



International Foundation for Electoral Systems

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**GUINEA:
A PRE-ELECTION ASSESSMENT REPORT**

February 16, 1992

by

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and
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I. INTRODUCTION

The U.S. Embassy in Guinea and U.S. Agency for International Development (USAID/Guinea) have responded to requests for assistance from the Government of Guinea (GOG) in launching a democratic electoral system by asking the International Foundation for Electoral System (IFES) to provide the assistance of an expert to advise the GOG on its Electoral Code and a two-person team of electoral system consultants to perform a pre-election assessment.

In December 1990, a new constitution, known as "La Loi Fondamentale" was overwhelmingly approved by Guineans in a national referendum. This constitution outlined a process of transition to a fully participatory democratic political system to be achieved no later than December 1995. Steps in this transition included elections for town communes and urban development councils which were carried out in June 1991; revision and promulgation of a new Electoral Code; review and acceptance by the Transitional Committee for National Recovery (CTRN) of laws governing institutions outlined in the Constitution, such as a judicial system, National Assembly, political parties, a free press; and multi-party elections of a National Assembly and President.

Because of the wide scope of this transition process, and due to time and material constraints faced by the CTRN, the GOG turned for assistance to friendly governments of countries with established democratic traditions. The U.S. Embassy in Conakry indicated willingness to respond positively to these requests by providing assistance directed in two specific areas:

1) ELECTORAL CODE

Gregory Tardi of Elections Canada, an expert in electoral legislation and comparative electoral codes, came to Conakry under IFES auspices to advise the GOG on its Electoral Code while the CTRN was reviewing the code and several other laws for submission to the Government. Mr. Tardi's visit was the subject of a report titled: "Rapport de l'IFES sur la mission de son consultant juridique en Guinée" referred to in sections of this report.

2) ELECTORAL SYSTEM

A two-person team of experts in election administration, Frederick Quinn and Jean Ouellet, visited Guinea to provide recommendations on the organization of an electoral system and processes promoting free and fair elections for the National Assembly and President, elections that will legitimately reflect the will of the Guinean people.

The present report is a summary of the recommendations and responses in the second area, concerning the current status of Guinea's electoral system.

II. THE IFES ELECTORAL TEAM

Prior to arriving in Guinea, the team was briefed regarding IFES's goals and objectives and its role in supporting electoral processes throughout the world, and particularly in Guinea. They were also given information regarding Guinean political life through extensive briefing materials. The team also benefitted from a substantive discussion with Greg Tardi regarding his experience with the GOG and the CTRN.

The team assembled in Washington on January 12, 1992 for briefing meetings at the State Department organized by IFES, as well as a visit with Ansoumane Camara, first counselor of the Embassy of Guinea in Washington, together with members of his staff.

In Guinea, the team met with key participants in the electoral process, including election officials, other relevant government officials, and representatives of political groups. The team also met with other individuals and groups outside the government. A complete list of the persons or groups interviewed may be found in Appendix N to this report.

While in Guinea, the team's mandate was to perform a comprehensive analysis of Guinea's electoral system. This analysis involved both an assessment of the current state of election preparations and recommendations for various forms of assistance to the Government of Guinea as it prepares for legislative and presidential elections in 1992 and 1993 respectively.

This assessment focuses on ways and means of establishing structures and procedures within the government in order for the electoral process to accurately reflect voter choice and protect the rights that are supposed to be guaranteed under the revised Constitution.

The analysis of the electoral system by the IFES team includes a detailed review of the following topics discussed in a distinct section of this report:

- A. Review of the Constitution, relevant laws and other codes and regulations;
- B. The role of the Ministry of Interior in the administration of elections;
- C. Establishment and maintenance of voter registries;

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- D. Ballot design and security;**
- E. Role and duties of poll workers;**
- F. Mechanics of the process and procedures at designated polling places;**
- G. Distribution, collection and security of ballots;**
- H. Level of training of election officials;**
- I. Identification, procurement and shipment of election commodities and equipment;**
- J. Vote counting and certification of election results;**
- K. Civic/voter education and motivation;**
- L. Component groups of the electorate; and**
- M. Election observers.**

This report assesses the GOG's ability to carry out free, fair and open Legislative and Presidential elections. It will cite both clear strengths and weaknesses in the process, followed by recommendations for ways to advance the implementation of democratic principles.

III. THE GUINEAN REALITY

A description of some key aspects of the geography, people, history and economy of Guinea should provide a useful background to a more specific analysis of the electoral system and the proposed recommendations.

A. GEOGRAPHY

Guinea is located on the west coast of West Africa. The country is divided into four regions: the narrow coastal belt called Lower Guinea, the pastoral Fouta Djallon highlands known as Middle Guinea, Upper Guinea, and the southeastern forest region.

Coastal Guinea and most of the inland regions have a tropical climate, with a rainy season lasting from May to November, relatively high and uniform temperatures, and high humidity.

B. PEOPLE

The population of Guinea consists of four main ethnic groups:

- 1) Peuls or Foulani, who inhabit the mountainous Fouta Djallon;
- 2) Malinkés or Mandingos, in the savannah regions;
- 3) Soussous in the coastal areas; and
- 4) Forest peoples in the forest regions.

Seven national languages are used extensively; the major written languages are French, Peul, and Arabic.

Population growth has been relatively slow, mainly due to the high level of emigration during the Sékou Touré regime. There have been some returns since the 1984 coup, but the number of those returning appear not to be substantial.

The population is concentrated in the plateau area of central Guinea; about one-fifth of the population is believed to be living in Conakry and its environs. Just over one-quarter of the population resides in urban areas.

C. HISTORY

Guinea is partial heir to the series of West African empires that cast a considerable degree of political and commercial influence over many ethnic groups from Guinea's Atlantic coast to the southern edge of the Sahara, particularly during their heyday, before the arrival of the Europeans. French military penetration into the area started during the middle of the 19th century. France negotiated Guinea's present boundaries in the late 19th and early 20th centuries with the British in Sierra Leone, the Portuguese in their colony (now Guinea-Bissau), and with the Liberians.

While Europeans held the higher administrative posts until after World War II, Guineans held some of the lower posts, even in the early 20th century. Colonial reforms after World War II gradually reduced the extent of French presence and influence in the administration, placing more political responsibility and power in the hands of Guineans. These reforms resulted both from educated Guineans' heightened sense of nationalism and from political pressure within France.

After World War II, French labor unions and political parties became active in Guinea. Sékou Touré, Guinea's first president, initially gained a mass following as a leader of the colonial section of the Confédération Générale du Travail (CGT).

