



# Guinea's New Transitional Government: Emerging Issues for U.S. Policy

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## Summary

A “government of national unity” was formed in Guinea on January 15, 2010, a year after a military junta, the National Council for Democracy and Development (CNDD), took power in a coup d'état. While the CNDD has not been dissolved, it has agreed to share power with civilian opposition groups in the lead-up to presidential elections, scheduled for June 27, 2010. Defense Minister Sekouba Konate has assumed executive power as interim president, while opposition spokesman Jean-Marie Dore was named prime minister.

The formation of a unity government followed six weeks of political uncertainty after CNDD President Capt. Moussa Dadis Camara was shot in December 2009 by a member of his personal guard and evacuated for medical treatment. The appointment of the unity government has temporarily stemmed international concerns over political instability in Guinea and its potential spillover into fragile neighboring countries, such as Liberia and Côte d'Ivoire. However, concerns remain over the political will to hold elections, impunity and disorder among the security forces, and the potential for “spoilers” to disrupt Guinea's long-awaited transition to civilian rule.

The United States, which had been highly critical of Dadis Camara's erratic leadership, has expressed support for Guinea's transitional government. At the same time, certain restrictions on U.S. bilateral assistance and targeted travel restrictions against CNDD members and others remain in place. As electoral preparations advance, a number of issues will confront U.S. policy. These include U.S. relations with the Guinean government; the status of U.S. assistance and travel restrictions on CNDD members; the monitoring of progress toward elections; U.S. policy toward a potential International Criminal Court (ICC) investigation of alleged CNDD human rights abuses; and potential U.S. support for security sector reform in Guinea.

The 111<sup>th</sup> Congress continues to monitor events in Guinea and the potential for regional destabilization. Recent legislation includes H.Res. 1013 (Ros-Lehtinen), a bill condemning the violent suppression of legitimate political dissent and gross human rights abuses in the Republic of Guinea, introduced on January 13, 2010, and passed by the House on January 20, 2010; and S.Res. 345 (Boxer), a resolution deploring the rape and assault of women in Guinea and the killing of political protesters on September 28, 2009, introduced on November 9, 2009, and passed by the Senate on February 22, 2010. For further background on Guinea and issues for U.S. policy, see CRS Report R40703, *Guinea: Background and Relations with the United States*, by (name redacted) and (name redacted).

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## Background<sup>1</sup>

On December 23, 2008, a military junta calling itself the National Council for Democracy and Development (CNDD) seized power in Guinea following the death of longtime President Lansana Conté. A previously little-known army officer, Captain Moussa Dadis Camara, was named president. The CNDD dissolved the constitution and legislature, appointed a civilian prime minister, and promised to hold presidential and legislative elections. However, elections were repeatedly postponed, while Dadis Camara's erratic leadership sparked increasing civilian unrest and concerns that military fragmentation could lead to violence. On September 28, 2009, Guinean security forces opened fire on civilian demonstrators in Conakry who were protesting the CNDD and Dadis Camara's implied intention to run for president, killing over 150 and injuring many more. The crackdown, which was accompanied by reports of widespread military abuses against civilians, sparked fierce international condemnation, including from the United States.

On December 3, 2009, Dadis Camara was shot and wounded in the head by a member of his presidential guard. He was evacuated to Morocco for medical treatment. On January 12, 2010, he was unexpectedly flown to Ouagadougou, the capital of Burkina Faso, whose president, Blaise Compaoré, had earlier been appointed the regional mediator in Guinea's political crisis by the Economic Community of West African States (ECOWAS). In Dadis Camara's absence, the CNDD defense minister, Brig. Gen. Sekouba Konaté, informally assumed the position of acting head of state. However, uncertainty remained over Konaté's authorities, the extent of Dadis Camara's injuries, and the future leadership of the country. The power vacuum coincided with reports of rising ethnic tensions, the reported recruitment of militia groups by various factions, and instability within the CNDD and wider armed forces. Fears of imminent conflict caused some Guineans, human rights groups, and diplomats to call for a regional intervention force.<sup>2</sup>

## The Ouagadougou Declaration

On January 15, 2010, Dadis Camara, Konaté, and Compaoré announced a new political agreement, known as the *Joint Declaration of Ouagadougou*, after meeting in Burkina Faso. The declaration stated that Konaté would assume executive powers as "Interim President" and form a government of national unity. The declaration also promised the following:

- The appointment of a prime minister from the *Forces Vives*, a coalition of opposition political parties, trade unions, and civil society groups formed after the 2008 coup d'état.
- The inauguration of a quasi-legislative body, the National Transitional Council (CNT).

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<sup>1</sup> See also CRS Report R40703, *Guinea: Background and Relations with the United States*, by (name redacted) and (name redacted).

