

Informal translation of the original report in Portuguese



REPUBLIC OF GUINEA-BISSAU

MINISTRY OF NATIONAL DEFENSE AND THE FREEDOM AND HOMELAND COMBATENTS

National Commission Against Proliferation of Small Arms and Light Weapons

Permanent Secretary's Office

NATIONAL REPORT ON IMPLEMENTATION OF THE UNITED NATIONS

**Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and
Light Weapons in All Its Aspects**

Bissau

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INTRODUCTION

Guinea-Bissau gained its independence thanks to a long war of national liberation. During 11 years of war, widespread throughout the territory of the then Portuguese Guinea, the so-called light weapons and small arms were used in the Theater of Operations. Spread even in civilian areas of the Struggle in the national territory, as the PAIGC, the party of the liberation, didn't only create regular troops, but created and armed militias known as the Popular Local Armed Forces (FAL). Besides, allowed the distribution of weapons to many civilians for their self-defense. The decision to arm the entire population in the area of control by the Party of Liberation was not some strange idea, as the Party said repeatedly that its troops are the people in arms.

After the war, the FAL naturally kept their weapons not only as a war trophy, but as an instrument of protection and survival. This does not reflect anything connected to its fighting profile, but only an habit acquired over 11 years of war in the absence of other social spaces of occupation. Thus, in the south where war had more intensity because of topography and flora, it is said that each house had at least one firearm.

Unfortunately, after the liberation of the country from Portuguese colonial rule, Guinea-Bissau continued to live moments of concern: armed conflict and situations of neither war nor peace, among other calamities of economic, social and political aspects. At this level, we particularly remark:

- The coup of 1980, known as the *Movimento Reajustador* of November 14;
- The alleged attempted coup in October 1985-86 known as *Caso 17 of October* in which a part of the military hierarchy was eliminated;
- The political-military conflict of 1998-1999 known as the War of June 7, which opposed two factions of the defence and security forces for 11 months, due to the involvement of the Armed Forces of Senegal and Guinea Conakry.

This conflict, in addition to its socioeconomic impact, politically and diplomatically disastrous for the country, was responsible for putting large amounts of weapons in the hands of civilians, due to uncontrolled recruitment of young men and the destruction of the Army's storage facilities. Actually, such confrontation erupted from the accusation that the military hierarchy was involved in a shadowy arms trafficking business towards the rebellion of Casamansa. Thus,

the war of June 7 meant the involvement of new generation as well as Former Combatants and popular militias.

Also, and no less worrying in regard to proliferation, we can mention:

- the security situation along the northern border with the continuing movement of the rebellion of *Casamança*;
- the degrading condition of the storage facilities;
- the development of drug trafficking;
- the multiplication of local weapons manufacturers;
- maladministration of justice, as well as
- the absence of the State in many parts of the country.

All these factors are part of an economic, social and political context, marked by the following characteristics:

- low economic growth;
- weak indicators of social sector (education, health, water and sanitation);
- widespread poverty and insecurity;
- poor development of infrastructure to support production;
- underdevelopment of the productive sector as a whole;
- political and governing instability;
- national insecurity.

The combination of the war of national liberation with recurring conflicts in the post-independence puts Guinea-Bissau among the countries of the subregion with the largest number of weapons in wrong hands , with the following consequences:

- High level of gun-related violence within the State apparatus and among the general population;
- Availability of large amounts of weapons in the hands of civilians;
- Increased crime and armed robberies;
- Development of criminal activities of traffickers and smugglers;
- Installation of a culture of violence in Guinea-Bissau.

For all these reasons, Guinea-Bissau has difficulties mobilizing direct foreign investment, thereby undermining national development. This situation justifies the development of a program to combat the proliferation of light weapons and small arms in the national territory.

IMPLEMENTATION OF THE PLAN OF ACTION

1. National Level

1.1 National Coordinating Body

According to Article 24 of the ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and other Related Materials (Abuja, June 2006) it was decided that "member States shall create, through regulation or legislation, a National Commission in accordance with Article 51 of the Protocol on mechanism of prevention, management, conflict resolution, peacekeeping and security according to the implementation by the Conference of Heads of State and Governments in December 10, 1999, of National Commissions to fight against proliferation and illicit circulation of small arms. "

The same article, stipulates that member States shall allocate budget to ensure the effective functioning of national committees. These, in turn, shall establish their national plans of action against the proliferation of small arms and light weapons.

In compliance with this provision of ECOWAS, the Government of Guinea-Bissau created the National Commission Against the Proliferation of Small Arms and Light Weapons, designated by the acronym CNLCPAL, through Decree-Law No. 5 / 2006 of 17 July (B.O. No. 29, July 17, 2006).

The National Commission has the purposes of(art. 2):

- a) Combating the proliferation of small arms and light weapons;
- b) Regulating the purchase, transfer, transit, use and possession of small arms and light weapons;
- c) Identifying the bearers of these weapons;
- d) Encouraging and requesting the draft of laws in this area.

To ensure the proper performance of these tasks, the National Commission has a national secretariat and a permanent secretariat.

The composition of the National Secretariat is quite comprehensive. It is composed of the Presidency, the Presidency of the Council of Ministers, the National Assembly, ministries linked to the issue and civil society and international community institutions of. The Prime Minister is the Chairman of the National Secretariat.

