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DEMOCRATIC GOVERNANCE IN GUINEA: AN ASSESSMENT

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ACRONYMS

ADP	Alliance pour la Démocratie et le Progrès
AGDH	Association Guinéenne de Défense des Droits de l'Homme
AGEPI	Association Guinéenne des Editeurs de Presse Indépendante
AIA	Association pour l'Intégration Africaine
AJDG	Association des Jeunes Démocratiques de Guinée
AJG	Association des Journalistes de Guinée
ALEG	Alliance pour les Elections en Guinée
AN	Assemblée Nationale
APE	Association des Parents d'Elèves
AVR	Association des Victimes de Répression
BARAF	Bureau d'Aide à la Reconversion des Agents de la Fonction Publique
BCRG	Banque Centrale de la République de Guinée
CBG	Compagnie des Bauxites de Guinée
CD	Collectivité Decentralisée
CDC	Comité de Défense des Droits Civiques
CECI	Centre Canadien d'Etudes et de Coopération Internationale
CMRN	Comité Militaire de Rédressement National
CNC	Conseil National de Communication
CNE	Commission Nationale Electorale
CNI	Commission Nationale des Grands Marchés Publics
CNTG	Confédération Nationale des Travailleurs de Guinée
COD	Convention de l'Opposition Démocratique
COFEG	Coordination des ONGs Féminines de Guinée
COSALAC	Comité de Soutien à l'Action de Lansana Conté
CPA	Centre de Perfectionnement Administratif
CPSP	Country Program Strategic Plan
CR	Coordination Régionale
CRD	Communauté Rurale de Développement
CTRN	Comité Transitoire de Rédressement National
DAAF	Direction des Affaires Administratives et Financières
DNT	Direction Nationale du Tresor
EDSEG	Etudiants Diplômés sans Emploi de Guinée
E-G	Etats-Généraux
FLUG	Le Front de Lutte et de Gouvernement
FORUM	Forum Démocratique National
GERDDES	Groupe d'Etudes et de Recherches sur la Démocratie et le Développement Economique et Social
GF	Guinean Franc (790 FG = \$1.00: August, 1991)
GOG	Government of Guinea
IFES	International Foundation for Electoral Systems
IMF	International Monetary Fund
IRE	Inspection Regionale d'Education
IRI	International Republican Institute
LAGUNA	L'alliance Guinéenne Nationale
MAEF	Ministère de l'Agriculture, de l'Élevage et des Forets

MEF	Ministère de l'Economie et des Finances
MID	Ministère de l'Intérieur et de la Décentralisation
MIS	Ministère de l'Intérieur et de la Sécurité
MOSALAC	Mouvement de Soutien à l'Action de Lansana Conté
MRAFP	Ministère de la Réforme Administrative et de la Fonction Publique
MS	Ministère de la Santé
NGO	Non-governmental Organization
NRM	Natural Resources Management
OAU	Organization for African Unity
OGDH	Organisation Guinéenne de Défense des Droits de l'Homme et du Citoyen
PASE	Programme d'ajustement du Secteur de l'Education
PDG	Parti Démocratique de Guinée
PDG-RDA	Parti Démocratique de Guinée-Rassemblement Démocratique Africain
PIP	Programme d'Investissements Publics
PREF	Programme de Réforme Economique et Financière
PRN	Parti du Regroupement National
PRP	Parti de Renouveau et du Progrès
PUD	Parti pour l'Union et le Développement
PUP	Parti de l'Unité et du Progrès
RDD	Rassemblement Démocratique pour le Développement
REFLEG	Regroupement des Exportateurs de Fruits et de Légumes
RGT	Rassemblement Guinéen pour le Travail
RPG	Rassemblement du Peuple de Guinée
SCIO	Service de Coordination des Interventions des ONG
SED	Secrétariat d'Etat à la Décentralisation
SENATEC	Service National d'Assistance Technique aux Coopératives
SGCD	Secrétaire-Générale Chargé des Collectivités Décentralisées
SLECG	Syndicat Libre des Enseignants et Chercheurs de Guinée
SNAPE	Service National d'Aménagement des Points d'Eaux
SOGUIDIP	Société Guinéenne de Diffusion de Presse
UGTG	Union Générale des Travailleurs de Guinée
UND	Union Nationale des Déflatés
UNDP	United Nations Development Program
UNEEP	Union Nationale des Elèves et Etudiants Patriotes
UNIDO	United Nations Industrial Development Organization
UNPG	Union Nationale pour la Prospérité de la Guinée
UNR	Union pour la Nouvelle République
UPG	Union pour le Progrès de la Guinée
USAID	United States Agency for International Development
USIS	United States Information Service
USTG	Union Syndicale des Travailleurs de Guinée

I. EXECUTIVE SUMMARY

The main purpose of this democratic governance assessment is to provide USAID/Guinea with a comprehensive understanding of the institutional dynamics underlying the efforts in Guinea to forge a democratic regime based on the rule of law.

More specifically, the scope of work calls for the Associates in Rural Development (ARD) democratic governance assessment team to:

- * provide data and analysis which will be useful to the mission in formulating its next country strategy plan (CPSP);
- * identify constraints to progress in both economic development and the further political democratization of Guinean society and government;
- * suggest areas of long-term support through which existing USAID/Guinea projects and programs could help remove specific constraints hindering democratic governance identified in the analysis;
- * present a conceptual approach which could be used by USAID/Guinea to identify new project activities and programs to further democracy and good governance and contribute to the mission's efforts to promote sustainable development.

The democratic governance assessment is designed to provide a strategic approach which will be useful to both the Africa Bureau in Washington and the USAID mission in Guinea. This assessment concentrates on the following issues:

- * the growth of democracy and governance based on the rule of law, assurances of basic human rights and the emergence of a legal and regulatory environment compatible with the development of independent non-government institutions;
- * the growth of government institutions which are effective, accountable and responsive to public needs and demands;
- * the growth of a vigorous civil society with a capacity to meet the needs of the Guinean people and to effectively express and defend these needs to the holders of state authority;
- * the growth in the capacity of the Guinean political system and society to resolve conflicts peacefully.

The assessment team consisted of an economist and three political scientists with previous experience in institutional analysis. All of the team members had worked extensively in Francophone

Africa while three of the four team members had worked before in Guinea.

During the in-country phase of the assessment (October 25 to November 29, 1994), the team reviewed numerous documents provided by the USAID mission and American Embassy, as well as others received from donors, academics, NGOs, and government agencies. The team conducted interviews with USAID and embassy officials, political party leaders, jurists, scholars, central and local government officials, and representatives from the donor community, private sector and civil society.

A major handicap for the team was the refusal of the Ministry of Interior to give it an *ordre de mission* to go to the interior. This led to major gaps in data collection and slowed down work even in Conakry.

In addition to the general analysis of democratic governance in Guinea, the assessment was geared towards providing the mission with recommendations related to its overall country program strategy. The team leader spent considerable time reviewing the mission's strategic objectives and individual project and program activities, especially those in the areas of health, primary education, and decentralization to identify governance issues. The recommendations reflect an effort to demonstrate how the assessment's methodology and analytical framework can be applied to provide the mission with guidelines for making its choice of projects and programs compatible with democratic governance and other strategic objectives.

The conceptual framework used in the assessment was based on the institutional analysis methodology developed by the Indiana Workshop on Political Theory and Public Policy and used in previous ARD assessments in Mali, Niger, Ghana, Madagascar, and Tanzania. Extensive use was made of the six democratic disciplines to measure democratic governance in both state and civil society institutions.

To measure Guinea's progress towards democratic governance, the assessment team has used a variety of analytical tools. These tools have consisted of the following elements:

- * an analysis of historical factors or the weight of the past--e.g. the legacy of the First Republic--in shaping values and behaviors in Guinean society.
- * the use of interviews and content analysis of the Guinean press to identify the basic cultural values, norms, and incentives driving Guinean political behavior.

- * the examination of trends reinforcing six kinds of democratic behaviors through what may be referred to as the "democratic disciplines."

In order to find indicators to measure progress towards effective democratic governance in Guinea, there is a need to identify a limited set of widely agreed-upon goals or governance values which are shared not only by the analysts but also by a wide spectrum of politically active Guineans. Trends which can be used to measure progress towards effective democratic governance in addition to the DG components—efficiency, effectiveness, and responsiveness—described above include:

1. limiting the abuse of executive or central state authority whether abuse comes from a single person, a small unrepresentative group, or a major political force in society.
2. broadening opportunities for meaningful participation in decision-making. This involves not only elections, but also increased opportunities for citizens at all levels of society to assume real governance tasks and reduce the current situation reflected in heavy dependence on the central state.
3. application of the rule of law and minimum norms of social justice. This means guaranties of basic security and equal application of the rules to all, including those of higher status, wealth, and education.
4. the development of a democratic culture—e.g. democratic norms and values.
5. the expansion of opportunities for self-governance. This means more than administrative and political decentralization and entails greater opportunities for local communities and groups to manage their own affairs with a minimum of state supervision and intervention (the *tutelle*).

In order to trace the extent to which democratic goals have been promoted in the formal institutions of government and the broader civil society, we will examine trends towards reinforcing the six kinds of democratic behaviors which we refer to as "the democratic disciplines" which are vital to implementing the goals listed above:

- * *Constitutionalism*
- * *Judicial Discipline/Rule of Law*
- * *Representative Elections*

* *Free and Open Deliberation*

* *Open Public Realm*

* *Decentralization*

The transition towards democracy in Guinea has been a difficult one because of the legacy of 26 years of one party-rule from 1958-1984 and military rule from 1984 to 1990. The Touré regime created a party state that killed civil society, eliminated private sector activity, and trampled human rights. To its credit, the military regime led by Lansana Conté eliminated the worst abuses of the Touré regime and liberalized the economy. During the Second Republic, the civil society began to revive and an enabling legal framework established for revitalizing the economy.

Since 1990, Guinea has made considerable progress on the road to democracy. Democratic rule changes have permitted the development of a vigorous though vulnerable independent press, the emergence of human rights organizations, the creation of political parties, and detailed procedures and institutions for the conducting of national and local elections.

The opening up of the public realm has given private firms, NGOs, hometown development associations, women's groups and other apolitical groups much freedom to organize and manage their own affairs.

However, the impressive progress made has been somewhat tarnished by a general pattern in which rule enforcement of democratic rights and procedures seems to decrease as group activities become more overtly political and perceived as threats by those in power. The regime has also lagged its feet in establishing a National Assembly through national legislative elections which have been delayed again and again.

Four major patterns in rules and behavior pose serious constraints to moving further along the path to democratic governance in Guinea:

* the non application and enforcement of democratic rules guaranteeing citizens, associations, and political parties, their full political and civil rights.

* the limited capacity of most government institutions, notably the courts and legal system, to carry out their mandate.

* the overriding centralization and *tutelle* mentality embodied in central government officials which blocks efforts towards real decentralization and raises the

transaction costs of individuals and groups in civil society to organize and manage their own affairs.

- * the lack of political dialogue and mutual distrust among the key political actors.

These patterns all have implications for USAID/Guinea programs. The tutelle mentality makes it difficult to implement decentralization programs. The limited capacity of Guinea's legal system hampers the mission's efforts to provide a more favorable climate for promoting the private sector in general and foreign investment in particular and adversely affects financial accountability and transparency in government spending. The violation of key election rules in the 1993 presidential elections resulted in a reduction in the level of US aid to Guinea and clouds USAID/Guinea's future relationships with the GOG.

At present, USAID/Guinea is proposing a cross-cutting DG objective whose purpose is "to help Guinea establish transparent, open, accountable, and effective governmental institutions and to develop a democratic civil society which promotes broad-based economic development and equitable participation in social and political life."

The DG assessment team proposes that USAID/Guinea develop a two pronged strategy in formulating its DG strategic objectives. The first would address two major constraints in the macro-political system—the absence of political dialogue and the tutelle mentality. USAID should look into establishing two kinds of programs:

- * support for the establishment of a national public forum or fora which would bring together representatives of the state, political parties, and civil society to promote political dialogue, the frank discussion of public policy issues and ways of creating a pluralistic democratic system adopted to Guinea's specific political, social, and cultural environment.

- * support for a broad-based campaign and policy dialogue with the GOG to promote changes in tutelle rules and attitudes which block effective decentralization.

The second approach recommends incorporating DG components into USAID/Guinea's sectoral Strategic Objective programs, especially in the areas of primary education and public health programs at the local level. These programs would rally broad community support and participation.

This approach would strive to strengthen civil society at the local level and its capacity to articulate community interests

at the local and national level by forging horizontal linkages between local government, deconcentrated state services (e.g. health, education), hometown and village development associations, women's groups, local entrepreneurs, and concerned community groups specifically interested in issues touched by USAID/Guinea programs--e.g. greater female school attendance, NRM, family planning programs, etc.

The DG components of USAID/Guinea programs to implement sectoral SOs would mobilize local financial and human resources to co-produce public services in collaboration with the government. They would also encourage local communities to articulate their needs concerning health and education and to lobby for these needs at the local and national levels. The horizontal linkages reinforced by the rallying of local community groups around concrete sectoral objectives would strengthen civil society and provide mechanisms and incentives for the state to become more responsive to local needs.

Several major gaps need to be filled because of the failure of the team to get permission to travel in the interior. This problem blocked the team from a field-based assessment of local government, the territorial administration, local level associational life, and the dynamics of party politics at the grassroots level. A second gap which was a consequence of the team's arriving before the holding of national legislative elections was a missed opportunity to fully understand the dynamics of party politics and coalition formation and to make an assessment of the role of the National Assembly in the Guinean political system.

To fill these gaps, the ARD DG assessment team recommends that USAID/Guinea bring back a small team for a second mission after the legislative elections. The team would spend three to four weeks in Guinea (between March and May 1995?). Most of the team's time would be spent doing field work in the interior. The team would also look at the implications of the legislative elections and the emerging role of the National Assembly. Before the team arrives in-country, USAID/Guinea should have already obtained the authorization for the team to travel freely in the interior from the MIS.

II. INTRODUCTION

A. Assessment Purpose, Scope, and Methodology

The main purpose of this democratic governance assessment is to provide USAID/Guinea with a comprehensive understanding of the institutional dynamics underlying the efforts in Guinea to forge a democratic regime based on the rule of law.

More specifically, the scope of work calls for the Associates in Rural Development (ARD) democratic governance assessment team to:

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- * suggest areas of long-term support through which existing USAID/Guinea projects and programs could help remove specific constraints hindering democratic governance identified in the analysis;
- * present a conceptual approach which could be used by USAID/Guinea to identify new project activities and programs to further democracy and good governance and contribute to the mission's efforts to promote sustainable development.

The democratic governance assessment is designed to provide a strategic approach which will be useful to both the Africa Bureau in Washington and the USAID mission in Guinea. This assessment concentrates on the following issues:

- * the growth of democracy and governance based on the rule of law, assurances of basic human rights and the emergence of a legal and regulatory environment compatible with the development of independent non-government institutions;
- * the growth of government institutions which are effective, accountable and responsive to public needs and demands;
- * the growth of a vigorous civil society with a capacity to meet the needs of the Guinean people and to effectively express and defend these needs to the holders of state authority;
- * the growth in the capacity of the Guinean political system and society to resolve conflicts peacefully.

The assessment team combined data compilation and analytical exercises pertaining to both political institutions and processes. The principal institutions analyzed included: (i) the state—e.g. executive, judiciary, the *Comité Transitoire pour le Redressement National* (CTRN), civil service, decentralized administration and services; (ii) civil society—e.g. professional associations, unions, religious and cultural associations, producer and commercial associations, indigenous NGOs and grassroots organizations, and women's groups; and (iii) linkage institutions such as political parties and the independent media. The political processes examined included the functioning and institutional dynamics of the electoral system, political party

rivalries and coalitions, the integration of various codes and rules into a coherent rule of law, and mechanisms for insuring transparency in government operations. The assessment also looked at the capacity of government institutions, the legal system, and components of civil society to fulfill their basic functions and promote democratic governance.

The assessment team consisted of an economist and three political scientists with previous experience in institutional analysis. All of the team members had worked extensively in Francophone Africa while three of the four team members had worked before in Guinea. Two of the team members had worked on DG assessment reports for Mali and Niger. The team also recruited a Guinean lawyer to provide a detailed analysis of the legal system and another Guinean who facilitated contacts with various representatives of civil society and organized a meeting with Guinean intellectuals and scholars to discuss the impact of traditional values and historical precedents in affecting the behavior of governmental institutions and civil society actors.

Before going to Guinea, three team members attended a two day conference in Washington which focused on improving the democratic governance assessment methodology. All team members reviewed key documents before leaving for the field and met in Paris for two days for a team building exercise. During the in-country phase of the assessment—October 25 to November 29—the team reviewed numerous documents provided by the USAID mission and American Embassy, as well as others received from donors, academics, NGOs, and government agencies. The team conducted interviews with USAID and embassy officials, political party leaders, jurists, scholars, central and local government officials, and representatives from the donor community, private sector and civil society.

Plans for doing field work outside of Conakry had to be canceled because the team did not receive authorization or *ordres de mission* from the Ministry of the Interior (MIS) to travel. The lack of cooperation from the MIS also prevented team members from interviewing key officials in the MIS responsible for supervising elections, political parties, associational life and public liberties. This situation led to important gaps in data collection and analysis which will need to be filled by a future mission.

In addition to the general analysis of democratic governance in Guinea, the assessment was geared towards providing the mission with recommendations related to its overall country program strategy. The team leader spent considerable time reviewing the mission's strategic objectives and individual project and program activities, especially those in the areas of health, primary education, and decentralization to identify governance issues.

The recommendations reflect an effort to demonstrate how the assessment's methodology and analytical framework can be applied to provide the mission with guidelines for making its choice of projects and programs compatible with democratic governance and other strategic objectives.

B. Conceptual Approach and Analytical Framework: Improving Democratic Governance for Sustainable Development in Guinea.

This section provides a brief description of the conceptual approach and analytical framework used by the assessment team in analyzing political change and governance behavior in Guinea since the December 23, 1990 referendum which ushered in the Third Republic.

1. USAID and Democratic Governance

The USAID/Guinea mission's program is part of a broader United States government commitment to promote sustainable development. USAID has identified four main development priorities to achieve this goal: broadly shared economic development; improved management of natural resources and the environment; improving the health and well-being of the population; and supporting the democratization process.

USAID is committed to promoting democracy and governance reforms not only an objective in its own right but also as the means to achieving its other priority development objectives. Democratic development is a crucial ingredient in fostering sustainable development. Democratic development institutionalizes and enhances opportunities for meaningful participation. It also implies the acceptance of legitimate and regular processes that give people the opportunity to choose their leaders and insure them at least a minimum standard for maintaining basic human rights.