<sup>2</sup> Radio France Internationale, "France Wants International Force in Guinea," October 5, 2009; Charles W. Corey, "Former U.S. Envoy Says Military in Guinea Must Surrender Power," *America.gov*, October 29, 2009; BBC News, "W Africa Group Mulls Guinea Force," December 14, 2009; Louise Arbour/International Crisis Group, "Pour une Intervention Internationale en Guinée," *Le Monde*, December 14, 2009.

- The organization of presidential elections within six months, with Konaté, the prime minister, and members of the government, the CNDD, the CNT, and the defense and security forces barred from running as candidates.
- Reform of the defense and security forces.<sup>3</sup>

The statement was widely welcomed as an end to the protracted political vacuum that had followed Dadis Camara's exit from Guinea. While its main points largely reaffirmed previous statements by Konaté, the declaration appeared to quell attempts by hard-line CNDD members to wrest power from Konaté and push for Dadis Camara's return.<sup>4</sup> Following the declaration, Dadis Camara publicly read a prepared statement expressing full support for Konaté's leadership.<sup>5</sup> Although he remains the nominal head of state, Dadis Camara has since declined to return to Guinea from Burkina Faso, where he continues to pursue medical treatment for his wounds. The constitution remains suspended, but restrictions on political and union activity have been lifted.

## **Congressional Interest**

The 111<sup>th</sup> Congress has closely monitored events in Guinea since the 2008 coup. Recent activities have focused on human rights abuses under the CNDD, progress toward elections, oversight of U.S. assistance, and the potential for regional destabilization. Recent legislation includes H.Res. 1013 (Ros-Lehtinen), a bill condemning the violent suppression of legitimate political dissent and gross human rights abuses in the Republic of Guinea, introduced January 13, 2010, and passed by the House on January 20, 2010; and S.Res. 345 (Boxer), a resolution deploring the rape and assault of women in Guinea and the killing of political protesters on September 28, 2009, introduced on November 9, 2009, and agreed to in the Senate on February 22, 2010.

## **The Government of National Unity**

The key public figures in the government of national unity are Konaté, Jean-Marie Doré, and Rabiadou Serah Diallo. Doré, the former spokesman for the *Forces Vives* coalition, was named prime minister on January 19. Serah Diallo, a prominent trade union leader, was appointed in early March to head the quasi-legislative National Transition Council (CNT), which was inaugurated with 155 members representing political parties, trade unions, civil society groups, and other socioeconomic demographics.<sup>6</sup> The CNT is expected to revise Guinea's electoral laws and the constitution, though its precise mandate and authorities have not been publicly detailed.

Doré appointed a 34-person cabinet, composed of 24 civilians and 10 military officers selected by the CNDD, in mid-February. The civilians include representatives of political parties and civil society groups. The Defense Ministry, Security Ministry, and Justice Ministry, however, remain under CNDD leadership. Konaté separately appointed a 23-member "presidential cabinet" of advisors, including several hard-line CNDD figures previously seen as loyal to Dadis Camara.

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<sup>3</sup> The Joint Declaration of Ouagadougou, via the State Department Office of Language Services, January 2010.

<sup>4</sup> Mark John, "Guinea Junta Pledges Path to Civilian Rule," Reuters, January 6, 2010; Agence France-Presse (AFP), "Guinea's Interim Leader Agrees to Opposition PM," January 6, 2010.

<sup>5</sup> AFP, "Injured Guinea Junta Chief Backs New Interim Leader," January 17, 2010.

<sup>6</sup> Guineenews, "Liste Complète des Membres du CNT," March 8, 2010.

The trio of key leaders represents three prominent ethno-regional groups and Guinea's two largest religious identities, Christian and Muslim.<sup>7</sup> Doré and Serah Diallo both have roots in the opposition movement against former President Lansana Conté, though they were not previously seen as allies. They also have little experience in government, which is seen by some as both a potential challenge and an asset, as many are critical of Guinea's poor governance record. Serah Diallo leads a trade union coalition that was instrumental in organizing watershed anti-Conté demonstrations in early 2007. Prior to his appointment, Doré led a small opposition political party, the Union for Guinean Progress (UPG, after its French acronym).<sup>8</sup> He ran for president in 1998 but garnered less than 2% of the vote, far less than the two leading opposition candidates at the time.<sup>9</sup> Doré was later elected to the National Assembly, but he declined to take up his seat after the 2002 legislative elections in a protest against electoral fraud.<sup>10</sup>

## **U.S. and Other International Reactions**

U.S. officials have expressed strong support for the Ouagadougou declaration and Konaté's leadership. Officials have also publicly stated that the United States would prefer Dadis Camara to remain outside of Guinea and suggested that his return could destabilize the fragile political situation.<sup>11</sup> In his February 2010 testimony to Congress, Director of National Intelligence Dennis C. Blair highlighted Guinea's continuing instability but contended that Dadis Camara's departure "has opened a narrow window of opportunity for defusing a volatile situation."<sup>12</sup>

