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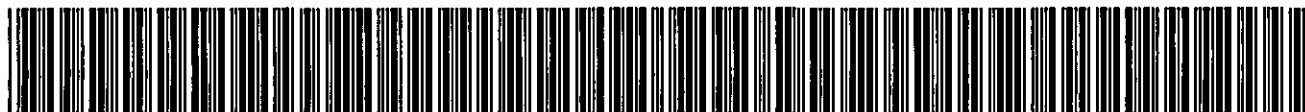
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ELECTIONS • RULE OF LAW • GOVERNANCE • CIVIL SOCIETY



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# **IFES MISSION STATEMENT**

The purpose of IFES is to provide technical assistance in the promotion of democracy worldwide and to serve as a clearinghouse for information about democratic development and elections. IFES is dedicated to the success of democracy throughout the world, believing that it is the preferred form of government. At the same time, IFES firmly believes that each nation requesting assistance must take into consideration its unique social, cultural, and environmental influences. The Foundation recognizes that democracy is a dynamic process with no single blueprint. IFES is nonpartisan, multinational, and interdisciplinary in its approach.

**GUINEA: Technical Assistance to the  
2000 Elections**

**IFES Final Report**

Prepared by:

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## List of Acronyms

CODEM	Democratic Opposition Coordination ( <i>Coordination de l'Opposition Démocratique</i> )
EU	European Union
HCAE	High Council for Electoral Affairs ( <i>Haut Conseil aux Affaires Electorales</i> )
MATD	Ministry of Territorial Administration and Decentralization ( <i>Ministre de la Décentralisation et de l'Administration du Territoire et de la Sécurité</i> )
NDI	National Democratic Institute for International Affairs
PUP	<i>Parti de l'Unité et le Progrès</i>
RPG	<i>Rassemblement Populaire Guinéen</i>
UFR	<i>Union des Forces Republicains</i>
UPG	<i>Union pour le Progrès de la Guinée</i>
UPR	<i>Union pour le Progrès et le Renouveau</i>
USAID	United States Agency for International Development

## **I. Summary**

From May through August 2000, IFES provided on-site technical assistance to the Ministry of Territorial Administration and Decentralization (MATD), political parties, civil society and the international community in support of Guinea's June 25 municipal elections in 38 communes. The program followed seven years of previous IFES assistance in Guinea. This assistance began in 1992 with a pre-election technical assessment and continued through the conduct of several on-site technical assistance programs. IFES' most recent program included an on-site program in support of Guinea's December 14, 1998 presidential elections followed by a joint IFES/EU post-election evaluation. In May 2000, IFES sent technical specialist Dominique Thiriet to Guinea in support of the June 25 municipal elections. Mr. Thiriet had previous experience in Cambodia, Togo, Malawi and Haiti and had served as IFES' technical specialist in Guinea in 1998.

IFES' current program focused on providing technical assistance and facilitating communications among election stakeholders. IFES' technical assistance included working with Guinean election officials and staff to draft a decree to establish the High Council for Electoral Affairs (HCAE). Following the election, IFES also organized two roundtables on election administration with election officials, political party representatives and representatives from the international community.

## **II. Background**

The December 14, 1998 presidential election was Guinea's third national multi-party election since the death of President Sekou Toure and the end of the First Republic in 1984. This election, though flawed, was perceived to be an improvement over the 1993 presidential election. One of the most politically sensitive elements of this election was the establishment of an autonomous election administration body. President Lassana Conte categorically stated his opposition to such an institution while Guinea's opposition political parties were equally vehement in demanding its creation.

In June 1998, IFES sent a technical specialist to Guinea to provide on-site technical assistance. IFES' specialist worked closely with political parties, the Ministry of Interior and Decentralization (later renamed the Ministry of Territorial Administration and Decentralization, MATD) and civil society groups to help build consensus around the creation of an autonomous election administration body. IFES developed and administered a short survey of Guinea's political parties to obtain their input. Information obtained through the survey results was provided to the Ministry of Interior and Decentralization which announced the creation of a High Council for Electoral Affairs (HCAE) on August 18, 1998.

The HCAE, a 68-member body—with representatives nominated by the Guinean government and opposition parliamentary groups; nominees from a number of NGOs and professional bodies; and ten individual members—was charged with the supervision and control of certain aspects of the electoral process. The responsibility for the actual organization of the election remained with the Ministry of the Interior and Decentralization. While the HCAE provided a forum for dialogue and helped to reduce tensions, its effectiveness was limited in ensuring a transparent electoral process.