Good governance and democracy are not necessarily identical. Good governance can be regarded as the means by which societies organize themselves for the management of their public or collective resources. At a minimum, good governance (or better governance) implies management which is effective, efficient, and responsive to the needs of the people. Effective governance may also entail transparency and financial accountability. The idea of good governance in the Francophone African tradition is often expressed in the term *Etat de Droit*, which stresses legal limitations on abuses of office and state authority. The Anglophone concept of good governance includes notions of fairness and due process.

Democracy is a complex concept and more than the replication of American, British, and continental European models. At a minimum, democracy involves an expansion of public accountability

made possible through real opportunities for the public/citizenry to judge and sanction leaders (usually through free and competitive elections) and a widening and deepening of public participation in the political process.

The process of democratization which entails movement toward the minimal principles and behavior of democracy may occur without necessarily improving governance. Democratic governance can even undermine good governance by introducing incentives for greater corruption and opportunities for majorities and officials to repress or exclude minorities through selective application of the rules of law.

Effective democratic governance implies promoting a governance environment that embodies both democratic rules for managing public resources and principles of good governance. If governance decisions are to be truly responsive to the public, the public must have meaningful ways to express these values and to obtain information about the performance of the actors presumably acting on their behalf—e.g. elected representatives and state officials. Moreover, if governance is to be effective and efficient, the quality of government performance must improve as well as the capacity of the system to produce and implement good decisions concerning the management of public resources.

In this assessment, the concept of democratic governance is applied not only to formal state structures but also to the various institutions within civil society. The notion of democratic governance is thus applied to examine:

- * the institutional dynamics of state and civil society relationships;
- * the institutional dynamics within state structures;
- * the institutional dynamics within the various organizations and groups constituting civil society.

2. Rules, Incentives and Behavior

The approach adopted in this study is based on the proposition that people are rational in making choices concerning the way they organize themselves to manage their affairs. Thus, people make choices based on the best information available to them about the rewards and costs (incentives and disincentives) to be expected in opting for different sets of behavior. Individuals will choose to act in ways which they expect will yield rewards at reasonable costs.

Our approach is rules-driven. We define institutions as formalized sets of rules orienting human behavior. Individuals tend to obey formal rules when these are perceived as legitimate

or when they know that rules will be applied and enforced and sanctions taken against those violating the rules. People break formal rules when these are not perceived as legitimate or when there are strong incentives to break them with a low risk of being penalized for not following the rules.

Democratization of formerly authoritarian societies is based on changing existing rules to encourage different forms of political behavior in conformity with democratic norms. To be effective, rule changes should entail four distinct functions. Rules thus have to be prescribed, invoked, applied, and enforced.

Prescription is made through formal legal instruments such as constitutions, laws, and decrees. The 1958 Guinean constitution had liberal provisions to insure the defense of human and political rights. However, these rules under the First Republic were not invoked by Guinean citizens or applied and enforced by the regime. Hence, they remained little more than pious words on paper.

Once prescribed, rules must be invoked by the parties affected by the rules. If the involved parties don't invoke the rule, then the prescribed rule will not be applied. For example, when rules to protect citizens against abuse of authority by government officials are not invoked, officials may feel free to violate the rules with impunity. In some cases, citizens or officials don't invoke the rules because they don't know or don't understand them. In other cases, they don't invoke them because they believe that the rules will not be applied by officials or that they will suffer penalties for daring to invoke the formal rules.

Once invoked, rules must be applied if they are to be effective. The executive branch of government and the civil service are usually charged with applying governance rules prescribed by law. Courts may also intervene to see that rules are applied to fit the particular circumstances prescribed by the law.

Finally, for rules to be effective, they must be enforced, if necessary, by the use of coercive sanctions. Institutions use sanctions to enforce rules, thus strengthening incentives for individuals to obey the rules. If officials know that they are not likely to go to jail when caught embezzling public funds, they are also more likely to abuse their power.

The rule of law prevails when all four governance functions—i.e. prescription, invocation, application, and enforcement—are carried out by those charged to do so. Rules work best when two basic conditions are met. First, all the parties charged with carrying out the rule and affected by the rule must share a *common understanding* of the meaning of the rule. Rules promoting democratic governance thus must be disseminated, understood, and perceived to be legitimate if they are to be followed. Second,

the authority to invoke, apply, and enforce rules in a manner consistent with prescribed legislation must be accompanied by incentives to follow the rules. Individual and collective material and non-material benefits--e.g. opportunities for promotion for officials, social peace for the community--constitute positive incentives. When applied and enforced, sanctions and penalties constitute negative incentives which discourage individuals from breaking the rules.

3. The Democratic Disciplines and Democratic Governance

To measure Guinea's progress towards democratic governance, the assessment team has used a variety of analytical tools. These tools have consisted of the following elements:

- * an analysis of historical factors or the weight of the past--e.g. the legacy of the First Republic--in shaping values and behaviors in Guinean society.
- * the use of interviews and content analysis of the Guinean press to identify the basic cultural values, norms, and incentives driving Guinean political behavior.
- * the examination of trends reinforcing six kinds of democratic behaviors through what may be referred to as the "democratic disciplines."

In order to find indicators to measure progress towards effective democratic governance in Guinea, there is a need to identify a limited set of widely-agreed upon goals or governance values which are shared not only by the analysts but also by a wide spectrum of politically active Guineans. Trends which can be used to measure progress towards effective democratic governance in addition to the DG components--efficiency, effectiveness, and responsiveness--described above include:

- * limiting the abuse of executive or central state authority whether abuse comes from a single person, a small unrepresentative group, or a major political force in society.
- * broadening opportunities for meaningful participation in decision making. This involves not only elections, but also increased opportunities for citizens at all levels of society to assume real governance tasks and reduce the current situation reflected in heavy dependence on the central state.
- * application of the rule of law and minimum norms of social justice. This means guaranties of basic security and

equal application of the rules to all, including those of higher status, wealth, and education.

- * the development of a democratic culture—e.g. democratic norms and values.

- * the expansion of opportunities for self-governance.

This means more than administrative and political decentralization and entails greater opportunities for local communities and groups to manage their own affairs with a minimum of state supervision and intervention (the *tutelle*). In order to trace the extent to which democratic goals have been promoted in the formal institutions of government and the broader civil society, we will examine trends towards reinforcing the six kinds of democratic behaviors which we refer to as "the democratic disciplines" which are vital to implementing the goals listed above:

- * *Constitutionalism/Constitutional Limits*. To what extent and through what means has the society decided to create formal limits on the behavior of authorities and ordinary people which are basic, difficult to change and enforceable?

- * *Judicial Discipline/Rule of Law*. To what extent are holders of state authority willing to faithfully execute the law and judicial decisions and acknowledge that they can not exercise coercive power without legal foundation?

- * *Popular Representation Through Elections*. To what degree can informed citizens sanction their rulers for illegal or inappropriate behavior or simply poor and unresponsive performance? Popular limits are usually associated with exercise of electoral choice. Citizen advocacy and articulation of demands by non-governmental associations can also be an important way of curbing abuse of power by holders of state authority.

- * *Free and Open Deliberation*. To what degree do public policy decisions and rule changes follow a process which provides elected representatives and citizen groups articulating various interests with sufficient information, time, and access to the ultimate decision-makers to conduct intelligent debate and deliberation of public issues and proposed rule changes?

- * *Open Public Realm*. To what extent can citizens associate freely and express themselves freely without incurring high transaction costs (loss of income and employment and/or risks to personal security)? The opening up of the public realm has probably been the most important single factor in promoting democratic processes in Africa.

Without significant progress in this area, people will face major constraints in providing their input on public policy and be discouraged from organizing groups capable of checking state power and performing governance processes for themselves.

* *Decentralization.* To what degree can citizens address and resolve public or collective problems that confront them at the local level? People have greater incentives to participate when they have the responsibility to deal directly with concrete issues of direct concern to them.

III. TRANSITION TO DEMOCRACY: THE POLITICAL, CULTURAL AND ECONOMIC CONTEXT

Guinea is currently going through a critical period of transition from a military regime to a multiparty democracy. Although much progress has been made since 1990 in establishing the legal framework for a democratic regime, this process is far from complete. This section examines the historical forces and traditional socio-cultural values which have and continue to shape Guinean political behavior and the economic context in which the transition to democracy is taking place.

A. Guinea's Political Evolution: The Weight of History in Shaping Political Behavior and Institutional Dynamics

1. Precolonial History

Guinea's precolonial history can tell us much about contemporary political dynamics. The country now known as Guinea was once integrated into the vast Mali Empire dominated by Mande-speaking peoples. Historically, conquest has been the main basis of political relationships between the main ethnic groups living in Guinea.

During the 17th and 18th centuries, Fulani Muslims originating in the precolonial state of Macina in Mali moved southward into the Fouta Djallon, subjugating the peoples of that region and pushing the Sousous further south to the coast. In the late 19th century Samory Touré founded a large empire which brought him into conflict with the Fulani and led him to subjugate the peoples of the forest, many of whom were sold into slavery in order for Touré to obtain arms to maintain and expand his empire.

If we look at Guinea's four natural regions, we see that they coincide more or less with four major ethnic groups:

* the Malinké in Upper Guinea who claim descent from the rulers of the Mali Empire and identify with Samory Touré's 19th century empire.

- * the Fulani in Middle Guinea concentrated primarily in the Fouta Djallon who subjugated the local populations and assimilated them into Fulani culture.

- * the Sousou in Maritime Guinea who were pushed southward towards the coast by the Fulani conquest and who had the earliest contacts with Europeans.

- * the forest peoples of Guinea consisting of several smaller ethnic groups-e.g. Guerze, Toma, Kissi-with close ethnic ties to other forest peoples living in Liberia and Sierra Leone. The forest peoples had a long tradition of commerce with Mande speaking merchants from the savannah areas of Upper Guinea and Mali.

In political terms, the Malinké and the Fulani were the winners and the Sousou and forest peoples the losers in the context of the political system. To lose meant enslavement, paying tribute, and sometimes abandoning traditional lands and beliefs. The Malinké and Fulani political leaders were devout Muslims while the Sousous and forest peoples originally were not.

A major legacy of precolonial history has thus been the survival of strong ethnic and regional identities among the four major peoples of Guinea and an historical memory which influences the dynamics of contemporary political relationship.

2. The Colonial Conquest

Colonial rule was established by force and had a major impact on Guinean political relationships. At first the Fulani sided with the French against the Malinké empire of Samory Touré. When it became clear that the French were out to destroy the autonomy of the Fouta Djallon theocratic state, the Fulani also revolted. The last decade of the 19th century was marked by armed resistance to the French conquest by all of Guinea's main ethnic groups. Guinea was not fully pacified until well into the 20th century. The colonial conquest resulted in several changes in precolonial society:

- * the loss of autonomy and the destruction of indigenous political institutions.

- * a shift in the locus of economic activity and political power from the interior to the coast.

- * the subordination of all the peoples of Guinea to French rule.

Memory of the colonial conquest and the harsh rule of the colonial period created anti-French sentiments and feelings of

patriotism which became an important ingredient of the anti-colonial struggle.

3. The Autocratic Phase of French Colonial Rule (1890-1945)

Although France was a democratic European nation, it ruled its African colonies in an autocratic and undemocratic manner. The African populations of Guinea had the legal status of subjects and thereby did not enjoy political and civil rights. They had to endure forced labor, imprisonment without trial, and taxation without representation. If we look at French rule through the vantage point of the "democratic disciplines," we see that more than a half century of autocratic colonial rule did little to build a democratic culture:

- * Constitutionalism and Constitutional limits.

The rules were established in the *métropole*. Africans were not consulted in making policy or determining the rules of the game. Few limits were set on administrative authority and there was little recourse for Africans from abuse of state authority.

- * Popular Representation Through Elections

Guinean subjects had no political rights and could not participate in the political life of the colony. Only a small number of naturalized citizens could vote or become candidates in representative colonial institutions. The French Governor named the canton chiefs who became the main intermediaries between the colonial regime and the Guinean populations and the principal tax collector.

- * Deliberative Democracy

The embryonic representative institutions during this period were dominated by French colonial administrators. The French sought little input from the African populations. Nominated chiefs sitting on local and territorial councils were expected to serve as transmission belts for directives from the colonial governor rather than to represent the African populations. Executive dominance as exercised by the Governor and the colonial administration precluded any real decision making powers by elected bodies or African public opinion.

- * The Open Public Realm

As subjects, Africans did not enjoy the right to associate and to organize in defense of their own interests. Subjects could not organize trade unions, political parties, or other political associations. The first political association in Guinea in Guinea did not appear until 1943 after French West Africa had

rallied to General DeGaulle. In short, colonial rule stifled the emergence of civil society and open public debate. Criticism of the administration was considered to be a crime by the colonial authorities.

* Rule of Law

The French instituted a three-tiered legal system. The first tier consisted of courts and laws modeled on the metropolitan system which was geared to French living in Guinea and the few naturalized Guinean French citizens. The second tier was a system of administrative justice known as the *indigénat* which gave colonial officials broad authority over their Guinean subjects and the right to recruit forced labor and punish Africans for alleged insults and lack of respect for French authority without a hearing. The third tier consisted of traditional or customary courts which settled family, inheritance, and land disputes on the basis of customary or Islamic law. During the period of autocratic colonial rule, there were few checks on the abuse of state authority by colonial officials.

* Decentralization and Self-Governance

The French colonial system was highly centralized and designed to prevent the emergence of autonomous African institutions. Political authority was concentrated in the hands of the colonial governor.

The autocratic phase of colonial rule thus left most Guineans with a distrust and fear of state power.

During this period, the French favored the Fulani feudal elite over other ethnic groups in the colony. At the same time the Fulani captives who constituted as much as 50 percent of the population of the Fouta Djallon retained their low social status and remained subjugated to the traditional chiefs. Malinké influence declined sharply after the defeat of Samory Touré. Despite much migration into Conakry and the Maritime region due to colonial economic activity, the Sousou remained the most prominent ethnic group in the area while Sousou became the lingua franca for city dwellers in Conakry. In the absence of representative political institutions, ethnic groups had no outlet for political competition. Instead, members of different ethnic groups formed ethnic hometown associations which maintained their ties with their villages back home and provided mutual aid for their members.

4. Decolonization to Independence (1945-1958)

The short 13-year decolonization period leading to independence was one of the few periods in Guinean history in which democratic

institutions were allowed to function. One interesting parallel with the Third Republic was the reluctance of the French colonial administration to fully apply the democratic rules prescribed in the Constitution of the French Fourth Republic and its use of the administrative apparatus to intervene in territorial elections.

a. Constitutionalism

Colonial reforms taken in 1945/46 changed the status of Guineans from subjects to citizens and permitted them to enjoy political rights and civil liberties, to participate in democratic politics and to form all kinds of political, economic, and cultural associations to defend their interests.

b. Popular Representation through Elections

Elections were fiercely contested. Major elections took place in 1945, 1946, 1951, 1952, 1954, and 1957. Election rules changed quickly to expand the electorate. By 1957 all adult Guineans could vote. The elections spurred the development of competitive party politics. Regional and ethnic parties predominated and electoral politics was characterized by:

- * shifting coalitions of ethnic and regional parties.
- * French colonial intervention in elections to favor pro-administration candidates and parties and to repress radical nationalist parties.
- * the emergence of the PDG led by Sékou Touré as the dominant political party in the country.
- * the winning of widespread popular support for the PDG by campaigning against the colonial administration and the chiefs.

c. Deliberative Democracy

While Guinean elected officials dominated the Territorial Assembly since 1946, they had little control over policy making and implementation which remained in the hands of the French colonial Governor and administration. Guineans did not participate in executive power until 1957 when Sékou Touré presided over the first African-dominated executive. Even then, power had to be shared with the colonial administration until independence. The rules gave Guinean representatives the power to approve or vote down budgets elaborated by the colonial governor. On the other hand, political debate within the territorial assembly was often vigorous.

d. Open Public Realm

The rights of association combined with rapid social and economic growth to favor the development of a powerful trade union movement and formation of political parties. Freedom of the press gave Guineans the possibility to publish their own newspapers which represented different political beliefs and criticism of French colonial policy and practices. During the decolonization, an open public realm permitted the development and expansion of a pluralist civil society. Political parties also promoted the expansion of trade associations, women's and youth groups which became incorporated into party structures.

e. Rule of Law

Running on an anti-colonialist platform, the PDG challenged the legitimacy of French colonial authority and undermined the population's respect for and adhesion to French legal norms. For most Guineans, the colonial legal system remained an alien institution. For their part, the French colonial administration undermined popular trust in the rule of law by its actions in manipulating election results and transferring or firing Guinean government employees for being members of radical nationalist parties like the PDG.

f. Decentralization and Self-Governance

During this period, some decentralization was attempted with the creation of urban local government units in the major urban centers in the 1950s. On the other hand, nothing was done to promote local rural councils and other forms of local government. The colonial administration remained highly centralized and dominated by the French. In the context of decolonization self-governance meant the transfer of political power from the French to the Guineans and the Africanization of the command posts of the territorial administration.

g. The September 28, 1958 Referendum and Its Consequences

One of the most decisive events in modern Guinea's political history was its decision to opt for immediate independence by voting no in the September 28, 1958 referendum organized by General DeGaulle. Guinea was the only Black African Francophone territory to take this bold step despite warnings from General DeGaulle of the adverse consequences that would flow from such a decision. Sékou Touré became one of Africa's most admired political leaders by choosing independence. It should be noted that Touré had the overwhelming majority of the population behind him in taking this decision. Till today, Guineans are still proud that they were the first to defy France and gain independence.

France's decision to punish Guinea had dire consequences for the development of democracy and good governance in Guinea. In breaking with Guinea, France dismantled its administrative apparatus, destroyed records and office equipment, withdrew economic and technical assistance, and attempted to isolate Guinea diplomatically from its Francophone African neighbors. France's brutal break with Guinea left the country without competent personnel to run the state and pushed it into close ties with the Eastern Bloc and set the stage for the emergence of the Party-State.

