

ANTI-CORRUPTION HELPDESK

PROVIDING ON-DEMAND RESEARCH TO HELP FIGHT CORRUPTION

GUINEA-BISSAU: OVERVIEW OF CORRUPTION AND ANTI-CORRUPTION

QUERY

Please provide an overview of corruption and anti-corruption efforts in Guinea-Bissau, with a particular focus on the agricultural and health sectors.

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CAVEAT

This is an update of a previous Helpdesk answer from 2014 on [corruption and anti-corruption in Guinea-Bissau](#).



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SUMMARY

Guinea-Bissau, one of the poorest countries on earth, is characterised by a long history of political instability. Death, coups and civil war have interrupted the mandate of every elected president in the 40 years since the country's independence. Following the 2012 coup, the 2014 elections were seen as an end to this pattern of crises. However, President Vaz's decision to sack Prime Minister Pereira in 2015 plunged the country into deadlock yet again. At this time, parliament has not convened in over a year, and recent tensions have culminated in ECOWAS threatening to impose targeted sanctions if the terms of a power-sharing accord are not respected.

Corruption, government opacity, and a lack of public accountability are major problems in Guinea-Bissau, problems compounded by the country's position as a major African hub for drug trafficking. Organised criminal networks involved in illicit trade are widely believed to have permeated all levels of the state apparatus.

The country's legal and institutional anti-corruption frameworks remain inadequate, and despite some attempts at reform, anti-corruption efforts rarely go beyond lip service.

1. OVERVIEW OF CORRUPTION IN GUINEA-BISSAU

Background

Guinea-Bissau, one of the world's **poorest countries**, has endured "**chronic political instability**" since its independence from Portugal in 1974 (IMF 2015; World Bank 2016). In fact, no elected **leader** has yet managed to serve a full term (Loewenstein 2016). The coup staged during the national elections of 2012 **plunged** the country – already plagued by rampant corruption and drug trafficking – into further chaos (BBC News 2015). Despite **travel bans** on the coup leaders and key supporters imposed by the UN in an attempt to restore constitutional order, the transitional government, lead by Manuel Serifo Nhamadjo, only held elections in April and May 2014, which saw José Mário Vaz coming to power as president (UN News Centre 2012; BBC News 2015).

A year of relative stability followed the 2014 elections, with **apparent cooperation** between the president, and the then prime minister, Domingos Simões Pereira, both members of the African Party for the Independence of Guinea and Cape Verde (PAIGC) (World Bank 2016). However, this partnership collapsed in August 2015 when President Vaz **fired** his entire cabinet and placed ministries under the control of the security forces, thereby reigniting a political crisis (World Bank 2016; Deutsche Welle 2016). Vaz then **dismissed** several successor governments, finally appointing Umaro Sissoco Embaló to serve as the country's fifth prime minister (Heritage Foundation 2017).

At the time of writing, the parliament has not convened in over a year due to **ongoing disputes** between rival factions backing Vaz and Pereira respectively (Reuters Africa 2017). Despite a deal agreed in 2016 in Conakry, the capital of neighbouring Guinea, key provisions of the deal have not been respected resulting in the current impasse.¹ The United Nations Security Council recently urged all parties to respect the terms of the Conakry Agreement and ECOWAS,

the regional West African bloc, announced in late April 2017 that if the Conakry accords are not implemented in the next 30 days, it will impose targeted sanctions against those it believes responsible (Reuters Africa 2017).

The political deadlock has triggered regular protest marches against President Vaz as "people have had enough" of the ensuing crisis (Reuters United States 2017). Although, Vaz has yet to react to the protests, he has **defended** his record in government, stating that he has cracked down on graft (Reuters United States 2017). The United Nations has **warned** that drug traffickers as well as "extremist terrorist groups", seeking to gain a foothold in the region, could further exploit such a volatile situation in an already highly unstable country (Reuters United States 2016c; Reuters United States 2017).

In 2016, the International Monetary Fund (IMF) decided to withhold future payments to Guinea-Bissau unless the government backtracked on loan bailouts for two private banks (Reuters United States 2016). The **bailouts** – carried out almost instantaneously and in secret – are said "to [have] benefit[ed] the wealthiest people in the country and wealthy foreign shareholders, and come at the expense of urgently needed projects to improve the infrastructure and to reduce poverty" (Reuters United States 2016). However, the IMF decided to resume payments by December 2016 upon receiving the "authorities' resolute stance in unwinding the bank bailouts" that amounted to US\$58.3 million (Reuters United States 2016b).

Analysts have linked the series of coups since 1998 to the rise of Guinea-Bissau as West Africa's first "narco-state" (Chabal and Green 2016). Despite the suspension of donor flows to the country and the current political gridlock, Guinea-Bissau's economy continues to expand. The **forecast** for real gross domestic product (GDP) growth is projected at above 5 per cent in 2016, following the 4.8 per cent growth in 2015 (World Bank 2016; Heritage Foundation 2017). The country's **dependence** on subsistence agriculture,

¹ Under the terms of the accord, Vaz was obliged to appoint a new prime minister acceptable to the different factions and nominate a new, inclusive government, but his opponents rejected his

proposed prime minister (Umaro Mokhtar Sissoco Embaló), and Pereira's supporters have boycotted Vaz's government.

cashew nut export, and foreign aid (compromising 80 per cent of its budget) nonetheless leaves the population exposed to trade shocks (IMF 2015; World Bank 2016; Heritage Foundation 2017; BBC News 2017).