The secretariat, as the executive branch of the CNLPAL, is composed of a Permanent Secretary and his staff. It is responsible for:

- a) The implementation of the directives and guidelines issued by the National Secretariat (SN);
- b) The Implementation the national program to combat the proliferation of light weapons and small arms;
- c) To propose suggestions to the NS;
- d) To call NS meetings;
- e) To develop any necessary projects.

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1.2 Law on Arms

At the beginning of its independence, Guinea-Bissau did not have any appropriate laws on SALW. Existing laws dating back from the colonial period are totally unsuited to the current reality and the needs of the country.

The homemade manufacture was simply prohibited because the Portuguese feared any transaction of such weapons to the Independentist Fighters. Moreover, that is the same reason that made the colonial power create all necessary and indispensable conditions for the Decree-Law No. 42,805 to be strictly observed.

Thus, in the first years after independence, the Guinean state published the Law 1 / 73, BO of 04/01/75, which maintains, in the following terms, the same Portuguese colonial law: *all that is not contrary to national sovereignty, the Constitution, statutes of the Republic and the principles and objectives of the PAIGC, remain in force (art.1^o).*

Of course, these laws were basically from a different State and political regime. That is, they have little respect or are almost alien to the ECOWAS Convention laws on SALW. This legal gap not only encourages unscrupulous traffickers in illegal practices, but above all, doesn't include legal dispositions on issues ranging from the transfer and manufacture to the use and possession of arms in Guinea-Bissau.

Experience shows us that it was difficult at the beginning of Independence, to have a full divorce from the colonial legislative regime, for that procedure would lead to legislative emptiness. In fact, all the rules that were created after by State of Guinea-Bissau had to take inspiration on the laws of the colonizing country and, in some situations, were transcribed verbatim.

1.3 Stock Management

The political-military conflict of 1998-1999 put weapons in the hands of the population. The worst was the invasion and theft of most bunkers and depots of arms and munitions of war. Presently, the country has no storage facilities to ensure the safety of the public. Obviously, the precariousness of the facilities is a main factor facilitating the theft and proliferation of weapons, especially by the most socially deprived classes.

The military only has easily accessible containers: first, the locks can be violated at any time and, secondly, there are risks from temperature changes whose consequences are unpredictable.

Nevertheless, the Government, under the Defence and Security Sector Reform, with the support of partners, has numerous actions in order to remedy this grave situation.

1.4 Collection and destruction of weapons

Since 2000, actions to collect and destroy weapons and UXO's have been taking place. Up to this point have been destroyed

- 160 384 Uxo's (Source: CAAMI)
- 3072 Mines A / P, 161 A / T 152 A / B (Source: CAAMI)
- 29 weapons in 2006, using the PSR-SALW

Still, there is an ongoing pilot project in the military district of Bissau and in the Bigene area (the border area of north). This is the collection and destruction of light weapons and small arms delivered by the population (veterans and civilians). But the intensification of all this action will be achieved by developing and adopting the National Plan of Action.

1.5 Awareness

As part of the problem of proliferation of Small Arms and Light Weapons, various awareness campaigns were held in the respective regions of the country. For this awareness campaign, the Permanent Secretariat appealed to the media (magazines and radio debates) and led an intensive advertising campaign (badges, T-shirts), with cultural events (theatrical performances, music concerts) and training workshops for decision makers (formal and informal means). Everything was done in partnership with civil society organizations, namely NGOs, youth associations and other associations, such as rural community initiatives.

2. Cooperation

Of course, regardless of the abundance of means of action, such as equipment and legal instruments, it is hard to achieve the objectives of this program without the sub-regional exchange of experiences and information, as well as support in a cooperative context. This to say that nothing can be satisfactorily achieved without cooperation among peers. The impact of this intervention methodology will be more comprehensive if the partnership is carried out in accordance with the programming schedule.

Despite the slowness observed in the implementation of certain measures previously scheduled, we should highlight the significant impact of the institutional support that has boosted our capabilities. For example, we cite the contributions of great merit by ECOSAP / ECOWAS, EU, UNDESA, UNODA, JAPAN, UNDP-Bissau and UNIOGBIS.

CONCLUSION

This introductory information on the problem of SALW that circulate in the country, as well as the commitment of our State through the aforementioned, in terms of decisions and actions, in addition to some factors responsible for delays beyond its goodwill, illustrates what was done and what remains to do in the future, in synergy with other partners.

As the proliferation of SALW is a phenomenon that transcends national boundaries, international and subregional cooperation is relatively essential to eradicate this scourge.

Therefore, to the population of Guinea-Bissau is urgent to ensure peace, stability and satisfaction of basic needs. This would necessarily mean creating safe alternatives for creating conditions to guarantee public security and internal stability to ensure economic investment and free movement of people and goods.

For the usual concept of national sovereignty, everything is done or should be done internally, but it is also undeniable that a hand can not clap alone, according to the ancestor teaching of all civilizations of all time. That is why Guinea-Bissau welcomes THE PROGRAMME OF ACTION OF THE UNITED NATIONS to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. We hope that Guinea-Bissau not alone in this struggle of all States to combat this scourge.