



SECURITY COUNCIL REPORT UPDATE REPORT



4 March 2010 No. 1

GUINEA

Recent Council Action

On 16 February the Council adopted a presidential statement on the situation in Guinea, in which it:

- Welcomed “the recent positive developments in Guinea while remaining concerned by the situation”.
- Welcomed the 15 January Joint Declaration of Ouagadougou, which provided for the establishment of a national unity government led by a civilian prime minister designated by the opposition, and the holding of elections within six months.
- Welcomed the appointment on 21 January of Jean-Marie Doré as Prime Minister, and the designation of a unity government on 15 February, and called on all stakeholders to implement the Joint Declaration in full and to engage actively in the transition towards the restoration of the normal constitutional order through the holding of elections within six months.
- Recalled its strong condemnation of the violence committed on 28 September 2009 and its aftermath. The Council urged the national authorities to prevent any further violence and to uphold the rule of law.
- Emphasised the responsibility of states to comply with their obligations to end impunity.
- Noted the invitation by the International Contact Group on Guinea to relevant international stakeholders, including the Economic Community of West African States (ECOWAS), the AU and the mediator, to consider deploying a possible joint civil-military mission in Guinea with a view to discussing processes for defence and security sector reform, and contributing to secure conditions for the electoral process.

Relevant Background Developments

On 12 January the Guinean junta leader, Captain Moussa Dadis Camara, arrived in Ouagadougou, the capital of Burkina Faso, from a hospital in Rabat, Morocco, where he had been convalescing since a failed assassination attempt on his life on 3 December 2009. Camara’s return to the West African subregion led to heightened tensions due to a reported split in the junta with one faction agitating for his return to Conakry and the other, led by interim leader Brigadier General Sekouba Konate, preferring a transition back to civilian rule.

Following talks between Camara, Konate and leading junta members on 15 January in the Ouagadougou, the capital of Burkina Faso, an agreement to transfer power to civilian rule—the Joint Declaration of Ouagadougou—was reached between Camara and Konate through the mediation of President Blaise Compaoré of Burkina Faso. The Declaration provided for the

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establishment of a national unity government led by a civilian prime minister designated by the opposition and the holding of elections within six months. The accord also committed the transitional head of state, members of the junta—the National Council for Democracy and Development (or CNDD, using its French acronym), the Prime Minister, members of the unity government and the active defence and security forces not to stand in the upcoming presidential election.

On 18 January Camara broke his silence in a televised address from Ouagadougou—his first public statement since being shot in December—in which he endorsed the Joint Declaration of Ouagadougou.

On 21 January leading opposition figure Jean-Marie Doré was appointed as Prime Minister of Guinea. (Doré, an intellectual and a lawyer educated in France, who has led the Union for the Progress of Guinea party, has been an outspoken critic of military rule and was an organiser of the 28 September 2009 demonstration.)

On 26 January the International Contact Group on Guinea (consisting of the UN, the World Bank, the AU, ECOWAS and other key regional organisations and key partner countries—e.g. Burkina Faso, France, Morocco, the UK and the US), issued a communiqué on the situation in Guinea, which welcomed the positive developments in the country and invited “ECOWAS, the AU, the UN and the Mediator to deploy as soon as possible, and in consultation with the Guinean authorities, a joint civil - military mission with a view to discussing the modalities for the implementation of these reforms and also contributing to the creation of the requisite security conditions for the electoral process.”

On 2 February the Guinean national commission of inquiry into the events of 28 September issued its findings in which it singled out Lieutenant Aboubacar Chérif Diakité (the former aide-de-camp of Camara who attempted to kill the latter in December 2009) as being solely responsible for the killing of the pro-democracy activists. It said that all suspects should be tried before Guinean Courts. (The UN Commission of Inquiry into the event had recommended that they should be tried before the International Criminal Court (ICC). For details, please see our 11 January *Update Report*.) The commission also recommended a general amnesty for opposition leaders who were said to have contravened the law when they held the pro-democracy demonstration on 28 September.