A **low score** of 0.424 on the United Nations Development Programme's Human Development Index places Guinea-Bissau 178 out of 188 countries (Human Development Reports 2016). The country also has one of the **worst** maternal and infant mortality rates in the world with a rank of 7th and 5th respectively, along with a life expectancy at birth of less than 50 years (CIA 2016).

Extent of corruption

Corruption is **perceived** as widespread in the country, and elites are seen to engage in clientelism and patronage on the basis of ethnic ties (Kohl 2010; Heritage Foundation 2017). Guinea-Bissau is ranked 168 out of 176 countries surveyed in Transparency International's 2016 Corruption Perceptions Index (CPI) with a score of 16 out of 100 (Transparency International 2016).

According to the 2016 Mo Ibrahim Foundation's Index of African Governance, Guinea-Bissau is the lowest scoring country in West Africa in the terms of "overall governance", scoring below the regional average in every category. Concerning safety and the rule of law, the nation likewise fares below the continental average of 52.1 with a score of 43.7 (Mo Ibrahim Foundation 2016). In the areas of "sustainable economic opportunity" and "accountability", Guinea-Bissau ranks 49 and 45 out of the 54 surveyed states, with scores of 23.2 and 18 out of 100 respectively. This trend of performing inadequately on the fronts of transparency and accountability is further reflected by the country's low score (38 out of 100) in Global Integrity's 2017 *Africa Integrity Indicators*.

Guinea-Bissau also fares poorly across all six key dimensions of governance assessed in the World Bank's 2015 *Worldwide Governance Indicators*. The

low scores² in voice and accountability (25.6), political stability and absence of violence (31.9), government effectiveness (4.3), regulatory quality (9.1), the rule of law (6.7) and control of corruption (3.4) highlight the widespread and endemic forms of corruption that permeate every aspect of the Bissau-Guinean daily life (World Bank 2015).

Guinea-Bissau is categorised as "mostly unfree" and ranks 119 out of the 180 evaluated countries in the 2017 Heritage Foundation Index of Economic Freedom (Heritage Foundation 2017). Institutionalised weakness stemming from ineffective protection of property rights, a corrupt judiciary and opacity in regulatory structures is believed to dampen dynamism in the private sector (Heritage Foundation 2017). Moreover, limited attempts at structural reform have failed to substantially improve the overall regulatory framework, resulting in uneven economic development, which discourages broad-based employment growth and hinders the establishment of new businesses (Heritage Foundation 2017).

Corruption in the business sector is rampant as showcased by the World Bank's 2006 *Enterprise Survey* where 44 per cent of the respondent firms identified corruption as a major constraint to doing business (World Bank 2006). The *Doing Business* survey, which measures business regulation, ranks Guinea-Bissau 172 out of 190 assessed countries for 2016 (Open Knowledge 2016). The TRACE *Matrix*, measuring business bribery risk in 199 countries, ranks the country 138 in its 2016 report.

Forms of corruption

Petty and bureaucratic corruption

Widespread poverty and stalled human development, coupled with the "fragility" of the state, present a breeding ground for petty and **bureaucratic** corruption in Bissau-Guinean society (IMF 2015; Freedom House 2015).

The **trends** for the period 2006 to 2015 reported in the Ibrahim Index of African Governance found that, in the

² Percentile rank 0 corresponds to the lowest, and 100 corresponds to the highest rank

area of “corruption and bureaucracy”, there was an average deterioration of -9.6 (Mo Ibrahim Foundation 2016). Similarly, the TRACE Matrix 2016 Bissau-Guinean score in the domain of “government and civil services transparency” is 64,³ based on their assessment of moderate governmental transparency, and weak transparency in the civil service (TRACE International 2016).

Gift-giving to secure government contracts is a common occurrence, noted in the [2006 Enterprise Survey](#) with 48.9 per cent of firms reporting this kind of bribery compared to the African average of 31.1 per cent. Moreover, to “get things done”, nearly two-thirds of respondents stated that they were expected to give gifts to public officials, and 27.6 per cent of firms surveyed experienced at least one bribe request compared to the continental average of 22.3 per cent, and a worldwide average of 17.4 per cent.

Civil servants' work, in practice, is [compromised](#) by political interference, such as their frequent removal from office when a new administration takes power (Global Integrity 2016). Recruitment, appointment and transfer are seldom merit-based, with political affinity and personal connections being determining factors (Global Integrity 2016). This, coupled with the fact that the government often struggles to pay salaries for public officials, is often seen as a leading driver of bureaucratic corruption (Lindner 2014). In fact, the issue of payments to bureaucrats had reached such a critical point that the major part of 2014 budget went into paying public officials' salaries, which were six months in arrears (African Development Bank 2015).

Finally, [career progression](#) is generally linked to political connections and, despite the competition and instability surrounding political office, a career in the civil service remains a [lucrative](#) opportunity (Africa Centre for Strategic Studies 2013; Global Integrity 2016).