In 1947, the Democratic Party of Guinea (PDG) was founded as a section of the new international African Democratic Rally (RDA). This move was largely responsible for Touré and his associates gaining widespread political support among the general population. The RDA broke with the communists in 1950. Touré, as head of the PDG, asserted that the Marxist doctrine of class struggle was inapplicable to Africa, arguing that the movement must be freed of any vestige of European control. In the 1957 elections, the PDG won 58 of 60 seats in the Territorial Assembly. It played the leading role in Guinea's decision to reject membership in the proposed French Community. Guinea became an independent republic in 1958, the only French colony to vote against entering the Community. Sékou Touré and the PDG remained in control until April 3, 1984, when the present regime took power one week after the former leader's sudden death.

D. ECONOMY

Richly endowed with minerals, Guinea possesses an estimated one-third of the world's known reserves of bauxite, more than 1.8 billion metric tons of high-grade iron ore, significant diamond and gold deposits, and undetermined quantities of uranium. Guinea has considerable potential for growth in the agricultural and fishing sectors. Soil, water, and climatic conditions provide opportunities for large-scale irrigated farming and agro-industry. Possibilities for investment and commercial activities exist in all of these areas, but Guinea's poorly developed infrastructure, continuous foreign exchange shortages, and inconvertible and overvalued currency present obstacles to investment projects.

The government enacted a new private investment code in 1984 designed to stimulate economic activity in the spirit of a free enterprise system. The code guarantees equal rights for investors without discrimination between foreigners and nationals. And while it does restrict development of Guinea's mineral, forestry, and hydroelectric resources to projects in which Guineans have majority shareholdings and management, it also contains a clause permitting negotiations of more favorable conditions for investors in specific agreements.

The Guinean economy is at a major crossroads. The current government inherited a state-controlled economy which it intends to liberalize by encouraging free enterprise and private investment. It has already liberalized trade, banking, and agricultural policies and has prepared an interim development plan designed to encourage small farmers, develop human resources, rehabilitate some of the existing infrastructure of Guinean economy, turn parastatals over to the private sector, and introduce sound monetary and fiscal policies.

Despite the fact that the GOG faces a monumental task given its inadequate infrastructure and heavy foreign debt burden, it appears to be intent on encouraging responsible economic management, restricting public expenditures, and correcting monetary distortions.

Guinea's economy has stagnated in recent years. Yet the government's new economic reform program, including flexible exchange rates, may create an environment favorable to productive investments and economic growth.

IV. ASSESSMENT OF ELECTION POLICIES AND PROCEDURES

The assessment team arrived in Guinea three weeks after the GOG announced the enactment of the Constitution -- which consists of various organic laws -- creating democratic institutions. The team was thus unable to discuss every aspect of democratic elections in great detail due to the fact that Guineans had just received the laws, and were exploring ways to institutionalize them.

A. REVIEW OF THE CONSTITUTION, RELEVANT LAWS AND OTHER CODES AND REGULATIONS

The new Constitution is an impressive document and much careful thought has gone into writing the organic laws. They reflect the state of Guinean society, trying to balance both liberty and restraint, with few useful precedents from its recent political history to guide the authors. Nevertheless, as will be demonstrated below, despite clear statements of rights, legal restraints remain too numerous for Guinea to achieve its stated goal of a democratic society and elections that will enjoy full public confidence.

The Constitution

The Constitution opens with a precise listing of freedoms, a stated commitment of Guinea's adherence to the Universal Declaration of Human Rights, and a strong statement regarding the importance of rule of law in civic life. The Constitution, in brief, establishes a secular republic based on "government of the people, by the people, for the people" with "universal, direct, equal and secret" suffrage. Political parties are encouraged to participate in civic education, and are also expected to be national in scope so as to avoid the racial, ethnic, religious or geographic separatism Guineans seek to overcome.

The conflict between liberty and state control that is suggested in the Constitution is more apparent in the electoral, political party, and press codes. There are, in addition, numerous personal rights well-enumerated in the Constitution. Article 5 makes this clear: "the person and human dignity are sacred." The state has the duty to respect and to protect them. "The rights and liberties enumerated herein are inviolable, inalienable, and imprescriptible. They are the basis of all human society and guarantee peace and justice in the world."

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Subsequent articles specify the right to free development of one's personality, as well as freedom of belief -- more specifically, the free expression of religious, political and philosophical ideas through "Word, writing or images." (articles 6,7) Article 10 clarifies these rights: "all citizens have the right to demonstrations ... to form associations and societies to collectively exercise their rights and their political, economic, social, or cultural rights."

No less important are articles 8 and 9, both of which deal with the issue of due process, which declare all persons "equal before the law." These articles ensure that "no one can be arrested, detained, or condemned except for the motives and by forms specified in the law. All people have the unalterable right to address a judge to assure that their rights before the State" are guaranteed.

Articles 11 through 20 are essentially elaborations of the above rights, except for article 13 which contains the brief but significant statement that "the right to property is guaranteed." In a manner similar to the equally brief so-called "commerce clause" in the American constitution, namely article 1, section 8, this provision may well play an increasingly important role in shaping the future of Guinea. Given the close relationship between political and economic freedom, the right to private property is essential to establishing a working democracy. Conversely, it is much easier to build a democracy if a country's economic base is solid.

Specific Guinean electoral provisions are contained in article 20, stating that "each citizen has the duty to participate in elections." Article 24 sets a limit to the president's tenure of two five-year terms. It also states that presidential elections must be held at least 30 days to 45 days before the expiration of the incumbent president's mandate. Article 25 states that the incumbent must determine the date at least 60 days before elections are held.

Articles 26 to 31 all contain important elections provisions regarding the age and nationality of candidates, the date of electoral campaigns, the role of the Supreme Court in regulating the electoral campaign, and the need for an absolute majority for the winner. It also provides for a second run-off election among the two final candidates with the most votes. Article 30 states that the Supreme Court has the power to declare the election valid or null. If the latter, a new election is ordered within 60 days.

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Electoral provisions affecting the National Assembly are contained in article 47 which states that deputies to the National Assembly will be elected "by universal direct suffrage" for five year renewable terms. Each deputy must belong to a legally constituted party, according to terms specified in the organic laws. Electoral district boundaries are also determined by these laws. Article 59 states that the National Assembly is also charged with establishing rules regarding the conduct of elections, including the elections of council members and of participants in territorial collectivities.

Articles 80 to 83 declare that Guinea's judiciary is unequivocally "independent of the legislative and executive powers." The right of independent judicial review, including review of all electoral disputes, is clearly affirmed.