Following the presidential elections, a number of donors cited problems with the coordination of international observation missions and the delivery of election materials as weaknesses in donor/government/HCAE coordination. Donors believed that better planning, organization and coordination could have maximized donor contribution. A number of diplomatic representatives requested IFES' assistance in capitalizing on the lessons learned during the run-up to the presidential election..

In May 1999, a joint IFES/EU team spent two weeks assessing the impact of international donor coordination prior to the 1998 presidential election. The team interviewed representatives from the international community, political parties, civil society and the Guinean government. The recommendations and lessons learned from the evaluation were shared with the international community and the Guinean government. Later that same year, in preparation for the municipal elections in 38 communes, the Guinean government initiated a dialogue with political parties to discuss the creation of a new High Council for Electoral Affairs (HCAE). Unfortunately, the proposed structure of the body was not viewed as an improvement over the 1998 structure and political parties from the opposition coalition, CODEM, withdrew from negotiations in April 2000.

On June 25, 2000, Guinea held its municipal elections in 38 communes. While no official domestic nor international observers were allowed, small teams from the international community were provided permits to observe the conduct of the elections.

#### **IV. Project Activities**

##### **i) Technical assistance**

###### *Draft decree to establish the HCAE*

Upon arrival in Conakry in early June, IFES met with representatives from the Guinean government, political parties and the international community to assess the status of preparations for the June 25 elections. Representatives from each group noted the importance of establishing a High Council for Electoral Affairs (HCAE).

IFES technical specialist Dominique Thiriet worked with representatives from the MATD to draft a decree to establish a HCAE. In reviewing the draft decree to the 1998 version establishing the HCAE, IFES noted the following:

- The notion of equality between the majority and opposition political parties is not included, thus calling into question the neutrality of the HCAE;
- Article 28 indicates that the HCAE would no longer have jurisdiction over issues pertaining to the process, especially when problems arise;
- The idea of a two-thirds majority vote by HCAE members in the absence of a consensus is introduced. This majority is not appropriate given the weak representation by the opposition;
- There are too many advisors;



- Civil society and the government ministries are too heavily represented; and
- An article introduced in the 1998 decree allowing political parties to have assessors and delegates present at the polling stations is conspicuously absent.

During the weeks preceding the elections, IFES met regularly with representatives from the international community to apprise them of IFES' efforts. Despite some limited progress, the decree to establish the HCAE was not issued prior to June 25.

Following the June 25, 2000 communal elections, the opposition parties, CODEM and the UFR announced they would not participate in the legislative elections then scheduled for November 26, 2000. They expressed outrage at the violent acts committed on election day, the partisanship displayed by some government authorities and the violations observed of electoral procedures. They stated they would not change their stance unless the government established an independent electoral commission to organize and supervise the elections.

The Guinean government was asked by representatives of the international community to respond to some of these concerns, including:

- The disproportionate use of the police and the army by government authorities in instances that did not pose a danger to the State;
- The intimidation of voters caused by the presence of government authorities in the vicinity of the polling station;
- The lack of consensus on the structure and role of the High Council for Electoral Affairs;
- The participation of a coordinated team of election observers to monitor the electoral operations.

The international community, with the approval of the MATD and the political parties that participated in the municipal elections, approached several organizations to facilitate discussions on the third issue—the lack of consensus on the structure and role of the HCAE. IFES—in coordination with the National Democratic Institute for International Affairs (NDI) and the Friedrich Ebert Foundation—was asked to develop a draft decree that took into consideration the MATD's draft April decree, the CODEM's draft decree and the discussions that had been conducted to date.

The two draft decrees presented were very similar in structure since CODEM had used many of the articles in the first draft decree, especially those pertaining to how the Council would function. However, they differed greatly in terms of the duties and powers to be assigned to the Council. The CODEM draft consisted in creating a National Independent Commission responsible for organizing the elections.

IFES, in coordination with NDI and the Friedrich Ebert Foundation, organized four formal working sessions. These sessions brought together representatives of the political parties as well as the Ministry of Territorial Administration and Decentralization (MATD) including the MATD's chief of staff. In addition, IFES coordinated two intermediary working sessions with representatives from the MATD. The MATD asked that existing

laws be followed and an organic link be maintained between any electoral council and the Ministry since the establishment of an independent council would not be possible for the moment given the absence of a specific law.