Grand corruption and impunity

Given the country's “chronic political instability”, grand and systemic forms of corruption are perhaps unsurprising (IMF 2015). The tumultuous period that ensued after President Vaz fired the entire cabinet saw the appointment of five prime ministers in a period of nine months (Deutsche Welle 2016b). Carlos Correia was appointed prime minister right after Domingos Pereira in September 2015 (Reuters World News 2015). At that point, the presidency rejected Correia's 34 member proposed cabinet, citing the inadequacy of the state budget to bear the cost.

However, President Vaz also allegedly criticised the fact that the proposed cabinet was largely composed of ministers from Pereira's dismissed government, some of whom are facing court cases over alleged corruption. Due to the strict nature of media self-censorship and lack of publicly available information, more details surrounding this issue could not be found.

The government elected in 2014 voiced a commitment to combatting corruption and improving transparency. However, in little over a year, the Secretary of State for Communities was detained due to his alleged involvement in a racket selling diplomatic and service passports. The controversial commercial bank bailouts, that lead to the IMF and donors to withdraw financial support, also took place under former prime ministers Domingos Simões Pereira and Carlos Correia (Reuters United States 2016). In July 2015, the foreign minister was prevented from leaving the country due to a continuing inquiry into his involvement in a fisheries deal with a Chinese company in 2013 (Freedom House 2016). Though more information on the nature of the minister's involvement could not be found, there have been several cases in the past involving corruption in the fisheries sector.

For instance, during the 2005 evaluations of the EU's fisheries agreements in Guinea-Bissau, the authors of the report reported that 1US\$.8 million worth of EU funds had gone missing in the year from 2003 to 2004. It was also noted that fines collected from fishing boats were transferred from the transgressor into private accounts, instead of to the state's treasury accounts, and then they disappeared (Standing 2011). It was

³ Each country is given a score from 1 to 100 for each domain. A higher score indicates a higher risk of business bribery.

also noted that in the early 2000s, the Ministry of Fisheries issued fishing licenses to China as a counterpart for debts accumulated through loans for fisheries infrastructure development. In 2004, all Chinese fishing licence payments for onboard observers and taxes for non-landing of fish catches were discounted as debt repayments, amounting to over US\$2.15 million. These debt repayments did not show up in the treasury's account (Standing 2011).

Francisco Benante, the High Inspector Against Corruption for the United Nations Integrated Peacebuilding Office in Guinea-Bissau opined that corruption acts as a “virus” in the country, and that “bold steps” would be required to put an end to the impunity enjoyed by the elite. He added that, with corruption in the country being so widespread, the morale of the population from “the top to the lowest level” is deeply affected (UNIOGBIS 2016).

According to Amnesty International, there has been [no progress](#) in investigations into past human rights violations, including political killings between 2009 and 2012, have made. Moreover, the on-going political crisis has slowed the implementation of the recommendations of the UN Universal Periodic Review (UPR) of 2015, and has hindered economic and social reforms (Amnesty International 2016).

Illicit commerce and transnational crime

Guinea-Bissau's status as a [transit](#) centre for cocaine trafficking from South America to Europe is widely believed to exacerbate and entrench corrupt practices (Heritage Foundation 2017). Drug proceeds, often in US dollars, constitute a greater [value](#) than the legitimate national income and sustain an enormous shadow economy operating outside the formal financial system (US Department of State 2016).

According to the [US Department of State](#), the country's lack of law enforcement capabilities, susceptibility to corruption, porous borders and advantageous location creates conditions conducive to trafficking. It added that Guinea-Bissau's political system “remains susceptible to and under the influence of narcotics traffickers”, and that the collusion of government officials at all levels of this criminal activity constrains a complete assessment as

well as a resolution to the problem (US Department of State 2016).

The United Nations Office on Drugs and Crime (UNODC) cites Guinea-Bissau as the only example of a [narco-state](#) in the world (Smoltczyk 2013). A high-ranking official at UNODC's headquarters in Vienna stated that “in Afghanistan and Colombia, individual provinces are in the hands of drug lords. Here, it's the entire state” (Smoltczyk 2013). A 2013 [report](#) by the Africa Centre for Strategic Studies argues that the previous patterns of corruption and patronage in Guinea-Bissau needed some level of inter-elite or cross-institutional support to operate with [impunity](#) (US Department of State 2016). However, drug trafficking has presented both the means and motive to sidestep the state, leading to the weakening of the state “as a whole, from the inside and out”. This forms a vicious circle where the weakened institutions have greater difficulty challenging the systemic corrupt system (Africa Centre for Strategic Studies 2013; Loewenstein 2016; US Department of State 2016)

There are various examples to showcase the extent of corruption and impunity. Despite being sanctioned as [drug traffickers](#) by the US government in 2010, a high-ranking official, who was a two-time head of the Bissau-Guinean navy, and the chief of staff of the air force have continued to serve in their top military positions (Africa Centre for Strategic Studies 2013).

