



**STATEMENT OF THE JOINT NDI/KAF PRE-ELECTION ASSESSMENT MISSION  
TO GUINEA  
December 13, 2019**

**I. Introduction**

From December 9-13, the National Democratic Institute (NDI) and the Kofi Annan Foundation (KAF) conducted a pre-election assessment mission ahead of legislative elections scheduled for February 16, 2020. The delegation comprised **H.E. Nicéphore Soglo**, former President of Benin; **H. E. Goodluck Jonathan**, former President of Nigeria; **Ambassador Medina Wesseh**, Secretary General of the Mano River Union; **Dr. Christopher Fomunyoh**, Senior Associate and Regional Director for Central and West Africa at NDI; **Mr. Sébastien F. W. Brack**, Head of the Elections and Democracy Programme at the Kofi Annan Foundation; **Dr. Sophia Moestrup**, Deputy Director for Central and West Africa at NDI; and **Mr. Paul Komivi Sémeko Amegakpo**, NDI's Resident Director in Guinea.

The delegation's goals were to:

- Demonstrate international support for Guinea's democracy and electoral process;
- Assess the political and electoral environment in the lead-up to the 2020 legislative elections; and
- Assess electoral preparations and offer recommendations to enhance citizen confidence in the process and mitigate the risk of violence.

The delegation met with H.E. President Alpha Condé, National Assembly Speaker Claude Kory Kondiano and members of the legislative leadership, Prime Minister Ibrahima Kassory Fofana, the Chairman and members of the Independent National Electoral Commission (*Commission Electorale Nationale Indépendante* - CENI), leaders of majority and opposition political parties, leaders of civil society organizations, media representatives, the National Contact Group (*Groupe National de Contact*), the imam of Conakry's Grand Mosque and the special adviser of the Archbishop of Conakry, and representatives of the diplomatic community and international partners based in Conakry. The delegation expresses its deep appreciation to everyone with whom it met for welcoming the mission and for sharing freely their views on the political context and electoral process.

The delegation conducted its activities in accordance with the laws of Guinea and the Declaration of Principles for International Election Observation, which was launched in 2005 at

the United Nations. It also considered international and regional electoral standards, including the African Union (AU) African Charter on Democracy, Elections and Governance, as well as the Economic Community of West African States (ECOWAS) Protocol on Democracy and Good Governance.

**Summary of key findings.** The delegation noted that all Guineans with whom it met expressed a strong desire for peaceful, inclusive and credible legislative elections in 2020. They underscored the significance of those elections in deepening the country's democracy and ending the extension of the current legislature whose term expired in January 2019. Many Guineans expressed concerns over speculations about changes to the country's constitutional framework and electoral timeline undermine preparations for the February 2020 polls. They decried the violence that has marred political demonstrations since October and that resulted in the loss of lives. Most of the victims of the violence have been youth aged 20 or younger.

The delegation also noted a level of polarization and mistrust amongst Guinean political actors and civil society organizations. The team observed that while the election commission (CENI) is confident about its preparedness to conduct the polls, political leaders from the majority and opposition parties expressed concerns about the ongoing voter registration process. The CENI must make extraordinary efforts to share information about its work and timeline. Guinean leaders must enhance dialogue amongst political parties and foster more regular communications and interactions between parties and the election management body.

## **II. Political environment**

Many Guineans are apprehensive that preparations for the upcoming legislative elections are being overshadowed by an ongoing debate over a possible new constitution. The delegates noted several challenges in the current political landscape that could impact election preparations.