IFES, NDI and the Friedrich Ebert Foundation based their work on the following principles:

- Consensus does not mean unanimity, but it must represent a minimum majority of more than 75%;
- Laws alone do not suffice if there is no political will;
- The establishment of a consultative, supervisory and monitoring body is the cornerstone of any democratic electoral process;
- Organizational and administrative functions of a electoral monitoring body must be separated from the oversight and monitoring functions;
- Any electoral monitoring body must be subject to the supervision of the political parties involved and there must be equal representation of ruling and all opposition parties.

On August 4, the Minister of Territorial Administration and Decentralization read a statement in which he confirmed his support for the draft decree establishing the High Council for Electoral Affairs as developed with IFES, NDI and the Friedrich Ebert Foundation. He also noted his acceptance of the resolution on the use of the police and on the neutrality of government officials.

## **ii) Consolidation of lessons learned**

In the weeks prior to the June 25 elections, IFES' technical specialist met regularly with representatives of the international community to apprise them of IFES' efforts in assisting the MATD to develop an appropriate decree for the establishment of the HCAE. Following the elections, the international community asked IFES to provide recommendations to increase the transparency of the electoral process. The recommendations included:

- Address the violence committed during the campaign period and after the election;
- Insist that all government authorities remain neutral at all times, especially during the electoral period and on election day;
- Establish an oversight and consultative body that would represent the interests of all involved in the next legislative elections;
- Issue an official request by July 31 for international, neutral observers.

IFES' list was presented to the MATD for review and the MATD and international community asked that IFES, NDI and the Friedrich Ebert Foundation explore options to

address the concerns of all key actors, while remaining in strict compliance with the law. This compliance excluded any possibility of creating an independent electoral commission responsible for organizing the elections, the main demand of the opposition coalition.

Two meetings were held on July 18 and July 29 with Guinean election officials and representatives from the political parties and international community. An agreement was reached by all participants on two of the four recommendations presented to the MATD—violence and the neutrality of government officials.

The agreement noted:

- Authorities involved in the electoral process will be reminded of the laws pertaining to citizens' rights, the use of police force and the neutrality of government officials;
- The need to explain the nature of these laws to political parties and citizens through weekly messages in the printed press, on national television and on national and local radio stations;
- The need for an oversight and consultative body to monitor and oversee these measures and produce a code of good conduct for all actors;
- The need to take effective disciplinary action against civil servants who commit offences in these areas and publicize these actions.

Following the completion of the agreement, the Minister of Territorial Administration and Decentralization requested that IFES, NDI and Friedrich Ebert Foundation work with the Ministry's chief of staff and advisors to review the summary agreement.

#### **IV. CONCLUSIONS**

In Guinea there is an enormous lack of trust between the government and the people and between the government and opposition political parties. The 1998 presidential elections and the June 25, 2000 municipal elections did not reduce this distrust and instead may even have increased the gap between the above actors.

##### **i) MINISTRY OF TERRITORIAL ADMINISTRATION AND DECENTRALIZATION**

Although officials in the Ministry of Territorial Administration and Decentralization responsible for electoral operations have a thorough understanding of the laws governing elections, their approach vis-a-vis these laws is problematic. Instead of carefully reviewing the laws in order to understand how they should be applied, they tend to strictly interpret the laws.

In addition, relations between the MATD and political parties reveal a great level of distrust on every side. Part of the reason for this distrust may lie in the fact that both are directly affected by, and involved in, the electoral process. Both actors, though well

versed, do not fully understand the process. This leads them to be more demanding and critical.

## ii) THE INTERNATIONAL COMMUNITY

Unlike the 1998 presidential elections, the international community expressed a united voice for the 2000 elections. This change brought about stronger resolution in the demands for increased transparency during the electoral process. The international community has made strides in terms of coordination, but did not take advantage of this progress to press for stricter requirements. As the 1999 IFES/EU joint assessment report notes, *"the donor community is actually more influential than it thinks and could contribute much more to developing the democratic process."* Part of the problem is that the Guinean government knows the international community very well, including the position of each country or community represented and their respective interests.

Flexibility is needed from all actors. Simple standards should be established at an acceptable, realistic level that can be attained. When IFES concluded its program in August 2000, there was a possibility that the opposition would participate in an HCAE and the then-scheduled legislative elections. There also was a good chance the government would make another concession and thereby break the stalemate. If genuine political will exists, IFES believes a compromise may be reached in order to lay a true foundation for democracy.