Prior to Dadis Camara's exit, the State Department had expressed support for a transitional government led jointly by military and civilian officials.<sup>13</sup> Assistant Secretary of State for African Affairs Johnnie Carson met with Konaté in Morocco on January 5, 2010, reportedly emphasizing U.S. support for "a civilian-led transition government leading to free, fair, and transparent democratic elections."<sup>14</sup> Officials have since suggested that the unity government fulfills these criteria. Deputy Assistant Secretary of State William Fitzgerald has said that Konaté appears to be "an ideal transition leader."<sup>15</sup> U.S. Ambassador Patricia N. Moller, who arrived in Guinea in late 2009, officially presented her credentials to the government in March; she had previously declined to do so, as the United States did not recognize the CNDD. Addressing Konaté, Moller stated that "you and your government hold the key to a brighter future for Guinea."<sup>16</sup>

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<sup>7</sup> Konaté identifies as a Malinké, a group largely based in Guinea's Sahelian northeast; Doré as a Guerzé (also known as Kpelle), a small ethnic group based in Guinea's southeastern Forest Region that is also shared by Dadis Camara; and Serah Diallo as a Peul (also known as Fulani or Fulbé), Guinea's largest ethnic group, concentrated in the northern highlands. Doré is a Christian, while the other two are Muslim.

<sup>8</sup> Earlier, during Guinea's First Republic (1958-1984), Doré was a member of an exiled opposition movement that advocated the overthrow of the Guinean government, before he reconciled with then-President Ahmed Sékou Touré and became a close advisor. Doré interview with the author, Conakry, November 2008.

<sup>9</sup> Mamadou Ba and Alpha Condé won 24.6% and 16.6% of the 1998 vote, according to official results.

<sup>10</sup> *The New York Times*, Jean-Marie Doré profile, at [http://topics.nytimes.com/top/reference/timestopics/people/d/jeanmarie\\_dore/index.html](http://topics.nytimes.com/top/reference/timestopics/people/d/jeanmarie_dore/index.html). Updated February 3, 2010.

<sup>11</sup> AFP, "US Hopes Guinea Coup Leader Will Stay in Burkina Faso," January 14, 2010.

<sup>12</sup> "Annual Threats Assessment," Statement of Dennis C. Blair before the Committee on House Select Intelligence, February 3, 2010, via Congressional Quarterly.

<sup>13</sup> Remarks by Deputy Assistant Secretary of State William Fitzgerald at the U.S. Institute of Peace, October 28, 2009.

<sup>14</sup> State Department News Briefing, January 5, 2010, transcript via Congressional Quarterly.

<sup>15</sup> AFP, "US Urges Guinea to Restore Civilian Rule," January 5, 2010.

<sup>16</sup> U.S. Embassy in Guinea, Press Release, March 26, 2009; CRS translation from original French.

Major donors, the U.N. Secretary-General, and regional organizations—notably the African Union (AU) and ECOWAS—have likewise welcomed the transitional government. Neighboring countries, with which Guinea shares economic and ethno-regional ties, have also expressed support on a bilateral basis, with several hosting state visits by Konaté. The International Contact Group on Guinea, a policy coordination group chaired by the AU and ECOWAS, and of which the United States is a member, has called on the new government to hold elections within the agreed-upon timeframe of six months.<sup>17</sup> France, a major donor, resumed bilateral cooperation programs, including military assistance, in February after suspending them in response to the abuses of September 2009.<sup>18</sup> While the European Union has largely maintained targeted sanctions and an arms embargo instituted in October 2009, in March 2010 it removed four individuals, including Konaté and Security Minister Mamadouba Toto Camara, from the sanctions list.<sup>19</sup>

## Issues for U.S. Policy

While the United States has expressed support for the transitional government, restrictions on some forms of U.S. assistance to Guinea remain in place, as do targeted travel restrictions against certain CNDD members, other Guinean officials, and key associates. As electoral preparations advance, a number of issues will confront U.S. policy-makers. These include the status of bilateral relations; the monitoring of progress toward elections; U.S. policy toward a potential International Criminal Court investigation of alleged CNDD human rights abuses; and potential U.S. support for security sector reform.

## Bilateral Relations with the Transitional Government

U.S. relations with the unity government, underpinned by support for the Ouagadougou declaration and Konaté's transitional leadership, represent a significant shift from U.S. policy toward the government led by Dadis Camara. The United States did not recognize the CNDD and placed restrictions on bilateral aid, meetings between senior U.S. officials and CNDD leaders, and travel to the United States by CNDD members, government officials, and associates.

State Department officials have justified U.S. support for the unity government on the basis that it represents an improvement from the junta that took power in 2008, and that Konaté's stated commitments to implement the electoral calendar and refrain from running as a candidate will be upheld. Indeed, most Guineans and international observers have welcomed the transitional government and the plan to hold elections. At the same time, some argue that the new government has yet to demonstrate its political will to hold elections, and there are already signs that the timeline may be delayed (see "Progress Toward Elections" below). Critics have also pointed to continuity between the CNDD and the unity government—the CNDD retains control of key ministries and the security forces—and have raised questions as to Konaté's role in CNDD abuses.<sup>20</sup> As former commander of the elite airborne battalion known as the BATA, Konaté was

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<sup>17</sup> *Eleventh Meeting of the International Contact Group on Guinea (ICG-G): Final Communiqué*, February 22, 2010.