In summary, the Guinean Constitution is broad in scope and precise in its enumeration of rights. Some clauses are troublesome, however, especially if they are considered alongside other more specific provisions in the organic laws. These provisions merit reiteration and clarification. Specifically:

- Article 20 states the citizens' duty to vote in elections, promulgate tolerance and democratic values, and "be loyal to the Nation."
- Article 22 guarantees the exercise of fundamental rights and liberties, which cannot be limited except as necessary "to maintain public order in a democracy." In addition, "groups which manifestly trouble the public order can be dissolved."
- Article 32 protects the President against "offense, injuries, and calumny."

One semantic problem involved in using such terms as "loyalty," "public order" and "calumny," especially when used in the electoral context, is their ambiguity. These concepts are extremely difficult to define legally. Political speech in any country is generally colorful, sometimes inflammatory, and usually irritating to a political opponent. At election time, a candidate and party's record, policies, character, and ability are bombarded with vivid

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language, distortions, half-truths, selectively edited statements, and sometimes outright lies. It seems preferable that all candidates, whether incumbent or not, should be allowed to have access to the courts and Guinea's libel laws as judicial recourse. The interpretation of the Constitution and Guinea's organic laws as they affect elections should also be more balanced to affirm a politically free climate.

Election Law

The Electoral Code is a thoughtful, carefully crafted work which can provide Guineans with a solid roadmap for use on their ongoing journey toward democratic institutions, especially if several modifications, clarifications, and changes are adopted.

The most formidable mechanical task facing the country is the compilation of valid national electoral lists. This is a priority for Guineans and should be for the donor community as well. Articles 18 to 31 address the issue of creating and revising such lists. For example, they specify that representatives of political parties are to participate in this process. The lists, once made, are then open to revision from 1 October to 31 December of each year. Article 32 contains a provision for amending the lists to include persons working in places other than the site in which they are registered. Articles 35 to 39 state that electoral cards are necessary for voter identification in each election.

Article 41 addresses the issue of the duration of electoral campaigns. One particularly interesting provision in Articles 46 and 47 requires that prior written notice be submitted to authorities 24 hours before a public campaign gathering. There are also provisions for penal sanctions against meeting organizers for failure to maintain order and good manners at the gathering. Article 48 stipulates the presence of an administrative or judicial authority to monitor the gathering. What is more, if there are "troubles," the gathering organizer is required to end the meeting or else face penal sanctions.

While appreciating the need to maintain order, the team finds that these provisions are contrary to the spirit of a democratic electoral process, and are contrary to the spirit of the Constitution. Moreover, they open avenues for local officials to selectively exercise authority and interfere

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in the lawful exercise of proper political conduct. What a village official outside Koundara or Yomou considers good manners and activity in the public interest is not necessarily what can be expected of a more sophisticated political practitioner. This potential disparity is likely to lead to sharply contradictory interpretations by different electoral districts.

Article 49, which limits electoral political publicity to specially designated places, is likewise unnecessarily restrictive. While the law's intent appears to be benign, intending to give equal access of space to all candidates, its language could be read as a series of prohibitions, e.g., "political notices may not be placed on public or religious buildings; or on private homes or businesses without consent of their occupants or owners."

Article 54 prohibits political activity on election day. While the law is ostensibly intended primarily to limit intimidating encounters the day people vote, in practice -- as in many other countries -- election day in Guinea is a time of maximum political activity. The people of Guinea might wish to amend this law in the future, depending on their experience in forthcoming elections.

Several sections in the Electoral Code also contain provisions that can impede active participation by opposition parties. Under Article 64, for example, the Supreme Court can suspend a campaign broadcast if it shows gross disrespect for "the Republic's institutions" or "public order and liberty." Article 198 enjoins against spreading "false news", Article 199 against "troubling" the operations at a voting place, and Article 200 against committing an "outrage" -- all activities punishable by fines and penal sanctions. Such vague provisions, however, are too difficult to define in legal terms, and risk further curbing legitimate political activity at election time. Guinean government officials make a convincing case regarding the need to maintain order, especially in the forthcoming elections. Violence and intimidation would wreck havoc in an emerging democracy. But even taking into consideration the legitimacy of the GOG's concerns, the balance in the Electoral Code between freedom and restraint seems tilted too far toward restraint.

Political Party Charter

The long-awaited Political Party Charter was announced in December 23, 1991 in the official government publication, HOROYA. This organic law is relatively short, contained in 37 articles grouped under seven headings.

The purpose of political parties is clearly stated in Article 3: to gain popular support for a particular political program, to participate in the expression of universal suffrage and civic education, and to take part in the nation's political life through peaceful and democratic means. In addition, Article 4 states that parties must also defend the Constitution, consolidate national independence, safeguard national unity and territorial integrity, protect a republican form of government, as well as protect public liberties and human rights.

Reflecting Guinea's particular historical setting, Article 5 prohibits political parties from "identifying with a region, ethnic or linguistic group, corporation or religious position." According to Article 6, parties cannot threaten "security or public order, nor individual or collective rights", nor can they create "military or para-military groups."

The remaining articles state the manner in which parties must organize and what provisions should be contained in their articles of incorporation. For example, parties must provide four copies of their statutes signed by at least five founding members. Founding and executive bureau members must provide four copies of their addresses, professions, birth certificates, certificates of nationality, a residency certificate, and a statement that they are in good standing as citizens, i.e. have no criminal record. During the next three months, the Interior Ministry verifies the dossier's accuracy, after which the party is in business, if there are no difficulties.

According to Article 20, parties may organize gatherings, participate in elections, establish publications, and hold property, including bank accounts. Article 22 states that funds may come from member dues, gifts and legacies, money-making activities, and state aid.

Article 24 is the subject of some controversy among Guinean politicians. It states that an individual Guinean may contribute no more than 20% of a party's total resources, with the remainder to be provided by dues, other activities, and state aid. Proponents of this article

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argue it will prevent having "big spenders" who could control the party. Opponents on the other hand argue that it will be difficult to raise money for a party, so the parties should be free to get the funds as best they can from those who are able to contribute.

Article 26 states that "any Guinean regardless of sex having reached the voting age and possessing civil rights, both civic and political, is free to adhere to a political party, with the exception of military, para-military, and sitting magistrates." In addition, "they are equally free to withdraw."

Article 28 allows the Ministry of Interior to suspend parties for "irregularities." More specifically, article 29 allows the Ministry to dissolve parties for accepting foreign aid, or taking positions against respecting "the lay, republican, and democratic character of the state;" "national independence and the territorial integrity of the state;" "public order and public liberty;" and "the interdiction of regional, ethnocentric, religiously discriminating, or sedition." Such an act of dissolution can be appealed to the Supreme Court. Articles 30 to 35 set stiff fines or penal sanction for anyone who founds, directs, or administers a party illegally, or whose party "by its public declarations, writings or actions incites violence, tribalism, regionalism, racism, xenophobia or religious intolerance."

