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REPORT ON THE CHAIRPERSON ON THE COMMISSION
ON THE SITUATION IN THE REPUBLIC OF GUINEA

**REPORT ON THE CHAIRPERSON OF THE COMMISSION
ON THE SITUATION IN THE REPUBLIC OF GUINEA**

I. INTRODUCTION

1. At its 192nd meeting held on June 2009, the Council recalled its previous communiqués on the situation in Guinea and the commitment made by the authorities emanating from the coup d'état, including the President of the National Council for Democracy and Development (CNDD), to conclude the transition process before the end of 2009, in accordance with the road map agreed upon between the Guinean parties. Council equally called on the Guinean parties to take all appropriate steps to comply with the road map, and urged the international community, including AU Member States, to provide the financial and technical assistance required for the preparation and organization of the legislative and presidential elections which will mark the conclusion of the transition.

2. This report takes stock of developments in efforts aimed at restoring constitutional order in Guinea. It concludes with observations on the way forward in order to achieve the set objectives.

II. CONCLUSIONS OF THE 3RD MEETING OF THE INTERNATIONAL CONTACT GROUP ON GUINEA

3. It should be noted here that between 18 February 2009 and 5 May 2009, the International Contact Group on Guinea (ICG-G) proposed a number of measures in support of the transition in Guinea. These measures relate among other things to drawing up an electoral calendar and a precise timetable; establishing constant and inclusive dialogue between the authorities emanating from the coup d'état and the Active Forces of the nation; reviving the electoral process and providing the required financial resources; establishing the transition organs and ensuring respect for human rights and the promotion of the rule of law. Six months from the first elections, despite the progress recorded, there is still a lot to be done to ensure the success of the transitional process within the agreed timeframe.

4. The 3rd meeting of the ICG-G, the objective of which was to mobilize resources to finance the electoral process, took place in a context marked by a series of events. These events include, among others, the protests of 29 March and those that continued until early April calling for a longer transition period; the ordinance establishing the National Transitional Council (NTC) which was given various interpretations; and the Brussels consultations of 29 April 2009 between the European Union (EU) and the Government of Guinea, which generated encouraging prospects for European support.

5. Some progress has been achieved, including :

- the approval by the CNDD of the transition timetable submitted by the Forces Vives;
- the creation, presented at the time as impending, of CNT and its operationalization;
- the registration exercise, carried out to nearly 70%, with regard to voter enrolment;
- raising population awareness through targeted programmes on civics, political education and popularisation of activities of the electoral process;
- the appointment of the President of the Supreme Court to fill the legal vacuum created at the very top of the legal system;
- efforts to clean up the security and defence forces; and
- pursuit of efforts designed to control and sanitize public finance, neutralisation of drug, human trafficking and organised crime channels.

6. On that occasion, the Group lent its full support to the measures taken in line with the fight against drug trafficking, impunity and corruption, and encouraged the Chairman of CNDD to extend this fight to cover all the sectors concerned and incorporate these actions in an appropriate judicial framework. In the same context, the Group invited the CNDD and the Government to make sure that the freedom of individuals, the principles of the rule of law and free movement of persons and goods are enforced.

7. In addition, the Group insisted on the fact that in the framework of the partnership, disbursement by the Guinean authorities of their financial contribution to the electoral process is a *sine qua non* for the success of efforts deployed with a view to return to constitutional order. As far as Guinea is concerned, this means the payment of arrears amounting to 47.5 billion Guinean Francs to motivate the international community. The Group also highlighted the need for simple and less costly institutions, the establishment of which should not jeopardize the transition in terms of its content and duration. In other words, everything should be done to put in place the CNT in March 2009.

8. In the same vein, the Chairman of the CNDD reaffirmed his willingness to do all in his power so that the transition ends in December 2009, and reiterated his commitment that, neither himself and the other CNDD members, nor the Prime Minister would be standing for the elections to be organised. He also undertook to pay in three instalments, the 47.5 billion Guinean Francs Guinea owes for the electoral process. Regarding the dialogue among the transition players, he acknowledged that since the ordinance establishing the CNT had been signed in a hurry, it was subject to

controversy. Consequently, it was submitted to the Active Forces to be improved and enriched. Concerning the Advisory Forum which should bring together all components of Guinean civil society and serve as a framework for dialogue that will enable Guineans to work towards strengthening national unity, the Chairman of CNDD said that it would be organized in May to allow for the establishment of CNT. He also acknowledged the indiscipline in the army and the insecurity prevailing in the country. In this respect, he emphasized the need for reform of the security sector with a view to restoring law and order.

III. RECENT DEVELOPMENTS

9. At the 15th Meeting of the Ministerial Troika between ECOWAS and the European Union, held in Luxemburg on 16 June 2009, the parties commended the commitments made by Guinea on 19 April 2009 during the consultations carried out in keeping with Article 96, as well as the 3rd Meeting of the GIC-C, aimed at implementing the roadmap for the return of constitutional order in the country. The parties commended, in particular, the commitment of Guinea to hold legislative and presidential elections between October and December 2009, and the commitment that neither the CNDD President and its members nor the Prime Minister and his cabinet will run for office. The European Union and ECOWAS, however, expressed concern at the absence of progress in the implementation of the roadmap. The parties called on Guinean authorities to set up the National Transitional Council (CNT) without further delay and honour their commitment to contribute financially to the preparation of the elections, in order to win the trust of the international community.

10. On the initiative of the local Contact Group on Guinea, a consultative meeting was held in Conakry on 18 and 19 June 2009. At this meeting, the Group heard the statement of the Minister of Justice, Keeper of the Seals and the joint presentation of the Minister of Territorial Administration and Political Affairs (MATAP) and the Independent National Electoral Commission (INEC) on the progress of the electoral process. The Group also heard statements by the political parties and representatives of the civil society.