5. Sekou Touré and The First Republic (1958-1984)

Shortly after independence, the PDG absorbed the two Fulani-based parties in the opposition and created a one-party state. The party replaced the colonial administration as the main institution for controlling the population. Under Sekou Touré, Guinea organized a one-party state based on democratic centralism and socialist principles which eventually evolved into a repressive and arbitrary personal dictatorship. Various real and alleged plots to overthrow the regime and the abortive 1970 invasion from Portuguese Guinea reinforced the regimes' tendency towards repression, tight control of its people, and isolation from the West.

a. Constitutionalism and Constitutional Limits

The liberal November 10, 1958 Constitution based on the French model provided for a system of checks and balances between the executive, legislative, and judicial branches of government. It also guaranteed freedom of press, speech, association, assembly and religion and the right to join trade unions and strike. In practice there were no rules to ensure that the Constitution would be applied and enforced. The real working rules were the supremacy of party structures over state and administrative structures and the establishment of Sekou Touré as the ultimate political authority. The real working rules totally denied the principle of constitutional limits and eventually led to the brutal repression of human rights as reflected in Camp Boiro where political prisoners were beaten, tortured, and starved to death.

b. Popular Representation Through Elections

Under the First Republic, PDG elections served as the main vehicle for popular representation. Only PDG candidates could compete in national elections and nomination was tantamount to election. Rather than representing local and regional interests, the National Assembly merely ratified decisions taken by the central organs of the party. At the local level, 20 percent of the offices were reserved for women. Young people also held prominent party positions. Civil servants and government

employees dominated party structures. In the mid-1960s, party election rules excluded merchants and traders from holding party office. The PDG was organized around the principle of democratic centralism in which local party units elected representatives to higher party levels and executed the decisions taken at the national level by the central organs of the party.

c. Deliberative Democracy

Under the Party-State, the central organs of the PDG became the main deliberative body. Party-state lines were blurred as government officials were subordinated to party leaders. And most party leaders were government employees. During the early 1960s, there was more internal debate within the party concerning major national policy issues which were discussed in national party congresses or special National Conferences. Over time, these debates diminished as the PDG became the personal instrument of Sekou Touré. With power extremely concentrated in the hands of the party and the person of Sekou Touré, the formal executive, legislative, and judicial branches had no power to check party decision-making or challenge party decisions. As a result, major decisions affecting society were often taken hastily. In some cases, they were revoked just as hastily.

d. Open Public Realm

Perhaps the most striking feature of the Touré regime was the destruction of the open public realm that had developed during the postwar decolonization period and the virtual elimination of autonomous civil society associational life. Rule changes to eliminate the foundations for autonomous associational life included:

- * the abolition of private schools
- * the subordination of Christian and Muslim religious associations and leaders to the party-state
- * the elimination of an independent press and the forbidding of Guinean citizens to own private radio transmitters.
- * the elimination of trade union pluralism and autonomy through the establishment of a single trade union structure incorporated into the PDG.
- * the incorporation of all women's and youth groups into the PDG party structures.
- * the monopoly of the party over all cultural and sports activities.

- * the socialization of the economy which virtually eliminated the formal private sector.
- * the establishment of state farms and cooperative structures as the main form of rural producer associations.
- * the abolishing of merchants and trader associations and the exclusion of these elements from party office.
- * the elimination of the liberal professions
- * the monopolization of intellectual life and political thought by Sekou Touré as reflected in the huge number of tomes produced by Touré and the subordination of Guinean post-secondary institutions to political and ideological criteria.

In addition to the rule changes listed above, the Touré regime also contributed to the closing of the public realm by severe repression of critics of the regime who were often jailed or physically eliminated, the creation of an atmosphere which demanded total loyalty and encouraged spying and denunciation of anti-revolutionary elements, and hostility towards and suspicion of university graduates and intellectuals trained abroad. The climate of fear and insecurity was reinforced by the frequent announcement of plots against Touré and the elimination of potential rivals. This atmosphere led to the departure of an estimated 2 million Guineans from the country during the course of the First Republic.

e. Rule of Law

During the First Republic, Sekou Touré himself became the supreme arbiter of Guinean justice and the final court of appeal. He had the power to pardon all prisoners as well as to jail them. The formal court system was subordinated to the party. Popular judges nominated by the party made decisions along side of judges and magistrates with formal legal training. The regime eliminated private lawyers and provided people with appointed lawyers, generally with little legal training and recruited from the civil service. Most judges were trained in Guinean universities and had little contact or knowledge of French and European law. Although many of the laws inherited from the colonial regime were retained, they were rarely invoked, applied, or enforced. The formal law simply became irrelevant. Justice was arbitrary and unpredictable. Human rights and civil liberties were no longer ensured. Camp Boiro became a dreaded symbol for the absence of the rule of law in Guinea.

f. Decentralization and Self-Governance

The First Republic was a highly centralized regime based on the principles of democratic centralism and a centrally planned economy. It did little to promote decentralized local government units. Local communities were obliged to execute the directive issued by the central organs of the party. Centralization stifled local initiative as the entire society became dependent upon the Party-State.

g. Ethnic Politics and the First Republic

During the late 1950s and early 1960s, Touré made an effort to downplay ethnic differences while successfully organizing a multi-ethnic coalition (Schachter-Morgenthau, 1964). Saifoulaye Diallo, a Fulani from a noble Fouta Djallon family became the number two person in the PDG which absorbed two Fulani-based opposition parties into the one-party system established shortly after independence. However, ethnic unity did not last very long and ethnicity once again emerged in the following forms:

- * the departure of large numbers of Fulani during the early 1960s as a result of the social revolution undertaken in the Fouta Djallon following the abolition of the chefferies in 1957 and the granting of land to the former captive populations.
- * the repression and elimination of Fulani political leaders such as Saifoulaye Diallo and Diallo Telli who formerly were close allies of Sekou Touré in the mid-1970s following the so-called Fulani complot.
- * the favoritism shown to the Malinké during the late 1970s and early 1980s which gave them a disproportionate number of party and government offices and domination of the security services.
- * the favoritism shown to members of the Touré clan.
- * the marginalization of other ethnic groups.

By the end of the Touré era, many Guineans saw the regime as primarily a Malinké dominated one. One of the main causes of the fall of the party regime was the Malinkés' refusal to accept a non-Malinké from the forest as Sekou Touré's successor. The unresolved succession struggle gave the military the opportunity to bring down the regime in April 1984 through a military coup which was justified on the grounds that it saved the country from civil war. In 1985 an unsuccessful coup attempt by Malinké officers led to a strong ethnic backlash against the Malinké on the part of the Sousou who following the crushing of the revolt rose to power through their domination of the military.

6. Military Rule and The Second Republic (1984-1990)

The military coup which overthrew the First Republic won the army considerable prestige and was enthusiastically accepted by the Guinean people. Shortly after taking power the military set up the Military Committee for National Renewal (CMRN) to rule the country during the transition to a civilian regime. One of the striking characteristics of the military regime was its reluctance to move Guinea more rapidly along the road to political democracy.

a. Constitutionalism and Constitutional Limits

When it took power in 1984, the CMRN abolished the old 1982 constitution, dissolved the PDG, and ruled by decree. Guinea thus had no legally constitutional order until the passage of the December 23, 1990 referendum of the *Loi Fondamentale* drawn up under the auspices of the Conté government.

During the early years of the regime, there were considerable human rights violations, notably the summary execution of political leaders and military officers involved in the Touré regime and the unsuccessful July 1985 military coup led by Malinké officers. On the other hand, to its credit, the military regime freed political prisoners, closed the infamous Boiro concentration camp, and generally restored civil liberties which had been destroyed under the Touré regime.

The main accomplishment of the regime during the Second Republic was the establishment of a legal framework for the economic transformation of Guinea from a centralized socialist economy to a liberal capitalist economy and the reconstruction of the judicial system which had been undermined during the Touré era.

b. Popular Representation through Elections

During the Second Republic, there were no national or municipal elections. The only elections which took place during this period were at the local level and involved Neighborhood Councils in the urban areas and District Councils in the rural areas. The regime refused to authorize the creation of political parties. The absence of national elections and political parties created an political and institutional void which was filled by military officers and civilian cadres named by the CMNR. President Conté derived his legitimacy from the military who chose him as their candidate to head the country and not from the people through national elections.

c. Democratic Deliberation

During the Second Republic, the CMRN was the supreme and only legislative body. After the 1985 attempted coup, Lansana Conté consolidated his power over government and within the military. Power wound up being highly concentrated in the hands of the presidency. Major national policy decisions were made with little or no consultation with important groups in society. No other national institutions existed to check or challenge these decisions. During mid and late 1980s, the donor community probably had the most important input over national policy decisions, particularly in the economic domain.

d. Open Public Realm

While the Conté regime did not authorize the establishment of political parties and independent newspapers, it went a long way to setting the stage for reestablishing associational life and civil society in Guinea. Much of the restrictive rules established over business and associational activities under the First Republic were eliminated. Private schools were permitted, the liberal professions restored, and religious freedom reaffirmed. Chambers of Commerce were made operational and merchant groups allowed to organize. The 1988 Labor Code restored trade union rights, opened the way to the establishment of new trade unions, and permitted employers to band together to defend their interests. New rules encouraged the establishment of developmental NGOs which expanded rapidly during the late 1980s. On the other hand, the Conté regime was reluctant to give up its tutelle over civil society or to permit full-scale political activity.

e. Rule of Law

In an article published in 1990 (Sylla, 1990), the current Minister of Justice wrote that Guinea was in the process of reconstructing the formal legal system destroyed by the Touré regime. He qualified this statement by saying that in reality, Guinea had to construct a legal system which would establish the rule of law because only the skeleton of a modern legal system existed just before independence. While the Conté regime prescribed many new laws, especially in the economic sphere, and reconstituted a modern court system, the rule of law was not very prevalent because of the lack of a constitutional order and enforcement mechanisms regarded as legitimate by the Guinean people. Foreign investors and donors concerned with promoting the private sector were particularly troubled by the inability or unwillingness of Guineans to apply and enforce the law. Rampant corruption in the administration also drew the attention of Guinea's national leaders, donors, and the general public.

f. Decentralization and Self-Governance

Shortly after taking power, the military regime declared its commitment to decentralization. This meant the creation of elected councils at the grassroots level. This was justified in the name of building democracy from the bottom up. As in Mali during the last years of the Traoré regime, decentralization was presented as an alternative to the establishment of national political parties and representative institutions. The first Rural Development Community (CRD) was set up in late 1988. Representatives to the CRDs were chosen by indirect voting by the members of the District Council. The CRDs had limited financial resources and tended to be dominated by the territorial administration and state officials assigned to assist the CRDs by the MIS.

g. Ethnic Politics Under the Second Republic

During its last years, the Touré regime was perceived as dominated by the Malinkés. The unsuccessful military coup reinforced anti-Malinké feeling in the country. Under the Second Republic, the Sousou felt that it was their turn to hold power and were reluctant to give it up, hence their fierce support of President Conté. Since 1984 Fulani businessmen have been returning to Guinea. They now control much of the country's trade in basic goods like rice. Ethnicity is used against the Fulani when Guineans are incited to riot against Fulani merchants for allegedly hoarding rice and jacking up rice prices. For their part, the Fulani remained content to retain their dominant economic position without contesting for political power during this period. The forest peoples were generally satisfied with the Conté regime which permitted them to restore their sacred forests. Although the Malinké lost their predominant position, they still continued to hold many mid and lower level civil service and security posts.

h. Conclusions

The Second Republic's refusal to authorize political parties, national elections, and a representative national deliberative body meant that an entire generation of Guineans had grown up with no experience of competitive politics and open elections. The last open and free elections took place in March 1957. The first national elections under the Third Republic occurred more than 36 years after the last national elections.

The military regime's preference to support economic liberalism while restricting political freedom meant that the transition towards democracy had to start more or less from scratch during the Third Republic.

B. Historical Socio-Communitarian Values of Guinean Society

1. Traditional Values and Political Behavior

Many of the informal values or working rules which shape Guinean political behavior are rooted in tradition. Though deeply embedded in Guinean society, these values are dynamic and changing in response to evolving political, economic, and social conditions.

- * Power and authority are hierarchical and based on unequal social relationships.

Guinean society is comprised of stratified sub-societies which can be identified in terms of historic ethnic differences and differences in social status. The four main ethnic groups are organized around principles of hierarchy with the forest peoples having the least hierarchical structures of the four groups and the Fulani and Malinké the most stratified structures.

Slavery and caste were especially important factors in Fulani and Malinké society. As much as 50 percent of the population of Fouta Djallon were slaves at the time of the colonial conquest and Samory Touré's Malinké empire also had a large percentage of slaves in the population. The division of society into nobles, commoners, artisans, and griots also reflected hierarchical values. Traditional rulers and leaders usually came from ruling dynasties or the nobility. The griots sung the praises of the rulers, the commoners grew food and paid tribute, and the artisans supplied the manufactured goods. All had to pay deference to the ruler.

Because of this tradition of hierarchy, political processes in Guinea have tended to discourage initiatives and competition for power on the part of low status individuals. Conversely, membership in a noble family helps one's chances to become a political leader. Sékou Touré claimed descent from Samory Touré to reinforce his claim to leadership. Fulani politicians like Mamadou Ba more recently have mocked Lansana Conté's humble origins during the 1993 presidential campaign to undermine his authority.

On the other hand, Sékou Touré, during the late 1950s, attacked feudal authority and successfully won the support of former captives and serfs in the Fouta Djallon during his election campaigns in the 1950s. More recently, the RPG also did well with this group in the 1993 presidential elections.

- * Competition for power is largely personal.

High status and personal distinction alone were not sufficient to insure leadership. Aspiring leaders also had to compete with

other claimants to power for the support of followers. Rulers had their own entourages. Rivals seeking to overthrow the ruler needed to develop and mobilize loyal followers. Loyalty depended on both personal charisma and the ability of the leader to protect and reward his followers.

Today, the major parties are still led by personal leaders with their own entourage. This factor is reinforced by the general absence of ideological politics and the relatively unimportant role played by class in contemporary Guinean politics.

- * Public criticism of leaders is regarded as a personal insult or sign of disloyalty.

Traditional leaders were usually above criticism by their supporters and constituents. Only griots or traditional theater players could make fun of a ruler in public.

French colonial officials were particularly sensitive to criticism; during the autocratic phases of colonialism, they often punished Guineans for not showing proper respect for their authority. Until the mid 1950s, French colonial governors also regarded Touré's anti-colonial rhetoric as disloyal to France.

Today political leaders still tend to see criticism as personal insults. When coming from fellow party members, they regard criticism as disloyal. In a recent and widely cited speech to territorial administration officials, President Conté warned that he would fire any prefect tolerating criticism of the president by opposition party leaders. It is interesting to note that the president is more willing to tolerate criticism when this appears in satirical newspapers like the *Lynx* which never call the president or major political figures by their real names. Traditional rules about joking relationships involving those in power thus seems to have been updated and provide basis for permitting public criticism of leaders.

- * Political mobilization is based on patrimonial and corporatist principles.

In the precolonial states of Fulani and Malinké, political organization revolved around a patrimonial bureaucracy consisting of loyal individuals appointed by the ruler who derived income from their office. The tradition of local officials taking a cut of tax revenues before passing them up to the hierarchy was continued by the French who permitted canton chiefs to keep a certain percentage of the taxes they collected. Some canton chiefs used their office to keep more than the official share allotted by the French colonial authorities.

Under the First Republic, Sékou Touré used jobs and special privileges to reward his loyal followers. Appointments were made

largely on the basis of political criteria or personal friendships and relationships with Touré. More recently, President Conté has provided his supporters with important posts in the government following the 1993 presidential election. For example, the forest region saw more people from their ranks in government, thanks to their strong support of Conté in the presidential elections. The rallying of the UNR in 1994 to the pro-government "majority" led by the PUP was motivated largely by the desire to have greater access to government jobs and resources.

Historically, rulers mobilized different corporate groups in times of war. Today, the traditional corporatist values can be seen in efforts by the major parties to constitute special youth and women's sections of the party to mobilize these sectors of the population behind the leader. Under Sékou Touré, the PDG also incorporated the trade union movement into party structures.

It remains to be seen whether civil society organizations—e.g. trades unions, human rights associations and other corporate groups—can maintain their autonomy vis-a-vis the state and political parties.

- * Politics is conducted as a zero-sum game with the winner taking all or most of the fruits of victory.

The losers have not fared well in politics and war in Guinea. The Fulani and Malinké, for example, enslaved, exacted tribute, and expropriated land when defeating their rivals. Following the colonial conquest, the French wiped out autonomous political institutions and transformed Guineans into subjects with few political and civil rights. Under the First Republic, Sékou Touré eliminated the opposition, created a one-party regime, and meted out harsh punishments to critics of the regime. Under the Second Republic, the military refused to establish political parties and insisted on maintaining full control over all of the country's levers of power.

Following his victory in the 1993 presidential elections, Conté declared that he no longer needed to deal with the opposition since he had been "democratically elected." Having won the election, Conté was even reluctant to share power with or to give credit to the PUP which nominated and campaigned for him in the elections.

The winner take all mentality poses a potential threat to the future of Guinean democracy since it denies the concept of a loyal opposition or sharing power with the losers and justifies the establishment of a de facto one-party system. In this context, the losers are received as clients rather than as partners by the winners if any deals are to be cut. The winner take all mentality also makes political dialogue, compromise, and

reconciliation more difficult since it raises the political stakes of winning and losing elections and provides incentives for the contending parties to use any means in order to win.

Politicians and intellectuals interviewed by the team have also indicated that the one-party mentality still prevails within many party circles.

- * Leadership is not defined principally in terms of accumulation of material wealth.

Material wealth was never the most crucial element in leadership. While needing resources to reward their followers, traditional leaders primarily needed to be integrated into the life of their community and share their wealth generously with their entourage and community. Although wealth is needed to compete for power, and political parties solicit the support of rich businessmen, one usually does not find wealthy merchants at the head of major political parties in Guinea.

- * Power is never strictly secular.

Supernatural forces have always played an important role in Guinean politics. Political leaders needed to be in touch with supernatural forces. They used talismans, consulted marabouts and other diviners, and performed special rituals to enhance or insure their power. The forest peoples, for example, were particularly attached to their sacred forests. Touré lost their support when he attempted to destroy their fetishes and eliminate special rituals taking place in the sacred forests. Animist and formal religions like Islam and Christianity also remain a major source of individual and group identity.

- * Age and seniority are highly valued elements in traditional Guinean society.

Age was generally associated with wisdom and closer proximity to the ancestors. Elders were called upon for advice and to resolve conflicts. A more contemporary application of this principle was the establishment of the *Conseils des Sages* as an advisory group to the District Councils under the Second Republic.

More recently, formal education has given younger people greater status in society and afforded them access to high positions in the state bureaucracy. During the 1950s, Sékou Touré appealed to youth and sought to undermine traditional authority. Under the First Republic, the PDG gave an important voice to young people in party circles. The PDG relied on its young militants to carry out the revolution and to provide the workers for the country's state farms and rural cooperatives. Today, all the major parties have their youth movements and councils.

The growing lawlessness and violence of youth and their disrespect for authority and age have become hot topics of discussion in Guinean society. The 1990 Constitution asserts that it is the state's duty to protect youth from corrupt influences.