On 5 February Diakité, who remained in hiding, said in an interview with Radio France that he was prepared to face an international commission or court in relation to the accusations of his being responsible for the September 2009 military violence. He also requested a pardon from Prime Minister Doré.

On 15 February a national unity government was designated by interim president, Konaté, and Prime Minister Doré. On 16 February the transitional unity government was expanded with the addition of two junta members, Captain Claude Pivi and Lieutenant Colonel Moussa Tiegboro Camara. Both men had been reported by the media to have been implicated in the 28 September 2009 military violence against pro-democracy demonstrators in Conakry.

From 17 to 19 February the deputy prosecutor of the ICC, Fatou Bensouda, carried out a preliminary investigation into the 28 September 2009 events in Conakry. At the conclusion of her visit she stated that the killings of opposition supporters on 28 September and their aftermath constituted a crime against humanity, and that the ICC could continue with its preliminary investigation.

On 19 February Prime Minister Doré told the press that Guinea's judiciary was incapable of trying the suspects in the military violence against pro-democracy activists on 28 September 2009. (While it is noteworthy that Doré chose to talk to the press and not the deputy prosecutor about the inability of the Guinean courts to handle the matter—contrary to the recommendations of the Guinean national commission of inquiry—this admission could mean that the possibility of the ICC being requested by the government to take up the matter at a later date cannot be ruled out. The ICC remains at the preliminary stages of its analysis of the issue.)

Key Issues

The key issue for Council members has been the fragile security situation in Guinea and its potential to destabilise peace and security, especially in the Manú River region.

A closely related second key issue has been agreeing on the most appropriate Council action including possible political support for UN and AU efforts and how far to go in endorsing the findings of the International Commission of Inquiry (COI) which investigated the 28 September events and their aftermath.

Another closely related issue has been maintaining consistency with its own presidential statements of 5 May and 28 October 2009 expressing concern about the resurgence of unconstitutional changes of government in some African countries and the situation in Guinea, respectively.

Council Dynamics

The adoption of a presidential statement on Guinea followed an earlier decision during private consultations between Council members on 12 January to delay action on a draft presidential statement proposed by France in January. African members (i.e. Nigeria, Uganda and Gabon) together with Russia and China argued for delay to take into account the views of the AU summit scheduled from 25 January to 2 February, on the issue into the Council's consideration. (For background details, please see our 11 January *Update Report*).

Subsequently, Russia and China, as well as the US and African members, preferred that no references should be made to the ICC. Russia and China were also uncomfortable with strong references to the issue of impunity favoured by other members like France, UK, the US, and Brazil. Nigeria and Uganda were also interested in a statement that would acknowledge the improvements in the situation on the ground.

A compromise was made necessary when it became clear that the Council had to act quickly for any statement to have relevance to the immediate situation. This resulted in the presidential statement whose balanced opening sentence gave an indication of the compromises negotiated in the text: "The Security Council welcomes the recent positive developments in Guinea while remaining concerned by the situation". There was no reference to the ICC in the text, with the implicit understanding that Guinea is a party to the Court's Rome statute so the ICC did not require the Council's endorsement to act. However, reference was made to the need to end impunity. The Council apparently opted to "commend" and "note positively" (i.e. rather than "welcome") the work and report of the COI as a concession to Russia which has had reservations about the nature of the interface between the Commission and the Council. (For details, please see our 11 January *Update Report*)

Looking Ahead

Options for the Council on this issue in the near future include:

- closely monitoring the situation for possible Council action, as appropriate; and
- considering a visit to Guinea (and other politically fragile states in the region on the Council's agenda: e.g. Cote d'Ivoire, Guinea-Bissau, etc.) by a Council mission (possibly a small one) to demonstrate the Council's resolve to prevent a return to conflict which has proved contagious in the region in the past.