<sup>18</sup> AFP, "France Restores Development Ties with Guinea," February 16, 2010.

<sup>19</sup> AFP, "Guinea Sanctions 'Difficult' to Lift Ahead of Polls: Germany," January 22, 2010; European Union, "Council Decision 2010/186/CFSP... Concerning Restrictive Measures Against the Republic of Guinea," Brussels, March 29, 2010; AFP, "Guinea Leader Visits France, But Ministers Denied Visas," March 31, 2010.

<sup>20</sup> See, e.g., Aminata.com, "Konaté at-t-il Rompu Avec Dadis et le CNDD ?" March 24, 2010.

seen as a powerful figure in the 2008 coup and a close advisor to Dadis Camara. While he was not in Conakry during the September 2009 military crackdown, a United Nations commission of inquiry concluded that his role deserved further investigation.<sup>21</sup> Some observers have seen similarities to the first six months of CNDD rule, when Dadis Camara also repeatedly promised to uphold the electoral calendar and refrain from running as a candidate.

The U.S. approach to the transitional government to date appears to highlight tension between the goal of seeking accountability for abuses and the goal of preserving peace in a still-fragile state. Like other transitional regimes, the unity government includes individuals implicated in human rights violations, and there has been little public attempt by the Guinean government to spur prosecutions or broader truth and reconciliation mechanisms.<sup>22</sup> Two CNDD military officers accused of serious abuses have retained their ministerial rank and hold positions in Konaté's "presidential cabinet."<sup>23</sup> Human Rights Watch has called for their immediate removal.<sup>24</sup> Others, however, contend that attempts to remove or prosecute such officials prior to elections would be deeply destabilizing, and could lead to a counter-coup or further violence.

### **Aid Restrictions**

According to the State Department, the CNDD takeover in 2008 did not trigger legal restrictions, enacted by Congress for over 25 years through annual appropriations legislation, on certain forms of bilateral assistance to countries in which the "duly elected head of government is deposed by military coup or decree," as the deposed government was not "duly elected."<sup>25</sup> Most recently, such restrictions were included in the Consolidated Appropriations Act, 2010 (P.L. 111-117, Section 7008, Title VII, Division F, signed into law on December 16, 2009).<sup>26</sup> Restrictions on aid, aside from humanitarian aid and democracy and governance programs, were nonetheless imposed as a matter of U.S. policy. Separately, the Consolidated Appropriations Act, 2010 (Section 7070) restricts International Military Education and Training (IMET) programs in Guinea to Expanded IMET (E-IMET), which emphasizes human rights and civilian control of the military.

In practice, security assistance was suspended after the 2008 coup, while most non-military aid to Guinea fit into permitted categories.<sup>27</sup> Notably, the policy restrictions halted security assistance programs aimed at enhancing Guinea's military professionalism and maritime security capacity,

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<sup>21</sup> United Nations, *Report of the International Commission of Inquiry Mandated to Establish the Facts and Circumstances of the Events of 29 September 2009 in Guinea*, December 29, 2009. The United States supported the investigation (America.gov, "U.S. Strongly Supports U.N. Investigation of Guinea Massacre," October 29, 2009).

<sup>22</sup> The one individual sought by Guinean authorities in connection with the September 28 violence is Lt. Aboubacar "Toumba" Diakité, Dadis Camara's former bodyguard and would-be assassin, who is in hiding. BBC News Online, "Guinea Aide Blamed for Massacre," February 2, 2010.

<sup>23</sup> The officials are "Minister of State at the Presidency for Presidential Security" Claude Pivi and "Minister of State at the Presidency for Counter-Narcotics and Crime" Moussa Tiegboro Camara.

<sup>24</sup> Human Rights Watch, "Guinea: Ensure Redress for Stadium Massacre Victims," March 4, 2010.

<sup>25</sup> State Department response to CRS query, March 2010.

<sup>26</sup> P.L. 111-117 states that "none of the funds appropriated or otherwise made available pursuant to titles III through VI of this Act shall be obligated or expended to finance directly any assistance to the government of any country whose duly elected head of government is deposed by military coup or decree," with an exemption for "assistance to promote democratic elections or public participation in democratic processes." The prohibition covers bilateral economic aid, security assistance, multilateral assistance, and export and investment assistance; humanitarian aid is exempt.