- * Women do not hold major authority positions in public life

Women did not exercise political leadership in traditional Guinean sub-societies. This situation did not change with French colonial rule. Women in France and Black Africa did not obtain the right to vote until 1946. During the post-war colonial period, women were mobilized to campaign and Conakry's market women were particularly active in supporting Sékou Touré. Once in power, Touré improved the legal status of women in divorce and inheritance matters and brought women into the party and state bureaucracies.

While women do not run political parties or hold the most important government ministries, more women than ever before are participating in politics and holding top management positions in the civil service. Values thus seem to be evolving. Several political leaders interviewed by the team identified women as the most dynamic element in Guinean society.

- * Ethnicity is a major but not all-encompassing focal point of identity.

Ethnicity is probably the most politically relevant focal point of identity for Guineans. Ethnic identity is rooted in precolonial Guinean history. The larger ethnic groups have tended to absorb the smaller ethnic groups living in their midsts. Urbanization and the migration towards Conakry and the Maritime region has led to greater ethnic mixing and intermarriage.

Identification with one's region and locality can reduce ethnic polarization. Thus, hometown development associations can cut across ethnic lines while personalities from minority ethnic groups within a particular region can win the support of the majority ethnic group if they are perceived to be representing or defending local or regional interests.

As with the Arabs and Jews in the Middle East, rival ethnic groups can find some past affinity to justify political alliances or peaceful coexistence if they wish. Thus, the Malinké can cite their long trading relationships with the forest regions when seeking allies among the forest peoples. Fulanis and Sousou can point to centuries of coexistence in justifying an alliance between the predominantly Fulani UNR and the predominantly Sousou PUP in Conakry. One of the major incentives

for developing ethnic alliances or avoiding polarization on ethnic grounds is the fact that no one ethnic group can rule, except by force, without the support of elements from other ethnic groups in the country since none of the three major ethnic groups comprise more than 35 percent of the total population. This has led all parties to seek support from other groups and to offer important party posts to members of minority ethnic groups in the party. The Constitution seeks to diminish ethnic conflict by outlawing ethnic and regionally based political parties. Electoral rules also oblige all national political parties to present candidates in every constituency.

On the other hand, Guinea's ethnic groups can be mobilized and even pushed into violence by unscrupulous political leaders who stir up old ethnic quarrels. Mamadou Ba created a storm when he suggested that it was the Fulanis' turn to hold political power in appealing to the Malinké candidate for president to withdraw from the race. Some Sousou political leaders have stirred up ethnic quarrels and mobilized Sousou against the Conté regime's political opponents and critics by presenting them as ethnic rivals seeking to displace the Sousou from power. Polarization has become particularly intense between Sousous and Malinké with Sousou politicians claiming that the predominantly Malinké-based RPG is trying to bring back the bad old days of the Sékou Touré regime.

- * Individuals are obliged to share wealth with family and community.

Strong norms of reciprocity and redistribution prevailed in traditional Guinean societies. Those in power or with access to wealth were expected to share their wealth with members of the family and community.

Applied to modern Guinea, these norms place heavy pressure on political leaders, wealthy businessmen, and other privileged elements in society-e.g., civil servants-to be generous in sharing their personal wealth with others. One of the main incentives to corruption within the Guinean civil service is the strong obligation individuals feel for supporting family and community members. When coupled with relatively low wages, this sense of moral responsibility to support family and community members often pushes government officials and civil servants at all levels of the state bureaucracy to divert public resources to meet these obligations. The value that public resources controlled by the modern state should never be used for private remains a new one in Guinean society. Hence, the general public rarely criticizes officials for using public funds or resources to meet social obligations.

- * Leaders must conduct widespread consultations with all segments of society before making major decisions affecting society

2. Values and Attitudes Affecting Political Behavior Rooted in Modern Times

a. Nationalism

Guineans have a strong sense of nationalism which developed as a response to the colonial conquest and harsh colonial rule. The anti-colonial movement in Guinea during the post-war period was one of the most militant and best-organized ones in Francophone Black Africa. Guineans take pride in the fact that they were the first Francophone Black African country to become independent. The sense of Guinean nationalism was reinforced by:

- * France's punitive measures and efforts to isolate Guinea shortly after independence.
- * the Touré regime's rapid nationalization of French assets, assertion of economic independence, and portrayal of Guinea as a leader in the struggle against neo-colonialism and imperialism.
- * the unsuccessful 1970 invasion of Guinea by mercenary forces backed by Guinean exiles.
- * the emphasis on African culture, history, and languages in the Guinean educational system.

Guineans are particularly sensitive to issues of national sovereignty. President Conté and Interior Minister Gomes have recently asserted that the government will not be pressured into making electoral reforms by donor threats to reduce aid. In effect, the regime is playing the nationalist card in telling the public that Guinea will not take any lessons from external powers and hinting that the donors can keep their money if they won't respect Guinea's right to run its own affairs.

b. Suspicion of and Hostility to the "Diaspos"

One of the most striking features of contemporary Guinean society are the tensions within the political elite between the Guineans who remained in Guinea during the Sékou Touré regime and those who left or went into exile—the so-called diaspos. The three main opposition parties are led by leaders who left Guinea during the course of the Second Republic while the party in power is led by those who endured the Touré regime.

During the Second Republic, Conté filled many leading government posts with diaspos and appealed to Guineans living outside of

Guinea to return and serve their country. However, with the restoration of political competition under the Third Republic and the shrinking size of the state bureaucracy, and the visibility of diaspo businessmen in dominating certain key sectors of the Guinean economy, anti-diaspo feeling has been on the rise. One specific example of this has been the gradual elimination of diaspo ministers in the Conté government since the beginning of the 1990s.

Anti-diaspo sentiments are based on the following perceptions:

- * Diaspos deserted the country during a difficult period.
- * While Guineans suffered under the Touré regime, diaspos were getting rich in foreign countries. This feeling is particularly strong among pro-government supporters who survived imprisonment in Camp Boiro.
- * The diaspos have lost touch with the Guinean people and have picked up foreign ideas and habits out of tune with Guinean society.
- * The diaspos are arrogant and think that they are superior because of their wealth and better education.
- * The diaspos have no right to hold high political office and major posts in the state bureaucracy because they have not paid their dues.

c. Populism and Anti-Intellectualism

Guinea has strong populist and anti-intellectual currents. During the post-war decolonization period, the better educated elite tended to identify with pro-colonial administration political parties. Touré, the leader of the PDG and trade union movement, had little formal education and campaigned as a populist. During the anti-colonial struggle, university students in Paris tended to be to the Left of Touré. Shortly after independence, students and left-wing intellectuals were accused of plotting against the regime in cahoots with the Soviet Union. During the First Republic, the Touré regime destroyed intellectual freedom. Intellectuals were jailed and many went into exile. Touré created a university system which stressed ideological and political indoctrination and technical skills. Nearly all of the cadres now holding high government positions came out of these universities which are regarded as sub-standard in comparison with other African universities. Guinea's isolation from the West and close ties with the Eastern bloc also meant that few Guineans living inside the country were exposed to western intellectual currents.

President Conté who has been in power since 1984 comes from humble origins and has a relatively limited education. His supporters portray him as a populist with close ties to the people. On the other hand, the leaders of the main opposition parties are university graduates and intellectuals. Alpha Condé was a leader of the African student movement in France and author of articles and books on Guinea. Siradiou Diallo was a prominent journalist for *Afrique Nouvelle* for many years, while Mamadou Ba has been a consultant for the World Bank.

d. Lack of respect for and commitment to bureaucratic rationality and authority

During the colonial period, Guineans saw the colonial administration as an alien institution whose main function was to keep order and collect taxes. Africans who worked for the colonial bureaucracy were expected to follow the directives of their French superiors.

During the decolonization period, Touré and the PDG challenged the authority of the colonial administration and often preached non-collaboration. After independence, bureaucratic rationality was undermined by the culture of the party state in which ideology and political criteria took precedent over technical expertise in determining the operating rules of the state bureaucracy. The lack of respect for bureaucratic authority was further reinforced by the fact that low-level government employees holding high-level party offices did not feel compelled to follow the instructions of their administrative superiors. As a result, there was no clear-cut chain of command because of the blurring of party and bureaucratic functions. The lack of training in management skills also contributed to a low level of bureaucratic rationality during the Touré regime.

During the Second Republic, the Conté regime with the support of the donors made an effort to reform the state bureaucracy and introduced greater bureaucratic rationality by starting the process of making job descriptions with specific requirements for each civil service post. This process, however, has been a slow one, and resisted by many in the bureaucracy who fear that they will lose their jobs to more highly trained and competent people and also by pro-government loyalists in the civil service who lack the qualifications needed to perform their job effectively and owe their position to political criteria and personal relationships.

There are some indications that the value of commitment to bureaucratic rationality is gaining some ground in the civil service, especially within the Administrative Reform Ministry. This trend is supported by the participation of growing numbers of Guinean cadres in donor-financed management training programs.

C. The Economic Context: Democratic Governance and Economic Development

In the past decade, over half of the countries of sub-Saharan Africa have moved to liberalize their political systems, providing greater freedom of choice to their citizens, and expanded opportunities to pursue broad-based economic development.

Democratic reforms bring opportunities to broaden popular participation in the economic reform process, from the highest levels of central government decision-making to the grassroots development of villages. The challenges present themselves when expectations are raised that political liberalization will soon be followed by economic prosperity. Where economic reforms lead to increased economic inequality, or to an increased level of suffering for key groups, the consolidation of democracy may be threatened. Ideally, the two processes are mutually reinforcing, and it is in maintaining this balance and exploiting this synergy that donors have a key role to play.

The inter-relatedness of economic development and democratic governance is perhaps most evident in the area of structural adjustment reform. The Government of Guinea has introduced a broad range of macroeconomic reforms, designed to strengthen the performance of the private sector as well as the financial position of the government, but the results, although positive, have been substantially below stated targets, largely due to governance issues such as deficiencies of the judicial system and fraud and corruption in the customs and other government services. The following sections provide a background to the elaboration of economic policy reforms in Guinea, and then an analysis of the relationship between economic development and democratic governance. These interrelationships are pervasive throughout the economy, encompassing a wide range of activities ranging from the formulation of the government budget to the private sector activities of traders and producers in rural areas.

1. Background and Recent Economic Performance

In 1958, the Republic of Guinea became the first independent nation of French West Africa. Led by President Sekou Touré, the newly independent state immediately sought to establish a socialist economy, with direct control of production and consumption in virtually every sector. Some of the most restrictive economic measures taken during the 26 years of the Touré regime were the nationalization of some major private sector entities in 1964, the increase in the mandate of the village executive bodies, the *Pouvoirs Revolutionnaires Locaux*, to control the production and marketing of commodities throughout the country in 1973, and the prohibition of all private trading

in 1975. Private trading was to be conducted through official cooperatives supervised by the 'economic police' of the PDG, a policy that caused unrest and demonstrations as these agents were widely suspected of extortion and smuggling. These agents were disbanded in 1979, and small scale private trading was allowed to resume.

The effect of this policy regime, exacerbated by the abrupt termination of French technical and financial support following independence, was very weak economic performance, accompanied by great inefficiency and waste. From 1970 to 1980 while the country's Gross Domestic Product (GDP) expanded in real terms at a rate of 3.0 per cent per annum, from 1970 to 1980, this mainly reflected the rapid expansion of the bauxite sector, where state control was diluted. By the mid 1970s, the country had been transformed from a major exporter of agricultural products to a net food importer. The formerly dynamic agricultural sector, lacking incentives and faced with an overvalued currency, reverted to subsistence production. Private sector activities were limited and largely underground. GDP declined by 1.4% between 1980 and 1985.

When Sekou Touré died in 1984 he left a legacy of growing poverty and lack of basic socioeconomic infrastructure, accompanied by a highly inefficient public sector that absorbed most of the mining surplus and impeded private sector development. The centralized system, which inevitably resulted in parallel markets and rationing of basic goods such as rice, sugar and vegetable oil, led to increasing dissatisfaction and unrest in the late 1970s and 1980s. Moreover, the advantages of liberal regimes in neighboring countries like the Ivory Coast provided a stark contrast to the situation in Guinea, and the population was ready for a change.

When Lansana Conté seized power, shortly after the death of Sekou Touré in 1984, he was faced with an economy that was highly dualistic. The official sector was heavily dependent on income from bauxite exports, and functioned through a highly cumbersome system of administered prices linked to a highly overvalued currency. At the same time the gradually expanding informal sector obtained foreign exchange through clandestine exports and private overseas channels. An estimated 80 per cent of urban consumer demand and virtually all rural demand for marketed consumer goods was supplied by the informal sector by the early 1980s.

The growth of parallel markets and the decline in state enterprises contributed to a severe erosion of the financial position of the government. Mounting debt service obligations and private capital flight led to severe external imbalances and massive payment arrears of over \$300 million by 1985.

It was in this context of mounting financial pressures, (from the IMF among others), and a desire for change on the part of the population, that Conté launched a series of ambitious structural and institutional reforms aimed at revitalizing the economy and shifting to a market-oriented system. The specific measures undertaken to achieve this end included:

- * a major devaluation of the currency;
- * deregulation of prices;
- * liberalization of external and internal trade;
- * institutional reforms to promote private sector savings and investment;
- * reorientation of public investment to more productive sectors;
- * privatization of commercial and industrial activities;
- * reform of the banking system; and
- * a reduction in civil service personnel.

These reforms were undertaken with the assistance of the World Bank and other donors, and were facilitated by substantial debt relief from the Paris Club and other creditors.

As a result of these policies of liberalization, during the seven year period from 1986 to 1993, real GDP grew at an annual average rate of 4.0 per cent, with gains in real per capita incomes of slightly over 1.0 percent—a marked contrast to the real losses experienced by sub-saharan African countries as a group during this same period. This expansion in output was largely generated by growth in trading activities, mainly in the informal sector, increases in agricultural production, and expansion of non-mineral exports.

Although significant gains have been made, policy implementation has been somewhat erratic and incomplete. Additionally, a sharp decline in world aluminum prices has had a negative impact on the fiscal and external accounts due to the heavy dependence of both export earnings and government revenue on bauxite and alumina exports. Overall, Guinea's terms of trade declined by 36 percent between 1986 and 1993. As a result, the external current account deficit widened from 6.6 percent of GDP in 1986 to 12.5 percent in 1993, and despite sizable inflows of official grants and concessional loans, the balance of payments has been in deficit throughout the period since 1986.

The budget deficit, which increased from 8 percent of GDP in 1986 to 10 percent in 1988, fell to an estimated 7.5 percent in 1993. Losses in mining revenue were partially offset by a broadening of the nonmining tax base, increases in petroleum taxes and import duties, and improvements in tax administration tax base. However, these measures fell short of targets due to persistent problems of evasion and fraud in the collection of petroleum and import taxes, the proliferation of tax exemptions, the exclusion of most informal private sector activities from the direct and indirect tax net, and low compliance by the formal private sector.

As a result of these setbacks and weaknesses in implementation, policies during the past two years have emphasized improving government economic management and monitoring capacity, enhancing government revenue mobilization from the non-mining sector, strengthening government expenditure control, and accelerating structural reforms. Thus in 1992 and 1993, the national petroleum company was liquidated, resulting in the privatization of the importation and distribution of petroleum, several small public enterprises were liquidated, and the Telecommunications Office and Kindia Bauxite Company were converted from government departments into autonomous public enterprises. In 1994, the management of the electricity company (ENELGUI) was privatized, Air Guinee was offered for sale to the private sector, and the restructuring of the public transportation company (SOGETRAG) was initiated. Furthermore, extensive policy reforms in the banking system have been introduced in the past two years, and measures are being taken in the areas of administrative reform and the judicial system.

It should be clear from the foregoing elaboration of economic reform measures that an extensive policy framework has been developed in Guinea to provide an environment conducive to sustainable economic development. In order for such development to actually occur, however, these policies must be comprehensively and impartially implemented, and such a process relies fundamentally on the support of appropriate and effective institutions. If there is one lesson to be learned from the experience of economic reform in Guinea, it is that without such institutions, the process will never be complete or impartial.

The following section analyses the way in which economic development is affected by democracy and governance issues by considering the economic activities of different economic actors, ranging from the central budget formulation to the activities of rural agricultural producers and traders.

2. Democratic Governance and Economic Development: Institutional Dynamics

The close linkages between the performance of the economic sector and the functioning of the institutions of democracy and governance are evident at every level of economic activity, and in virtually every economic sector. The following analysis is very limited due to the time constraints of the study, but should suffice to illustrate the importance of focussing on both aspects of the development process.

a. The Government Budget

Although it is a generally accepted principle that public participation in governmental decision-making is necessary to the legitimacy of hard economic policy choices, such participation is extremely limited in Guinea, and the process guiding the allocation of fiscal receipts and expenditures and the development of economic policies does not currently encompass democratic participation.

The procedures currently used in the formulation of the budget lack both transparency and accountability at all levels of the decision-making process. The process is initiated by the Minister of Finance who instructs each Ministry or Secretariat to submit an accounting of expenditures undertaken in the current year as well as a projected budget for the following year. These budgets, which include both operating expenses (including personnel) and expenditures under the Public Investment Program, are submitted to the *Direction Nationale du Budget* in the Ministry of Finance. A Budget Commission, including representatives at the level of national director from the technical offices of the Budget, Treasury, Public Investment, Customs, Taxes, Economy and Planning studies the budgets submitted and their conformity with the stated goals of the government, and makes recommendations to accept or modify them. This committee can also revise the budget projections of different departments and establish a work-plan for arbitration within the Ministries.

The document eventually produced by the foregoing procedure is submitted to the Council of Ministers and the Presidency, where it can be further revised. Finally, it is submitted to the President. To illustrate some of the problems, it is useful to consider one stage in the process, and that is the arbitration in the Ministry of Planning to decide which of the projects submitted by technical ministries will be accepted for financing. It should be noted that most of these projects are financed by donors, either through grants or loans, an average of 80 to 90 percent. The criteria used for selection include: the level and type of outside financing; the priority in terms of national goals (schools and dispensaries might be selected even if donor financing is only 70 percent for example); the degree to which the dossier submitted by the technical ministry was complete and contained all the required information about the project; and

finally, formal and informal checks on the projects. While the first two criteria are clearly objective, the latter two are highly subjective. The informal project evaluations, for example, might consist of a visit to the project site by a ministry official and a verbal report of whether any of the proposed activities were taking place. Clearly the level of transparency and accountability in this process are minimal.

The lack of clear criteria by which decisions are made is evident throughout the budgetary process, although several technical assistance projects are currently addressing the problem. For the moment, however, there are no clear criteria by which one budget is increased and another is reduced. Furthermore, a cursory examination of the budget shows significant amounts each year fall under the category of "unforeseen expenses," a category which apparently requires no justification or documentation, and which is debited to a special account in the Central Bank.