## V. RECOMMENDATIONS

IFES offers the following suggestions to assist in improving the electoral process:

### 1) High Council for Electoral Affairs (HCAE)

The creation of a forum for dialogue that would have the power to submit proposals. This forum would be composed of an equal number of representatives from the presidential political parties and the opposition and one neutral individual with the ability to preside over the council. The provisions governing the creation of the council would reflect a genuine improvement over the 1998 provisions. Other recommendations include:

- Grant the council the authority to examine any issue it deems necessary of its own accord.
- Reduce the number of council members in order to simplify and speed up the decision-making process. During electoral periods, it is crucial for any council to be able to build a consensus in order to make decisions quickly. IFES proposes six representatives from parties in the presidential circle and six from the opposition to accurately reflect the political dynamics in Guinea, since there were six parties represented during the last presidential elections. This would eliminate the temptation to "manipulate" the composition of the Council for political gain.
- Amend the status of civil society and MATD representatives on the council to that of advisors with no voting rights. IFES believes the reality

of Guinean politics is that the politicians are best qualified to judge acts in their arena. However, if the MATD is to be responsible for organizing and conducting the elections, they cannot judge their own behavior.

- Equality between the presidential parties and the opposition political parties.
- Amend the procedures for selecting the council president so that the individual is chosen by consensus by the presidential and the opposition political parties. IFES respects the Guinean custom that society is better served when an individual known for his wisdom and experience serves as the mediator in discussions, especially if this individual is also known for his skills as an arbitrator. If one individual cannot be identified, two candidates could be nominated and the Minister of the MATD could choose the president.
- Reduce staff at the prefecture level. Individuals responsible for overseeing and monitoring the election at this level could be chosen from the local population.
- Amend the decree so the Minister is no longer be able to unilaterally modify the provisions of the decree establishing the High Council for Electoral Affairs on his own initiative.
- Identify a new name for the council. The government chose to call the electoral council the "High Council for Electoral Affairs" even though the oppositions parties objected. Additional arbitration efforts could assist in breaking the stalemate.
- Ensure that every polling station has representatives from both sides of the political spectrum to serve as assessors in addition to the normal delegates.

## 2) Compiling election results

If travel is required to move polling station results to a central location, a representative from each political party should accompany the results and be present in the convoy vehicle along with the government representative. In each district, representatives of candidates should participate in the compilation process in the ad hoc commissions.

## 3) Neutrality of government authorities

Government authorities, i.e., governors, prefects, and sub-prefects, need clear instructions to maintain complete neutrality during the entire process. Failure to maintain neutrality should result in genuine and public disciplinary action. Authorities should work with the HCAE to ensure proper organization of the elections.

## 4) National identity cards

While fraud by means of attestations could be minimized through the issuance of national identity cards, the issuance of the cards alone will not deter fraud. Each card

would need to be correctly distributed to allow all to exercise their right to vote. Financing would be expensive with no guarantee that the cards would last.

5) Election Observation

A coordinated, international observation effort could assist in deterring fraud. However, in order to be effective, this effort would require enough observers to cover the whole country. Even with these individuals, monitoring the 8,000 polling stations would be challenging given the difficult travel conditions. Thus, it is very important to determine how to coordinate an observer effort.

6) Civic Education

A long-term civic education program could help to promote change in political behavior while at the same time provide the entire population with a basic understanding of the governing principles of democracy. In order to promote this change, the program should be conducted for a minimum of two years in the period between two major election dates, such as between the legislative and presidential elections.

## ANNEX I

### CONTACT LIST

#### Government of Guinea

##### **Ministry of the Interior and Decentralization**

Mr. Moussa SOLANO, Minister  
Mr. Kiridi BANGOURA, Chief of Staff for the Minister  
Mr. Cheik Fantamadi CONDE, Permanent Secretary, Ministry of the Interior and Decentralization  
Mr. El Hadj Ibrahima Blaki BANGOURA, Decentralization Advisor; Chairman, Finance Commission  
Mr. Ahmadou Bailo DIALLO, Legal Advisor  
Mr. Bonata DIENG, Political Advisor  
Mr. Ibrahima Sot-y DIABATE, Chairman, Communications Commission  
Mr. M'Bemba BANGOURA, Governor of Conakry

##### **National Assembly**

Mr. El Hadj Boubacar Biro DIALLO, President  
Mr. Aboubacar Sidiki NABI, Director of Protocol

