

REPUBLIC OF GUINEA-BISSAU

Terms of Reference

Strategic Implementation

of the

Plan of Combat to Drugs

“Prevent and Combat Drug Traffic in Guinea-Bissau and
Promote the Rule of Law and an
effective Administration of Justice, (2007 – 2010)”¹

¹ Plan elaborated with the technical assistance of the United Nations Office on Drugs and Organized Crime –UNODC ROSEN.

1. INTRODUCTION AND BACKGROUND

In the sequence of the EMERGENCY PLAN OF COMBAT TO DRUG TRAFFIC, the Guinean Government approved and adopted the OPERATIONAL PLAN – PREVENT AND COMBAT DRUG TRAFFIC IN GUINEA-BISSAU AND PROMOTE THE RULE OF LAW AND THE EFFECTIVE ADMINISTRATION OF JUSTICE (2007-2010), which was elaborated with the technical assistance of the United Nations Office of Drugs and Crime.

The Operational Plan was presented and submitted to the International Community and development partners of Guinea-Bissau in the International Conference on drugs, organized by the Portuguese Government and realized in Lisbon on 19 of December of 2007.

At the Conference, donors and partners of Guinea-Bissau manifested their support and availability, contained in the annex of this document.

According to a coordinated calendar in the enunciated Conference, a meeting was realized in Bissau on January 22, to launch the Administration Council of the Operational Plan. In the meeting, national authorities and international partners made considerations in regards to the presuppositions of the Terms of Reference of the Council of Administration. Moreover, it was also revised the declarations of support to the Operational Plan, and in function of available resources, operational priorities were identified, mercy of the necessity of adapting and measuring the Operational Plan for 2008.

2. FRAMEWORK

According to the two objectives of the Operational Plan, which are combat to illegal drug traffic through the territory of Guinea-Bissau and promotion of the Rule of Law and of an effective administration of Justice, in order to obtain success in its execution, two major objectives are foreseen at end of three years. The objectives are:

1. Reduce the possibility of utilization of the territory of Guinea-Bissau for illegal traffic, through the adoption of a solid juridical framework, improvement of logistics, operational empowerment and analysis of the institutions responsible for application of the laws, border control and detection of illegal cargo, combat to international organized crime, as well as respect to the process itself and public order. It should also promote the reinforcement of the legal framework and investigation capacity to strengthen justice administration in the area of fight against corruption, giving more financial transparency, in order to prevent the penetration of

organized criminal networks and corrupt practices in the socio-economic fabric of Guinea-Bissau.

2. Establish a fair, human and effective justice system for all, through promotion of the access to justice and reinforcement of capacity of the prison sector, emphasizing mechanisms for decentralizing justice administration. This will be accomplished through direct channel with the community, in order to guarantee greater access to all citizens, including the poorest and those that live in rural areas. In regards to reform of the prison system, it should have an updated juridical framework, reconstructed adequate detention and reclusion establishments, besides reinforcement of operational and institutional capacities to guarantee total respect to the norms and principals of the Organization of the United Nations.

From the objectives of this Plan and for its execution, it was foreseen a set of concrete measures and actions endowed with a proper budget, submitted to international partners of Guinea-Bissau in Lisbon, who were available to support the implementation of the Operational Plan, whether through financing support or through material and equipments as well as the training of various specialists involved in the process.

Based on these purposes and the established in point IV of the Operational Plan, called "Execution and Strategic Implementation", fitting in its framework is the present TERMS OF REFERENCE FOR STRATEGIC IMPLEMENTATION OF THE OPERATIONAL PLAN.

3. OBJECTIVES

3.1 – General Objective

The general objective of these TOR² is to guarantee maximum transparency, efficiency, efficacy and the compliance with deadlines in the execution of all actions and activities of the Operational Plan, thus increasing the national capacity in prevention and combat to crime, particularly, drug traffic and also, improve the quality of the justice administration and promotion of the Democratic Rule of Law. Operational partnerships should also be facilitated, whether through contribution in bilateral program, whether through initiatives developed in the scope of the Program of Reform of the Sectors of Defense and Security.

² Terms of Reference

3.2 – Specific Objectives

- Allow the effective coordination among various parties in the process, from administrative to financial and operational services;
- Maintain a flowing level of communication between the Government and international and national partners in the course of the Plan's activities;
- Allow evaluation of the current state and progresses verified in application of operational measures;
- Define and make recommendation for new operational measures;
- Verify the adequate utilization of available resources;
- Analyze and approve the reports of operational and technical services;
- Analyze and approve the plan of activities;
- Coordinate the contribution of the bilateral technical assistance with the Government's strategy, assuring complementarities of activities foreseen in the PRSDS.

4. CREATION AND COMPOSITION OF THE ADMINISTRATION COUNCIL FOR THE STRATEGIC IMPLEMENTATION OF THE PLAN OF COMBAT TO DRUGS

In the terms of art. 5 and 6 of Decree no. 11/94, legal diploma that creates the Inter-ministerial Commission of Combat to Drugs, the Administration Council of the Plan, henceforth CAP, will be created by Despatch of the Prime Minister and has the following composition:

- a) A Consultative Council Plan (CCP);
- b) Two Executive Administration Plan (DEPs).