**Polarization around the possibility of a constitutional referendum.** Over the past year, Guinea has been polarized by a heated debate over whether the country needs a new constitution, and if a referendum to adopt such a new constitution should be held prior to the October 2020 presidential election. Under the current constitution adopted in 2010, President Alpha Condé is currently serving his last mandate that is due to end in December 2020. However, should a new constitution be adopted, some Guineans argue that would reset the term anew, in which case the incumbent president could seek another term of office. Proponents of a new constitution and those opposed to the idea have staged massive demonstrations in Conakry and other parts of the country. A coalition of opposition parties and some civil society organizations formed a National Front for the Defense of the Constitution (*Front National pour la Défense de la Constitution* - FNDC), and have staged weekly protests since October. In response, promoters of a constitutional change created the Democratic Coalition for the New Constitution (*Coalition démocratique pour la nouvelle Constitution* - CODENOC). The delegation heard concerns that, given Guinea's history of election-related

violence, adopting a new constitution without arriving at a national consensus on the matter could result in renewed and large-scale violence. The incumbent president is yet to state publicly how he plans to proceed on any constitutional issues at the center of national debate.

**Recurrent violence around elections and political participation.** Guinean society is still grappling with a lingering sense of justice denied and resentment over past violence, notably the September 2009 massacre of more than 150 unarmed demonstrators by security forces during a political rally in Conakry. Families of the dead and other victims still await justice 10 years later. Since Guinea's transition elections in 2010, each electoral contest has experienced election-related violence. For instance, following the February 2018 local elections, supporters of various political parties disputed the declaration of results in 12 of the country's 342 electoral districts because of concerns that the vote tabulation process was manipulated. Those demonstrations degenerated into substantial post-election violence, and the Guinean government imposing a ban on public protests. Recently enacted legislation in June 2019 strengthened the power of the police and *gendarmérie* in maintaining public order. The delegation heard reports that, in three months of demonstrations against a new constitution, close to 20 demonstrators, mostly very young people, have been killed in violent interventions by security forces. By some accounts, 126 persons have been killed in political protests since the democratic transition of 2010. Many interlocutors with whom the team met regret that no one has been prosecuted for these killings and expressed concerns over a sense of impunity that can only foster the use of excessive force by security forces against civilian political activists.

**Intermittent political dialogue.** Mistrust runs deep among Guinea's political leaders, fueled in large part by the absence of sustained dialogue and unmet commitments, which is detrimental to national unity. Opposition parties accuse the government and the ruling party, the Rally of the Guinean People (*Rassemblement du Peuple de Guinée* - RPG), of manipulating elections, violating human rights, and restricting civil liberties, whereas the government and majority party accuse the opposition of obstructing progress and sponsoring violent demonstrations that result in loss of life and the destruction of public and private property. Since 2010, the opposition has at various times boycotted the National Assembly and other institutions such as the CENI. Although the RPG and major opposition parties have had to resort to several negotiated agreements to resolve contentious issues related to the electoral cycle, following the disputed outcome of the February 2018 local elections, opposition parties suspended their participation in the dialogue framework created to oversee the implementation of the October 12, 2016 political agreement (the 2016 Guinean Political Accord).<sup>1</sup> The delegation noted with appreciation that one week prior to the delegation's arrival, the Guinean Prime Minister rekindled dialogue efforts. The delegation noted that discussions are underway to adopt an operational plan to meet an outstanding opposition demand from the local polls regarding the installation of district and neighborhood councilors. If rapidly enforced, the installation of these neighborhood and district

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<sup>1</sup> The October 12 political agreement included provisions for a voter registry audit prior to the legislative elections, as a basis for revising the voter roll.

heads could begin to counter the expressed skepticism by several interlocutors and rebuild mutual trust and respect between the government and political opposition.

**Undertone of ethnic cleavages defining political affiliation.** Historically, Guinea has four geographical regions, each of which identifies with specific ethnic and cultural affinities. There are currently more than 150 registered parties in the country, 15 of which are represented in the National Assembly. Parties have organized themselves by affiliation in seven blocs, three of which belong to the ruling majority and four to the opposition. Interlocutors with whom the delegation met, expressed concern that major parties have resorted to ethnic or regional appeals to garner electoral support. Under such circumstances, political polarization tends to fuel ethnic tensions around the country. These overlapping cleavages are a matter of serious concern, and if left unchecked would exacerbate tension and risk stirring violence and conflict during highly competitive elections. This is all the more worrying given the security situation in the subregion.