Chabal and Green agree that Guinea-Bissau satisfies the criterion of a “failed state” by “Western-imposed” narratives. Nevertheless, they caution against a stereotypical “categorisation” of the country, pointing to the shortcomings of the narco-state approach with its inherent belief “that successful change can only come from outside the country” (Chabal and Green 2016). They go on to note that “the realities” for Bissau-Guineans are “[more complex](#)”, noting that the drug trade developed as a means of furnishing rents for elites when other sources of income from illegal logging, selling of licences and monopoly over trade “either declined or dried up” (The Conversation 2016; Chabal and Green 2016).

In any case, progress against organised criminality seems minimal; during 2014 and 2015, only 15 locals

and foreigners were incarcerated for drug trafficking, and a mere 13.5 kg of cocaine was seized (Loewenstein 2016). The former justice minister, Carmelita Pires, [acknowledged](#) that this made only a small dent when compared to vast volumes of drugs being trafficked, noting that effective action was difficult as the government does not "have money and drug smugglers have so much of it" (Loewenstein 2016).

The trafficking of [firearms](#) through Guinea-Bissau is also common (UNODC 2017). In recent years, Chinese demand has fuelled [illegal logging](#) with the alleged complicity of senior military officials and politicians (Reuters UK 2014). Local communities have continued to criticise the large-scale [logging](#), but their efforts have been thwarted by harassment and repression as "against the military, there is no possible resistance" (The Guardian 2014). Allegedly, the trafficking includes the police, forest guards as well as high-level government and military officials, with [irreversibly](#) damaging consequences for the environment (The Guardian 2014).

Sectors affected by corruption

Healthcare

According to Médecins Sans Frontières (MSF), the country's public health system is dysfunctional, with the result that many people have no access to medical services, leading to "[unacceptable levels](#) of mortality, particularly among children and pregnant women" (MSF 2015a). MSF staff report widespread problems, including a lack of equipment, medical staff with "very little" technical knowledge, and [corruption](#) (MSF 2016). Even the national hospital in Bissau, the last referral hospital in the country, is affected by the same problems which plague the lower levels of the health system (MSF 2016).

The US Department of State has also stated that the Bissau-Guinean healthcare system [suffers from](#) chronic shortages of pharmaceuticals, medical supplies and medical professionals, and that it is hospitals do not meet international standards (OSAC 2016).

Though life expectancy at birth [increased](#) by three years over the period of 2000-2012, the healthy expectancy was eight years lower than overall life expectancy at birth (WHO 2015). This lost healthy life expectancy represents eight equivalent years of full health lost through years lived with morbidity and disability (WHO 2015). HIV, tuberculosis, malaria, respiratory diseases and nutritional diseases are the leading causes of death (WHO 2015).

The total health expenditure percentage in terms of the GDP for 2014 was 6 per cent, of which general government health expenditure made up 20 per cent (WHO 2015). A national policy on health technology, a regulatory agency, national health technology assessment unit, as well as lists of medical devices, are [unavailable](#) in the country, according to a report by the World Health Organisation published in 2014.

The chronic political instability has a direct impact on health (MSF 2016). In 2016, health workers were on strike for more than a month-and-a-half because they were receiving no wages (MSF 2016). At the time of the strike, even the [minimum standards](#) of services were not being met (MSF 2016). For example, at the hospital in Bissau, there was one doctor and one nurse for 160 paediatric beds (MSF 2016). In such situations, hospitals usually send most patients home and only attend to those who are critical (MSF 2016).

Guinea-Bissau has a [host of issues](#) which exclude large swathes of the population from adequate healthcare. First, there is a payment system for access to healthcare, and since a large part of the population lives below the poverty line, on fewer than two US dollars a day, this is a major impediment for citizens (MSF 2016). Second, physical access to health facilities is a challenge, especially for those living in the rural areas. The [density](#) per 100,000 population for health posts is only 5.6, and 30.8 for regional hospitals (WHO 2014). Moreover, traditional medicine is often the primary choice for families, partially because they do not have the means to go to a health centre. Lastly, even if people do manage to get to a health facility, staff, medicines and equipment are not always available (WHO 2015; MSF 2016).

Recently, in 2015, [counterfeit](#) anti-epileptic drugs were discovered in Guinea-Bissau. Neither the manufacturers nor the distribution sources for the implicated brands could be identified as their contact details were misleading or not specific enough. Such a scenario, together with the chemical analysis results, suggests an organised criminal racket producing fake drugs (Otte 2015). Indeed, the [trade routes](#) for cocaine trafficking are also being used as conduits in the illicit medicines trade (Hall and Antonopoulos 2016). Counterfeit medicines present serious detrimental effects. First, withdrawal symptoms can be severe. Second, their presence in the system could lead to a loss of confidence in the healthcare system and might reduce access to treatment (Otte 2015).

However, some efforts are being made in Guinea-Bissau to improve the public health system. In 2011, a new [National Institute of Public Health](#) (INASA) was inaugurated with the support of the Ministry of Health, FIOCRUZ, the National Public Health Institute (NPHI) of Brazil and the International Association of National Public Health Institutes (IANPHI 2017). INASA's new headquarters houses administrative staff as well as a meeting and training space.

The [objective](#) of this institute is to strengthen core public health functions, including laboratory science, data collection and analysis, and disease outbreak monitoring (IANPHI 2017). China is investing US\$10 million to build an INASA campus that will house the headquarters, national public health school, faculty of medicine and a guest residence. It is envisioned that the NPHI will be able to provide early warnings of emergencies and determine the health status and needs of the population (IANPHI 2017).