##### **National Communications Board**

Mr. Emile TOMPAPA, President

#### Political Parties

**La Cause Commune - LCC**  
Malik SANKHON, President

**Parti des Ecologistes de Guinee - PEG**  
Mr. Boubacar CAMARA, General-Secretary

**Parti de l'Unité et le Progrès - PUP**  
Mr. Aboubacar SOMPARE, General-Secretary  
Mr. El Hadj Mamoudou SOUMAH

**PDG-RDA**  
Mr. El Hadj Biro KANTE, Honorary President

**PPG**  
Mr. Charles Pascal TOLNO, President

**Rassemblement Populaire Guinéen - RPG**  
Mr. Facinet BEAVOGUI, Member of the National Assembly  
Mr. Ibrahima Kalil KE'ITA, Member of the National Assembly

**UDS**

Mr. Mo'ise Mousbaye KOUNDOUNO

**Union des Forces Republicains - UFR**

Mr. Sidya TOURE, former Prime Minister

Mr. Zoumanigui Bakari GOYO, General-Secretary

Ms. Kaba Rouguy BARRY

**Union pour le Progrès et le Renouveau - UPR**

Mr. Mamadou Bhoie BA, Member of the National Assembly

General-Secretary; President of the *Groupe Parlementaire de l'Opposition Democratique (CODEM)*

Mr. Yaya KE'I'TA, Member of the National Assembly

Mr. Faya KOUNDOUNO, Member of the National Assembly

**Union pour le Progrès de la Guinée - UPG**

Mr. Jean Marie DORE, Member of the National Assembly, General-Secretary

**Union pour le Progres National - UPN**

Mr. Mamadou Bhoie BARRY, General-Secretary

**International Community**

**Embassy of Canada**

Mr. Denis BRIAND, Ambassador

**Embassy of France**

Mr. Denys GAUER, Ambassador

Mr. Pascal BUSSIERE, Senior Advisor

**Embassy of Germany**

Mr. Pius FISCHER, Ambassador

**Embassy of Japan**

Mr. K. KOMATSU, Ambassador

**Embassy of the United States**

Mr. Louis John NIGRO, Deputy Chief of Mission

**European Union**

Mr. Stefan FROWEIN, European Commission Delegate

**International Monetary Fund**

Mr. Jean-Pierre LE BOUDER, Resident Representative

**UNDP**

Mr. Christian LEHEMBRE, Resident Representative

**United Nations**

Mr. N.E. DRISS, Deputy Director, Electoral Division

Mr. Jose ASTORKIA, Technical Advisor



**USAID**

Mr. Harry BIRNHOLZ, Director

Ms. Hannah BALDWIN, Team Leader, Democracy and Governance

**Journalists**

**Le Lynx Newspaper**

Mr. Bah Mamadou LAMINE, Editor-in-Chief

**L'Independant Newspaper**

Mr. Sam SALIOU, Assistant Editor-in-Chief

**L'Oeil Newspaper**

Mr. Don de Dieu AGOSSON, Director of News and StudioManager

**Non-Governmental Organizations**

**CENAFOD**

Mr. Ibrahima BARRY, Deputy Director, Head of Training Programs

**Cooperative League of the U.S.A. (CLUSA)**

Mr. Benjamin E. LENTZ, Resident Representative

**Friedrich Ebert Foundation**

Mr. Jens U. HETTMANN, Resident Representative

Mr. Ibrahima SYLLA, Assistant

**Groupe d'Etudes et de Recherches pour la Democratie et le Developpement  
Economique et Social (GERDDES)**

Mr. Sekou KONE, President, GERDDES Guinea

**National Democratic Institute**

Mr. Denis B. MARANTZ, Project Director for Guinea

Mr. Richard FERLAND, Program Officer

Mr. Roy ADKINS, Project Officer

**OGDH**

Dr. Thierno Maadjou SOW, President

**Syndicat Libre des Enseignants et Chercheurs de Guinee**

Mr. Louis M'Bemba SOUMAH, General-Secretary

## ANNEX II

### MISCELLANEOUS REMARKS ON THE DRAFT DECREE ESTABLISHING THE HCE

Art. 1 – Establishing the HCE under the MATD does not maintain the spirit of neutrality.

Art. 4 - A two-thirds majority vote is not desired since the HCE includes representatives not from political parties.

Art. 5 - The HCE's mandate should be extended until the final results are issued. Thus, in the event of a discrepancy between the provisional and final results, the HCE would have the authority to investigate.