Once more, imprecise wording risks making unenforceable a well-intentioned statute. It is clear what violence and tribalism are, but what is a precise, legally enforceable definition of, say, "xenophobia"? As for "regionalism," politicians are always promising to bring a road, airport, or school for such-and-such a region if its members vote for him or her. Is it "religious intolerance" to call imams "reactionary", Protestants "myopic" and the Pope "out-of-touch with modern reality"? These are some of the issues that arise at election time.

In summary, the Political Parties Charter's provisions for creating democratic parties are unnecessarily burdensome in application, especially Articles 13 to 15. Article 35, moreover, requires clarification. This assessment team concurs as well with the November 1991 IFES report by consultant Gregory Tardi which concluded that the penal sanctions and sections allowing for the suspension, dissolution and interdiction of political parties enumerated in Articles 28, 29, and 32 are not conducive to the democratic system Guinea has chosen.

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"Fragile" is a word knowledgeable Guineans use often to describe their present political climate, with its history of coups and attempted coups, no recent experience with robust dissidence and differing political opinions expressed publicly, with additional undercurrents of ethnic violence. These conditions justify caution and restraint, but the IFES assessment team finds the extreme measures that are sanctioned by Articles 28, 29, and 32 to be excessive.

Law on Press Liberty

No institution can contribute more to the growth of democratic elections than does a free press. At election time, it is the source of disseminating political ideas, spearheading civic education, keeping elected officials honest and watchful, holding up injustices in the body politic to public scrutiny, and, through satire, cartoons, and levity deflating pompous politicians. Yet the press code is the most contradictory of all organic laws and the least consistent with the spirit of the Guinean Constitution.

"The press, publications, printing houses, bookstores and audio-visual means of communication are free," says the first Article, reassuringly enough, adding that any Guinean citizen has the right to create a press enterprise, printing house, or bookstore, limited only by "respect for the dignity of the human person, the pluralist character of expressing currents of thought and opinion, and to safeguard public order and the exigence of National unity." But what follows are pages of clearly restrictive regulations, derived from several French codes, many of them rarely used in France in recent times. Article 11 states that if more than a third of a press organs' space contains advertising, a fine of 50 000 to 200 000 FG is levied. This contradicts the idea that advertising revenues drive a free press, allowing it to grow, prosper, and diversify. This restriction reportedly originated not with the government but the journalists who wish to keep publications information-filled rather than becoming overly commercial. Whatever the origin, however, the provision deserves serious reevaluation, especially at election time when parties scramble for funds to launch media activities.

Articles 13 to 17 list conditions of registering and depositing publications. This is a relatively simple act in most democracies, but not in Guinea. The provisions outlined in Article 18 are overly complicated, with stiff penal sanctions for non-compliance.

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In fact, almost 50 penal sanctions are enumerated in 10 pages of text, raising the question whether some aspects of press activity might be more properly placed in the criminal code. Among the most sweeping restrictions in the press law may be found in Article 64. They involve, for example, imposing prison sentence or a fine on those who "through speeches, shouts, or menaces made in public places or gatherings, by writings, printings, designs, engravings, graffiti, paintings, caricatures, emblems, images, or other forms of writing, speech, or images, sold or distributed ... or displayed in public places ... directly provoke the author or authors to commit actions qualified as crimes." Article 66 then specifies that crimes include "crimes against the interior security of the state." Article 68 even adds "seditious shouts and songs offered in public places and gatherings" to the list of crimes.

Article 71 imposes penal sanctions for the vague crime of "offending the President." In any country -- especially at election time -- Presidents may be rather sensitive to criticism. What is more, given his stature in a state like Guinea, the President will attract more press reaction, favorable and unfavorable, than anyone else in the country. The policies of presidents naturally lend themselves to criticism by electoral opponents. Their physical features are fair game for political cartoonists. The President has many powerful weapons at his disposal through the Constitution and organic laws, and does not need additional protection from the press. Article 72 contains a catch-all provision against the vague crime of spreading "false news" or "troubling public peace or being susceptible to troubling (public peace)."

These increasingly restrictive provisions are in clear contrast with Articles 1, 5, 6, 7 and the preamble of the Constitution. No simple stroke of the pen will make Guinea's press law more democratic. In offering comments concerning the laws, the assessment team has stressed the need for balance between rights and responsibilities, criticizing the tilt toward state power. Revision of this law would be advisable in order to create a setting more favorable to the free exercise of electoral speech.

National Communication Council Law

This body is little more than an executive arm that is charged with implementing the restrictive press law. It has little real independence, being simply another means of controlling the flow of information.

While one of its mandates is to guard against an "abusive control of the media by the government," it has no power to take any action against the government or its employees. It is not clear, however, why it should be able to minutely control the private press yet have no authority to curb abuses on the part of the government. This arrangement appears blatantly unfair. If the newly-launched democratic initiatives are to gain public credibility, full equity must be written into both the press law and this law to indicate a sincere desire to keep the conduct of elections open and fair.

B. THE ROLE OF THE MINISTRY OF INTERIOR IN THE ADMINISTRATION OF ELECTIONS

As in several former French colonies in Africa, the Electoral Code charges the Ministry of Interior with administration of elections, from the registration of electors to the final tally of votes that are to be validated by the Supreme Court.

This pre-election assessment team concurs with its IFES predecessor in having substantial misgivings about the policy of confining the task of administering elections to a branch of government that is accountable only to the government in power. This practice shows disregard for the important notion of transparency which is fundamental to a democratic system. The team shares the views expressed in an earlier report:

"[The IFES team] ... believe[s] that this part of the draft law is a serious error which may compromise the quality of democracy in Guinea. For administrative as well as political policies, the administration of elections should rest under an independent authority apart from pressures exercised by the government in place and also independent from any political pressures. The administering of elections

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by the Ministry of Interior may create in the mind of electors an image of partiality, so that the government in power wins."

Guineans understand the problem of political transparency; they are among the first to raise it and to articulate the need for a solution. They have only modest resources at their disposal. It will be hard enough to mobilize the Ministry of Interior to conduct elections, let alone create another body.

The Guinean Government has not looked favorably upon the idea of an independent electoral commission. In the interest of establishing an independent administration of elections, the IFES team suggests consideration of an electoral administrator, chosen from or directing the Ministry staff for the electoral season. By rendering the elections director and staff accountable to the National Assembly (when it is elected) or the Supreme Court (when it is named) credibility is maintained with the electorate because separation of powers is observed. The involvement of two agencies also provides an element of check and balances.

