolve the legal challenge over the second round of the presidential election, ECOWAS issued a communiqué in which it outlined a road map to resolve the crisis. The ECOWAS Heads of State and Government recognized Mr. Embaló as the winner of the election and called for the appointment of a Prime Minister and the formation of a new Government by 22 May 2020, in accordance with the Constitution, and in particular with the provisions pertaining to the outcome of the legislative elections. In the communiqué, ECOWAS also stressed the need to expedite a review of the Constitution, subject to a referendum within six months to ensure the stability of the country.

20. The African Union, the European Union, the Community of Portuguese-speaking Countries and I, the Secretary-General, issued statements, taking note of the decisions of ECOWAS. On 1 July 2020, the Security Council issued a similar press statement. The Council also urged the people of Guinea-Bissau to respect the decisions of ECOWAS and called upon the defence and security forces not to interfere in the political process.

21. On 29 June 2020, at the opening of its ordinary session and with 56 out of 102 representatives present, the People's National Assembly voted on an amended agenda to include consideration of the Nabiam-led Government's programme. With 55 votes in favour and 1 against, the amended agenda and the programme were approved. The majority vote and approval of the programme conferred on the Nabiam-led Government the parliamentary approval required under the Constitution, which is expected to bring the political impasse to an end.

22. On 13 July 2020, the President of the Niger, Mahamadou Issoufou, in his capacity as Chair of the ECOWAS Authority of Heads of State and Government, congratulated Mr. Embaló on the approval of the Nabiam-led Government's programme. He urged him to unite the population to ensure peace and stability. Furthermore, he encouraged him to respect the ECOWAS road map for political stability and gave assurances of the support of ECOWAS for the institutional reforms that were under way to end the recurrent political crises.

23. I commend the group of five¹ for its activities and engagement in encouraging the authorities to defuse tensions and work collaboratively in support of efforts to address the political and institutional challenges. My Special Representative in Guinea-Bissau, together with my Special Representative for West Africa and the Sahel, will continue to support the national authorities in their efforts to stabilize the

¹ The group of five includes the African Union, the Community of Portuguese-speaking Countries, the Economic Community of West African States, the European Union and the United Nations.

political situation and fragile governance system and to strengthen the effective functioning of State institutions. They will also remind the military to respect the civilian control and oversight of the defence and security forces in line with the constitutional order.

V. Recommendations on the continuation of United Nations sanctions

24. The recent actions taken by the military in the post-presidential election period are a source of disappointment and cause for concern. The period also saw challenges to the constitutional order with the co-existence of two Prime Ministers and, temporarily, two parallel Governments. All those factors pose a risk for the stabilization of Guinea-Bissau.

25. In its statement of 1 July 2020, the Security Council called upon the authorities of Guinea-Bissau to take concrete steps towards ensuring peace, security and stability by resolving the political crisis through inclusive dialogue with all stakeholders; implementing urgent reforms in accordance with the Conakry Agreement on the Implementation of the Economic Community of West African States Road Map for the Resolution of the Political Crisis in Guinea-Bissau of 14 October 2016 and the ECOWAS road map; and expediting the review of the Constitution in a manner that was consistent with its provisions and with support from ECOWAS and international partners as appropriate. In that regard, the sanctions regime established by the Council pursuant to resolution [2048 \(2012\)](#) remains relevant and can play a supportive role in the efforts required of the authorities.

26. I believe that it is important that the Security Council consider maintaining the sanctions regime established pursuant to resolution [2048 \(2012\)](#) and its current designation criteria. This will also send a clear message to the people of Guinea-Bissau that the sanctions regime is applicable to all spoilers, regardless of their political or institutional affiliation.

27. Furthermore, as I have recommended before, and given the current political context, the Security Council may wish to establish a panel of experts to: deepen the information base for the Committee in order to promote greater awareness of the sanctions regime inside the country; better understand the factors that led to the recent involvement of the defence forces in the political process; identify those who meet the designation criteria for targeted measures, including by monitoring the proceeds from organized crime used to support individuals seeking to prevent the restoration of constitutional order; support the Committee to review the sanctions list; and assess the capacity of the local authorities to monitor illicit trafficking and transnational criminal activities, given their potential impact on peace and stability within the country and the subregion.