### **III. Findings specific to the 2020 legislative elections**

The delegation observed that there is no national consensus on the electoral timeline and the ability of the election commission to conduct credible voter registration in time for the 2020 legislative polls. Since 2010, Guinea's electoral timeline and its voter registry have been a constant source of contention between the government and the opposition. While interlocutors expressed low confidence in the CENI's technical capacity and effective independence, the CENI assured the delegation that election preparations are on track. Others expressed fears that political parties will be unable to incorporate into the candidate nomination process gender parity provisions as provided for in progressive gender legislation adopted in May 2019 to increase women's political representation.

**Timeline.** Since the 2010 transition to democracy, elections have not been held on time as stipulated in the country's constitution. Notably, legislative elections planned for 2011 were only held in 2013, and local elections, supposed to be held in 2015, were only conducted in 2018. Following local elections in February 2018, delays in the resolution of electoral complaints in 12 disputed districts negatively impacted the installation of elected local councilors and the subsequent holding of indirect elections to select mayors until February 2019. To date, the nomination of neighborhood and district councilors and the election of regional councilors is yet to be concluded. Recurring political crises and disagreements over the voter registry have delayed the legislative polls, which means that current members of the National Assembly elected in 2013 would have served for nearly seven years instead of five as stipulated by the constitution. Their mandate was extended indefinitely by presidential decree in January 2019.

In consultations with the *Organisation Internationale de la Francophonie* (OIF), the CENI announced in November that legislative elections will be held on February 16, 2020. Ruling and opposition parties have encouraged their supporters to register to vote. The revision of the voter roll began in November for a period of 25 days and is scheduled to end on December 16, 2019.

However, both opposition and majority party representatives expressed concerns that the process would not be completed by the stipulated end date. Distribution of voter cards is expected to begin on January 16, 2020 and coincide with the election campaign period, which begins 30 days prior to election day.

**Voter registry.** A credible voter registry is a precondition for credible elections. By common agreement among all political parties following the Oct. 12, 2016 political accord, a voter registry audit took place in September 2018. Experts from the OIF, the European Union (EU), and the United Nations Development Programme (UNDP) worked with the CENI, representatives of civil society, and parliamentary groups to complete the audit.

The audit revealed that data for more than half of the 6 million voters in the registry had not been cleaned to avoid potential double registrations, and 1.6 million voters lacked biometric information. The audit concluded that, given these concerns, all voters would have to present themselves before the CENI to have their information confirmed. For voters missing biometric data, such data would be added, and citizens who have come of age since 2015 will also have to be registered. Given the massive scale of this operation, some opposition leaders have raised the issue that the CENI should have used the three months ordinary registration period from October-December for voter registration, as opposed to shortening the duration to 25 days, as stipulated for exceptional registration.

With the voter registration period nearing its close, both the RPG and opposition parties raised concerns to the mission of cases of minors being included in the registry, in both opposition and ruling party strongholds. Also, manpower and logistical challenges such as missing materials and faulty registration kits, insufficient or poorly trained staff, and a delayed start in certain localities have slowed the process. Furthermore, the Guinean diaspora in several countries with high numbers of potential voters, such as Senegal, Morocco and Indonesia, are facing difficulties being registered. Several interlocutors expressed concern to the delegation about inadequate public information and voter education with regards to voter registration and the electoral process in general. In some cases, voters already on the registry are unaware that they need to present themselves to confirm their biometric data to be able to vote in 2020. The CENI told the delegation that the Inter-Party Working Group in which all political parties are represented will have to decide on the appropriate procedures to be adopted to allow voters who did not present themselves to confirm their information to exercise their franchise.