There have been some suggestions that political parties should be brought in more fully into the elections' supervision process. This suggestion has merit, and political parties should have a watchdog role. However, parties will always retain their adversarial role vis-à-vis the Ministry. There should be a neutral, objective agent or agency where powers for adjudication of complaints regarding election policies and procedures are vested so the process has both the appearance and reality of independence and transparency. The Supreme Court can be the final arbiter but not the executive agency in charge of conducting elections. Our argument cannot be better stated than the African proverb "you do not send the goat to guard the garden."

Finally, high praise is due to the Secretary General of the Ministry of Interior and his talented staff. Their frankness, openness, and problem-solving approach were essential to the work of this assessment team. As the election process unfolds, their assistance is likely to prove invaluable to those who undertake work in Guinea.

C. ESTABLISHMENT AND MAINTENANCE OF VOTER REGISTRIES

Registration of eligible voters will be unquestionably the most important process determining the success or failure of Guinea's democratic elections. In addition, it will also be the most difficult to resolve. The GOG has had two previous experiences with voter registration: one involving the ratification of the Constitution through a referendum in December 1990, and another one prior to local government elections in June 1991. These resulted in violence when electors, wanting to exercise their newly-restored franchise, were unable to cast ballots because their names were left off voting lists or appeared on lists for other polls located too far for them to vote.

This experience must not be repeated in either the legislative or the presidential election. In all democracies, the right to vote is far too precious to be denied to citizens because of problems with administrative practices. The role of any election administration is to facilitate the vote, not to impede it.

After a long repressive tradition, Guineans have learned to be distrustful, and they are reluctant to provide names for inclusion on the electoral list. The assessment team believes strongly that prior to undertaking such a process, the GOG, civic organizations, and political groups must mount a directed campaign of civic voter education concerning the processes that will take place in 1992-93. More about this subject matter may be found later in the report under the heading of Civic/Voter Education.

Moreover, no proper census of the Guinean electoral population has ever been made. The Ministry works with an estimate of six million persons, some one-and-a-half million of whom are presumed to be qualified electors - a proportion of one in five Guineans. Furthermore, until the size of the voting population is known with some degree of certainty, the Ministry will be unable to provide budgetary estimates or planning of the other aspects of the electoral process. In its Electoral Code, the GOG opted for a permanent list of electors with periodic and special revision periods. It is not the role of the electoral team to make a judgment on this type of system.

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There are valid arguments to support both concepts. However, the GOG should be warned about potential abuses to which a permanent list of electors is easily subject. Such a list must not be used for any purpose other than the electoral process for which it was created. Even the slightest indication of any other use will result in an incomplete document and deep public disaffection with the process.

Statutory provisions on electoral list inclusion are found in articles 6 to 34 of the Electoral Code. It spells out in detail who should and should not appear on the list. Registration is mandatory for all qualified electors.

The GOG intends to proceed with an administrative census around April 1992. This date was chosen because the rainy season which lasts from May to November renders most of the country's secondary roads impassable.

This country benefits from a strong administrative structure dividing Guinea into prefectures and sub-prefectures. The urban areas are divided into communes and quartiers, while the rural areas consist of "Communautés rurales de développement" and districts. Staff members of the Ministry's electoral team will be trained in Conakry and then move up-country to train additional staff at each division of the administrative structure. Despite the fact that this is a time-consuming method of training, the assessment team believes that it does respond to the realities of life in Guinea. In a country not yet touched by audio-visual training technology, where electricity is not always available without generators, and where communications are sharply limited, there is no alternative. This method will succeed if outside assistance is provided to the Ministry in order to prepare simple, complete and uniform guides for use in the training phase of the electoral operation. The donor community should definitely support of this initiative.

When the census is started, qualified Guinean electors will have to go to the quartiers' or districts' offices to register. They will be required to show proof of qualifications through a national identity card and a certificate of residence. The national identity card is not common in Guinea. Since Guineans must pay for this document, feeding the family usually takes precedence over such an expenditure. Hence, it will have limited applicability in the

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registration process. The GOG, aware of this difficulty, has provided for use of other documents. In rural regions, all that is required is a simple confirmation of identity by the district head countersigned by two other respected district residents. The assessment team recommends extending this confirmation process to urban areas as well, which greatly resemble the situation in the villages. Every effort must be made to put in place an administrative mechanism that facilitates rather than impedes the process.

Voter registration is the process for which the GOG is best prepared, and for which it has provided budgetary estimates. These estimates together with annotations by team members appear as Appendix O to this report. Once completed, census data will serve as a basis for the permanent electoral roll. It will be updated annually according to a detailed procedure described in the Electoral Code. Furthermore, once an election is called, there shall be a special period of revision lasting up to the day before polling day. This special period of revision is actually one of the most positive aspects of the statutory provisions relating to the registration of voters.

When an election is called, what determines a person's right to vote is the name appearing on the list together with a voter card, which is supposed to have been issued to persons whose names are on the list. One item alone is not sufficient. The GOG is understandably concerned about voter card security. It would like to see this document produced outside the country so as to minimize the risk of fraud. This document will only be issued locally to the rightful owner in person at the quartier or district levels. The electoral team shares the GOG's view regarding the safety of this document and supports their conclusion that this document should be printed outside the country. This would be an appropriate contribution of a democratic donor country.

D. BALLOT DESIGN AND SECURITY

It is important to note that the Guinean electoral system for National Assembly elections gives citizens two votes. For electoral districts, this means voting in the existing 33 prefectures and Conakry's five communes which amounts to a total of 38 electoral districts. However, 114 members are elected to the National Assembly; 38 of these candidates elected locally by a

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simple majority and 76 members elected nationally from lists of candidates provided by political parties allocated in accordance with article 50 of the Constitution.

As in the case of French elections, the Ministry of Interior is responsible for printing all ballots. The procedure calls for voters to obtain a ballot for each local candidate and one for each list of national party candidates. After moving behind a screen, the voter inserts a ballot into an envelope noting the local candidate supported, and the preferred party list. The remaining ballots and party lists are discarded.

The Electoral Code and regulations at present provide for colored ballots. The electoral team strongly recommends against using colors in printing ballots for several reasons:

- 1) If ballots are printed locally, which is an issue unresolved at this point, there is a limit to the number of paper colors that are available. In addition, there is much room for error. For example, the local government elections that took place in June 1991 made use of color ballots. It turned out that the hoped-for red ballot ended up being light green.
- 2) There is potential cultural value attached to colors. For example green signifies the forest, and by extension growth; therefore it generates positive reactions. White signifies purity, and black death. There is therefore a potential for manipulation, whether deliberate or not.
- 3) Some of the polling will be conducted in darkness, making printed information of colored material more difficult to read. Black printing on red, for example, would be almost impossible to see in the dark.
- 4) An argument that the electoral team considers fundamental is the issue of ballot secrecy. It is much easier to read an elector's choice by looking at the colors of ballots that have been discarded by the voter.