<sup>27</sup> See CRS Report R40703, *Guinea: Background and Relations with the United States*, by (name redacted) and (name redacted), for further details on previously planned security assistance programs.



which responded in part to growing U.S. concerns over transnational narcotics trafficking through Guinea. Permitted aid includes *Projet Faisons Ensemble*, a \$23 million USAID-funded umbrella project initiated in 2007 that aims to integrate local governance programs with health, education, agriculture, and other development assistance. It also includes over \$5.5 million in electoral assistance, expected to fund activities including voter education projects; the provision of electoral materials; and training and assistance for the National Independent Electoral Commission (CENI), poll workers, civil society groups, media, and political parties.<sup>28</sup>

State Department officials have recently suggested that limited exceptions may be made to restrictions on security assistance in light of recent positive developments. In March 2010, the State Department notified Congress of its intention to obligate up to \$200,000 in FY2005 “no year” IMET funds to conduct courses for military officials and civilians on topics including civil-military relations, military justice, human rights, and the rule of law. At least one course is expected to be held prior to elections.<sup>29</sup> Some argue that aid restrictions should be further rolled back in order to assist the government in maintaining security and preparing for elections. Others contend that they should be maintained until free and fair elections are ascertained to have taken place. Critics have also pointed to the difficulties of vetting beneficiaries of assistance programs for potential involvement in human rights abuses.

### **Travel Restrictions**

In October 2009, following the military abuses of September 2009, the U.S. government imposed targeted travel restrictions on “certain members of the military junta and the government, as well as other individuals who support policies or actions that undermine the restoration of democracy and the rule of law in Guinea.”<sup>30</sup> These restrictions are still in effect, though a full list of those targeted has not been made public.<sup>31</sup> Some argue that if the restrictions target certain CNDD leaders participating in the unity government—such as Konaté himself—they should be repealed in light of the evolving political situation. Others contend that the restrictions should be maintained if they are based on perceived complicity in abuses.

### **Progress Toward Elections**

Presidential elections are scheduled for June 27, 2010. The date for legislative elections has not been set. Many Guineans appear to support the six-month timeline stipulated in the Ouagadougou declaration, as does the International Contact Group on Guinea. Donors have expressed confidence that funding for the elections—projected to cost roughly \$27 million—will not be a challenge.<sup>32</sup> However, several factors could contribute to a delay in the election timetable. Some observers believe such a delay could undermine public support for the unity government or cause

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<sup>28</sup> Information provided by USAID, March 2010.

<sup>29</sup> This course would be led by the Center for Civil-Military Relations (CCMR), established by the Defense Security Assistance Agency at the Naval Postgraduate School; CCMR seminars are considered E-IMET programs. Participants would be subject to congressional vetting requirements, potentially along with further vetting procedures as deemed necessary by the State Department.

<sup>30</sup> State Department, “Guinea: Travel Restrictions,” October 29, 2009.

<sup>31</sup> State Department verbal response to CRS query, April 5, 2010.

<sup>32</sup> Edith M. Lederer, “UN Says Almost \$27 Million Raised For What Could be Guinea’s First Democratic Election,” *The Canadian Press*, March 26, 2010.

popular unrest, as in 2009.<sup>33</sup> The United States has not publicly identified benchmarks for the continuance or suspension of electoral assistance programs.

Factors that could potentially lead to a postponement of elections include the political will of the transitional government; the capacity, efficiency, and mandate of the CNT, which is expected to reform the constitution and electoral legislation prior to the vote; ongoing disputes over the reliability of voter lists compiled in 2009<sup>34</sup>; the actions of potential political or military “spoilers”; the attempt to register Guinean voters in neighboring countries and overseas, which could prolong the process by months<sup>35</sup>; and logistics associated with the onset of the rainy season in Guinea.

## **Potential International Criminal Court Investigation**

International Criminal Court (ICC) prosecutors announced a “preliminary examination” of the situation in Guinea in October, in connection with the violence of September 28, 2009. A U.N. commission of inquiry later concluded that elements of the crackdown may have constituted crimes against humanity for which the Guinean state carries legal responsibility, in addition to the potential individual criminal liability of Dadis Camara and other security commanders, and recommended referral of certain cases to the ICC.<sup>36</sup> Guinea is a state party to the Court.

Obama Administration officials have indicated, amid a wider review of U.S. policy toward the Court, that the Administration is “considering ways in which we may be able to assist the ICC, consistent with our law, in investigations involving atrocities.”<sup>37</sup> A determination on what types of assistance, and in which cases, remains under review. Advocates of international justice believe the United States should assist the ICC in its Guinea investigation, and that prosecution of military commanders could serve to deter future abuses. Others counter that ICC involvement could be destabilizing, or that U.S. cooperation with ICC prosecutions is generally undesirable.<sup>38</sup>

## **Security Sector Reform**

U.S. officials have recently indicated that the United States may provide assistance for security sector reform (SSR) in Guinea. In March 2010, a U.S. delegation representing the State Department, the U.S. Agency for International Development (USAID), and the Defense Department met with Guinean officials in Conakry to discuss potential U.S. support for “justice

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<sup>33</sup> Saliou Samb, “Street Violence, Delays Stoke Guinea Vote Fears,” Reuters, March 31, 2010; AFP, “Imperfect Elections Better Than Delay in Guinea: Rights Group,” April 9, 2010.