Despite these challenges, the CENI expects to complete the voter registration process on time or only with a slight delay. Reportedly, a significant number of new voters has already been registered while 200,000 deceased have been removed from the registry. The CENI has still to issue any official statistics on progress to date in the voter registration process. According to the CENI president, 55-65 percent of the audit recommendations have been implemented, and many remaining recommendations such as revisions to the electoral code depend on actions by other institutions. CENI officials expressed surprise at claims by both opposition and majority parties of minors registering, given that representatives of both parties are included in

Administrative Commissions for Revision of the Voter Lists (*Commissions administratives de révision des listes électorales* - CARLE). The CENI president observed that images of minors at registration centers date from earlier years and do not reflect what is currently happening in Guinea. The CENI president stated that the commission will apply software programs to weed out from the voter registry database any minors, double registrations and other anomalies on a weekly basis. Though not yet fully funded, the CENI indicated the commission has received a significant share of its budget and assurances from the government that voting materials, such as ballot boxes and ballot papers, to be procured by the Ministry of Territorial Administration (MATD), will be delivered on time.

CENI reassurances notwithstanding, lingering doubts remain and suspicions persist among some Guineans in the voter registry revision process. Representatives from both ruling and opposition parties expressed concerns about the capacity of the CENI to effectively manage the voter registration process in a timely and transparent manner. Some opposition parties also question the independence of the CENI vis-a-vis the executive branch of government, for example in setting a technically viable electoral calendar. If poorly managed, the updating of the voter registry could become a source of conflict among Guinean political parties and their supporters, and undermine the legitimacy of the electoral outcome. The CENI will have to be more proactive and effective in its communication in order to build greater confidence in the electoral process.

**Election administration.** The CENI has established an Inter-Party Working Group (*Comité Interpartis* - IPWG) as a platform for dialogue on the electoral process. IPWG meetings are open to political party representatives, journalists, civil society leaders, and representatives of government institutions and international organizations. It is intended as a framework to share information about the CENI's preparations for the upcoming elections, on important topics such as the revision of the voter registry. Despite the existence of this forum aimed at building confidence in the process, some stakeholders expressed concerns about the CENI's ability to deliver credible elections. In addition to voter registration, the results management process was identified by several interlocutors as particularly vulnerable, having suffered critical lapses in the past - including incomplete electronic transmission of results and the absence of publicly released data by polling station, insufficient or poor quality copies of results sheets, issues with the paper-based results chain-of-custody, and the arbitrary cancelation or altering of polling station results by certain magistrates at the level of vote centralization centers. Specific procedures and guidelines to ensure effective results management would have to be defined in advance by the CENI and shared widely with political parties and polling officers to ensure effective compliance.

**Electoral dispute resolution.** International implementers such as the International Foundation for Electoral Systems (IFES) and the Open Society Initiative for West Africa (OSIWA) are partnering with civil society organizations, including women's networks, to establish alternative dispute resolution mechanisms that can prevent or mitigate violence and conflict nationally and at the grassroots level. OSIWA is also assisting the Constitutional Court to strengthen capacities

to manage disputes in a timely and impartial manner. In the past, perceived bias in the enforcement of procedures for the resolution of electoral disputes has contributed to tensions and violence. The delegation heard concerns that magistrates and courts are not sufficiently equipped to deal with election disputes and, in some cases, apply opaque adjudication processes. For example, after the 2018 local elections, some judges declared themselves incompetent to rule on certain disputes, others summarily dismissed candidates' petitions for minor technicalities in the form and timing of their submission. Some Guineans are concerned about how strongly, faced with significant pressure from the administration, the Constitutional Court could assert its independence as a neutral arbiter of disputes emanating from the legislative elections for which it has exclusive jurisdiction.

**Gender representation.** In May, the National Assembly adopted landmark legislation requiring gender parity for all candidate lists for elective office which the president has signed into law. Amendments to the electoral code, including to conform to this law,<sup>2</sup> have been drafted, but the National Assembly has not yet taken up debate or voted on the reforms. Debate was held up by ongoing disputes over the outcome of the local elections. With candidate registration starting on December 18, it will not be possible to ensure application of the law for these upcoming polls. This represents a missed opportunity for greater representation of women candidates in the upcoming elections and hence more women members in the next legislature. In the last legislative elections in 2013, only 25 women won seats in the National Assembly, representing 21 percent of MPs. For the February 2018 local elections, 23 percent of registered candidates were women. While the Consultation Framework of Women of Girls of Political Parties of Guinea (*Cadre de Concertation des Filles et Femmes des Partis Politiques de la Guinée - CCFPPG*) and other groups have engaged in advocacy efforts to call on parties to use “zebra” or “zipper” systems to draw up electoral lists alternating between men and women in the spirit of the law, no Guinean political parties have committed to using this practice for the upcoming elections.