It should also be noted that health research in Guinea-Bissau depends almost entirely on external funding (INASA 2013). The second National Health Development plan for 1998-2017 (PNDS-II) identified [three priority areas](#) for research and focus, namely, the classification of communicable and non-communicable diseases, identification of the detriments to health, including social and economic, and mapping practices and impacts of traditional medicine (INASA 2013).

Agriculture

Agriculture supports more than [80 per cent](#) of people in Guinea-Bissau (FAO 2017). Cashew and rice are two important crops, the former being the chief cash crop, and it contributes significantly to the country's export earnings (FAO 2017). Although 2016 was a [good season](#) for cashew, in recent years scarce inputs, erratic weather, and weak infrastructure have meant [low yields](#) and dwindling incomes for farmers (World Bank 2016; FAO 2017).

This is of particular concern given that the country's formal economy is dependent on cashew nuts as it comprises [90 per cent](#) of the export commodity (UNIOGBIS 2016). Cashew monoculture results in food security issues, and the heavy reliance on its trade for income leaves the Bissau-Guinean economy susceptible to trade shocks (UNIOGBIS 2016; World Bank 2016; FAO 2017). The plantation process of this crop also destroys between 30 and 80 thousand hectares of forests annually, which has had [devastating environmental](#) consequences (UNIOGBIS 2016). Moreover, due to high governmental levies, the [smuggling](#) of cashew is on the rise (The Africa Report 2015). Once a major exporter of rice, the country now [imports](#) almost half of its food, including up to 90,000 metric tons of rice per year (World Bank 2011). The Food and Agricultural Organisation of the United Nations has [stepped in](#) to help Bissau-Guinean farmers ramp up food production, from introducing new rice varieties and raising livestock to planting vegetable gardens, in a bid to lessen their vulnerability to shocks (FAO 2017).

Some observers advocate for reforming the entire process, from production to marketing, and the export of cashews and other cash crops (UNIOGBIS 2016; FAO 2017). The key [initiatives](#) listed by FAO to be undertaken for agricultural reform are as follows:

- carry out an agricultural census of Guinea-Bissau
- set up a sustainable system for the propagation and supply of food seeds
- diversify food production
- carry out a forest survey
- develop a commercial agriculture programme to connect small producers to markets

- promote youth employment in rice production value chains
- develop short-cycle animal husbandry value chains
- strengthening the resilience of rural women

However, the [political system](#), with its deep structural tensions, along with the opacity and corruption in the governmental operations, acts as a serious impediment to any meaningful agricultural reform (The Africa Report 2015).

Judiciary

The [constitution](#) of Guinea-Bissau provides for an independent judiciary (Global Integrity 2016). However, in practice, the judiciary has limited independence and is widely held to be barely operational, leading to [denials of a fair public trial](#) (US Department of State 2015; Global Integrity 2016). Judges are poorly trained, insufficiently and irregularly paid, and subject to political pressure and [corruption](#) (US Department of State 2015; Freedom House 2016). The United Nations Special Rapporteur on the independence of judges and lawyers observed that access to justice is “[illusory](#)” due to a critical shortage of judges, prosecutors and lawyers, as well as poor infrastructural support and a lack of resources (OHCHR 2015; US Department of State 2015).

The judicial authorities in place are also seen as being frequently biased and unproductive, resulting in trials being delayed due to [backlogs](#) and convictions being [extremely rare](#) (OHCHR 2015; US Department of State 2015). Even the attorney general has reportedly been subject to political pressure (US Department of State). Such a scenario leads to a lack of competent civilian oversight over the defence and security forces, which frequently [threatens](#) the political process and the functioning of state institutions (Freedom House 2016).

However, in 2015, during the political crisis, the supreme court ruled that the president’s appointment of Baciro Djá as prime minister was unconstitutional, leading to Djá’s immediate resignation. This decision marked the [first time](#) the supreme court had invalidated a decision of the president (US Department of State 2015).

Rear Admiral José Zamora Induta, who headed the army from 2009 to 2010, was placed under house arrest by the military and transferred to the army barracks on suspicion that he had lead a plot to overthrow the government in 2012. The supreme military court, however, [overruled](#) this decision, citing that the prosecuting tribunal had no jurisdiction, and Induta was allowed to leave the barracks but not the country (Freedom House 2016).

The Ministry of Justice launched a four-year justice reform programme in 2015 to enhance judicial independence and integrity, as well as access and delivery of justice (Freedom House 2016). Though requests have been made for [project identification](#) for an EU programme to support the project, it remains to be seen whether the government will be able to [secure](#) sufficient donor funding to implement it (ISSAT 2015; Freedom House 2016).

Previously, from 2009 to 2013, the MDG Fund ran a [joint programme](#) with the Bissau-Guinean government, with the participation of UNDP, UNODC, UNFPA and UN Women, to strengthen justice and security sector reform in the country (MDG Fund 2015). The key achievements of this venture included passage of a law on female genital mutilation and the drafting of a law on domestic violence as well as the installation of five of “access to justice centres” that provide information and legal assistance to the poor (MDG Fund 2015).