The IFES team strongly recommends that the Ministry of Interior use a white background for the actual printing of ballots. In addition, given a literacy rate of less than 30%, the ballots

should be printed so as to give prominence to party symbols on the ballot face. This may help reduce the time an elector needs to vote. Further, the team recommends that discarded choices be placed in a special receptacle inside the voting booth, so the elector exits the booth with only the voting envelope containing the elector's choice, thus protecting ballot secrecy.

E. ROLE AND DUTIES OF POLL WORKERS

Some 30 days prior to election day, the Ministry of Interior designates polling places for Guineans to cast ballots. The Electoral Code mandates there shall be one such polling place for no more than 1,000 electors. Other factors, such as distance travelled, or location of villages, may affect the number of polling places within an electoral district.

On election day, a polling place (bureau) is to be staffed with five designated officials. They are: a bureau president, who is a civil servant, a vice-president, a secretary and two other assistants. There cannot be less than three members of the electoral staff present at any one time for the voting process to take place. Otherwise, the president of the polling place must appoint other electors present as replacement staff, as long as they can read and write French. Although this number of staff persons may seem large, there are good arguments in its favor. For example, in any one polling place there may be up to a thousand voters using as many as four voting screens at a time; this number of screens is necessary because of low literacy levels in Guinea. From their own experience in local elections, the Ministry officials report that a voter may take as long as three minutes to make a choice. A relatively large number of poll officials appears necessary, therefore, to maintain an orderly flow to the election process.

One positive aspect of the statutory or regulatory provisions involves the high level of authority accorded to the president of the polling place. Since there must be a decisive voice if the process is to be continual and uniform, the president is adequately empowered by statute to keep order by using the local police force if necessary. In addition to polling officials, there are legal provisions for political party representatives to observe the process and have objections entered in the official polling place records.

Finally, despite several discussions with Ministry of Interior staff members, it was still not entirely clear what kind of training is envisioned and whom in the electoral process it is intended to reach. For this important activity to be realized, the team recommends outside expert technical assistance with planning and preparation of training materials.

F. MECHANICS OF THE PROCESS AND PROCEDURES AT DESIGNATED POLLING PLACES

On election day, an elector proceeds to the assigned polling place and is identified by voting card and other documents. The elector's name is located on a list of names at the polling place, and a polling place official signs the elector's voting card, since this document may be used for more than one election. After obtaining the necessary ballots and envelope, the voter proceeds behind a voting screen to make his choice. After emerging from behind the screen, the elector places the envelope in the ballot box while being observed by a polling place official, and a notation is made on the list of voters so the person may not vote more than once.

Also included in the Electoral Code are provisions for those people unable to vote at their regular polling place. This includes police force members, the military, journalists, airline staff, seamen and any other person assigned to duties outside their normal residential area. However, each polling place will be provided with a complete special list of these people for cross-checking. Similarly, exception has been made to normal procedures for disabled electors to be assisted by a friend. This friend must be an elector, but chosen by the voter.

In addition, there are provisions for voting by proxy. There are four categories of persons who may request a proxy:

- 1) Military and para-military forces and more generally any elector absent from his or her habitual residence on election day;
- 2) Workers on regular assignment outside their residential area;
- 3) Persons in hospitals or under home care; and

4) Disabled persons.

An elector who belongs to one or more of these four categories must appoint another person whose name appears on the same electoral list as the proxy. This form of appointment must be verified by the appropriate authority. An elector named as proxy may only vote for one other elector and must present the elector's voting card.

This part of the statute is carefully written and will strengthen the entire process.

G. DISTRIBUTION, COLLECTION AND SECURITY OF BALLOTS

The issue of distribution, collection and security of ballots was discussed both at the Ministry of Interior and prefecture levels and can be extrapolated easily to quartier and district levels. Guineans will cast votes by selecting from among a series of ballots and inserting their final choices in an envelope to be deposited in the ballot box. The electoral team is confident that the administration can provide adequate security at polling places. However, the team recommends separate shipments of ballots and envelopes in order to assure better protection for the crucial elements of casting a vote.

H. LEVEL OF TRAINING OF ELECTION OFFICIALS

As noted briefly in a previous section of this report, the electoral team was impressed with the high degree of professionalism of the Ministry of Interior staff charged with administration of the election system despite little experience with a democratic system. They are highly skilled and knowledgeable regarding the magnitude and significance of their task. At the same time, the IFES team noted the need for expert electoral technical assistance and training concerning most aspects of the process facing Guineans. Some of the laws and regulations relating would gain from simplification. For example, forms can be designed to avoid duplication of information. The electoral team recommends providing assistance to the Ministry of Interior staff regarding this aspect of the electoral process.

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As already indicated, many local administration office employees will be working on the census while also serving as polling place officials on election day at a yet unknown number of polling stations. Because of the manner in which the Ministry of Interior intends to proceed with the training phase of this operation, it is crucial that solid, well-thought-out manuals be developed to ensure uniformity of process across the country. The team is confident that supplementing Ministry staff with outside experienced technical assistance would benefit this process. Election officials must be fully prepared to meet all situations so that arbitrariness does not invade the system and corrupt it. This can be done through a carefully designed training program for election officials at all levels.

I. IDENTIFICATION, PROCUREMENT AND SHIPMENT OF COMMODITIES AND EQUIPMENT

During discussions with Ministry of Interior staff, the team witnessed a desire to conduct low-cost, efficient elections, given that the GOG has only modest means at its disposition. The team has seen only modest assessment of need; there have been no unreasonable shopping lists. Although the team was not able to discuss all aspects of the election because of the many unknown variables in the process, there is a sense that the donor community will have ample opportunity to assist the GOG in the conduct of its legislative and presidential elections. The material needs of the elections should be identified once details of the process becomes clearer and the administrative census is completed. The team expects that wide participation by the donor community in providing election commodities and equipment will encourage the GOG in its democratization effort.

J. VOTE COUNTING AND CERTIFICATION OF ELECTION RESULTS

The statutory provisions for the tabulation of votes can be found in Articles 82 through 92 of the Electoral Code. The assessment team noted that in drafting this part of the statute great care has been exercised to institutionalize the partnership between government and political parties. Regrettably, that partnership does not extend yet beyond the local administrative units. Results are channeled quickly to the Ministry of Interior, where the participation is no longer joint. The electoral team highly recommends extending this partnership to all phases of vote

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counting and certification activities. Without burdening the system, this practice would add considerably to the system's credibility in the minds of Guineans.

