

# Updates on the situation in Guinea

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Tomorrow (10 February), the African Union (AU) Peace and Security Council (PSC) is scheduled to convene its 1064th session. As one of the agenda items of the session, the PSC will receive updates on the situation in Guinea.

Following the opening remarks of the PSC Chairperson of the month and Permanent Representative of Kenya to the AU, Jean Kamau, the AU Commissioner for Political Affairs, Peace and Security (PAPS), Bankole Adeoye, is expected to provide update to the PSC. The representative of Ghana, as Chair of Economic Community of West African States (ECOWAS) Authority of Heads of State and Government, is also expected to deliver a statement.

The last time Council addressed the situation in Guinea was at its 1036th meeting convened on 5 October 2021. At that session, in addition to upholding the decision of its 1030th session to suspend Guinea from all AU activities until the restoration of constitutional order, Council endorsed the outcomes of the communiqué of the 16 September 2021 Extraordinary Session of ECOWAS. The ECOWAS communiqué, among others, called for the conduct of general elections in Guinea within six months period. Tomorrow's session is expected to review developments in Guinea since PSC's last session and consider how to address challenges to the return of constitutional order in Guinea.

Despite the measures taken both at the level of the AU and ECOWAS, Guinea is not any closer to having clear plan for return to constitutional order. According to ECOWAS's decision, Guinea was to conduct elections in the upcoming

month of March 2022 to ensure the end of the transition period and peaceful transfer of power to a democratically elected government. Five months after the coup, the authorities are yet to adopt a transitional calendar. It is to be recalled that Guinea's authorities have already expressed concerns that more time may be required for constitutional review and institutional reforms to be completed.

From the perspective of the AU and ECOWAS, some of the policy challenges that the coup in Guinea and the other West African countries give rise to include the parameters for determining timeline for restoration of constitutional order and the set of reform measures that the AU and ECOWAS need to support to ensure that the countries will not find themselves in the same situation. While speedy return to constitutional order prevents the chance of the men in uniform entrenching their hold and influence on the political process of their countries, it does not give enough time for initiating, developing and implementing the minimum reform measures that address the factors that created the conditions for the coup. Striking the balance between the two demands necessitates that ECOWAS and the AU along with the UN and other actors need to adopt a hands-on approach to the initiation, development and rolling out of the requisite reform measures by being active part of the process of drawing up transitional plans by the countries concerned.

On 3 February 2022, ECOWAS convened an Extraordinary Summit where it deliberated on the occurrence of repeated coups in multiple countries in the west African region. The session addressed the political situations in Burkina Faso, Guinea and Mali. While the communiqué of the Extraordinary Summit was strongly worded in its rejection of coups and in affirming the regional bloc's "principle of zero tolerance for ascension to power through unconstitutional means", it also makes it evident that there is a need for flexibility and striking a balance between those competing needs of speedy return to

constitutional order and investing enough time and the requisite support for ensuring successful transition. This was demonstrated through the request of ECOWAS for the proposal of acceptable transitional timelines in the cases of all three countries addressed at the session. In the case of Guinea, while it expressed concern over the lack of an electoral calendar and decided to uphold the sanctions imposed at the Extraordinary Session of 16 September 2021, it requested the transition authorities to submit “an acceptable timetable for restoring constitutional order”. ECOWAS’s choice to refrain from demanding that the previously stipulated timeline of six months be met could be regarded as a more realistic approach which would allow the authorities to take account of circumstances on the ground and determine the shortest possible period it would take for conducting elections. While the recognition of the need for such principled flexibility and balancing explains this policy shift on the part of ECOWAS, the controversial reactions invoked by ECOWAS’s additional sanctions against Mali imposed at its Extraordinary Summit of 9 January 2022, and particularly Guinea’s following declaration that it will not close its borders with Mali in clear opposition to ECOWAS’s sanctions, could have also influenced the regional bloc’s somewhat softened stance.

While determination of a specific timeline for the elections is still a pending issue, the formation of the National Transitional Council (CNT) has been a commendable step achieved by Guinean’s transition authorities. The CNT which is to serve as the interim legislative organ is expected to adopt the transition calendar which will establish the schedule for the conduct of the elections. The CNT convened its inaugural session on 5 February 2022 where notably, the importance of drawing up a constitution which will not allow elites to remain indefinitely in power was highlighted. Having regard to the context under which Guinea’s unconstitutional change of government took place and noting how one of the underlying factors which facilitated the coup was the 2020 constitutional

amendment – which served to keep former President Conde for a third term in office – the CNT's focus on drafting a constitution which cannot be easily manipulated for extension of presidential term limits is well placed. But it is imperative that such constitutional review process actually serves such public and democratic purposes by, among others, enhancing separation of powers and checks and balances, independence of the judiciary, accountable and constitutionally limited authority of the executive and security sector reform that ensures a professional military that is under a democratic civilian authority.

Another development since Council's previous session on the situation in the country is the appointment of a civilian Prime Minister, although key political positions in the transition, including positions of regional administrators, continue to be occupied by military figures. It is also to be recalled that the demand to release former President Conde has been repeatedly reiterated by both the PSC and ECOWAS. Following the initiation of legal proceedings to look into crimes committed during Conde's term in office, the former President has reportedly been permitted to leave the country for medical reasons. The continued limitation to Conde's freedom of movement in the absence of any concrete legal charges would constitute violation of basic human rights standards. The decision to allow the former President's medical travel is therefore a move made in the right direction for Guinea's transitional leaders which should be maintained.

The expected outcome of the session is a communiqué. Council is expected to note the formation of the CNT and encourage Guinea's military authorities to sustain their commitment in finalising the establishment of the interim legislative body. It may urge Guinea's transition authorities to prioritise the determination of a timeline for the transition period and schedule the date for general elections. Council may also encourage Guinean authorities to ensure that they stick by the

decision made not to run for elections at the end of the transitional period. It may also stress the need for the authorities to ensure inclusivity in the constitutional review and institutional reform processes. Council may also follow up on the request made at its 1036th session for the AU Commission to provide the needed technical support to Guinea in order to assist the authorities in developing and implementing a transitional plan that ensures restoration of constitutional order and successful implementation of necessary constitutional and institutional reforms. The PSC may also call on the AU Commission working with ECOWAS and the UN to undertake a needs assessment mission to Guinea for engaging Guinea authorities and other stakeholders on the adoption of transitional plan that is in accord with AU and ECOWAS norms and addresses the factors that precipitated the coup in Guinea. It may also reiterate its plan to undertake a field mission to Guinea.