Security forces (police and military)

Bissau-Guinean police forces are deemed as being [generally ineffective](#) and corrupt. Reasons for this include a lack of basic training as well as poor and irregular payment; reportedly, there is not even sufficient funds to fuel police vehicles (US Department of State 2015). [Petty corruption](#) thrives among the traffic police, as they often demand bribes from vehicle drivers, whether or not the drivers have their documents and vehicles in order. The infrastructural support for security forces is also lacking as there is a shortage of police detention facilities, resulting in prisoners leaving custody during investigations (US Department of State 2015).

Impunity is a serious problem. For example, there is [no specific law](#) establishing an oversight body or entity explicitly mandated to investigate police misconduct or abuse of force (Global Integrity 2016). Currently, the attorney general is responsible for investigating police abuses. However, employees of that office are also poorly paid and susceptible to threats, corruption and coercion (US Department of State 2015).

The Government Defence Anti-Corruption Index for 2015 places Guinea-Bissau in band F citing a “[critical risk of defence corruption](#)”. The national assembly (Assembleia Nacional Popular) is responsible for scrutinising all defence policies and can exercise its constitutional right to do so by relying on the work of the Committee for Administration, Local Power and National Defence (CAIPLDN, Comissão de Administração Interna, Poder Local e Defesa Nacional). However, there is [extremely limited evidence](#) of the committee’s effectiveness and productivity (Government Defence Anti-Corruption Index 2015).

The armed forces and some state entities have been [linked](#) to drug trafficking, according to the UN Office for Drugs and Crime (Freedom House 2016). In 2010, the United States Department of the Treasury charged two Guinea-Bissau-based individuals, former Bissau-Guinean navy Chief of Staff José Américo Bubo Na Tchuto and air force Chief of Staff Ibraima Papa Camará, as [drug kingpins](#) (US Department of State 2016). This led to the US Drug Enforcement Administration arresting Na Tchuto in 2013 (US Department of State 2016). The [impunity](#) enjoyed by the military can be seen in Camará’s case as he continues as air force chief of staff and as a key advisor to President Vaz as a member of the Council of State (US Department of State 2016).

2. LEGAL AND INSTITUTIONAL FRAMEWORK

Overview

On the whole, publicly available information on anti-corruption efforts in the country is limited. The coup d’état in April 2012 caused major setbacks to the economic growth and reforms initiated by previous governments. Nevertheless, the country is returning to

[constitutional order after the coup, which will allow the nation to prioritise the areas that need most attention, including the economy, and law and order](#) (African Development Bank 2015). However, even before the coup, reports and studies showed that there were many areas in need of improvement to ensure that Guinea-Bissau has adequate safeguards against corruption in law and in practice (Lindner 2014).

The Second National Poverty Reduction Strategy Paper (PRSP) for 2011 to 2015 highlighted priority areas for Guinea-Bissau’s anti-corruption efforts, including strengthening policy making and strategic planning, reform of the legal and institutional framework of the planning system, reorganisation and strengthening of the national statistical system, reorganisation and strengthening of the Court of Auditors and the Office for the Fight against Corruption, training of members of the People’s National Assembly in the field of public finance management, and improvement of the economic and financial control mechanisms across all public administration institutions (IMF 2011; Lindner 2014). Given the transitional phase that the country has been through, this proposed strategy has been [extended to 2018](#) (African Development Bank 2015).

However, the implementation status of these reforms remains limited, and it is unclear as to what extent the current government is pursuing them. In light of the political instability, it has been recommended that presidential power has better checks and balances (Africa Centre for Strategic Studies 2013). Currently, the formulation of a draft constitution is underway (Freedom House 2016). However, there are no updates on the contents or final release date of the draft as the parliament has not convened in more than a year (Reuters United States 2017). Earlier in 2017, [thousands](#) of protesters in Guinea-Bissau’s capital demanded President José Mário Vaz step down to resolve the political crisis which has paralysed the country; public anger is growing at the failure of regionally mediated talks to resolve deep rivalries within the political elite (Reuters United States 2017).

International conventions

Guinea-Bissau has [ratified](#) the UN Convention Against Corruption in 2007 and is a [state party](#) to the African Union's Convention on Corruption. The country also [ratified](#) the UN Convention against Transnational Organised Crime.

In July 2010, Guinea-Bissau became a member of the [g7+](#) in the context of the New Deal for Fragile States. The New Deal is headed by 19 "fragile" and conflict-affected states, and its key objectives include peace building, state building, supporting country-led and country-owned transitions out of fragility, and building mutual trust by providing aid, assistance and managing resources (African Development Bank 2015). The focus areas of the [g7+](#) are on strengthening the judiciary and the capacity of the central government (African Development Bank 2015).

In terms of combatting drug trafficking, Guinea-Bissau has neither a [bilateral extradition](#) treaty nor a treaty of mutual legal assistance with the United States, though it is party to multilateral conventions that enable such cooperation (US Department of State 2016).

Domestic legal framework

Article 231 of the penal code establishes that any person who witnesses or is aware of a public crime is obliged to report it, otherwise that person is liable to be punished by law. The penal code [criminalises](#) acts of passive and active corruption while in the exercise of public functions, with a penalty of up to 10 years (Global Integrity 2016).