The way this partnership works is especially well illustrated by the activities that take place immediately after the voting. After the polls have closed, the five polling officials select an as yet undefined number of electors present to act as vote counters in the presence of political party representatives. The statute also describes what constitutes a non-valid vote: an envelope without a ballot or a ballot without an envelope; several ballots of the same type in an envelope; torn envelope or ballots, or ballots marked in such a way that the identity of the voter may be determined; crossed off ballots; or ballots or envelopes not dispensed by poll officials.

Candidates' agents may object at any point during the procedure. These objections or commentaries are entered in the poll records, which can be signed by all at the end of the tally. One copy of the poll statement is sent to the local administrative office and a second is forwarded with all other electoral documents to the Ministry of Interior. A third copy is sent to the prefecture or sous-prefecture depending on the type of election. Since there will be more than one polling place in each electoral district, a first recapitulation of results is made at the district level in the presence of political party representatives. The result of this tally is forwarded to the Ministry of Interior. A final count is prepared at the Ministry of Interior without political party observers and the results, together with the necessary supporting documents, are passed on to the Supreme Court for certification.

Guinea as a country does not possess a complete network of communication. Delivering election results to the people will be a difficult task and will suffer delays which many will take to mean that the Ministry of the Interior is taking its time fixing the outcome of the elections. This issue will evidently have to be addressed before election day either on a temporary or permanent basis, depending on the means available at that time.

K. CIVIC/VOTER EDUCATION AND MOTIVATION

The specific question of voter education cannot be addressed outside the larger context of Guinean politics. Historically, whenever a government official would arrive in a Guinean

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village carrying registration cards, the inhabitants believed no good could result from the visit. In French colonial times, "registrations" were usually meant for the dreaded "corvée" -- work gangs on public roads or similar projects. In the 1958-84 period, no real elections were held, and recent attempts at local elections show the growing pains of a nascent political system. For many villagers, news of the registrar's arrival means inscription on the tax rolls.

There are also other obstacles to be overcome, including a literacy rate of less than 30% and an extremely provincial outlook, reinforced by the lack of radio and of easily accessible roads. The written press barely exists, being limited to a governmental weekly and infrequent opposition journals. A television station, the gift of the Libyan government in 1977, stays on the air four hours a day, limited largely to Conakry. This is a country where the radio is the prime medium of mass communication, with two 50-KW and two 18-KW short wave transmitters, two 30-KW and one 4-KW medium wave transmitters, and FM transmitters in Conakry, Kindia and N'Zérékoré. Rural radio now serves the regions of Guinea in local languages, but still large sections of the country remain uncovered. Regionalism dies hard; it will remain strong until an efficient, productive government demonstrates its presence consistently at the village and rural district levels.

Guineans told the IFES team that election-related discussions are further inhibited by the absence of a ready substantive word for political "power" and political "opposition" in most local languages. Likewise, there is no word that satisfactorily conveys the idea of a "nation." In some of the country's main languages, Sousou, Fula, Malinké, there are ideas of "all the ..." or "all descendants of ..." or "all people who live in ...," but the idea of nationhood is only beginning to take hold outside the main cities.

Other constraints exist. Political parties and political discourse are new to Guineans. Some fear violence. Given a heritage of colonialism and dictatorship, the give and take of the open forum is new to Guinean political life. Still, there are encouraging signs. Consensus seeking is a feature of many traditional Guinean groups. Griots and other mediators have played important roles as arbitrators. Joking cousins or "fools" have long told kings what opposition newspapers might tell governments in power. The "palaver tree" is a well-established African institution. Guinea begins the task of civic education with strengths.

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Most Guineans agree that there is a need for civic education. A skilled lawyer who contributed significantly to drafting the fundamental law has said that "Unless people understand and accept this, it will mean nothing." Capable Ministry of Interior officials, after discussing the technical issues of voter registration, voting, and vote counting, have stated that "this [process] will work only if the people know what they are doing and want to do it."

No electoral effort in Guinea will succeed without a strong public education campaign designed to raise civic consciousness. This can be done by using radio, community meetings, essay contests, meetings in each work-place and market, as well as schools and community institutions. This should be a broad-based initiative, with maximum participation from beginning to end by political parties, women, religious groups, and -- if possible -- every sector of society. Guineans are aware of this need, and with the assistance of international experts, are prepared to design an actual campaign complete with goals, an action plan, and proposed budget for consideration by the international community in its efforts to support Guinea as it moves toward democracy.

L. COMPONENT GROUPS OF THE ELECTORATE

Consider this picture by way of illustration. "How do you see our move toward elections?" the Guinean lawyer asked. We were driving through a traffic intersection. An aged yellow taxi passed us on the right, a large truck was ahead, and to the left a filling station. The stop lights did not work and the traffic police officer's control extended to half the territory. "It is as if Guinea is a car going down a narrow road, one foot on the accelerator, the other on the brake. There are swamps named 'tyranny' and 'anarchy' on each side. How do you see it?"

"Differently, as if we are in a car half-filled with gas. We know where we want to go, we are not sure we will get there," said the lawyer. The country is moving toward elections, but the situation and the composition of electoral groups remain fluid.

Guineans are an energetic, entrepreneurial, resourceful people, but civic life has been in a state of suspended animation for three decades. This is reflected in the electorate. Political parties did not come into existence until April 1992. A free press is currently limited to sporadic

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newspapers issued by the opposition or special interest groups. Economic organizations such as a Chamber of Commerce are yet to be formed. Merchants organize to protect themselves against thieves and market disturbances, but not for other purposes.

Despite his trade union origins, Sékou Touré never allowed the healthy development of free syndicalism in his country. Women, who important in the country's economic life in small-scale commerce and as mothers, are emerging as a political presence. The old regime organized women for a variety of purposes. The basic structure remains in place, and in some regions women gather monthly for networking, exchanging information, and mutual support.

When the question was asked in a rural region, "If a husband tells a wife how to vote, how will she vote?" The response from a responsible local figure was "She will vote as her husband tells her. Her role is to obey, and she is happy in that role. That is traditional African society. Maybe it will change with education, but not yet." In cities, the answer is less clear. In rural areas, respected elders can tell their extended lineage how to vote.

Human rights groups, which are necessary and vital in any society, are new to Guinea. The same is true of special interest groups. The university struggles to find buildings and equipment and to pay decent staff salaries. Affiliated centers, such as a research institute on voting trends and behavior, or a center for constitutional studies, remain dreams.