#### **IV. Guinean-led initiatives to support peaceful and credible legislative polls**

A number of initiatives are underway to support peaceful and credible polls in February 2020. Many Guinean civil society organizations engaged in democracy and governance issues are preparing to become involved in the 2020 electoral process. Some are community based, while others have partnered with international organizations such as IFES, OSIWA and Search for Common Ground (SFCG). Also, party activists are monitoring the implementation of a party code of conduct. The 2020 polls provide an opportunity for greater citizen engagement to ensure peaceful, inclusive and credible elections.

**Citizen monitoring of electoral processes.** Nonpartisan citizen observers play an important role during elections by raising public confidence in the election process if warranted, deterring

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<sup>2</sup> As an organic law, the electoral code takes precedence over the gender quota law and has to be amended by a two thirds majority of the National Assembly.

electoral malfeasance, exposing irregularities and providing citizens with important information about the integrity of the elections. The delegation heard that a coalition of eight organizations, the Citizen Coalition for Elections and Governance (*Coalition Citoyenne pour les Élections et la Gouvernance* - CoCEG), some of which have previous experience with election monitoring, is currently preparing to monitor the 2020 legislative elections, as are other civil society groups. The delegation sees the need for the establishment of a broad-based election observation coalition that could address issues of perceived political bias and partisanship by some civil society groups. As a first step, civil society organizations should use the February 2020 polls as an opportunity that allows for coordination of observation of the pre-election period. By issuing frequent reports and publicizing their findings, civil society groups or citizen observers would encourage the various election stakeholders to play their respective roles.

**Inclusive citizen participation in the electoral process.** In May 2019, the National Assembly adopted gender-parity legislation thanks in large part to extensive advocacy by CSOs in favor of gender parity. Members of civil society organizations and women political leaders continue to advocate for the provisions of the law to be integrated into amendments to the electoral code. For example, the cross-party Working Group of Women and Girls of Guinean Political Parties (*Cadre de Concertation des Filles/Femmes des Partis Politiques de Guinée-CCFPPG*) has lobbied political parties represented in the National Assembly and parliamentary caucuses for action on the matter. Other groups are actively engaged in getting women to register to vote and to turn out to vote on election day. In the lead-up to the legislative elections, the National Council of Guinean Civil Society Organizations (Conseil National des Organisations de la Société Civile Guinéenne - CNOSCG) and other groups are conducting awareness-raising campaigns to encourage Guinean citizens, and youth in particular, to register to vote. Also, various media organizations are preparing to undertake media monitoring initiatives. Electronic media and radio are among the more prevalent means of citizen mobilisation and information sharing in Guinea.

**Violence monitoring and electoral dispute resolution.** A number of international development partners, including IFES, OSIWA, and SFCG, are supporting violence monitoring and electoral dispute resolution initiatives in Guinea. SFCG focuses specifically on conflict management and promoting social cohesion, and is producing radio and TV programs for civic education and to counter misinformation and curb conflict. In addition to election dispute resolution activities, OSIWA is supporting youth peace initiatives at the local level. This organization is also planning to conduct a baseline study of electoral risks. On the other hand, CNOSCG is implementing activities in collaboration with IFES focused on civil society's engagement and oversight in resolving disputes that may arise prior to the legislative polls and also identify factors most likely to lead to electoral disputes to better anticipate resolution needs. The European Union is also supporting WANEP in implementing a program to monitor incidents of election-related violence through an early-warning alert and rapid response system.