Furthermore, according to Article 177 (2) of the Code of Penal Procedure, "Civil servants, public managers and every other public agent or authority that become aware of crimes in the exercise and as a result of their functions must report it immediately". The Statute of the Public Administration Staff, under Chapter VI: Duties and Rights of the Staff, Article 64, [establishes](#) that the civil servant has a duty to act to ensure public confidence in the administration (Global Integrity 2016). However, no whistleblowing law to protect civil servant exists, leaving those who report corruption

vulnerable to a potential backlash (Global Integrity 2016).

Freedom of information

Guinea-Bissau [does not](#) have a law of freedom of information. However, the Constitution of the Republic of Guinea-Bissau establishes, under Article 34, that "Everyone has the right to information and juridical protection, under the law" (Global Integrity 2016). In practice, it is extremely tough for citizens to gain access to public information as distinct structures or mechanisms to enable access to information are missing (Global Integrity 2016). Moreover, records are rarely online since most public or state-owned institutions do not have a website, and where available these are usually outdated. At 4.3 per cent, even the percentage of citizens with access to the internet is meagre (Internet World Stats 2017). Besides, there is reportedly [staunch resistance](#) to sharing information, even if requested under a specific context such as research, consultancy or a development project (Global Integrity 2016; Freedom House 2016).

Public financial management

Guinea-Bissau has initiated some efforts to improve and modernise its public financial management. In 2009 and 2010, the government adopted an Organic Law for Budgeting and a Public Accounting Decree, which together [define](#) the legal framework of the new public financial management system (IMF 2010). The government also passed complementary legislation regulating the role of the different government entities responsible for budget formulation, execution and oversight (IMF 2010). The IMF (2010) report also notes the introduction of the Integrated System for Public Financial Management ([SIGFIP](#)), an information technology tool to enhance the efficiency and security of budget transactions, which is currently being used to automatically [register](#) non-regularised expenditures (IMF 2016). In an effort to strengthen fiscal transparency, expenditure and treasury management, the authorities are accelerating implementation of public financial management (PFM) reforms in line with its poverty reduction strategy (PRSP) of 2014 to 2018 (IMF 2016).

However, the political crisis and loss of budget support from development partners over the controversial [bank bailout](#) heightened fiscal challenges in 2016 (IMF 2016). The bailout was carried out in secret, without any cabinet or parliamentary scrutiny, and the cost and risks of the bailout were shifted entirely to the government (IMF 2016). To avoid such recurrences of problematic bailout schemes, regional banking supervisors are striving to bring banks into regulatory compliance and improving contract enforcement (IMF 2016). In fact, the West African Economic and Monetary Union (WAEMU) Banking Commission has carried out an on-site inspection of the concerned banks to evaluate scenarios of the needed provisions, capital increases and other possible remedial actions required to bring banks into full compliance with regulatory norms (IMF 2016).

In 2015, a law was approved and published by the parliament establishing a quarterly procedure for public expenditure reporting. According to the resolution, the Ministry of Economy and Finance should produce and approve a report on public expenditure to be submitted to the Specialized Permanent Commission for Economic, Finance, Plan, Trade and Industry Issues for evaluation as well as to parliament for comment (Global Integrity 2016). Even though such reports were produced throughout 2015 and for the first quarter of 2016, none were validated by the ministers of finance in office, and thus never submitted to the specialised commission (Global Integrity 2016).

[Anti-money laundering](#)

According to the Inter-Government Action Group Against Money Laundering in West Africa (GIABA), the [implementation](#) of anti-money laundering/counter-financing of terrorism (AML/CFT) and customer due diligence (CDD) measures in Guinea-Bissau is very weak. Guinea-Bissau appears to have made no progress since the reviews of the country's third follow-up report in May 2012 (GIABA 2012).

The country was assessed to be non-compliant for 34 out of 49 Financial Action Task Force (FATF) recommendations in the 2008 evaluation. A few areas requiring attention included implementing due

diligence processes, adequate treatment of politically exposed persons, improvements to the financial intelligence unit, mechanisms to address beneficial owners and the criminalisation of terrorist financing (GIABA 2012).

The assessment also found that the country is partially compliant with 12 FATF recommendations, indicating that these domains also still have critical shortcomings. For example, while Guinea-Bissau does have some legislation on criminalising money laundering in its criminal code, the report notes that not all conduct that should be considered subagent offences of money laundering are criminalised, and that the legislation has limitations in applicability and was not duly implemented into the legal system (GIABA 2012; Lindner 2014)

The government has recently developed a national strategy plan, which was approved by the Council of Ministers and subsequently submitted to parliament for approval. The aim of this strategy is to strengthen and [effectively mobilize](#) the FATF recommendations to bring Guinea-Bissau in line with the 2012 FATF standard (IMF 2016). The government also seeks to strictly enforce the public procurement laws and procedures, and swiftly prosecute violators to deter and root out rent-seeking in the public and private sectors (IMF 2016).

[Institutional framework](#)

Publicly available information on the institutional framework in Guinea-Bissau remains limited and outdated. One reason for this is that most institutions do not have a website (Global Integrity 2016). For example, the last comprehensive [Public Administration Country Profile](#) by the World Bank is from 2004. The extent to which the institutions mentioned below are operational is unknown.