The military is at present a strong but silent force. Its members are prohibited to engage in direct political activity. The President, himself a career army officer, has said that "the military belongs in the barracks." The African military of the post-independence era, however, has a history of coming out of the barracks and taking over governments in time of real or perceived crisis. The present government seized power following Sékou Touré's death in 1984, and shortly thereafter General Conté successfully defended himself from an attempted coup.

Religious groups support civic participation. Although Christians are a minority of less than 2% of the population, they have an articulate spokesman in Archbishop Robert Sarah of Conakry, who told a Christmas midnight mass congregation at the Conakry cathedral:

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"We are in the middle of an epoch of painful confrontations. In Africa, as elsewhere, we see bloody confrontations between governments in power and opposition parties. Guineans are not strangers to this. We are going through an enormous upheaval and the situation in our country is characterized by fear, agony, and uncertainty about the future." The particular causes, he said, are economic instability and popular unrest, the failure of the government to allow political parties to form before April 3, 1992, and the unknown results of the task before the judicial system to protect and define civic institutions.

Rule of law, which forms the basis of democratic societies, is unknown in Guinea. For the last three decades, Guinea has had rule by military fiat. There is as yet no Supreme Court in the country, and only some forty lawyers, many in private or commercial practice, with no active bar association. The administration of law and respect for legal institutions, of a "government of laws and not of men", is yet to establish itself in Guinea.

Citing the need for rule of law and justice, Guinea's soft spoken but precise prelate said to break the vicious circle "The government in power and opposition parties in gestation should cease to follow their proper interests and work for national unity and the creation of a rule of law and prosperity for our country... Democracy will never arrive and root itself in our country without social justice, without a sane economy, and, above all, a spirit of reconciliation."

"Democracy", he continued, "is not a strategy safely controlled by intellectuals and political demagogues, trying to manipulate an illiterate population and young people, discouraged from their inability of finding work, and then abandoning such people" in an image from Conakry's streets, "like orange from which the juice has been sucked." Elections, in short, do not occur in a vacuum. They are a slice of the nation's ongoing political life, as is the judiciary, and an ongoing political dialogue among contending parties.

A number of political groups are beginning to emerge now; others will form as soon as they can collect dues and get stationery printed. Already playing a public role are the National Democratic Forum and the Guinean Association for Study and Research in Democracy and Development. Guinean exiles, many of whom work for international organizations, others

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employed as civil servants or teachers, contemplate returning to their home country. Long-time exiles, skilled at conversing over coffee and cognac with the world press, give lucid if sometimes outdated readings of the local situation. Some will return; others, well-established in careers, will watch from a distance.

Guineans in the administration fear violence and irresponsible acts by the opposition, such as strikes and calls for non-voting in the forthcoming elections. The opposition criticizes the incumbent government's concentrated power and the lack of political dialogue at present. All parties speak of Guinean society's "fragility".

It is also important to take into account a nation's attitude toward its institutions as evident in the way it presents its own history to its young people. A history book used in local schools summarizes the situation from which Guineans are emerging. "Private enterprise was abolished; the state controlled all. The regime suppressed democratic liberties. Militia and party young people watched all citizens' activities, seeding terror in towns and in the countryside. Roadblocks placed across roads and at the entrance of villages, and across inside roads in towns, restricted the flow of people and goods. Since 1970, Guinean populations lived in terror; thousands of young people, militants and intellectuals fled to other countries.

"The single party regime institutionalized by Sékou Touré (the party-state) consequently bruised any expression of public sentiment or the creative energies released at independence. Party ideology was imposed and taught in schools. Opponents were imprisoned or killed. Guinea, despite its natural riches, slept in misery and ignorance, until the death of President Sékou Touré March 26, 1984."

No one quite knows which way Guinea will go. Articulate Guineans commenting on the country's present shrug their shoulders when hazarding a prediction. A sun bleached sign in a local airline office suggests a possibility: "Better Flying Days for Africa Ahead." Free elections will help with the take-off.

M. INTERNATIONAL OBSERVERS

The GOG would like international observers to assist at its National Assembly and Presidential elections. Proud of its accomplishments to date in democratization, Guinea is eager to share its new political initiative with the international community. Most important for the GOG, successful elections conducted in the presence of international scrutiny will lend credibility to the new government. Against this background, the issue of international observers open is probably secondary at this time. More work on legal, policy, and administrative questions needs to be done first.

Substantive questions have been raised throughout this report:

- How can Guinean citizens believe in free and fair elections if a government ministry with vested interests controls every aspect of the process?
- How can political parties play a responsible role in a free society if they are encumbered by regulations and prohibitions at every turn?
- How can a press openly report on elections when the delineation of rights and responsibilities takes less than a page of the press law while much of the document enumerates penal sanctions against activities ordinarily associated with free speech?

These questions have been raised by Guineans themselves in and out of government. Until these substantive issues are satisfactorily resolved, there seems to be little likelihood of international endorsement of the forthcoming elections.

V. CONCLUSIONS

Guinea is on its way to democratization with energy and competence. This effort neither begins nor ends with free and fair national elections, but such elections are a focal point for the nation. Other democracies should help Guinea at this crucial point in its national life.

The first place to start is the electoral list. Without it, there can be no elections. Guinea has made a good beginning at defining the problems in this area, and its budget categories appear to be realistic. The assessment team offers the following recommendations:

- 1) Additional technical help in designing registry forms, voter cards, and ballots.
- 2) Additional technical help in preparing a national voter registration campaign, including design of a training program at the national prefecture as well as lower levels, and help with the compilation of an election workers manual to cover every contingency.
- 3) Additional technical help in preparing a national civic education campaign focused on the upcoming elections by using media, schools, and other existing infrastructure (women, griots, religious leaders, trade union, sports and musical personalities, etc.)

In each of the above cases, Guinean authorities need to develop a work plan, time frame, organizational chart, and budget, for use by international specialists and others who can work with them further to refine the details and implement the plan.

As noted in the body of this report, the organic laws on elections, political parties, and the free press represent clear progress in launching these important institutions, but still lack the needed balance between control and freedom. These laws remain overly burdensome and restrictive in places. The people and Government of Guinea, who want to build a democracy and know best the local realities and possibilities, will need to perfect these documents before they can serve their stated purposes.

Due to both organizational and policy constraints, it is premature to recommend sending election observers. But the international community should participate actively in supporting

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Guinea with expert assistance and the necessary means to institutionalize the electoral lists, voter registration and civic education campaigns, as soon as details are forthcoming from the GOG.