In addition to the lack of transparency in the formulation of the budget, after it is agreed upon, there is no guarantee that a Ministry will receive the budgeted allocation. According to a recent UNICEF report (1994) some Ministries are able to exceed their ceilings without going through formal channels, while others remain far below their targets. Moreover, as of mid November 1994, less than 10 percent of the governmental commitments for projects in the agricultural sector had been disbursed.

It has been suggested that personal power and personal relationships within the ministries play a major role in some of these decisions over allocations. Such accusations, whether justified or not, can only be adequately dealt with by greater accountability in the process. That personal relationships are extremely important, however, is undeniable. In addition to providing access to persons or resources which would not be available through formal channels, personal networks provide a certain level of security. It is, for example, difficult to enforce watchdog entities because reporting on the inappropriate behavior of a colleague is taken very personally. Moreover, there is a concern that if someone is fired they will simply be replaced by the protegés of the higher level bureaucrats in the relevant ministry.

On the revenue side, the consistent problems in collecting taxes, both from businesses and individuals, can be attributed to some degree to the lack of transparency in the use of the funds collected. Where taxes are levied on a locality, for instance, and there are no government expenditures, or visible benefits, there are clearly very high incentives to avoid such payments. Thus greater transparency and accountability at all levels of budgeting could contribute to a more efficient revenue collection and expenditure process.

Given the level of economic development in the country, and the fact that the legislature has not yet been elected, the undemocratic nature of the budgetary process, and the weakness in governance which it reflects, may be inevitable. However, given the impact of budgetary decisions to economic welfare, and particularly the potential contribution to social and economic infrastructure, the development of greater accountability and transparency in the decision making processes of budgetary formulation and implementation critical.

b. The Financial Sector

The formal financial sector in Guinea is extremely narrow, consisting of the Central Bank, six private or semi-private banks, one of which, the *Banque Internationale du Commerce et Industrie au Guinea* (BICIGUI) has branches in the interior, and two organizations--the *Credit Mutuelle* and *Credit Rurale* which provide a network of credit throughout the country. In addition, several NGOs such as VITA provide credit as part of an integrated support system for microenterprises.

In addition to this formal sector there exists a flourishing and reportedly highly efficient informal system. In the rural areas traditional savings associations such as "tontines" provide credit for small informal groups, and in the urban areas groups of businessmen provide mutual guarantees to borrow from each other. This informal monetary sector is reportedly one of the most efficient in Africa, and is equivalent to an estimated \$350 million, while the formal system's currency in circulation is approximately \$260 million.

The dualistic nature of the financial sector is largely attributable to two main factors. On the supply side, the weakness of the judicial system in enforcing contracts and defining and enforcing property rights, both of which are necessary for the efficient functioning of the banking system, results in extremely cautious risk-averse lending policies. On the demand side, there is a lack of faith in the banking system by business interests at all but the highest levels, which derives in part from the devaluation of the currency and closing of the banks in 1986. At that time state-controlled banks were liquidated or restructured and many depositors suffered significant losses. Confidence has still not been fully restored, and many major transactions take place totally outside of the formal banking system.

The unwillingness to make deposits with the banking system is not matched by a reticence to apply for credit, however. While the large and medium level entrepreneurs generally have adequate access to credit for bankable projects, smaller businessmen complain about limited access and high interest rates. The limitation on credit to this group is not due to illiquidity in

the banking system; the banks, in general, have excess liquidity, and considerable currency deposits in Europe.

The problem largely lies in issues of governance, and particularly the inadequate legislation and arbitrary outcomes within the judicial system. The consequences of this weakness in the legal framework for financial institutions is that banks have been unable to enforce repayments of loans and have suffered significant losses. Furthermore, there are numerous cases of decisions being made against the bank for not honoring unsecured checks. In some cases the bank itself has had a legal action brought against it for not honoring such instruments, and damages have been awarded to the complainant.

Among the other weaknesses in the legal framework affecting financial institutions are the vagueness of bankruptcy laws, the uncertainty of their implementation, and the lack of sufficient collateral (discussed in more detail below), which contribute to a high level of risk, particularly to smaller and medium level entrepreneurs, which is naturally reflected in the price of loans, i.e. the interest rate.

It must be noted, however, that economic factors also play a major role in the high level of interest rates. High levels of inflation in the past, and the desire to keep tight monetary control affect the rate of interest. Furthermore, the cost of banking in Guinea is relatively high: lack of trained and reliable staff results in heavy charges for expatriate personnel, for example, and water and electricity costs are high due to mismanagement of the enterprises concerned. These effects are themselves often due more to corruption in the institutions concerned and the lack of judicial recourse, than to the weak economic environment per se.

The low level of capital investment emanating from the formal banking system can in some part be attributable to a lack of financially viable project proposals. While this is certainly due in part to economic factors such as poor infrastructure, including transport, telecommunications and energy, and lack of training in management skills, even these factors have their roots in issues more related to governance (such as the governance deficiencies originating in the Touré Regime which repressed entrepreneurship and tolerated inefficiency and corruption in management of the infrastructure), than simply to the low level of economic development of the country, per se.

While the existence of bankable projects may be limited, the banks themselves do little to promote investment, despite the fact that this is part of their mandate. Although in June 1991 a National Credit Council was established (Loi L/94/017/CTRN, Article 33) and given responsibility for overseeing operating

procedures of credit institutions and the distribution of credit, very little has been achieved to date.

Furthermore, the credit which is provided is generally short term credit for commerce, rather than long term investment credit. This is in part attributable to the reduced risk of short term credit. A major consequence of this, however, is that there is very little industrial development, and, as a consequence, low value added, and very little job creation. And while there are currently significant opportunities for economic growth in the agricultural sector, the price volatility of traded agricultural goods can leave the economy vulnerable. In the long term a sound industrial base enhances the stability of income, job creation and economic growth rates.

In addition to the constraints on economic development emanating from the financial sector, there are a significant number of institutional and technical constraints which put serious limitations on growth in certain sectors of industry and commerce, and which are outlined in the following section.

c. Commerce and Industry

The economic reforms of the Second Republic have contributed to the development of a flourishing commercial sector, particularly in the informal and semi-formal domains. Local markets are thriving, and innumerable small entrepreneurs walk the streets of Conakry selling a diverse range of imported goods and local handicrafts. The medium and larger commercial enterprises are also experiencing significant growth, though at a slower rate. The growth of a middle class is indicated by increasing sales of consumer durables and automobiles.

In the industrial sector economic growth is considerably slower. The constraints to industry and to larger commercial enterprises can be attributed in part to economic factors and in part to issues of governance as discussed further below.

1/The Legal Environment

The legal environment for commercial and industrial activities in Guinea is rooted in the *Code des Activités Economiques*, parts one and two of which were signed into law by the President in December 1992. Part three, which concerns intellectual property, leases and concessions, and part four dealing with banking law will be adopted by the end of 1994. This document defines the legal basis of economic enterprises, including cooperatives, and elaborates their legal and fiscal rights and responsibilities, registration requirements and liquidation procedures. It also establishes the legal basis for the Chamber of Commerce as well as procedures for arbitration. According to Article 22 of this Code, any person or company undertaking economic activity in

Guinea is required within one month of starting such activity, to apply for registration in the *registre des activités économiques*.

Registration of a business can be a lengthy and cumbersome procedure, involving submitting dossiers with personal and business information to the *Direction National des Impots*, the *Inspection National du Travail*, the *Office National de l'Emploi et de la Main d'Oeuvre*, the *Caisse Nationale de Sécurité Sociale*, and the *Direction Nationale du Commerce*. The procedure has been simplified and streamlined to some degree by the creation of the *Centre des Formalités des Entreprises* (CFE), which commenced operations in October 1992, and which processed some 430 applications in the first fifteen months of operation. This institution takes applications for registration on a single form, and distributes copies to the different offices involved. Although greatly simplifying the procedures for registration, the CFE noted in a recent publication that delays of up to three months were experienced in getting the dossiers back from the individual services, most notably, the *Direction Nationale des Impots*.

The procedures for registering a business, although lengthy, are clearly defined and not a major cause of complaint from businesses. This is in sharp contrast to the procedures for obtaining exemptions from certain taxes and duties as prescribed by the *Code des Investissements*.

This legislation is designed to encourage private investment, particularly in those areas which are considered priority for national economic development. To this end, the Code contains guarantees on general issues such as private property rights and repatriation of currency, and prohibits discrimination against foreigners in tax assessments, fees, or judicial processes, with the exception of the "*secteurs réservés*" of mining, forest and water resources, and the strategic sectors, which are left unspecified and to be defined by the government (Article 12.2).

The most contentious area of the Code, however, has been the *Régimes Privilegiés*, which gives special exemptions to enterprises which fulfill certain conditions regarding capitalization and employment of nationals, and which are active in certain priority areas. The range of areas is extremely broad and not well-defined. Activities specified in Article 16 of the Code include agricultural production, particularly of basic foods, processing of cash crops, livestock, fishing, fertilizer production, forestry enterprises, mining, transport, energy, telecommunications, tourism, health and education enterprises, and development banks and other credit establishments. In addition, this list of activities can be modified by ministerial decree at the request of the National Investment Commission.

The decision to grant special privileges to enterprises falling within the above categories is based on their contribution to the National Development Plan, and takes into account a number of specific factors, (including employment generation, training, promotion of less developed economic zones, the degree of participation of the State and Guinean nationals in the management and investment of the enterprise, the effect on the trade balance and the balance of payments, and the amount of value added in production. Added on to these factors are a number of less well- defined criteria such as "satisfaction of national needs" and "conformity with the orientation of the economic policy of the government" (Article 17).

The lack of specificity and the broad-ranging nature of the exemptions, has resulted in confusion, contention, and the potential for arbitrary decision-making. There is abundant evidence that this potential is regularly exploited. Furthermore, even after the decision is rendered there is little security. There are, for example cases of revoking exonerations without cause. In one such instance the cost to the enterprise concerned was approximately \$500,000, on a capitalized value of \$8 million. In other cases import protection measures have been guaranteed and not enforced. Such was the case with a telecommunications enterprise, as well as several agricultural investments, including one in which investors lost an estimated \$250,000. Given the high value of the tax exemptions and import protection measures to some firms, the risk of a change in status regarding tax exemptions can have serious repercussions on their cash flow and even on their financial viability. Where transparency and accountability are limited, there are very strong disincentives to long-term investments.

The situation is exacerbated by the fact that the means of recourse available to firms is limited. In the first place, there is a fear on the part of some enterprises to instigate legal action against the government. Maintaining good relations with the authorities responsible for implementing regulations and granting tax and duty exemptions has a high value: all the more so when the *modus operandi* is so arbitrary. Although there have been instances in which legal action has successfully been undertaken, (e.g., a contracting firm obtained a judgment against the Ministry of Public Works), such instances are not common, and are often, if not always, the result of personal relations and side payments.

In the second place, legal action, whether it is against the government or against a private party is extremely slow and time consuming—six to eight months in the best case, according to a lawyer in the Conakry Court of Appeals (*Table Ronde sur la Role et la Place de la Justice dans le Développement de la Guinée*, p. 161). Furthermore, the credibility of the judicial system is so tarnished that few believe the outcome of the process to be

at the Prefecture have full civil power to engage in legal transactions, including buying and selling property and engaging in national or local conventions if they are representative. To be deemed representative an employee union must have deposited its statute for at least six months, must be independent of employer associations, political parties and religious organizations, and must have obtained 15% of the vote from voters registered to participate in elections of delegates.

Despite this elaborate regulatory framework for unions, they are generally not very powerful in the commercial and industrial sectors. In at least one instance a strike by workers resulted in them all being fired the following week. Instances were also found of employers paying union leaders to make sure the workers did not "cause trouble."

Private sector enterprises, in addition to having broad freedoms regarding hiring and firing, also enjoy a liberal climate in the area of wages and prices, which are generally determined by market forces. It is worth noting, however, that these market forces themselves reflect all the transactions costs due to imperfections related to judicial and other problems. One notable exception to this was the recent agreement between traders and the Governor of Conakry to set the ceiling price of rice at FG 19,000 for a 20 kg. sack. Although this "agreement" was broadcast on the radio, a visit to the local "Market Niger" one week later revealed that the price was, in fact, still FG 25,000, the level it had been prior to the announcement. This instance of informal price fixing appears to be an anomaly, and overall, the regulatory climate for business (as opposed to the judicial climate) is relatively favorable.

Of more concern to most business enterprises are economic factors, such as the lack of adequately trained or educated workers, and the weakness of basic infrastructure. For example, the electricity supply is totally inadequate and businesses are required to supplement with generators which greatly increase the costs of production. The parastatal which is responsible for generating and distributing electricity was recently put under the management of the private sector, and serious efforts are being made to raise the rate of payments on electricity bills from an estimated 10 percent or less of payments due, to 85 percent by 1996. Inefficiencies in telecommunications and other public services exacerbate the problems, and when conflicts arise in billing, for example, any recourse through the judicial system is plagued with the difficulties outlined above.

3/Institutions to Support the Private Sector

Among the institutions which exist to support the development of industry and commerce are the Chamber of Commerce, Industry and Agriculture, and the "Patronat," which are theoretically

financially independent organizations, and the governmental *Office de Promotion des Investissements Privés* (OPIP).

The legislation regarding the role of the Chamber of Commerce, is contained in Articles 991 to 1113 of the *Code des Activités Economiques*. This legislation stipulates that the primary objectives of the organization are to promote exchanges between Guinean and overseas industrial, commercial and agricultural enterprises, to encourage dialogue between its members, and to act as an intermediary between the private sector and government. It is authorized to establish permanent representatives in each Prefecture and overseas. It is charged with undertaking studies, providing relevant economic and professional information to its members, representing the point of view of business on economic development issues, and providing advice and training to its members. The officers are to be elected for four years, and to receive no direct remuneration.

Unfortunately, the Chamber of Commerce has few adherents among businessmen, and is considered a politicized organization, whose role in providing services to the private sector, and representing their interests, is minimal. One problem cited by a number of businesses was the fact that an estimated 90 percent or more of traders in Guinea are illiterate. These entrepreneurs are consequently highly dependent on a relatively small number of their educated colleagues. In such an environment, having adequate representation is extremely difficult, and the transfer of information must all be undertaken verbally. Another problem is the existence of incentives to use the opportunities for overseas travel as a part of the patronage system. The consequence of these difficulties is that the potential of the Chamber of Commerce to effectively provide support to the private sector is not exploited, and its role is mainly confined to the protocol of liaison between foreign and Guinean private and public sector entities.

The *Patronat* is an organization of the larger business owners, whose officers are elected, but which is also plagued by inefficiencies and disagreements among the leadership. Accusations have been made that the equipment designated for the association is kept in the office of an elected official and used for his own private business, and the organization has been the butt of numerous jokes in the media.

In contrast to the two organizations described above, the OPIP, which was created by government decree in September 1992, has taken an active role in the promotion of private sector activities, particularly for small and medium enterprises. This institution is administered by a council of seven members, appointed as representatives of the Government and the private sector. It manages or advises a number of projects, including the *Programme d'Assistance Intégrée des PME*, financed by UNDP,

the *Projet de Mobilisation des Ressources des Investissements pour la Creation et/cu Rehabilitation des PME/PMI*, financed by UNIDO and ACCT, and the *Projet Appui à la Création d'Emplois pour Personnes Handicapées*, financed by the ILO and UNDP. In addition, OPIP is currently attempting to create a newsletter containing information on the institutional, judicial, and financial aspects of business, and aimed particularly at small and medium enterprises.

The relative failure of those institutions which are intended to function in a democratic manner, vis-a-vis the government financed OPIP, is illustrative of the weakness of formal democratic organization even in the economically relatively more developed sectors of civil society.

In the informal sector, however, a number of groups are springing up. One of the most dynamic is the *Groupement des Femmes d'Affaires de Guinée*, established in 1987 and now comprising approximately 200 members, including businesswomen who own and run construction companies, import-export enterprises, agricultural production and processing firms, and a printing press. This association, whose officers are all democratically elected, charges a one time membership fee of FG 100,000, and provides credit and information to help women get established in business. Monthly reunions build solidarity and create dialogue, and the group has become affiliated since 1991 with the *Association Mondiale des Femmes*, which has branches in the United States, Europe and several other nations.

4/Information, Training and Communications

Among the greatest needs of the private sector, both in terms of economic development and in the development of democratic institutions and good governance, is training and improved communication of information. Several NGOs which offer training include the African Development Foundation which provides free training for eligible small enterprises, the FICA project, and PRIDE, which charges up to FG 200,000 for training, have emphasized the consistently high demand for courses and seminars on topics such as business creation and management, business plans, marketing, and institutional organization.

In addition to this training in economic matters, many businesses, do not have access to information on changes in rules and regulations relating to their businesses. Since such information is published in French in the *Journal Officiel*, and an estimated 90 percent of traders are illiterate, there is clearly a great constraint on efficient business development. Finally, it should be noted, that even information on their rights as individual private citizens, including their access to legal recourse, is not available to a broad segment of the population.

In conclusion it must be noted that the constraints that exist to the development of commerce and industry in Guinea are far more closely tied to deficiencies in the institutions of governance than they are to economic conditions per se. Moreover, even when the immediate constraint is revealed in the guise of an economic issue, as in the case of credit limitations or electricity shortages, for example, the root cause can often be traced to underlying deficiencies of governance, such as the weakness of the judicial system or the inefficiency in state institutions.

d. The Agricultural Sector

When Guinea gained its independence from France, it was a net exporter of agricultural commodities. The policies of collectivized agriculture implemented during the First Republic led to such a decline in production that the nation became a major importer of food by the end of that period. The agricultural policies of the Second and Third Republics are in sharp contrast to those of its predecessor, and have been characterized by liberalization of both production and marketing activities, and rapid expansion of output and trading activities.

At the beginning of the Second Republic, agricultural policy had three objectives: food self-sufficiency, production of exportable agricultural surplus, and production of raw materials to supply agro-industry. To this end, the government freed up commodity prices, canceled input subsidies, rescinded import and export controls over most agricultural commodities, and began the process of privatizing agro-industries and cooperatives. Unfortunately reliable data on agricultural production does not exist, which makes it virtually impossible to gauge with any accuracy the performance of the sector. This is particularly the case in Guinea where a substantial amount of unrecorded regional trade takes place. There is, nevertheless, reportedly a steady increase in the production of both staples such as rice, maize and cassava, and cash crops which include fruits, vegetables, groundnuts and coffee. Use of fertilizer and improved seed varieties is limited, and there is considerable potential for expansion of both cultivated areas and crop yields.