UN Documents

Selected Presidential Statements

- S/PRST/2010/3 (16 February 2009) was on the situation in Guinea.
- S/PRST/2009/27 (28 October 2009) was on the situation in Guinea.
- S/PRST/2009/11 (5 May 2009) was on the resurgence of unconstitutional changes of government in some African countries.
- S/PRST/2009/2 (3 March 2009) condemned the assassinations of Guinea-Bissau's former President João Bernardo Vieira and Army Chief Tagme Na Waie.
- S/PRST/2008/30 (19 August 2008) condemned the coup in Mauritania.
- S/PRST/2007/42 (6 November 2007) was on the role of regional and subregional organisations in the maintenance of international peace and security (stressing, among other things, "the need to develop effective partnership between the Council and regional and subregional organisations in order to enable early response to disputes and emerging crises").

Selected Letters

- S/2009/693 (18 December 2009) was from the Secretary-General to the president of the Council conveying the report of the COI on Guinea.
- S/2009/556 (28 October 2009) was from the Secretary-General informing the Council about his decision to create the COI on Guinea.
- S/2009/541 (19 October 2009) was from the Secretariat transmitting a press statement issued on 15 October by the AU PSC on the situation in Guinea.
- S/2009/166 (20 March 2009) was from Libya forwarding to the Council the 20 March communiqué of the AU PSC on the suspension of Madagascar.
- S/2009/140 (11 March 2009) was from Burkina Faso transmitting the text of the communiqué of the first session of the International Contact Group on Guinea.
- S/2009/85 (10 February 2009) was from Libya forwarding to the Security Council the 5 February AU PSC communiqué imposing sanctions on Mauritania.

Secretary-General's Reports

- S/2009/189 (8 April 2009) was on enhancing mediation and its support activities.
- S/2008/628 (29 September 2008) was on developments in Guinea-Bissau, including an account of the alleged August 2008 coup attempt.
- S/2008/186 (7 April 2008) was on the relationship between the UN and regional and subregional organisations.
- S/2006/590 (28 July 2006) was *on the cooperation between the UN and regional and other organisations and the prevention of armed conflict*, entitled *A regional-global security partnership: challenges and opportunities*.

Other

- Communiqué of the African Union Summit (4 February 2010)
- Statement of the Consultative Meeting on the situation in Guinea (30 January

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- 2010).
- Final Communiqué of the International Contact Group on Guinea (26 January 2010).
 - Communiqué of the Extraordinary Summit of SADC Heads of State and Government on Madagascar (30 March 2009)
 - Assembly/AU/Dec.220 (XII) (3 February 2009) was the Decision of the AU Assembly of Heads of States and Government on the Resurgence of the Scourge of Coups d'Etat in Africa.
 - PSC/PR/Comm (CLXV) (10 January 2009) was a communiqué of the Extraordinary Summit of ECOWAS Heads of State and Government on Guinea, 10 January 2009.
 - Communiqué of the 165th Meeting of the AU Peace and Security Council on Guinea (29 December 2008)
 - PSC/MIN/Comm.2 (CLI) (22 September 2008) was a communiqué by the AU PSC condemning the coup in Mauritania and demanding a return to constitutional order.
 - S/PV.5868 and resumption 1 (16 April 2008) was the debate combining the thematic issues of UN cooperation with regional organisations and conflict prevention and resolution, in particular in Africa.
 - S/PV.5735 and resumption 1 (28 August 2007) was the discussion on the role of the Security Council in conflict prevention and resolution, in particular in Africa.
 - S/2005/828 (22 December 2005) was the report on a seminar held by the Council's Ad-Hoc Working Group on Conflict Prevention and Resolution in Africa on cooperation between the UN and African regional organisations in the field of peace and security, held at UN headquarters on 15 December 2005.

SECURITY COUNCIL REPORT STAFF

Colin Keating, Executive Director

Joanna Weschler, Director of Research

Amanda Roberts, Programme Coordinator

Robert Afriyie, Research Analyst

Ikram Hussein, Research Analyst

Shamala Kandiah, Research Analyst

Nina Pregellio, Research Analyst

Troy Prince, Research Analyst

Astrid Forberg Ryan, Research Analyst

Tim Caughley, Research Consultant

Robbin VanNewkirk, Publications Coordinator

Jamaal A. Young, Programme Assistant

Brian Lockstone, Communications Consultant

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