11. In its evaluation of the situation, the Group took note of a number of measures taken by the CNDD and the Government, including, the progress in voter registration; the abolition of the Secretariat of State in charge of Conflicts; and the decision to ban soldiers from acting in the place of the competent services. The Group at the same time noted the absence of dialogue among the various actors of the transition - a situation which could undermine the rapid return to constitutional order; the failure to set up CNT; the failure by the State to release its contribution towards the funding of the electoral process despite the undertaking by the CNDD President at the audience granted to co-presidents during the 3rd Session of ICG-G on 4 May 2009; the deterioration of the security situation, human rights violations and arbitrary arrests and detentions; obstacles to freedom of expression and freedom of assembly, particularly the ban on access of political parties to State media; the deterioration of the economic and financial situation; and the harassment of private enterprises.

12. The Group called upon the CNDD and the Government to honour its commitments and to manage the transition in accordance with the timetable proposed by the Active Forces and agreed to by the CNDD, which provides for the holding of elections in 2009. The Group commended the payment by partners of their contribution to the electoral process, as well as their willingness to be further mobilized for the said process. The Group reaffirmed its determination and that of its development partners to continue to support Guinea in this transition phase during which the respect of mutual commitment is indispensable.

13. The Authority of the ECOWAS Heads of State and Government, meeting in its 36th Ordinary Session in Abuja on 22 June 2009, expressed its concern about the lack of progress noted in the implementation of the timetable agreed on by consensus for the return to constitutional legality. In this regard, it urged the CNDD to respect its commitment concerning the restoration of constitutional order in 2009 by authorizing all political party activities and organizing legislative and presidential elections. The Assembly requested the CNDD to honour its financial commitments for the preparation of the said elections, finalize the process of compiling the electoral lists and immediately set up the CNT. The Authority further appealed to Members of the CNDD and to the Transition Government to respect their commitment not to contest the said elections. The Authority also urged the current authorities to take all necessary steps to intensify the fight against economic crime and ensure respect of the rule of law. Lastly, the Authority called for the strengthening of both ECOWAS and ICG-G presence in Guinea as well as regular and sustained dialogue with the CNDD and the other stakeholders with a view to ensuring implementation of the timetable for credible elections in 2009.

14. The 4th meeting of ICG-G was held in Sirte, Libya on 27 June 2009; the meeting was co-chaired by myself and the President of the ECOWAS Commission. The Group commended the local chapter of the ICG-G and endorsed the concerns expressed and the recommendations made in the Memorandum issued by its meeting held in Conakry on 18 and 19 June 2009. The Group mainly expressed its concern at the lack of progress in the transition towards the establishment of constitutional order and the holding of elections in 2009. In particular, the Group underscored the following:

- The absence of political dialogue among the various actors of the transition – a situation which could undermine the return of constitutional order in the country;
- The failure to set up the National Transitional Council, which was supposed to be completed in March 2009, as a result of disagreements over the composition and status of this organ;
- The interruption of the voter registration process and the lack of clarity concerning its finalization, including the issue of voting by Guineans living abroad;

- The deterioration of the security situation and human rights violations (arbitrary arrests and detentions);
- Curtailing the freedom of expression and association, in particular, denying political parties access to State-owned media, as well as banning the rallies of these parties; and
- The deterioration of the economic and financial situation and cash flow difficulties of the State, as well as the absence of a climate conducive to investments and economic activities.

15. The Group took note of the revised INEC budget for the preparation and holding of legislative and presidential elections amounting to 149,008,850 Guinean francs (FG), that is, about 22,577,098 Euros or US\$31,704,011. The Group expressed satisfaction with the commitment of the various partners to contribute to the election budget, in keeping with the laid down procedures, and underscored the need to mobilize the necessary resources. The Group also expressed the hope that the Steering Committee would ensure the promotion and coordination of the electoral process, in general, and the funding, in particular. The Group expressed satisfaction with the financial contribution by partners towards the electoral process and confirmed its readiness to raise additional funds to that end. The Group urgently called on the CNDD to set up the CNT without further delay and honour its undertaking to contribute to the funding and preparation of elections, in order to ensure the implementation of the timetable and win the trust of the international community.

16. The Group invited the CNDD and the Transitional Government to step up efforts to combat impunity. It noted that the repeated acts of violence and extortion perpetrated by armed elements in uniform against business persons and civilians seriously undermine the credibility of the Transitional Government and constitute a real threat to political stability, which is essential for the holding of free, fair and credible elections.

17. The Group underscored the importance of respecting mutual commitments at the current phase of the transition, and reaffirmed its determination and that of development partners to continue supporting Guinea in this respect. The Group considered problems hindering the transition process and expressed deep concern at the little progress made in the implementation of the timetable agreed upon. Consequently, it stressed the need:

- to revive the dialogue;
- to hold elections before the end of 2009, in keeping with the timetable;
- for the President and members of the CNDD as well as the Prime Minister to abstain from running for the upcoming legislative and presidential elections;

- for respect for human rights; and
- for the State to disburse its contribution for the holding of the elections.

IV. OBSERVATIONS

18. Despite the progress achieved, there is still a long way to go to ensure the completion of the transition within the agreed timeframe and based on the timetable agreed to by the CNDD. The conclusions of the last meeting of the Contact Group held in Sirte are therefore particularly enlightening.

19. Although the announcement on 30 June 2009 of the payment of 15 billion Guinean francs as State contribution to the electoral process constitutes an encouraging development, the CNDD should clearly show greater commitment and take all the measures expected from it to ensure the success of the transition within the agreed timeframe. In this context, it is important that Council send a clear message to the authorities on the need to speed up the transition process.

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Report of the Chairperson of the Commission on the Situation in the Republic of Guinea

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