Art. 6

- The number of HCE members should be between 11 to 13 instead of 18;
- Equality between the majority and opposition is required. Unless there is equality, the political parties will neither recognize nor accept the neutrality of the HCE;
- The number of non-political party members should be reduced from 6 to between 2 to 4;
- The number of government members should be reduced and they should not have the right to vote;

Art. 14 - There must be political equality within the general committee.

Art. 21 - The HCE president could be replaced by one of the two vice presidents.

ANNEX III

August 2000 draft decree establishing the HCE

OFFICE OF THE PRESIDENT  
OF THE REPUBLIC

REPUBLIC OF GUINEA

-----  
Labor-Justice-Solidarity

OFFICE OF THE STATE SECRETARY DRAFT

DECREE NO. \_\_\_\_\_/PRG/SGG/2000

ESTABLISHING THE CREATION, POWERS, ORGANIZATION AND  
FUNCTIONS OF THE HIGH COUNCIL FOR ELECTORAL AFFAIRS

-----  
THE PRESIDENT OF THE REPUBLIC,

CONSIDERING the Constitution;  
CONSIDERING Law number no. 91/012 of December 23, 1991, which sets forth the  
Electoral Code in particular under Article L2;  
CONSIDERING Decree no. D/98/079/PRG/SGG of May 6, 1998, which sets forth the  
organization and powers of the Ministry of the Interior and Decentralization;  
CONSIDERING Decree no. D/99/004/PRG/SGG of March 8, 1999, which sets forth the  
procedure for nomination of the Prime Minister;  
CONSIDERING Decree no. D/99/007/PRG/SGG of March 12, 1999, which sets forth the  
procedure for nomination of members of the Government;  
UPON proposal of the Minister of Territorial Administration and Decentralization;

HEREBY DECREES (on this day, the 1<sup>st</sup> of August, 2000)

SECTION I: GENERAL PROVISIONS

ARTICLE 1: There shall hereby be established in the Republic of Guinea, under *the Minister of Territorial Administration and Decentralization\**, a consultative body entitled the High Council for Electoral Affairs, abbreviated H.C.E.

*\*(MATD requested this clause be inserted on August 2, 2000.)*

ARTICLE 2: The High Council for Electoral Affairs shall serve as a consultative, supervisory and monitoring body for the electoral process.

Its objective will be to promote increased participation of all parties to achieve transparent elections, the results of which will be accepted by all.

The High Council for Electoral Affairs shall have access to all information and documents pertaining to the election. It shall be notified of all MATD decisions pertaining to electoral matters.

ARTICLE 3: The High Council for Electoral Affairs shall be a non-partisan technical body.

ARTICLE 4: Decisions within the High Council for Electoral Affairs shall be made on a consensual basis or by a two-thirds majority of its members.

The mission of the High Council for Electoral Affairs shall be permanent.

## SECTION II: POWERS

ARTICLE 5: The mission of the High Council for Electoral Affairs shall be to:

Provide opinions to the MATD and develop proposals on all election-related issues;

Oversee and monitor the electoral process, from the revision of the voter lists to the announcement of final election results;

Ensure proper implementation of all legal and regulatory provisions pertaining to the electoral process;

In particular:

- With respect to the principles set forth in the Constitution, especially in the preamble and in Section II which prohibits all bodily attacks on individuals;
- With respect to the neutrality of government authorities;
- With respect to considering the desire of political parties to have representatives from both the opposition and majority appointed as assessors at polling stations;
- With respect to the application of Article L31 of the electoral code pertaining to consultations on the voter registration lists;
- With respect to establishing polling stations in neutral locations;
- With respect to sharing election results with all political party delegates present at the polling station;
- With respect to ensuring the security of election results;
- With respect to compiling the results in the presence of political party delegates;
- With respect to equal access to the media and the use of public places.

Develop a code of conduct and work with the MATD on its enforcement to support credible elections;

Analyze all questions presented by the MATD, political parties or other parties;

Organize meetings among parties to reconcile opinions on electoral issues;

## SECTION III : COMPOSITION:

ARTICLE 6: The High Council for Electoral Affairs shall be composed as follows:

On the national level

- 6 delegates representing majority political parties;
- 6 delegates representing opposition political parties;

- 1 individual from civil society known for his moral integrity, appointed pursuant to the terms of Article 15;
- 3 government representatives who will serve as advisors and reporters with no voting rights;
- 2 civil society representatives with no voting rights.