5. Consultative Council Plan - CCP

5.1 – Composition

The Minister of Justice, with the UNODC as secretariat, presides the CCP that will be composed by a representative of the following national institutions and international partners:

a) National authorities:

- i. Minister of Foreign Affairs;
- ii. Minister of Internal Administration;
- iii. Minister of Defense;

b) International Partners:

- i. UNODC
- ii. UNOGBIS
- iii. UN Resident Coordinator/UNDP
- iv. ECOWAS
- v. EU
- vi. Portugal

c) Taking into account the nature of the CCP and its global objective of coordination and inclusion, the composition of the CCP may be regularly revised in its ordinary meetings.

d) Independently from their direct or indirect contribution in the Plan of Combat to Drugs, other international partners may be invited to participate in the CCP meeting, in the quality of observers.

5.2 – Attributions and Competency

It is the responsibility of the CCP:

- a) To appreciate the annual plan, suggest alterations, recommend actions, particularly in relation to bilateral contributions in the framework of technical assistance, assuring complementarities with the foreseen activities in the PRSDS;
- b) Review financial reports related to the final annual expenses and free the annual budget allocation requests;
- c) Evaluate the progresses in implementation of the different component of the Plan and annual reports:

5.3 – Procedures

Called by its president, the CCP meets ordinarily twice a year.

The members of the CCP may request the president to call an extraordinary meeting if necessary; they can also suggest additional items to be included in the order of the day of each of the regular meetings of the CCP.

The presidency of the CCP may call to the meeting, other international partners and donors that contribute for implementation of the Plan of Combat to Drug Traffic.

The minutes of each meeting will be elaborated by the UNODC and submitted for appreciation of the Presidency of the CCP, which will circulate them among all its members for revisions, alterations and approval.

The CCP decisions will be taken by consensus. In lack of this and if the respective case is related with the implementation of specific activities of the Plan, the decision will be taken by the majority of people present, detaining the presidency the quality vote.

6. Executive Administration of the Plan - DEPs

The implementation of the operational actions will be based on two Executive Administrations, respectively responsible for implementation of the two components of the Plan: Combat to Drug Traffic (GIB AT)³ and Justice and Prisons (GIB JIP)⁴

6.1 – Composition

Presided by the Minister of Justice and with the UNODC serving as secretariat, the Executive Administration of Plan, henceforth DEPs, have the following composition:

- a) GIB AT – Fight against Illegal Traffic
 - i. National Coordinator of Combat to Drugs, named by the Prime Minister's dispatch in the terms of art. 7 of Decree no. 11/94;
 - ii. President of the National Brigade of Combat to Drugs, whose composition is in art. 11 of the diploma in reference;

³ GIB-AT – Guinea-Bissau Anti-Trafficking Program

⁴ GIB-JIP – Guinea-Bissau Justice and Prison Program

- iii. Director of the Interpol National Bureau;
 - iv. Specialists of the area of combat to drugs and organized crime, of international partners with representation in the country, such as: EU, ECOWAS, UNOGBIS and Portugal.
- b) GIB JIP – Administration of Justice and Rule of Law
- i. General Director of Administration of Justice;
 - ii. A judicial magistrate, designated by the presidency of the Supreme Court of Justice;
 - iii. A magistrate from the Public Ministry, designated by the Office of the Attorney General of the Republic;
 - iv. Specialists of the area of penal reform, of international partners with representation in the country, such as: EU, ECOWAS, UNOGBIS and Portugal.

6.2 - Attribution and competencies of DEPs

It is DEPs responsibility to:

- a) Execute and monitor implementation of the different activities of the project;
- b) Elaborate work plans and submit the proposals of budgetary adoption;
- c) Approach the problems that prevent the implementation of the already agreed planned activities and inform the CCP of the impossibility of finding a solution;
- d) Elaborate annual and semi-final reports (descriptive and financial); approve the acquisitions and recruitment, free projects and budget revisions requested by the CCP.

6.1- Procedures

Called by its President, the DEPs ordinarily meet once a month and, extraordinarily, whenever requested to the President by DEP members.

In case of necessity, the presidency of DEPS can designate a substitute.

The participation of members in the DEPs may be regularly revised in its ordinary meetings.

Independently of the direct or indirect contribution for the Program of Combat to Drugs, external partners may be invited to participate in the DEP meetings, in the quality of observers.

The Minutes of each DEP meeting will be elaborated by the UNODC, which will make sure they circulate to members for revision, alterations and approval.

The DEPs decision will taken by consensus.

In case consensus is not reached and the respective case is related to implementation of the specific activities of the Plan, the decisions will be taken by the majority of people present, with the presidency detaining the quality vote.

The voting will be opened and registered in the minutes of the meeting.

If no consensus is reached on a certain subject related to the objectives, strategy or budget (only above 4 million USD), the issue will be taken to the CCPs knowledge and eventually to the Prime Minister's decision.