**Code of Conduct.** In early December, 34 political parties signed the Code of Conduct, joining 108 other parties that had previously signed the code since it was adopted in 2008. At the



signing ceremony, six out of Guinea's seven party blocs publicly reiterated their adherence and commitment to abide by the Code of Conduct. Since the Code of Conduct's inception, a national Code of Conduct monitoring committee established in Conakry and in the regions continues to raise awareness about the content of the Code and the need for signatory parties and their supporters and the broader Guinean population to adhere to its principles. Adopted in 2008 by 41 Guinean parties, the Code promotes peaceful and inclusive electoral processes and the respect of standards for appropriate behavior by political party activists, candidates, and their supporters. Although the Code of Conduct applies to political parties' conduct at all times, it is especially relevant around elections as it promotes peace, non-violence, and fair play. Recently, the Code was updated to include specific provisions on preventing violence against women in politics.

## **V. Recommendations**

The delegation believes that, with political will and through substantive dialogue, many of the challenges in the current political environment leading up to the February 2020 legislative polls can be addressed to enhance citizen confidence and participation in the process and mitigate violence before, during and after the elections. In the spirit of international cooperation, the delegation therefore offers the following recommendations:

### **To the Government of the Republic of Guinea:**

- Provide greater clarity on its stance with regards to speculations around the constitutional framework of the country in order to enhance citizen confidence in its commitment to deepening democracy and fostering peaceful and credible legislative elections.
- Create platforms for regular communication between civilian populations and security services at the national and sub-national levels in order to prevent further clashes between demonstrators and security services and the recurrent violence.

### **To the Election Commission (CENI):**

- Communicate extensively on its activities related to the legislative elections, including through the use of modern communication platforms such as Facebook, Twitter and a regularly updated webpage that are news avenues of choice for youth who comprise the bulk of the electorate.
- Conduct robust voter outreach so voters can be sensitized on the need to verify their registration status and citizens informed of procedures to confirm their registration status after the list is finalized.
- Take reasonable steps to ensure the completeness and accuracy of the voters list, including verification of the eligibility of suspected minors; however, ensure that procedures do not disenfranchise eligible voters.
- In consultation with the Inter-Party Working Group (IPWG), make an early determination on the status of voters with partial information in the final voter registry, including

incomplete biometric data, and agree on procedures to facilitate their exercise of the franchise. Publicize such decisions widely.

- Activate a smaller, technical working group (“*cellule technique*”) with cross party representation to monitor the voter enrollment process and the consolidation of the voter list.
- Proactively and broadly publish critical actions of the CENI, such as the distribution of voter cards, to facilitate the collection of cards by voters and minimize any confusion regarding the process for voting on election day.
- Release timely election results data disaggregated by polling station and in an analyzable format to enhance public confidence in the results.
- Provide clear guidance on the appropriate jurisdiction, processes and timelines for the filing and resolution of electoral disputes, including disputes related to the voter registration process and election results.

**To the Constitutional Court:**

- Ensure fair, timely and transparent adjudication of electoral disputes, including those related to candidate registration and the election results.

**To political parties:**

- Participate more actively in platforms created to facilitate inter-party dialogue, such as the October 12 “comité de suivi,” and communications with the election commission, such as the IPWG, as a means of mitigating excessive polarization, conflict and violence.
- Take concrete steps to nominate women candidates to conform with the May 2019 law on gender equality for all elective positions.
- Abide by the party Code of Conduct and sensitize their members to do the same, and participate in monitoring, documenting and reporting on all phases of the electoral process.

**To civil society and Guinean media:**

- Intensify their efforts to monitor and report on all phases of the electoral process in a professional and objective manner.
- Engage in targeted efforts at civic and voter education in favor of women, youth and other historically marginalized groups about the election process.

**To the international community:**

- Continue its interest in, and support for peaceful, inclusive and credible elections in Guinea.
- Increase its support to Guinean civil society organizations engaged in advocacy and other activities that support credible elections, and complement those efforts with observation missions that would build citizen confidence in the electoral process.

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