On the prefecture level

The Council shall appoint two delegates to represent the Council—one from the majority and one from the opposition. As on the national level, these delegates may be assisted by a representative of the local government and a representative of civil society.

In order to fulfill its mandate, the High Council for Electoral Affairs shall be represented in the seven (7) administrative regions and the city of Conakry by one of its members.

The regional structure of the High Council shall be mobilized during the electoral period, as detailed in Article 4 of this decree.

The Council shall take all necessary measures to ensure effective coverage of all electoral districts.

ARTICLE 7: The members of the Council shall be appointed for five-year renewable terms. However, each member may be replaced or re-nominated no later than 4 months prior to the scheduled date of a presidential or legislative election.

Three months before the end of one or more member's term, the president of the Council will invite the appropriate parties to nominate their new members within 30 days.

Members of the Council shall not receive remuneration for their term; however, they may receive allowances.

ARTICLE 8: The civil society and government representatives shall be appointed by the MATD.

ARTICLE 9: In order to be nominated as a member of the HCE, an individual must be a Guinean national, enjoy all political rights, and must not have been convicted of any crimes under general law.

ARTICLE 10: The non-designation of an HCE member by a group by a specified time, as outlined in Article 6, shall equal a renunciation.

ARTICLE 11: The members of the High Council for Electoral Affairs shall be appointed by a Presidential decree upon recommendation by the MATD.

ARTICLE 12: In fulfilling their duties, the members of the High Council for Electoral Affairs shall maintain complete neutrality and objectivity. They may not participate in any electoral campaigns during their term.

ARTICLE 13: Before taking office, all members of the Council must be sworn in before the Conakry Court of Appeals on the national level and before the Court of First Instance or the Prefecture Court on the prefecture level with the following oath:

"I swear to fully and faithfully uphold my duties, to act independently and objectively, to not participate in any election campaign, to never divulge the secrecy of deliberations, to act as a dignified and loyal member of the High Council for Electoral Affairs, to scrupulously uphold the Constitution, the organic laws and more generally, the regulations in place."

An official report of the ceremony shall be written by the Chief Registrar of the court in which the ceremony took place.

After the report of the ceremony is read, the presiding judge of the Court of Appeals, the Court of First Instance or the Justice of the Peace shall declare the members to be installed.

The report of the ceremony shall be published in the official journal of the Republic.

#### SECTION IV: DUTIES

ARTICLE 14: As soon as they are sworn in, the members of the High Council for Electoral Affairs shall be convened for their first session by the MATD in order to establish an office.

The office of the High Council for Electoral Affairs shall be established for a term of five (5) years.

ARTICLE 15: The office of the High Council for Electoral Affairs shall be comprised of five (5) members:

- A president,
- Two vice presidents,
- An administrative secretary, and
- A treasurer.

A reporter shall also be nominated to the office by the MATD pursuant to the terms of Article 6.

ARTICLE 16: The president shall be appointed by the Minister of the MATD, pursuant to Article 6, in accordance with the following terms:

The opposition and majority shall each submit a list of 5 candidates. After comparing the two lists, each group shall choose one individual. If one individual is not chosen from the two nominated, the two groups may submit new lists. If one candidate can still not be identified, each group may identify one individual and the Minister will choose the president.

The majority and opposition shall each select a vice president from among their delegates. The treasurer shall be appointed by the opposition and the administrative secretary shall be appointed by the majority.

ARTICLE 17: The treasurer and administrative secretary shall be assisted by an accountant, administrative assistant and other support staff.

This staff will be provided to the Council by the MATD. They will not be members of the Council. They shall receive a salary determined by the MATD in consultation with the office of the Council.

ARTICLE 18: The office of the Council shall inform the MATD and relevant authorities of the composition of all regional branches established at the district level 45 days prior to election day.

ARTICLE 19: After the office is established, the president of the High Council for Electoral Affairs shall inform the MATD of the composition of the office. Reports of possible complaints and disputes shall also be referred to the MATD.

The MATD shall rule on the complaint or dispute without delay.

ARTICLE 20: The president of the High Council for Electoral Affairs shall direct and coordinate the work of the Council.

The president shall represent the High Council for Electoral Affairs and appropriate the funds allocated to the Council. He shall open a bank account for the Council.

ARTICLE 21: If one or more of its members becomes incapacitated, the member shall be replaced according to the terms of Articles 6 and 7. If the president becomes incapacitated and has not chosen a successor, the other members of the office will choose one of the two vice presidents to act as interim president to guarantee the smooth functioning of the Council.