1/ The Legal Environment

The major pieces of legislation relating to the agricultural sector are the Environmental Code of 1987, the Forestry Code of 1988, revised in 1990, and the Land Code of 1992. The Forestry Code had among its objectives: maintaining and improving natural forests, maximizing long term benefits from forest resources, control of the exploitation, transformation and commercialization of forest products, and improvement in the involvement of the administration, the private sector, collectives and private citizens in the development and implementation of forest policy (SIP, p.143). To this end, the Code adopts a policy of community

participation in the management of local natural resources, and recognizes local tenure systems and local use rights.

The Environmental Code is designed to protect the country's natural resources against degradation and pollution, to maintain an ecological balance, and to require environmental impact studies for development projects.

The Forestry and Environmental Codes suffer from weaknesses in application and enforcement of the rules, although efforts are being made to improve this issue. Furthermore, although participation is called for in the legislation, there is little evidence that much progress is being achieved in involving the persons directly concerned, namely those farmers clearing and using the forest lands, and, in fact, there is great distrust on the part of these farmers of the government officials responsible for implementing these policies.

The primary objective of the Land Tenure Code is to facilitate investment in the agricultural sector by ensuring security of tenure of land resources. This is far less of a problem for the rural areas than for the urban areas, however, and rural villages have traditional mechanisms and organizations for achieving a consensus in the solution of such disputes.

A study of villages in Upper Guinea was particularly informative in illustrating the democratic processes of traditional village decision making and conflict resolution. According to this study, the first step in conflict resolution at the village level is to try and avoid situations which give rise to conflict. When the disputes cannot be avoided they are solved at the lowest possible level (often the family or extended family) in the hierarchical institutions of the village (Land Tenure Center, 1994). Only when the intervening stages have not resolved a dispute will it be put before the *Conseil de Sages*, which is the highest level decision-making body, and which advises the village chief. This procedure, based on the traditional culture and value system, incorporates the fundamentals of democratic governance - participation, consensus, open public debate, transparency and accountability.

The challenge for the implementation of the Land Tenure Code is to reinforce these democratic systems where they are functioning efficiently, and ensure that, where possible, traditional values are incorporated into any new systems that must be developed.

Apart from the legislation just described, economic activities in the agricultural sector are subject to very few legal limitations. Prices and wages are determined in the market, allowing the price mechanism to dictate allocation of resources, within the boundaries of the technical constraints to production and marketing. Trade has also been liberalized and is

flourishing, again subject to the constraints of adequate transportation. Increased output has led to steady or falling prices of domestically produced basic foods, while the increased access to markets for exports has led to a relative rise in producer prices of these crops. Overall, the prospects for economic development in the agricultural sector are very favorable as a result of the positive policy framework.

2/ Institutions in the Rural Sector

There has been a flourishing of local institutions in the rural areas in the past decade, including cooperatives, *groupements* and NGOs. These include producer groups, marketing groups, PTAs, women's entrepreneurial groups, and various hometown and village development associations seeking to build schools, dispensaries or mosques for their village or local community. An Africare study of these groups to be undertaken in the coming months should provide useful information on the degree of democracy in these groups and the manner in which this can be fostered.

One of the strongest groups in terms of efficiency in achieving its objectives as well as in terms of its democratic organization, is the *Fondation Pour l'Investissement et la Commercialisation Agricole*, (FICA), an NGO which was founded in 1993, with funding from USAID. The membership of this organization includes both individuals and groups of producers, traders, agricultural importers and exporters, and other enterprises related to the agricultural sector. FICA is administered and managed by an Administrative Council, comprised of nine members elected by the General Assembly, and one member appointed by USAID. There are currently 450 members who pay an annual fee of 100,000 FG.

Although a primary objective of this organization in the initial stages was obtaining financing for agricultural projects, it is placing increasing emphasis on developing means of improving dialogue with the public sector on policies to encourage the economic development of the agricultural sector. The group is improving internal communications by a network of radio communications, it provides training courses for its members, and it makes loans only after informing residents of the area, as a means of employing peer pressure to ensure repayment. This last feature is reinforced by the guarantee on loans from membership fees, which puts further pressure on the borrower.

The lobbying activities of the group are receiving increased emphasis. Thus the members have held discussions on issues of concern such as customs duties, profit taxes, incentives for exports, and free movement of trucks. They have discussed these issues with the relevant National Directors, and then presented written proposals to the Minister of Agriculture, with copies to all the ministers. This document is to be discussed at the

upcoming Council of Ministers meeting, and a symposium is currently being organized.

Among the other professional organizations operating in the agricultural sector are the *Fédération des Horticulteurs de Guinée* (FHG), the *Regroupement des Exportateurs des Fruits, Fleurs et Légumes de Guinée* (REFLEG), and the *Association des Industrielles et Transformateurs des Fruits et Légumes* (AGROFEL). Each of these organizations has an Executive Committee, elected by a General Assembly of the members, which is responsible for all major management and administrative decisions, and they all have statutes and internal rules.

A major area of cooperation between these groups is in negotiating prices of agricultural produce. A *Comité de Liaison* (CLIFEL) which is organized by product and by region, undertakes arbitrage between the producers and exporters before the harvest season and prices are agreed upon. Members are not however, required to sell within the arrangement. CLIFEL thus builds dialogue between and within the production and commercial subsectors. Its main goal in the future is to improve the dialogue between these groups and the Government, and to this end it is moving from a focus on specific activities to a focus on issues and institutional rules and regulations.

Another national network of associations which is thriving consists of graduates of the PRIDE project. This project provides rural credit, a large percentage of which is to women entrepreneurs. The project lends to groups of four or five persons who provide mutual guarantees and who are obliged to participate in training courses on business management. The system is highly successful in its use of peer pressure and group solidarity. Repayment rates are 100 percent and recipients of loans have spontaneously organized into formal or informal associations to aid each other in their enterprises. They are currently trying to initiate a newsletter to disseminate information among the national network of associations.

The dynamism and success of these civil society entities in the rural sector contrasts sharply with the experience of the Chamber of Commerce, the *Patronat* or even the trade union movement. It is undoubtedly not a coincidence that some of the strongest rural based associations are non-political and encompass the geographic regions of several different ethnic groups. A key to the success of these groups is a clear sense of direction in working towards ends which are of mutual benefit to the whole group. Thus, members of different ethnic backgrounds and political affiliations are brought together by specific issues, and build solidarity in dealing with these issues. This process is a clear indication of the strength of economic agents in providing a non-partisan countervailing power to the political powers. Interestingly, it is the liberalization of both economic and

political life which has enabled this process to be created and to flourish.

e. Conclusions

Political and economic liberalization in Guinea has unquestionably led to very dynamic economic growth in the private sector, and to a flourishing of associational life, particularly in rural areas. In contrast to some of the urban based groups such as the Chamber of Commerce and the *Patronat*, which are highly politicized, rural associations have an issue oriented focus, which allows them to develop a broad based non-partisan membership.

The growth of the private sector has been most dynamic in commerce, particularly in the informal sector, and, reportedly, in agriculture, particularly in areas readily accessible to markets. The industrial sector, however, as well as some of the medium to large scale commercial enterprises, face more serious constraints. Although many of the problems mentioned appear to be technical economic difficulties, such as lack of infrastructure, particularly the electricity supply, and high interest rates, the root causes of even many of these difficulties can be traced in large measure to underlying deficiencies in the level of transparency and accountability in governmental and judicial institutions.

The consequences of these institutional weaknesses for economic development are substantial. They involve high transactions costs and entail a level of risk and uncertainty which prohibits the kinds of long term investment required for industrial development, and even some types of commercial undertakings. The ultimate consequences of these constraints are slower economic growth, very little value added and very little job creation by industry and its associated secondary services.

IV. THE GUINEAN STATE: INSTITUTIONAL DYNAMICS AND POLITICAL BEHAVIOR

This section provides an analysis of the December 23, 1990 *Loi Fondamentale* which established the legal framework for Guinea's state institutions under the Third Republic and the institutional dynamics of the executive, legislative, and judicial branches of government. This analysis clearly reveals the preeminence of executive power in general and presidential power in particular over the other branches of government.

A. The Guinean Constitution (*Loi Fondamentale*) and Organic Laws Creating the Political System of the Third Republic

1. The Making of the Constitution

One of the most striking features of Guinean political history has been the limited participation of Guineans in the constitutional process. The making of the fundamental law of the land has generally been imposed from the top with little consultation of the people in the constitutional process.

Independent Guinea's first Constitution, that of November 10, 1958, was hastily drawn up following Guinea's decision to vote no and thereby choose immediate independence from France in the September 28, 1958 referendum organized by De Gaulle. This short constitution had only 53 articles, was patterned on a French presidential model, and insured full political and civil rights for Guineans. Under the First Republic, the constitution was little more than a paper document. Guineans saw their rights trampled by a personal dictatorship and the subordination of the National Assembly and judiciary to the Party-State.

The military regime which took power in April 1984 ruled by decree for almost a decade. In October 1988, the CMRN announced its willingness to endow the country with a constitution. A year later on October 2, 1989, President Conté declared that the establishment of the rule of law was both an historical obligation and a challenge to be met by the country. Shortly afterward, Conté established a National Commission to draw up a new constitution.

Conté maintained tight control over the constitutional process which was marked by the exclusion of representatives of political parties, political associations, and other elements of civil society from the process. Moreover, Guinea had no independent press in which constitutional issues could be discussed and debated. Instead, most of the information concerning the process was disseminated by government-controlled media and state officials.

Some limited consultation did take place. Missions were sent to other African countries to study their constitutions. Guineans living abroad were asked to make suggestions. After the Constitution was drafted, the president and the territorial administration campaigned extensively to win popular support for the *Loi Fondamentale* in the December 23, 1990 referendum in which more than 95 percent of the population approved the new Constitution, according to official results.

Opposition elements criticized the constitutional process as illegitimate because it was initiated and controlled by a regime

which had come to power through force. To promote political reform, various human rights groups, women's organizations, and aspiring political leaders like Mamadou Ba created the *Forum Démocratique National* which called for multiparty democracy, the holding of a National Conference, and the establishment of a transitional government of national unity which would organize national elections. These appeals had little effect except in one area where the draft constitution was modified to permit the possibility of establishing a multiparty system instead of the two party system originally envisaged by President Conté.

2. Constitutional Analysis and the Democratic Disciplines

The "democratic disciplines" provide a useful framework for determining the extent to which Guinea's constitution and organic laws provide the legal framework for democratic governance.

a. Constitutionalism and Constitutional Limits

A Constitution is a set of fundamental rules that determines the rules governing the operation of a political system. Constitutions also set limits on what diverse political actors and institutions can do.

One of the most positive features of the 1990 Constitution are the provisions protecting the civil liberties and political rights of Guinean citizens. The Constitution thus protects freedom of speech, religion, and political views and property rights, the right to demonstrate, march, strike and to organize political, economic, social and cultural associations to defend individual and collective interests; prohibits discrimination based on race, ethnicity, gender, religion, and political, religious, and philosophical beliefs; and provides safeguards against abuse of state police power--e.g. torture, jailing without trial, invasion of the home without due cause, etc. However, Article 22 of the Constitution also provides the state with the possibility to limit some of these rights in order to maintain public order and to dissolve associations which violate the law or openly disturb the peace.

Several provisions exclude ordinary citizens from directly participating in constitutional processes. Thus, only the President or a group of deputies comprising 10 percent of the National Assembly can challenge the constitutionality of a particular law or regulation or take the initiative to make changes in the constitution. On the other hand, citizens have the right to approve or reject constitutional amendments in a referendum.

The December 23, 1990 *Loi Fondamentale* establishes an exceptionally strong presidential regime which sets few limits or checks on presidential power (Articles 37-45) and concentrates

all formal executive powers in his hands. Presidential power can be seen in the following areas:

- * President determines and manages national policy.
- * President insures the execution of law and disposes of extensive regulatory powers exercised through decrees.
- * President names all ministers who are responsible to him.
- * President sets the attributes of each minister and ministry by decree.
- * President names all civilian employees and magistrates and controls the civil service.
- * President heads the armed forces, names all military employees, and presides over the National Defense Council
- * President has extensive pardoning powers.
- * President is not criminally responsible for any acts other than high treason.
- * President determines the composition, organization, powers, and rules governing the functioning of the CTNR which fulfills the legislative function until the election of the National Assembly.

Article 92 of the Constitution allows a transition period of up to five years. President Conté has taken advantage of this clause to delay the holding of national legislative elections needed to permit the National Assembly to function as a deliberative body. One of the ironies of the current constitutional situation is that President Conté presides over both the executive and legislative branches of government despite the fact that Article 91 of the constitution states that the principle of separation of powers is not subject to revision.

Article 94 gave the CTRN the power to pass the organic laws needed to establish the country's main political institutions, thus preempting what normally should have been the domain of the National Assembly, the permanent legislative body of Third Republic. Guinea's organic laws went into operation on December 23, 1991, exactly one year after the national constitutional referendum. Moreover, Article 67 made it difficult to change organic laws by stating that organic laws could not be altered without the support of at least 2/3 of the deputies.

To date, three major institutions have still not been put in place:

- * the National Assembly
- * the High Court of Justice
- * the Economic and Social Council

Guinea's Constitution has thus permitted President Conté to dominate the deliberative process and to insure the overwhelming supremacy of the presidency and executive branch over all other branches of government and political institutions.

b. Popular Representation Through Elections

Elections allow voters to choose their representatives and to throw them out of office if they don't satisfy their constituents. Moreover, elections give political institutions like the presidency and the National Assembly their legitimacy since sovereignty resides with the people. In most democracies, people usually vote for candidates who are members of a political party. In some instances, independents can also stand for office.

The *Loi Fondamentale* provides detailed rules for the election of the president:

- * President must be elected by direct universal suffrage.
- * President must set the date of the elections at least 60 days before they take place.
- * Presidential candidates must be nominated by a political party.
- * The Presidential campaign must be opened 30 days before the elections.
- * To win on the first ballot, the candidate must win an absolute majority of the votes; if there is no winner than the two candidates with the most votes will run again on a second ballot.
- * If the election is not contested, then the Supreme Court will proclaim the president elect within 8 days following the final official results.
- * President serves a 5 year term and can be reelected one time.

The *Loi Fondamentale* also sets the basic rules for the national legislative elections:

- * Deputies are elected by direct universal suffrage.

- * Candidates must be members of a legal political party.
- * One third of the deputies are elected by majority vote in single district.
- * Two-thirds of the deputies are elected by proportional representation from a national list.
- * Deputies serve five year terms except in cases when the National Assembly is dissolved.

A subsequent organic law (L/91/012 of december 23, 1991) containing 213 articles elaborated a more detailed electoral code which set eligibility criteria for voters and candidates, the procedures for establishing and revising voter registration lists, the rules of the game for election campaigns, procedures to be followed on voting day to insure fair and open elections, and conflict resolution mechanisms to settle disputes concerning registration and voting irregularities.

The first elections to take place under the Third Republic were the 1991 local and municipal elections. These elections took place before the establishment of legal political parties. Hence, all of the candidates and lists presented were by necessity independents.

The December 1993 Presidential elections have been the only ones in which political parties have presented candidates. Independent observers gave the incumbent approximately 40-45 percent of the vote on election day. However, the official results gave Conté slightly more than 50 percent of the vote thus insuring him victory on the first ballot. Many observers believe that the vote count was rigged to make sure that Conté would not have to run again on a second ballot (IFES, 1994). While not admitting that the results were rigged, some supporters of the president have argued that holding a second ballot might have touched off widespread violence and rioting and could have conceivably led to civil war. Political opponents of the regime have argued that Conté would have lost the elections had they been fair, open, and honest. Analysis by independent observers suggests that Conté would have won on the second ballot any way because it was highly unlikely that opposition parties would have all rallied behind Alpha Condé to elect a Malinké president.

President Conté has used his victory to assert his legitimacy as Guinea's duly and "democratically elected" national leader. This phrase appears often in Conté's speeches and those of his supporters. On the other hand, opponents of President Conté have denounced the election results and claimed that the regime continues to be illegitimate.

One of the major battles concerning the rules needed to insure fair and open elections has been fought over the relative power of the National Election Commission (CNE) and the Ministry of Interior. By law, the Ministry of the Interior is responsible for organizing the elections while the CNE--which has representatives of political parties as members--serves as a watchdog to see that the elections are fair. The opposition parties and donors like the United States, Canada, and Germany would like to see a more independent CNE to supervise and manage the electoral process while the party in power and the government insist that it is perfectly logical that the MIS organize the elections since this practice is followed in most Francophone African states.

A recent IFES field report indicates that the government has made some improvements in its handling of the electoral process, but that much more needs to be done to insure open and fair elections for the 1995 national legislative and local elections.

c. Deliberative Democracy

A strong democratic system provides many opportunities and sufficient time for different governmental institutions and the public to deliberate the pros and cons of major policy issues. While debate takes place in the public realm, the most important forum for deliberation is usually the elected legislature.

In Guinea, free and open deliberation has been severely hampered by several factors:

- * the absence of a national legislature like the National Assembly
- * the dominance of the executive over the legislative bodies in the municipal and rural councils.
- * the weakness of civil society and organized interest groups to systematically present their positions and defend their interests.
- * the absence of national fora to discuss and debate major policy issues.
- * the exclusion of representatives from the opposition in participating in government decision-making.

One of the few bright spots in the area of deliberative democracy has been the emergence of a vigorous and highly informative independent private press since the first private newspaper appeared in April 1991. At the present time, Guinea's independent press is the most effective institution for opening

up debate on national policy issues and bringing public pressure on the government.

The *Loi Fondamentale* spells out the powers of the National Assembly and its relations with the executive. The National Assembly normally meets twice a year for a 30 day session beginning in April and a 60-day session beginning in October.

The Constitution is worded in such a way that ministers and other government representatives are not obligated to answer questions raised by the deputies. Thus, Article 73 uses language that says that ministers and civil servants can testify and answer questions raised by deputies. Moreover, neither the Constitution or the law calls for sanctions on ministers or other government officials who refuse to testify or provide information requested by the National Assembly.

The organic law (L/91/015 of December 23, 1991) drawn up by the CTRN concerning the internal operating rules of the National Assembly places considerable constraints on open public debate. Thus, while the ten National Assembly committees (*Commissions*) can call upon ministers, civil servants, and others to answer questions and provide information, this type of consultation is not binding. Article 35 states that civil servants need to have the approval of their minister in order to appear before a committee. Moreover, the public has limited access to committee proceedings and minutes since Article 38 limits access to the minutes only to deputies and members of government. Moreover, the publication of information relative to the deliberation and findings of special investigative committees are punished by law unless authorized by the National Assembly.

Debate in the National Assembly is also extremely restricted. Individual deputies have a maximum of five minutes to speak. The National Assembly has only 15 minutes to discuss and debate an oral answer provided by a minister in a regular National Assembly session.