<sup>34</sup> Guinee24.com, “Opérations d’Affichage et de Correction des Listes Electorales Provisoires: la CENI sur la sellette - 87000 électeurs disparus des listes à Siguiri - quasi inexistence des listes électorales en Guinée forestière,” March 2010.

<sup>35</sup> Abdoulaye Bah, “Ben Sékou Sylla : ‘Nous avons pu recenser que 56 215 guinéens à l’étranger, parce qu’ils sont soit sans papiers, soit mis aux arrêts, soit dans les camps,’” InfoGuinee.com, February 20, 2010.

<sup>36</sup> *Report of the International Commission of Inquiry Mandated to Establish the Facts and Circumstances of the Events of 29 September 2009 in Guinea*, December 29, 2009.

<sup>37</sup> U.S. Mission in Geneva, “Press Briefing with Stephen J. Rapp, Ambassador-at-Large for War Crimes,” January 22, 2010. A review by the Department of Justice concluded in January 2010 that diplomatic support or “informational support” for “particular investigations or prosecutions” by the ICC would not violate existing laws (U.S. Department of Justice, Office of Legal Counsel, “Memorandum for Mary DeRosa, Legal Advisor, National Security Council, Re: Engagement with the International Criminal Court,” January 15, 2010).

<sup>38</sup> See CRS Report RL34665, *International Criminal Court Cases in Africa: Status and Policy Issues*, by (name redacted), (name redacted), and (name redacted).

and security sector reform” (JSSR) efforts. These could potentially include training of Guinean police and military forces, assistance in military “right-sizing,” and assistance for electoral security preparations. The United States is also funding two contracted experts’ participation in an assessment of Guinea’s security sector led by ECOWAS and the United Nations. Significant U.S. involvement in SSR is unlikely to occur prior to elections, however.<sup>39</sup>

U.S. security assistance in Guinea has previously largely focused on providing training and—at times—equipment, not on altering security services’ authorities, overall structure, or oversight. Prior to the 2008 coup, Guinea benefitted from IMET, Foreign Military Financing (FMF), “Section 1206” programs<sup>40</sup>, and other U.S. military assistance aimed at enhancing security forces’ capabilities and professionalism. In 2002, the United States trained and equipped an 800-person “Ranger” battalion in response to cross-border attacks from Liberia and Sierra Leone. In contrast, in neighboring Liberia, the United States has led efforts to rebuild, restructure, and train the military after it was dissolved following the end of civil conflict in 2003.<sup>41</sup>

### **Guinea’s Security Forces: Key Challenges**

Nearly all observers point to Guinea’s bloated and undisciplined military as a central cause of political instability. Upon former President Conté’s death, one analyst noted that “the army that General Conté has bequeathed his country knows little of the role and methods that it would need to employ in a democratic state respectful of its citizens’ most basic rights.”<sup>42</sup> The military has been implicated in multiple coup attempts, mutinies, and human rights abuses, including the abuses of September 2009 and the shooting of over 100 unarmed anti-government demonstrators in early 2007. Military officers implicated in abuses are perceived as benefiting from near-complete impunity. The armed forces are also divided along ethnic, generational, and factional lines; military factionalization reportedly grew further entrenched under the CNDD.<sup>43</sup>

In the eyes of some, the armed forces serve largely as a vehicle for corruption and patronage rather than national defense. The military is thought to exert substantial control over key imports such as rice (a dietary staple) and gasoline. Many mid-ranking and senior members of the officer corps fought in regional conflicts and in Guinea’s border war with Liberia (2000-2001); some are understood to have participated in looting, resource trafficking, and other abuses during these operations.<sup>44</sup> Senior military figures were also reportedly involved or complicit in transnational narcotics trafficking during the final years of Conté’s rule. At the same time, military salaries and other benefits are seen by many as a vital safety net for a deeply impoverished population.

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<sup>39</sup> State Department verbal response to CRS query, March 22, 2010.

<sup>40</sup> Section 1206 of the National Defense Authorization Act (NDAA) for Fiscal Year 2006 (P.L. 109-163) provides the Secretary of Defense with authority to train and equip foreign military and foreign maritime security forces for counter-terrorism and other purposes. Guinea was one of 15 beneficiary countries of an FY2007 Africa regional Section 1206 program. Planned FY2008 Section 1206 funding for Guinea was redirected following the December 2008 coup.

<sup>41</sup> See CRS Report RL33185, *Liberia’s Post-War Recovery: Key Issues and Developments*, by (name redacted).

<sup>42</sup> Gilles Yabi, “Le Pire Cadeau Empoisonné de Conté à Son Pays: Une armée à la fois dangereuse et incontournable,” *AllAfrica.com*, January 7, 2009 ; CRS translation from French.

<sup>43</sup> *La Lettre du Continent*, “Un Chef, Une Armée, Des Clans!” October 8, 2009.