ARTICLE 22: Within 15 days of establishment, the office shall determine the areas of responsibility for each vice president.

ARTICLE 23: The reporters shall record the minutes of the meetings and prepare all Council correspondence to the MATD. The administrative secretary may assist if needed.

ARTICLE 24: The administrative secretary shall direct and coordinate the administrative activities of the Council. He shall sort the mail and assist the reporter if needed.

ARTICLE 25: The treasurer shall maintain the accounts of the Council. He shall be responsible for managing the equipment and funds allocated to the Council by the government in addition to all subsidies from other sources.

ARTICLE 26: The accountant provided to the Council shall report to the treasurer who he will assist and advise.

ARTICLE 27: The High Council for Electoral Affairs shall draft its rules of procedure.

These rules shall be adopted by the general assembly of the Council and published in a decree by the Minister of Territorial Administration and Decentralization.

ARTICLE 28: The High Council for Electoral Affairs shall have jurisdiction over all problems linked to the organization and conduct of the elections.

The Council shall examine, in order of priority, the methods for appointing polling station members and for compiling election results and whether these methods adhere to the proposals of the MATD and the political parties.

The solutions proposed and approved by the MATD shall be made binding through a Ministerial decree.

ARTICLE 29: The High Council for Electoral Affairs may call upon the assistance of national and/or international experts in the examination of issues referred to the Council.

ARTICLE 30: The High Council for Electoral Affairs shall meet in plenary session at least twice a year in non-election years. It may meet at a special session if convened by the president or at the request of 2/3 of its members.

The High Council for Electoral Affairs shall meet continuously during electoral periods, beginning when the date is set for an election until final results are announced.

ARTICLE 31: The president of the High Council for Electoral Affairs shall ensure the security of its members. To this end, he may refer to the Minister of Territorial Administration and Decentralization.

ARTICLE 32: The Council shall be given a budget and be financially autonomous. It shall ensure the proper use of the funds and equipment placed at its disposal.

The High Council for Electoral Affairs shall maintain regular accounts. The High Council for Electoral Affairs accounts shall be subject to an internal audit by the MATD at least once a year, and possibly an external audit.

The costs of the various missions commissioned by the Council shall be covered according to the Council's terms.

ARTICLE 33: No member of the Council may be prohibited from exercising his duties. Except in cases of flagrant offenses, no member may be prosecuted, arrested or detained unless the office of the Council has been consulted.

ARTICLE 34: The Council shall provide regular, detailed reports to the MATD on the execution of each major stage of the electoral process.

The Council shall submit to the Minister of Territorial Administration and Decentralization a final evaluation report on the conduct of the elections for informational purposes no later than twenty-four hours before the date scheduled for announcing the final results.

#### SECTION V: FINAL PROVISIONS

ARTICLE 35: After each electoral period, the MATD shall decide on the schedule of activities for the Council based on the Council's proposal.

ARTICLE 36: Each time the membership of the office changes, a transfer of duties shall take place under the authority of the MATD. An official report of the transfer shall be prepared and include an update on the equipment acquired by the Council.



ARTICLE 37: Modifications to these provisions can only be made after a consultation process similar to the one used to draft this decree.

ARTICLE 38: The Minister of Territorial Administration and Decentralization, the Minister of Security, the Minister of Justice, the Minister of Foreign Affairs, the Minister of Planning and Cooperation, the Minister of Economy and Finances, and the Minister of Communication shall each be responsible, according to their duties, for the execution of this decree.

ARTICLE 39: This Decree, which shall take effect on the date signed, shall be recorded and published in the official journal.

Conakry, ,2000

GENERAL LANSANA CONTE

# IFES

As one of the world's premier democracy and governance assistance organizations, IFES provides needs-based, targeted, technical assistance designed and implemented through effective partnerships with donors and beneficiaries. Founded in 1987 as a nonpartisan, nonprofit organization, IFES has provided integrated, collaborative solutions in the areas of democratic institution building and participatory governance in more than 120 countries worldwide. IFES' Washington headquarters houses eighty-five employees specializing regionally in Africa, the Americas, Asia, the Middle East, and Europe, as well as functionally in rule of law, civil society, good governance, election administration, applied research, gender issues, public information technology solutions, and more. IFES' staff offers vast country-specific experience and facility in more than 30 languages. IFES employs an additional 120 people in twenty-five field locations.



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