[Committee against Corruption](#)

The Committee against Corruption was created in 1995 to prevent and denounce acts of corruption within the administration (IAACA 2012). It is government-sponsored and [responsible](#) for monitoring and carrying out anti-corruption activities in government and other spheres in Guinea-Bissau (IAACA 2012; Lindner 2014).

It is made up of three inspector lawyers and judges of formation and is attached to the national assembly. However, further information regarding the committee is unavailable online.

Financial intelligence unit

GIABA and the UNODC established the Financial Intelligence Unit in Guinea-Bissau (CENTIF). However, the unit's limited budget prevents it from fully exercising its functions. For example, in 2012, only one suspicious transaction report was referred to the Ministry of Justice (GIABA 2012). Nevertheless, the government has **recently** pledged to furnish adequate autonomy and sufficient resources to CENTIF to conduct its mandate as well as ensure proper verification of asset declarations of high-ranking public officials (IMF 2016). Law 7/99, the Disclose Law, is the legal framework that defines guidelines for supervising transparency in assets declarations by citizens holding a relevant "public function" (Global Integrity 2016). The officials under the purview of this law include:

- president of the republic
- the president of the national assembly
- the prime minister
- the president of the supreme court
- ministers, secretaries of state and other government members
- parliamentarians
- members of the state council
- the general prosecutor
- the president of the supreme audit institution
- executive bodies of the local power
- members of the superior institution against corruption
- the secretary generals of public administration
- general directors of the public administration
- regional governors
- board members of companies with public equity and public-private equity, as well as state institutes and entities with financial autonomy
- ambassadors.

Article 3 of the law establishes that all the political position holders must submit their declaration of assets and income within 30 days of the beginning of their functions and until 30 days after the term of their mandate. The failure to submit such declarations is punishable by law under Article 10. However, the law does not mention the immediate family of the office

holder, and declarations are not made public (Global Integrity 2016).

Supreme audit institution

The supreme audit institution in Guinea-Bissau is the *tribunal de contas* (court of accounts) that supports parliament. The Ministry of Finance is responsible for **providing** the court with an annual statement of accounts (IMF 2010). The supreme audit institution had never issued a report or opinion on accounts audited until 2015 when two reports were published concerning general accounts of the state for the years 2009 and 2010 (Global Integrity 2016). Constant changes in the administration due to political instability have resulted in a general lack of accounting information and organisation in the different state departments, state-owned companies and entities. Resistance to account submissions and the lack of financial resources of the supreme audit institution constitute major obstacles to the auditing process. However, reforms to address this are apparently underway (Global Integrity 2016). A few of these reforms mentioned in the 2016 Global Integrity Report include:

- covering of expenses by the state general budget
- training and capacity development of the state departments and state-owned companies and the institutions' financial directors
- application of procedures that ensure security of tenure of the financial directors in state departments and state-owned companies and institutions, avoiding dismissal upon change of administration and consequent loss of financial information as well as established expertise

Other stakeholders

Media

Although the constitution enables freedom of speech and the press, these freedoms are often limited. Journalists facing harassment and intimidation are a **regular phenomenon**. In August 2015, the then prime minister, Djá, dismissed the heads of the public television and radio broadcasters due to their coverage of the political crisis (Freedom House 2016).

The 2016 World Press Freedom Index ranked Guinea-Bissau 79th. Consequently, Reporters Without Borders noted that coverage of government shortcomings, organised crime and the military's continuing influence are all still subject to self-censorship. Such conditions have led to some journalists leaving the country (RSF 2016).

Lastly, although there are no reports that the government restricts access to the internet, lack of infrastructure, education and awareness considerably limits its penetration (Freedom House 2016).

Civil society

Freedom House has been awarding Guinea-Bissau a **consistent score** of 5 out of 12 points in the category of associational and organisational rights since 2014 (Freedom House 2016). Non-governmental organisations (NGOs) can organise freely in Guinea-Bissau. There are no major obstacles in setting up a new NGO, and they are not required to file more paperwork than other legal entities (Global Integrity 2016).

In general, the government does not interfere with the freedom of assembly as long as protesters secure the necessary permission. NGOs were subject to harassment after the 2012 coup, but are **vocal** in their opposition to human rights abuses and increased economic and social insecurity, and generally operate freely now (Freedom House 2015; Freedom House 2016).

The right to strike is protected, and government workers frequently exercise this right. Workers are also allowed to form and join independent trade unions. In 2015, teachers went on strike for more than a month demanding better pay and work conditions (Freedom House 2016).

According to the African Centre for Strategic Studies (2013) there are several prominent watchdog and civil society groups in Guinea-Bissau. For example, the Bissau-Guinean League for Human Rights has been operating since the mid-1990s, and its leadership has often **criticised** government leaders and institutions for subverting the rule of law and human rights (African

Centre for Strategic Studies 2013). The Law Society of Guinea-Bissau has also publicly criticised actions by the armed forces and condemned official corruption and manipulation of legal proceedings (African Centre for Strategic Studies 2013).

Mom ku Mom (Hand in Hand) facilitates exchanges between current and former military officers, representatives of civil society groups and victims of military abuses (African Centre for Strategic Studies 2013).

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