

Emergency VTC meeting on the situation in Guinea

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Today (6 September), the African Union (AU) Peace and Security Council (PSC) is expected to convene an emergency meeting on the situation in Guinea. It is expected that the PSC will receive update on the situation from the AU Commission. AU Commissioner for Political Affairs, Peace and Security, Bankole Adeoye, is expected to make a statement. A representative of the Economic Community of West African States (ECOWAS) may also address the PSC. The representative of Guinea may also make a statement as per the usual practice of the PSC.

This emergency meeting comes after special forces of the Guinean army staged a coup d'état on 5 September in the capital Conakry. Following gun fire near the presidential palace that lasted for some hours, the coup makers captured President Alpha Conde and held him in detention. They announced on television that the constitution is suspended and the government dissolved. Criticizing the government for corruption and mismanagement and professing their commitment to democratic values, they told the public the establishment of The National Committee for Rally and Development.

It is to be recalled that Guinea held elections on 18 October 2020. President Conde, running for a third term, was declared a winner of the presidential election and was on his first year of his third term in office. The President stood for a third term during the 2020 elections after a controversial constitutional referendum removed the clause of the constitution limiting presidential term of office to two terms. The 22 March 2020 referendum was boycotted by the opposition who contested that the referendum was called by the

Speaker of Parliament instead of the parliament itself as required by the Constitution of the country. Reports indicated that at least 32 protestors were killed by police in the run up to the election. At the time various international actors including ECOWAS, the UN Office in West Africa and the Sahel and the European Union expressed their concern over the lack of inclusiveness and credibility of the referendum and the parliamentary election.

The presidential election in October 2020 was marred by violence. At least 30 people were reportedly killed by security forces as demonstrators staged protests during the election. The opposition also rejected the electoral outcome alleging that the presidential election was fraudulent.

The response from regional and international institutions shows a common position condemning the coup. In a joint statement issued on 5 September, the AU Chairperson, President of the Democratic Republic of Congo and the AU Commission Chairperson, Moussa Faki Mahamat, condemned 'any seizure of power by force' and called for 'immediate release of President Alpha Conde'. The joint statement also invites the PSC 'to meet urgently to examine the new situation in Guinea and to take appropriate measures in the circumstances'.

ECOWAS also issued a statement through the Chairperson of the ECOWAS Authority, President of Ghana. In the statement, it noted 'with great concern the recent political developments which occurred in Conakry, Republic of Guinea' and condemned 'with the greatest firmness this coup attempt'. It reaffirmed its 'disapproval of any unconstitutional political changes.' ECOWAS further demanded 'respect for the physical integrity of the President of the Republic' and 'his immediate and unconditional release as well as that of all the personalities arrested'.

Similar sentiments of condemnation have also been voiced by Secretary-General of the UN Antonio Guterres and the EU High

Representative for Foreign Affairs and Security Policy. In the meantime, some people in Conakry have been seen cheering coup makers and celebrating the ouster of President Conde.

In today's session, it is expected that the PSC will make a determination on whether what the AU statement called 'the new situation in Guinea' involving the ouster of the President of the country and the suspension of the Constitution and dissolution of government constitutes a military coup warranting the application of the measures envisaged under the Lomé Declaration on Unconstitutional Changes of Government of 2000, the AU Constitutive Act, the African Charter on Democracy, Elections and Governance and Article 7 of the PSC Protocol. All indications are that the measures taken by the special forces including the seizure of power by force, the suspension of the constitution of the country and the dissolution of the government have all the ingredients of a military coup prohibited under these AU instruments.

While the reading of the Lomé Declaration on Unconstitutional Changes of Government of 2000 and other relevant instruments of the AU including the AU Constitutive Act and the dominant practice of the AU suggests that the application of suspension of the county in which unconstitutional change happened to be automatic, there have been instances in which the PSC opted for holding back the automatic application of these legal consequences. Such was the case in respect to the situation in Burkina Faso in November 2014 and that of Sudan in April 2019. On the other hand, the PSC recently at its 1001st session imposed automatic suspension on Mali following the ouster by Malian army of the leaders of the transitional government in May 2021.

The expected outcome of the session is a communique. It is expected that the PSC would condemn the seizure of power by the special forces of Guinea by force. It may also urge the army to restrain from any acts that further endanger the peace and stability of the country. While echoing the call for

respect of the safety and security of the President and other government leaders in its custody, the PSC may also echo the call for the unconditional release of the President. The PSC may consider the situation in Guinea as military coup in line with the Lomé Declaration of 2000 and the African Charter on Elections, Democracy and Governance. It is also expected to invoke Article 7(1)(g) of the PSC Protocol suspending Guinea until the restoration of constitutional order. The PSC may call on the perpetrators of the coup to uphold the Constitution of the Country and stick to their constitutional mandate and cease interference in the political processes of the country by returning to the barracks in compliance with their professional duty. The PSC may also request the AU Commission working with ECOWAS and other regional and international actors to initiate efforts to assist the Guinean actors towards the restoration of constitutional order and find a peaceful and inclusive solution to the current crisis and achieve reconciliation.