

Updates on the Situation in Guinea

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Tomorrow (5 October), the African Union (AU) Peace and Security Council (PSC) is set to hold its 1036th session. The third agenda item of the session will be an update on the situation in Guinea. PSC is expected to consider the developments in Guinea, since its previous session held on 10 September, which saw the country's suspension from AU activities until restoration of constitutional order.

Following the opening remarks of the PSC Chairperson of the month and Permanent Representative of Mozambique to the AU, Alfredo Nuvunga, the AU Commissioner for Political Affairs, Peace and Security (PAPS), Bankole Adeoye, is expected to make a statement. The High Representative on Mali/Sahel Maman Sambo Sidikou is also expected to make a presentation. The Chair of Economic Community of West African States (ECOWAS), Ghana, and the representative of ECOWAS secretariat are also going to deliver their statements.

At its 1030th session convened following the military coup in Guinea, which took place on 5 September, the PSC totally rejected the act as an unconstitutional change of government and imposed immediate suspension against Guinea until restoration of normal constitutional order in the country. In the Communiqué, the Council also specified particular demands and conditions to be urgently met by Guinea's military. Among these was the immediate and unconditional return of the military to the barracks, while refraining from further interference in the country's political processes and allowing return to constitutional order through a civilian-led government. It is also to be recalled that the Council decided to undertake an assessment mission to Guinea, so as to

identify areas for AU support to Guinea, through engagement with relevant stakeholders. Tomorrow's session may also provide updates on the process of dispatching this mission.

On 27 September, the military unveiled a transitional charter, which it claims is aimed at steering the country back to civilian rule. While the document sets out major tasks such as the drafting of a new constitution and the holding of "free, fair and democratic elections", it still raises concerns not only with respect to its drafting process, but also with regards to some of its contents.

The drafting of the charter by the military in itself poses an issue and raises the question as to whether the military has the legitimacy and whether it is best placed to take charge of the drafting process. In addition, as announced by the military, the transition is to be led jointly among the National Rallying Committee for Development (CNRD) (a committee set up and headed by Col. Mamady Doumbaya, the main architect of the 5 September coup), the president of the transition (a position assigned to Col. Doumbaya, who will also be serving as the head of State and chief of armed forces), a government headed by a civilian Prime Minister, and a legislative body called the National Transition Council (CNT). As the PSC emphasised at its 996th session relating to Chad's military seizure of power, the roles and functions of a transitional government should be separately defined from those of the military. In the case of Guinea, not only has the military taken full charge of mapping the transition process, it has also assigned key political positions in the transition to military figures, including the removal of regional administrators and their replacement by individuals from the military. Moreover, members of the deposed government of former President Alpha Conde were completely side-lined from taking part in the transition process. While some oppositions of the former government welcomed this claiming that previous regime lawmakers promoted and assisted in the former

President's stay in office for a third term, it is also important to consider that a transition process which is not inclusive of all political actors may not have the desired long-term results.

As far as the contents of the transitional charter are concerned, the decisions to hold elections and to draft a new constitution can be considered as moves made in the right direction, mainly provided that the amendment of Guinea's 2010 constitution to extend the presidential term limit and the highly contested elections of October 2020 which allowed President Conde to remain in office for a third term have triggered the current crisis in the country. Particularly, the transitional charter's indication that none of the figures or institutions taking charge of the transition will be allowed to participate in either national or local elections to be conducted at the end of the transitional period is a positive development. However, there has been no clear indication as to when the election will be taking place.

While the ECOWAS at its Extraordinary Session of 16 September set six months as the time limit for the conduct of elections, Guinea's military doesn't seem to strictly follow that deadline, indicating in the transitional charter that the duration of the transition is yet to be determined. Hence, there is a possibility that the new transitional authorities may push ECOWAS to reconsider the deadline it has set for holding the elections. In light of the support Guinea's military seems to have obtained from political opposition groups in the country, and also recalling ECOWAS's conceding to extend Mali's transitional period from one year to 18 months after the August 2020 coup, the balance seems to be tilted in favour of Guinea's new transitional authorities in any negotiations that may take place regarding the period of transition.

Both the PSC and ECOWAS have also been clear in their demand for the immediate and unconditional release of former

President Alpha Conde and other arrested officials. Despite these calls from the two institutions, Guinea's military is yet to release the former President. According to reports, the military has remained adamant on the issue even after Col. Doumbouya's meeting with ECOWAS representatives on 17 September, where the regional block's demands for the release of Conde and his associates was reiterated. According to Guinea's military leaders, the former President who has been rumoured to have the intention of leaving the country, shall remain in Guinea while being treated humanely.

While the continued refusal to release the former President as well as the military's seeming intention to have the transitional period extended beyond ECOWAS's timeline of six months could possibly serve as grounds for the regional economic community to proceed with economic sanctions, this seems to be improbable. Not only have the people of Guinea already expressed concerns over how any economic sanctions would directly impact the population, ECOWAS delegation's statement that "ECOWAS and Guinea will find a way to walk together" following its meeting with Col. Doumbouya and his associates on 17 September would seem to imply that further sanctions are unlikely. Although a valid case could be made against the imposition of economic sanctions, simply accepting the terms set by the military very much endangers the future of democracy in the continent. Hence, it is important to note that both the PSC and ECOWAS have options other than economic sanctions, such as the imposition of targeted sanctions, including denial of visas, travel restrictions and freezing of assets of specific perpetrators of the coup, options properly put to use by ECOWAS at its Extraordinary session of 16 September.

The expected outcome of tomorrow's session is a Communiqué. Council may take note of the steps taken, particularly the decision to ensure that none of the transitional figures, including those from the military, will be allowed to run for

elections at the end of the transitional period. Council may also emphasise the importance of ensuring that the process of drafting a new constitution is all-inclusive and transparent. It may reiterate its call for the release of former President Conde and strictly condemn the arrest of officials of the ousted government without adherence to due process of law. It may once again reiterate its call for the military to hand the transitional process over to a civilian-led authority and to establish clear timeline for the transitional period and for holding elections.