The internal operating rules give minority parties little opportunity to participate in running the affairs of the National Assembly or setting its agenda. The rules favor the majority party or coalition by giving the majority party or coalition list all of the offices in the bureau. However, the presidents of minority party parliamentary groups representing at least 10 percent of the total number of deputies also have the right to sit on the bureau and enjoy the same prerogatives.

Since the National Assembly does not yet exist, it is difficult to say much about the future of the legislative process or the extent that the National Assembly will become an important forum for the open discussion and debate of public policy.

The fact that the Economic and Social Council (CES) has not yet been established also deprives Guinea of another potentially important institution to deliberate national policy. According to Article 87 of the Constitution, the CES is competent to examine bills of an economic or social character and must be consulted when in the drafting of planning and other bills related to the economy. The CES also has the power to take the initiative in recommending economic reforms to the President and National Assembly.

It is interesting to note that the organic law defining the composition and functioning of the CES gives that consultative body the power to determine its own internal operating rules. The CES will have 45 members chosen from the various social and economic sectors of Guinean society.

d. The Open Public Realm

The Guinean constitution guarantees all of the human and civil rights generally covered in international human rights conventions. The Guinean constitution thus provides rules to protect an open public realm which enables people to discuss political matters freely, evaluate the performance of government and organize themselves to manage their own affairs and defend their own interests. Freedom of speech and association constitute the most important conditions for an open public realm and are guaranteed in Articles 7 and 10 of the *Loi Fondamentale* and elaborated in the organic laws pertaining to political parties, and freedom of the press. The functioning of the public realm in Guinea is discussed in greater detail in the sections on political parties, civil society, and the media.

Since the establishment of the *Loi Fondamentale*, Guinea has made impressive strides in creating an open public realm. Thus, in a few short years, one has seen the emergence of political parties human rights associations, a free and independent press, and the proliferation of many NGOs and other voluntary associations.

Analysis of the *Loi Fondamentale* and the diverse organic laws suggests that the rules protecting the functioning of an open public realm are somewhat tempered by the state's need to place restrictions on various freedoms and groups when it feels that public order is threatened. The Conté regime has invoked the principle of maintaining public order in prohibiting certain political meetings, demonstrations, and marches by opposition parties and groups critical of the regime.

The following working rules or practices have been used to set limits on the open public realm:

- * What is not authorized is forbidden.

For example, since the freedom of the press code does not specifically mention the right to establish private radio stations, the government has refused to authorize them despite the fact that the logic of the code would authorize private radio and television stations as part of freedom of the press.

* The need to maintain public order as defined by the state takes precedent over rules insuring the free movement of actors and groups in the public realm.

For example, the government has recently banned several political meetings and marches of opposition parties on the grounds that they would lead to public disorder or could create a situation in which the state authorities would not be able to guarantee the safety of the participants.

* The more political the activity or group, and the more critical the group or activity is of regime policies and behavior, the more likely the government is to not invoke, apply, and enforce rules guaranteeing basic political and civil liberties.

For example, economic and apolitical associations have tended to enjoy greater freedom of movement and activity than political parties and human rights associations.

* The MIS must retain some control and supervisory power (tutelle) over all forms of associational life.

For example, all associations and political parties must be authorized or recognized by the MIS before they can become functional. Moreover, the MIS reserves the right to dissolve political parties and associations when they violate the law or constitute a menace to public order.

Despite the restrictions cited above, the opening up of the public realm has been the most important and positive sign of the construction of democracy in Guinea since independence.

e. The Rule of Law

In order to establish a democracy based on the rule of law, Guinea must overcome the legacy of the First and Second Republics in which the law was subordinated to the needs of either the Party-state or the military. Guinean citizens have had few precedents to turn to and little experience in invoking modern law to resolve conflicts, defend their interests, or to protect themselves against abuses of state authority by officials.

Guinea's 1990 constitution provides for an independent judiciary and prescribes rules, particularly in the domain of human rights

and civil liberties, designed to insure that the Guinean political system functions according to the rule of law.

An independent judiciary and a bill of rights are necessary but not sufficient conditions to insure the rule of law. The rules prescribed by the Constitution will not bring about the rule of law unless they are invoked by Guinean citizens and applied and enforced by state institutions. The rule of law implies that the law is well disseminated, understood, and accepted as legitimate by all levels of the population. This is by no means evident in the Guinean case for several reasons:

- * The law is written in French and based primarily on the French legal system in a country where the great majority of the population is illiterate in French.

- * There has been no major effort to translate the Constitution and main organic laws into the national languages or to explain the basic rules and concepts of democratic constitutional principles in terms easily understood by the Guinean masses.

- * Guinea lacks the financial means to disseminate the law. Many judges don't have copies of the legal texts needed to make rational legal decisions. State officials in the field often don't know the rules governing their functions.

- * Guinea also suffers from the absence of a body of legal precedents (jurisprudence) which can be used to apply the law.

- * Most Guineans have had little direct contact with modern legal institutions.

- * Law enforcement traditionally has been poor and inspired little trust or confidence. The failure to apply and enforce laws has been particularly troublesome for foreign and local businessmen and has adversely affected the development of Guinea's formal economic sectors.

To date the law has remained the domain of a relatively small group of non-representative Guineans in the executive branch of government. Guinea's constitution was elaborated by a small committee named by the President. The organic laws were legislated by the CTRN which consisted of the President and 36 members named by the president.

The National Assembly which is designated by the Constitution to make laws does not yet exist. The judiciary which is supposed to apply and enforce the rule of law is still very weak and highly dependent upon the executive. When political parties like the UNR have invoked the law to check violations of state authority,

the courts have generally sided with the government, thus casting doubts on the independence of the judiciary.

There is a broad consensus in Guinean society that corruption is rampant and needs to be checked by the establishment of the rule of law. There is more disagreement concerning which forms of non application of the rule of law is most detrimental to society. Human rights groups and opposition parties place the emphasis on abuses of state authority in controlling political and other activities. For its part, supporters of the regime argue that the introduction of democracy in Guinea has increased disrespect for the law and encouraged people to do what they want irrespective of the law. Democracy for many thus means anarchy, hence the need to reestablish the authority of the state. The business community complains about the non respect and enforcement of contracts, the precariousness of property rights, and the corruption of the judicial system as obstacles hindering economic development.

The establishment of the rule of law in Guinea is also impeded by the small size of the judiciary and the number of people with legal training. Guinea currently has approximately 200 judges and 45 lawyer in the entire country.

Civic education in the meaning and use of the law remains one of the major requirements for establishing the rule of law in Guinea. Given Guinea's past history and lack of legal precedents, this will be a slow and long process.

f. Decentralization and Self-Governance

Article 1 of the *Loi Fondamentale* declares that Guinea is a unitary state which, in most instances, implies a highly centralized form of government. The Constitution gives the state the final word in determining the creation and organization of local government units (*collectivités territoriales*). Article 88 lists three kinds of local government units: prefectures, urban communes, and Rural Development Communities whose creation and reorganization depends upon a national law. Although local government has the freedom to run its own affairs, the state maintains tutelage powers to make sure that the local government unit respects the law and acts in the national interest (Article 89). Finally, article 90 affirms the state's power to organize the form decentralization will take through national laws transferring resources, means and authority from the state to local government units.

The Constitution remains silent about the right of citizens to organize their own units of self-governance. The implication is that all decentralization activities must be organized and initiated by the state. Decentralization is discussed in more detail elsewhere.

g. Conclusions

This section has looked at the prescribed rules of the game governing Guinea's political system embedded in the *Loi Fondamentale* and organic laws. These prescribed rules provide a solid framework for constitutional democracy in Guinea. Much progress has been made in a relatively short period of time.

However, this progress has been marred by the following factors:

- * Those commanding the state have sought to control the constitutional process and to slow down the implementation of constitutional rules designed to share power among the three major branches of government.

- * The judiciary remains a small, weak, and fragile institution with meager financial resources and often inadequately trained personnel.

- * The non-holding of national legislative elections has delayed the establishment of the National Assembly as Guinea's national legislative body.

- * The regime has been often been lax in applying and enforcing rules designed to insure fair and open elections and equitable treatment for critics of the regime and opposition political parties.

The next two major sections of the report will look at the relationships between formal rules, working rules, incentive structures and political behavior in examining the institutional dynamics of state and civil society institutions.

B. Executive Branch: Institutional Dynamics

1. Formal rules and structures

In these early days of the Third Republic in Guinea, there are three major centers of decision in the executive branch: the Presidency, the Council of Ministers, the Council of Government . The Government presently has 27 Ministers and two High Commissioners. The 1990 *Loi Fondamentale* created a presidential regime that gives the President dominant power over the executive branch.

The personality and background of the newly elected President appears to affect greatly his behavior. Lansana Conté is a military officer who worked closely with Sékou Touré for many years before rising to the position of Chief of Staff of the armed forces. Conté rose through the ranks and therefore acts more on the basis of traditional values and common sense than on

the basis of sophisticated strategic calculation. As a military man, he prefers to refer to people in authority as the chiefs. As the closest military officer to President Sékou Touré, Conté seems to have learned many political skills and tricks concerning the art of governing from his mentor.

The Council of Ministers meets regularly twice a month on Tuesdays. The meeting is chaired by the President of the Republic who is Chief of the Government. Only Ministers, the Secretary General of the Government (SGG) and the Secretary General of the Presidency (SGP) attend these meetings. The Council of Ministers assists the President in carrying out his regulatory power. This power is exercised by decrees that are mostly taken by the Council of Ministers and submitted to the President's signature.

Another high level center of decisionmaking is the Council of Government which consists of all the Ministers and High Commissioners, the Governors of the eight Regions, the Governor of the Central Bank, the SGG, and the SGP. Meetings are held on a quarterly basis.

The work of the Council of Ministers and the Council of Government is managed by the Secretariat General of the Government which serves as a coordinating and advisory body for all ministries on behalf of the President. The SG prepares all dossiers to be handled by the Council. These dossiers include proposals for projects, decree proposals, law proposals, etc.. The Secretariat General of the Government also prepares all projects of laws and regulations resulting from the decisions of the Council of Ministers.

The most notable feature of institutional dynamics in the executive is the constant turnover of government ministers and high officials. Ministers serving in the Council of Government have changed frequently in the last five years. One reshuffling in the spring of 1991 saw the departure of all the diaspora people who were members of the cabinet. The Cabinet was reshuffled in the spring of 1992 and again in the summer of 1994. The case of the Ministry in charge of Agriculture illustrates this state of affairs. This Ministry was run by three Heads of the Department between the Spring of 1991 and the fall of 1994.

The constant reshuffling of the government has instituted a lack of stability that is very detrimental to government performance. This instability creates a situation where Ministers do not take their work very seriously, but instead work to please the president to preserve their posts. This maintenance strategy trickles down to all levels of the administration resulting in various kinds of dysfunctional behaviors throughout.

In 1992, an intensive review took place to ascertain the best way to streamline and consolidate government structures in order to reduce the size of government. This review led to the restructuring of the central government and resulted in two major improvements:

- * a reduction in the number of ministries which provided the government with opportunities to save money.
- * the combining and consolidation of major policy functions within a single ministry or services-e.g. the combining of the planning and finance ministries- which increased the chances for improved coordination of policy making and implementation. government.

2. Executive Behavior and Coalition Politics

The composition of the present government is an illustration of the kind of executive behavior at work. This composition reflects the requirements of a delicate balance between the desire of the President to act independently of political parties and that of the leadership of the PUP to push the president to choose ministers and other high officials from its ranks because the party helped him get elected. On several occasions, the President has made it clear that while he ran as the candidate of the PUP, he feels that he has few obligations towards that party because of his view that his own resources and stature in the military accounted for his election. This balance is reflected in the mix of ministers in the cabinet who include both PUP members and technocrats with no clear identification with the PUP or other members of the pro-government alliance.

The President has exercised his independence vis à vis the party by appointing technocrats proposed to him by the PUP Executive Council.

Progress has been made in increasing the number of women in government. The present government has 4 women ministers as opposed to only 2 women ministers in the previous government:

- * the Minister of Pre-University Education, and Vocational Training
- * the Minister of Agriculture, Livestock and Forestry
- * the Minister of Labor, Social Affairs and Employment
- * the Minister of Women's and Childhood Affairs.

Ethnic and regional arithmetic has also influenced the composition of executive. The first government of the Third Republic was formed in August, 1994 and consisted of 23 Ministers, 2 Hauts

Commissaires, the Secretary-General of the Presidency and the Secretary-General of the Government who also have Ministerial rank. The Ministers in the present government represent all ethnic groups and all regions of the country. This distribution is analyzed in the section below. What is important to note here is the fact that strict political considerations coupled with ethnic and regional balance have led to the shaping of this first government of the Third Republic. Interviews with various groups and individuals point out two major factors that led to the present shape and form of the Government. First, people generally believe that it is a government that rewards political allies. The regions that voted the most for the President were the most rewarded. For example, the forest region which voted heavily for Conté now has five ministers in the government. Second, leaders of the Opposition parties interviewed believe that the present government is a transitory one and designed to maximize support for the pro-government coalition in the upcoming national legislative elections. Most observers believe that regardless of the outcome of the legislative elections, the present government will be reshuffled as soon as the results of those elections are known.

To date, the opposition has not been represented in the government. Efforts by the UNR which left the opposition this summer to forge a coalition with the PUP has not led to the entry of any of its members into the government.

3. Making National Policy: Conflicting Interests and Incentives

The process of policymaking is dominated by five major factors:

- * the exclusion of diaspora politicians in the opposition from the decisionmaking process.

The policy process reflects the desire to marginalize the leadership coming from abroad. Those who stayed feel that they that they are the ones to deserve to reap the fruits of power. One of the consequences of this policy is that the country does not benefit from the diaspos' knowledge and experience.

- * Keeping the military happy.

Guinea is surrounded by countries where the political system has totally collapsed—e.g., Liberia, Sierra Leone. Guineans in power today see the military as the best guarantee for the stability of the country. They therefore feel that public policies should be geared to keeping the military happy and ready to defend the unity of the country. The policy process reflects this bias which is seen in the relatively large percentage of budgetary resources allocated to the military.

- * Executive dominance which is seen as necessary to restore the authority of the state.

The Francophone African government organizational tradition does not create a balance between the different branches of the government. Instead, it creates an imbalance in favor of the executive. This executive domination is characterized by the extensive powers given the President by the Constitution and his almost total control of the bureaucracy and the administration.

- * Donor influence.

The Guinean State depends heavily on donors, especially in the area of investments and debt financing. The Guinean State depends on the donors for more than 80 percent of its public investment budget and 80% of the operating budget of major development projects, not including the salaries of the civil servants.

This heavy dependence of the State has led the government to make policies that are often opposed by major social groups hurt by these policies or are unpopular because they are perceived as imposed from outside. Financial and economic dependency thus pressure the government to sign unpopular agreements with donors which in turn subject it to pressure from organized social groups. For example, the Government signed a Structural Adjustment agreement with donors which imposed a reduction in the size of the civil service and put a cap on salaries. However, in 1992, the Government granted a 100 percent increase in salaries following a general strike of civil servants and private sector employees.

Donors often use conditionalities to impose sanctions for violation of donor rules. The threat of sanctions provides strong incentives for the government to follow donor rules. These incentives are related to the need to keep donor funds flowing. While there are incentives for the government to follow donor conditionalities, very few incentives exist for individuals to implement donor policies. For instance, the government agreed on the changes in organization charts and designed the new ones. However, there were very few incentives for individual Ministers to implement them. As a result, there are still many places where the positions were not filled at the time of the study.

- * Public Opinion

The Guinean government is responsive to public opinion as can be seen in the following three examples. First, the government granted a 100 per cent increase in salaries in response to the general strike in 1992. Second, public opinion forced the regime to accept a multiparty electoral regime instead of the two party system originally proposed by the President. Third, the

government has shortened the transition period which was originally scheduled to last 5 years.

C. The State Bureaucracy: Institutional Dynamics

1. Composition, Rules, Incentives, and Interests.

The State bureaucracy is composed of three main categories:

- * The Civil Service (Cadres and auxiliaries)
- * Military and special forces
- * Parastatal sector

a. Civil Service

Limited experience with professional bureaucratic norms, family and social obligations, and beliefs in the power of blessings from one's elders all contribute to unprofessional behavior and the absence of true bureaucratic norms in the Guinean civil service.

1/ Size and composition

Ten years ago, it was practically impossible to know exactly the size and composition of the civil service in Guinea. This is gradually getting under control. At the end of October 1994, Civil Service data show that there are approximately 51,960 active and inactive employees divided into four categories (A, B, C, and D) based on the degree received. Cadres in the A category hold the highest positions in the Civil Service and must hold at least the equivalent of a bachelor of Arts degree. The A and B Cadres are the managers and the middle managers respectively. The C categories are those of the implementation agents. The E category is that of the permanent contractors.

The civil servants are organized into different corporate groups representing the specialized activities of their group, e.g. national education; general administration; industries, public works, transports, meteorology; Post and Telecommunications and Statistics; information; printing; justice and labor; rural economy; health; finances and accounting.

2/ Rules

A huge effort was made in order to put in place a body of rules that give a legal basis to the functioning of the civil service. Civil servants and all government workers are thus governed by rules spelled out in the Civil Service Code. This Code lays down a wide range of rules which deal with recruitment, rights and obligations of civil servants, salary scales and benefits, career

paths and promotion rules, rules for procedures on sanctions for civil servants violating the rules, and mechanisms to resolve conflicts between management and labor.

A total of 22.293 out of 51,960 civil servants work in various agencies of the national government ministries. Thus the civil service is divided into those who work in the central offices and are based in Conakry in a particular ministry (22,293 employees) and those who are based in the field administrative units (29114 employees) working for the 33 Prefectures. Formal rules define clearly the responsibilities of civil servants. However, they do not provide enough incentives to civil servants to work harder and more efficiently. Promotion is primarily based on seniority and time spent on the job.

Procedures are long and tedious and prevent the easy application of sanctions when the rules are followed.

3/ Civil Service Reform

The institutional dynamics at work in the civil service can best be seen by looking at the decisionmaking process and implementation of the extensive reforms undertaken from 1985 to the present. These reforms have focused on four areas:

- * restructuring of the Administration and redefinition of missions.
- * mastery and reduction of the size of the civil service.
- * reform of the human resources management system.
- * reform of the system of management of financial and material resources.