<sup>44</sup> See (name redacted), “Still Standing: Neighbourhood Wars and Political Stability in Guinea,” *Journal of Modern African Studies*, 47, 3 (September 2009): 331-348. According to the International Crisis Group and others, Konaté himself “has important connections with rebel and militia groups from Guinea’s and Liberia’s recent past.” *Guinea: Military Rule Must End*, October 16, 2009.

Following the CNDD takeover and throughout 2009, abuses by security forces escalated, including looting, extrajudicial arrests, detentions, torture, extortion, the targeting of political opponents, and other abuses of power. Concurrently, military hierarchy and the chain of command were seen as deteriorating. While many credit Konaté with improving military discipline since early January, the potential for abuses remains high.<sup>45</sup> Some also contend that a broad-based truth and reconciliation process is needed to address public perceptions of the armed forces and allegations of abuses stretching back to the post-colonial period. Repeated attempts by civil society groups in recent years to push for official investigations have not succeeded. In addition to perceived impunity and lack of discipline, various other elements are seen as challenges to a well-functioning security sector, as the following sections will address.

### *Lack of Civilian Control*

Guinea's military has not been submitted to effective civilian control in decades. The defense sector's structure, size, and budget are opaque. Under Dadis Camara, the Defense Ministry was staffed and led by uniformed military officers (notably Konaté), as it continues to be under the current unity government. Former President Conté came to power in a military coup in 1984, and while he later transformed the regime into one nominally governed by civilian institutions, it retained many aspects of military rule. Attempts to institute budgetary or structural changes during the Conté era were met with mutinies or other violence. Most recently, in May 2008, mutinous troops seized a major army base in Conakry, took senior officials hostage, pillaged shops and homes, and exchanged fire with loyalist soldiers, until the government eventually agreed to pay each soldier over \$1,000, sack the defense minister, and grant mass promotions.<sup>46</sup>

### *Size and Mandate*

Guinea's military personnel are thought to number in the tens of thousands, making its standing military one of the region's largest despite a population of roughly 10 million. The size of the military presents a challenge on multiple levels. Personnel reportedly include numerous "ghost" soldiers, as well as individuals brought into the military through irregular processes, outside formal channels of military recruitment and training. Furthermore, military salaries and a government-financed rice subsidy for soldiers represent a significant financial burden on the Guinean state.<sup>47</sup> Both are politically sensitive, not least because military benefits represent scarce safety nets for many families. The ratio of military to civilian security forces is also thought to require redress, as insufficient police capacity is thought by some to have contributed to an overreliance on military force to conduct law enforcement and crowd control operations.

The respective roles and mandates of the various security services in Guinea's national security policy are also largely undefined. It is unclear, for example, which security agencies have the lead role in ensuring crowd-control, election security, border security, or counter-insurgency.<sup>48</sup> The role of the so-called "Red Berets," who report directly to the presidency and have repeatedly been

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<sup>45</sup> Economist Intelligence Unit (EIU), "Country Watchlist: Guinea," March 1, 2010.

<sup>46</sup> Saliou Samb, "Guinea Meets Soldiers' Demands To End 2-Day Mutiny," Reuters, May 27, 2008; RFI, "Guinean Soldiers Demand Retirement Of Army Generals," May 29, 2008 via BBC Monitoring; Saliou Samb, "Guinea Settles Army Pay Dispute With Mass Promotion," Reuters, June 14, 2008.

<sup>47</sup> International Crisis Group, *Guinea: The Transition Has Only Just Begun*, March 2009.

<sup>48</sup> Author interviews with U.S. officials involved in security sector policy towards Guinea.

accused of human rights abuses, is particularly contentious. The Red Berets have, at various times, comprised the Presidential Guard, the BATA, the U.S.-trained Rangers, and other elite corps, in addition to soldiers who purchased red berets for personal use. Under the CNDD, Red Beret units were regrouped under the Ministry for Presidential Security, outside the purview of the Ministry of Defense. Their current mandate and chain of command remain undefined.

### *Militias*

Individuals within the CNDD reportedly oversaw the recruitment and training of militias in 2009.<sup>49</sup> Militia fighters, including ex-combatants of neighboring conflicts, are reported to have received training from foreign mercenaries, and to have participated in the September 2009 violence.<sup>50</sup> In January, Konaté ordered the militia training camps closed and dispersed the recruits. However, militia fighters' whereabouts and level of cohesion are unclear, and they are thought to represent a potential security risk.<sup>51</sup> According to some reports, some militia trainees may be inducted into the military, further swelling its numbers.<sup>52</sup> The militias trained by the CNDD represent only one example, among many, of irregular recruitment by Guinean authorities in response to perceived security threats; reportedly, previous recruits have not benefited from formal disarmament or reintegration processes.<sup>53</sup>

### *The Justice Sector*

Some observers contend that security sector reform should include a judicial component. Judicial and law enforcement capacity is reportedly very low and further compromised by widespread corruption and politicization.<sup>54</sup> According to the State Department's *2009 Human Rights Report*, Guinea's "judicial system was endemically corrupt.... Budget shortfalls, a shortage of qualified lawyers and magistrates, and an outdated and restrictive penal code limited the judiciary's effectiveness." Political interference in the judiciary is commonly reported, and does not appear to have decreased since the advent of the unity government.<sup>55</sup> A regional human rights organization recently concluded that "the lack of judicial independence has created, among Guineans, a sense of vacuum that can only be filled by violence: the law of the jungle is perceived in Guinea as the only way to protect oneself against injustice."<sup>56</sup> Under the CNDD, military leaders further

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<sup>49</sup> International Crisis Group, *Guinea: Military Rule Must End*, October 16, 2009; Ed Butler, "Guinea's Military Junta Imports Millions of Dollars Worth of Arms Despite Embargo," *The Guardian*, November 3, 2009.

<sup>50</sup> Richard Moncrieff, "Repression and Violence Are a Danger to the Whole Region," *The Independent*, September 30, 2009; Reuters, "Foreign Gunmen Helped Guinea Crackdown—Witnesses," October 3, 2009; Radio France Internationale (RFI), "Violences Imputées aux Milices Libériennes," October 6, 2009; HRW, *Bloody Monday: The September 28 Massacre and Rapes by Security Forces in Guinea*, December 2009.

<sup>51</sup> Reuters, "Guinea Says Arrests Mutinous Pro-Camara Soldiers," April 2, 2010.

<sup>52</sup> *Le Lynx*, "Armée: La révolte des recrues," April 5, 2010.

<sup>53</sup> For example, according to the International Crisis Group, in response to cross-border attacks from Liberia in 2000-2001, Conté "recruited, trained and armed volunteers to fight beside the regular army. Most of these youths, who eventually numbered about 6,000, never went through a formal disarmament process. They have since constituted a major source of social unrest in the region." *Guinea: Military Rule Must End*, October 16, 2009.

<sup>54</sup> Freedom House, "Guinea," *Freedom in the World 2009*, at [www.freedomhouse.org]

<sup>55</sup> Guineenews.com, "Les Avocats Guinéens Décident de Poursuivre Leur Grève," March 15, 2010.

<sup>56</sup> Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO), *Rapport d'Enquêtes sur les Événements de N'Zérékoré du Début 2010*, February 23, 2010; CRS translation from French.

sidelined the role of the judiciary and civilian law enforcement agencies in upholding the rule of law, and encouraged vigilante justice.<sup>57</sup>

## **Potential Challenges**

Successful SSR may require deep structural, policy, and budgetary reforms. These could involve downsizing the total number of security personnel and tailoring the balance between military and civilian services (such as the police) to Guinea's national security strategy and needs. Some further contend that reforms should include prosecuting those implicated in human rights abuses and bolstering military justice mechanisms.<sup>58</sup> Such actions could be perceived as deeply political in the Guinean context, potentially creating clear "winners" (those who retain their positions and/or experience an expansion in their mandate and roles) and "losers" (those who forfeit coveted salaries and privileges). Guinea shares this characteristic with post-conflict states, many of which have benefited from internationally funded disarmament, demobilization, and reintegration (DDR) programs to stem potential violence by ex-combatants. Whether a similar level of donor commitment and coordination could be ensured for Guinea remains to be seen.

Additionally, in order to be effective, SSR may require efforts to bolster Guinea's justice sector and civilian oversight of the defense sector, which could be resource- and time-intensive. Overall, SSR in Guinea is likely to be a long-term process, potentially requiring multi-year funding commitments by donors, as well as coordination and oversight. A related issue for U.S. policy, should the United States choose to provide support, will be whether to contribute to a multilateral program, such as one coordinated by ECOWAS, or provide assistance on a bilateral basis.

## **Outlook**

Guinea's current outlook has improved significantly from early January 2010, when the country was beset by deep political uncertainty and fears of imminent civil conflict. However, the formation of a transitional government has not altered the underlying causes of Guinea's recent instability, and the months leading up to planned elections could prove decisive to Guinea's future trajectory and that of the sub-region. Inter-ethnic relations—historically perceived as relatively harmonious in Guinea though subject to political manipulation and occasional violent confrontation—are perceived as having deteriorated under the CNDD, particularly in Conakry and the southeastern Forest Region.<sup>59</sup> Any number of factors, including election delays, regional developments, continued economic hardship, military divisions, and ethnic tensions, could spark renewed insecurity and corresponding challenges to U.S. policy goals in West Africa.

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<sup>57</sup> AFP, "Guinée: 'Graves violations des droits de l'Homme' (ordre des avocats)," May 15, 2009; Reuters, "Burn Armed Robbers, Says Guinea Crime Chief," June 2, 2009.

<sup>58</sup> Amnesty International, "Guinea: Reform of Security Forces Must Deliver Justice for Bloody Monday Massacre," February 24, 2010.

<sup>59</sup> Author interviews with Guinean sources, December 2009-February 2010.

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