To develop and implement rules to regulate the civil service, the government adopted the following basic texts and procedures:

- * Decree 070/PRG/SGG/86 of 06/28/86 instituting a pre-retirement regime.
- * Decree 071/PRG/SGG/86 of 06/28/86 instituting a special departure program.
- * Decree 269/PRG/SGG/86 of 12/31/86 creating the BARAF
- * Arrete 3872/MEF/CAB/86 of 07/05/86 fixing the payments modalities for voluntary departures.
- * Decree 249/PRG/SGG/86 of 11/07/86 on the organization and the rules of the test evaluation-selection.

- * Arrete 4980 of 06/16/86 setting the medium term objectives of the evaluation-selection tests.

These sets of rules provided incentives for civil servants to leave and tools for weeding out unqualified state officials. Early retirement plans, large amounts of severage pay for voluntary departures, privatization of state enterprises, and the firing of more than 5,000 government employees who failed evaluation tests were all factors contributing to the reduction of the size of the civil service from 90,300 in 1985 to 51,235 in 1990.

Reforms to improve control over the number of government personnel and induce better job performance included the establishment of a computerized data base and the preparation of organizational charts and job descriptions.

The organization charts for all the essential levels have been completed. Filling up the positions provided in the organization charts has been lagging behind due to the lack of courage or will to fill the positions. Some Ministers did not want to fill the new positions called for in the organization charts for several reasons. First, they hesitated to choose among employees. Second, they underwent intense pressures from colleagues, friends, and relatives who intervened and interceded to get special consideration. Third, some Department Heads used the reforms as an opportunity to extort money from government employees or those seeking jobs for themselves or others and their brokers.

4/ Corporatist groups

The various corps of the Civil Service are organized in Unions corresponding to the different professional groups of the civil service. Under the First Republic these unions were organs of the single party system. Their role consisted solely of legitimizing the decisions of the party-state among the workers and mobilizing them for party purposes. Since the advent of the Second Republic, the role of the unions has been changing. They are slowly moving away from total control of the state to more independence and more aggressive collective bargaining to defend the interests of the membership.

The major corporate bodies are organized in Federations which correspond in most cases to the civil service corps in which the members work. Police and customs officials have not organized federations since they don't feel the need to unionize to defend their interests and feel that they are capable of getting what they want without collective bargaining.

The union leadership proceeds in the following manner. First, they identify the problems raised by their colleagues in Conakry

and in the interior. Secondly, they prepare a list of demands and/ or grievances. Third, they meet with the management authorities to discuss their demands and to work out solutions.

The civil service unions are primarily concerned with implementing Decree 006/PRG/SGG/89 which provides for extensive fringe benefits, medical insurance, per diem , and special allowances for going into the field. These provide important incentives for civil servants and supplement their low salaries. In each instance the Finance Minister and the concerned minister must sign an arrete setting the amount and eligibility requirements.

5/ Factors affecting functioning and efficiency

The civil service is a key institution in Guinea whose impact spills over into all aspects of Guinean society. Several factors affect the functioning and efficiency of the civil service:

- * The weight of the past.

Civil servants behave on the basis of values that are either inherited from traditional precolonial era, from the colonial period, and from the oppressive period.

- * Overconcentration of civil servants in the capital.

This detracts from the implementation of the national policies in education and health where the services are more needed in the countryside. The needs of the villages and rural communities are neglected. Only the Health Ministry has made a serious effort to change this pattern.

- * Top-heaviness and costly bureaucracy due to the number of cadres in the A and B categories.

A total of 51407 employees were paid in October 1994. About 30 percent of that number belonged to the A hierarchy; about 40 percent belong to the B category. Only about 30 percent belong to the remaining categories.

- * Inadequate enforcement of the rules of promotion as stated in the Civil Service Code.

Ministries and field agents do not have an adequate mechanism to identify those who need to be promoted. This lack of capacity creates a situation where civil servants who qualify for promotion have to come to Conakry to find ways to get their automatic promotions acted upon. This causes a lot of time lost for the administration and has a negative impact on the morale of the people who have to make the trips.

* The lack of sufficient operating funds and adequate infrastructure.

For example, the administrative reform directorate itself has not been able to fill its positions on the organization chart because it lacks enough space to house all the cadres that are needed in the work of reforming the civil service.

* the poor training and limited skills of civil servants at all levels of the bureaucracy.

Guinean civil servants were all trained to manage the Etat-Providence which did everything for the populations. The change of economic orientation has created a new situation for which the old training was not adequate. All of those who were trained in those periods have to be continuously retrained if they are to acquire the skills necessary to manage the public sector in a democratic society with a liberal economy.

One of the most difficult constraints to bureaucratic efficiency and a major temptation for corrupt behavior is the inability of civil servants to meet their social and status obligations due to the great gap between these needs and their incomes.

The weight of family and social obligations on the income of the Agents of the Civil Service at all levels put very heavy social pressures on civil servants who feel obligated to deliver. Those pressures cause most of the rent seeking behavior that prevails in the civil service. An analysis of the obligations of civil servants includes the following areas:

* Family and community obligations

- Food
- Lodging
- Transportation to and from work.
- Clothing
- Social contributions (births, deaths, marriages)
- Support to relatives in need
- Support to community (*Associations des Ressortissants*) and other community members

* Status obligations

- A car
- Provide transportation to the home village
- A modern house and furniture
- Modern appliances, radio, television
- Send children to private schools
- Radio, TV, telescopic antennas
- Send kids to local private schools

Send older children to foreign schools.

To meet all these obligations, in a society where consumer credit does not exist, is a major challenge. What needs to be kept in mind here is the fact that all of the cadres are under a lot of pressure to meet these expectations. To fail to do so would bring shame on the family or the clan, and marginalize the person in his own society. This marginalization is something that most of the cadres, even those who have stayed a long time abroad, cannot accept.

Traditional beliefs also create strong drives or inhibitions in civil servants. For example, another force that drives the cadres is the fact that they believe that the elders' blessings are very important for one's personal advancement in life. With that belief, one does every thing to deserve the blessings.

6/ Behavioral and Management changes

The GOG is making some efforts to make changes in the behavior of the administrators and managers and the public they are serving. It is very encouraging to walk in the Ministries of Finances and Administrative Reform and notice the professionalism of the Cadres working for those Departments. This state of affairs shows that there is hope for change in the country.

One of the major problems hindering administrative efficiency has been what can be called "administrative tourism" whereby civil servants receive a host of visitors in their offices who were there primarily for social reasons or to do unofficial business. To change this situation, the government has instituted a system of identification cards and installed guards at the entrance of major departments to screen visitors.

7/ Gender representation

The *Bulletin Statistique de la Fonction Publique* gives the data on the number of women in the Civil service and in the different categories. However, it does not at this point offer data on the number of women occupying the highest positions in the Bureaucracy and the Civil Service.

In addition to the five women heading in the cabinet, the recent appointment of the new Secretary Generals and Chefs de Cabinet has seen an influx of women. Eleven women were appointed in those positions where there were none before.

b. The Military

The military as an institution has played and continues to play a major role in African politics in general and in Guinean politics in particular. In the Guinean case, many reasons account for

that important role. First, the military carried out the coup that brought down the old regime. Second, the military claims that it was the force which brought democracy to Guinea. Third, it claims to be the guarantor of political stability and national unity. Fourth, the military receives many national honors. A special day was set aside to celebrate the 36th anniversary of the army. President Conté owes his position as national leader to the military which chose him to lead the country after the coup and which agreed to gradually power to a civilian regime.

As an interest group, the military has traditionally been well taken care of in terms of national budgetary allocations. At the present time, the military has some demands concerning its needs for better housing for the rank and file. The Minister of Defense has recently pleaded for the government to build new barracks for the army.

c. The Parastatal Sector

The First Republic in Guinea followed the norms and operating principles of the providential state. The parastatal sector was very developed under the first Republic in conformity with the socialist option of the Touré regime; however, this secteur developed in a legal vacuum since there was no formal legal framework for this sector. This began in 1991 when President Conté signed ordonnance 0/91/025) which set the institutional framework for public enterprises.

In 1993, the government passed a law L/93/037 signed on August 20, 1993 establishing the rules for the privatization of public enterprises. This law states precisely which authority is entitled to make the decision on privatization, how this is done, the objectives, and the modes of privatization. The same law also creates a privatization committee and determines the membership. An application decree (decree D/93/208) gives further details concerning privatization procedures.

In 1984, when the military took over from Sékou Touré, there were more than 200 parastatals in Guinea. Only 70 parastatals remain in the government portfolio today.

d. Working Rules and Relationships

The bureaucracy and the Civil Service in Guinea operate under heavy social pressure which creates a lot of deviation in the invoking and application of formal rules. Many civil servants prefer to operate outside of the formal rule structure.

The desire to control everything going on is a main characteristic of the behavior of the President, of the members of the Council of Government, of bureaucrats and civil servants

in Conakry. The rules of the game inherited from the colonial power and the First Republic contribute greatly to the control mentality and created a situation where everything was centralized. The way the government was structured attests to that. Many ministries are Ministries at the Presidency in charge of a domain. This is the case with Information, Tourism, Foreign Affairs, and Defense. The way central ministries operate is ample evidence for this centralization mentality. Budget execution is centralized at the level of the Ministry of Finances. No other Minister is authorized by law to commit the government financially. Program development is centralized at the level of Plan. All entities in the country must submit their new projects to the MP for approval and inscription in the *Program d'Investissements Publics* (PIP). Only the Ministry of Plan is entitled to mobilize funding for those projects. Decentralization is centrally controlled and administered by the Ministry of Interior. No decentralized activity can take place without prior approval of the MIS.

Most decisions that are made in this country are made by the top level people without prior consultation with the other social groups and the populations. A careful look at this phenomenon shows that this is mostly done to preserve the power base of the bureaucrats and the civil servants.

At all levels of the bureaucracy, the various actors do not act without prior instructions from their superiors and rarely make a decision without clearing it. Faced with a new situation requiring quick decision, they would rather wait and let the situation deteriorate rather than make the decision themselves.

The most amazing thing for an African observer is the lack of consultation within agencies, between central agencies and their field offices, between central agencies and between government and the citizens or the social groups. Consultation does not seem to be not part of the bureaucratic culture in Guinea. This is contrary to African cultural values.

Contacts made with various civil servants revealed a very poor circulation of information within agencies and between agencies. Subordinates at directorate levels did not know much about what was going on in their departments and were only regularly given bits of information related to specific tasks at hand. This lack of information creates a wait and see attitude.

On the other hand, information flowed from the field to the central levels, but no feedback is received at the field level. Unfortunately, the team was not able to go to the field to observe these relations more closely.

- e. Individual interests/Group interests versus Public interests

The public interest is often sacrificed in favor of personal interests, the interest of the ethnic group, and that of the political coalition. Many Guineans allege that Guineans often sacrifice the national interest in favor of personal ones. People cite examples in the way people make administrative appointments, and in the way they use public property for personal purposes.

The widespread appointments of Soussou in lucrative positions was a response to ethnic group interest even when these appointments were not in the best interests of the country. This position is widely maintained by the opposition and refuted by the people in the Government and in PUP.

It is widely alleged that there are widespread extortions in the procurement process whenever there is an area of discretion that is given to an administrator of public funds. All the transactions that fall under the bidding requirement fall into the category that leads to the extortions.

These kinds of allegations are not good for the image of the bureaucracy. They create a divorce between citizens and their administration and reduce the responsiveness of the officials to the public. The state bureaucracy suffers from a very bad reputation. The public strongly believes most of the bureaucratic elite is out to extort money in the exercise of their duties and that one cannot get anything done in the bureaucracy if one does not know someone powerful, and one does not pay to get it done. This mistrust can undoubtedly have an impact on the efficiency and effectiveness of the bureaucracy and hinders the development of the country.

2. Economic Functions: Revenue Collection, Resources Distribution, and Economic Regulation

Government needs financial resources in order to function and pay the salaries of civil servants, provide materials and equipment to enable them to carry out their duties, promote social welfare and economic development through investments in schools, health centers, maternities, and basic infrastructure.

The capacity to raise sufficient revenues to keep the bureaucracy functioning and meet the development objectives is one of the main governance problems facing the Guinean government. In the Guinean case, the major factors affecting the capacity to collect the needed revenues are:

- * National and local economic conditions

Guinea is among the poorest countries in Africa with a per capita income of only \$440.

* the large size of the informal sector which is difficult to tax.

* the rent-seeking propensity of state officials, especially those involved in collecting and managing state revenues.

There is a widespread perception that a lot of bureaucrats and civil servants are deeply involved in rent-seeking activities in the domains of tax collection. It is alleged that these people use their positions to receive personal payments at the expense of the state treasury.

* The drive to avoid taxes on the part of concerned populations.

The merchants and citizens who are victims of rent-seeking behaviors on the part of bureaucrats also in turn get involved in the game in order to reduce their transactions costs. This means that they accept making payments to individuals in order to avoid paying their full taxes which creates a net loss to the Treasury.

* the degree of confidence of the people in the fairness of the revenue collection system

a. Resources collection

The various codes (*Code des Impôts*, *Code des Douanes*, etc.) set the general framework for tax assessment and collection. The annual Finance Law determines how much should be collected and how the revenues should be allocated during the fiscal year. The Ministry of Finance plays the central role in tax collection and resources distribution through the budget that is found in the annual Finance law.

The collection of resources suffers from the inadequacy of the collection system, the inefficient exploitation of the tax bases, the widespread rent seeking behavior on the part of some officials in that sector, and the tax evasion practices that result from those factors. In short, the tax collection system suffers from a lack of the correct invocation of the law at both the level of the assessment of taxes and the collection of the assessed taxes.

Taxes collected at the local level are the responsibility of tax collectors assigned at various levels of the administration who report directly to the Ministry of Finances. When those *fonctionnaires* are assigned to local government units with elected officials, they are still considered regular employees of the Ministry and consider that their line of authority does not include the elected official. This phenomenon is encouraged by

the fact that all these *fonctionnaires* still get hired, assigned and paid by the central government. They thus do not feel that they are accountable to the public and to the local elected officials.

There are numerous cases of inadequate exploitation of the tax base. The most striking example comes from the inefficient use of the property tax base in the commune of Conakry.

The first major source of internally generated revenues is found in Title III of the third account category of the budget document. This consists of the taxes levied on mineral resources, oil products, diamonds and other precious metals. These taxes have yielded 50% in 1992, 49% in 1993 and are expected to yield 43% in 1994 of total internal revenues.

The second major source of revenues is the customs duties and other taxes on imports. This is the second account category of the budget chart of accounts. It yielded 22% in 1992, 33% in 1993 and is expected to yield 34% of total internal revenues in 1994.

Rent seeking behavior in the state revenue sector is widely recognized and condemned by the media, businessmen and the public. This rent seeking takes the form of officials getting themselves paid for not collecting what is due to the government.

The major consequences of this behavior are the obligation for the State to rely on foreign sources of funding to achieve any investment in the country and the loss of sovereignty that follows. All countries that were unable to rationalize the tax collection system and increase its efficiency had to accept painful structural adjustment programs.

b. The distribution of resources

The distribution of national resources for the development of the country is characterized by the centralization of the budgeting process and the lack of consideration for the needs of the field offices and local governments. Moreover, the availability of resources for development is subjected to centralized procedures which do not solicit the contribution of field offices to the development of budgets. The field shares are unilaterally determined by the central authorities without much regard for their needs. The centralized budgetary process forces accountants of all projects located in the field to come regularly to Conakry in order to get access to their share of the budget while the distribution is totally skewed in favor of the central agencies. For example, in one ministry 70% of the operating budget received was allocated to the needs of the Cabinet of the Ministry in the capital.

Rent seeking is widely recognized to exist in the resources distribution process. It occurs at the level of budget allocations, at the level of allotments, and at the level of execution. Some budget officials complain that in order to get adequate allocation of resources, the budget director of a department or a project has to promise to leave a certain percentage of the amount allocated to their agencies to the agents responsible for disbursements.

3. The Delivery of Public Goods and Services

a. Agricultural services

The development of agriculture is entrusted in the Ministry of Agriculture, Livestock and Forestry (MAEF). The Ministry provides valuable extension and organizational services, promotes water development, and constructs rural roads.

1/ Extension Services

After the advent of the Second Republic, the government started to put in place the classic form of extension services with the assistance of Donors among whom the World Bank and the French played a major role. The World Bank funded a project to help Guinea put in place the institutional framework for providing that assistance in organization.

2/ Water Provision Services

The survival of many communities depends on the availability of water for domestic purposes and for agricultural purposes. The Ministry of Agriculture has developed a very sophisticated branch that is able to dig wells for a set fee.

The *Service National des Points d'eau* (SNAPE) is in charge of developing water sources for the population in Guinea. The SNAPE has been doing an excellent job in this area.

3/ Rural Infrastructure

The Government of Guinea has engaged in a very substantial rural infrastructure development to be used by farmers in order to increase agricultural production and to facilitate the movement of goods to the markets.

This program is carried out by the National Directorate for Rural Engineering (DNGR) and the National Rural Infrastructure Project (PNIR).

To implement the program, the Government was able to mobilize funding from the World Bank (IDA: \$40 million), the United States

Agency for International Development (USAID: \$27 million), the German (KFW: \$6 million) and the French Aid and Cooperation Fund (FAC: \$500,000).

The project is implemented with a strong emphasis on the promotion of local small and medium enterprises. To enable the local enterprises to carry out the shares of infrastructures allocated to them, the project offers them technical and management training. So far, the project has awarded contracts to 115 Guinean enterprises.

b. Education services

The Ministry of Pre-University Education and Professional Training is providing services in the following areas:

- * upgrading the level of competence of teachers
- * building schools
- * producing textbooks for teachers and students
- * promoting private schools in order to expand the availability of education in Guinea.

The main activities of the Ministry are undertaken through a mechanism called the *Programme d'Ajustement du Secteur de l'Education* (PASE). This program receives major funding from the World Bank, the USAID, the French FAC, and the EEC. The Ministry is nearing the end of the implementation of the first PASE and is in the process of negotiating a second PASE.

During the PASE program, 3000 schools were built, of which half were built by local communities. This shows the huge effort that the populations are putting into the development of the educational system and the interest they have for that development.

The major governance issues identified are:

- * the lack of public participation in the design and implementation of policies
- * the lack of fit between the type of education offered and the environment in which it is offered.
- * the willingness of local communities to make significant sacrifices to build schools and insure the education of their children.

The official rate of the population's contribution to the effort is 10%. In the school system in Gueckedou, however, the NGO working there was able to obtain up to 40% contribution from the populations. This example shows that the national authorities have underestimated the level of interest the populations have and the contribution they could bring.

The data above shows that there is a tremendous potential and opportunity that the education sector could seize in order to reduce the involvement of the State and the budgetary burden that it entails.

c. Health Services.

The Ministry of Health has made valuable contributions in the field of health. The major accomplishments are found in the area of the integration of primary care services in more than 80% of health centers, the adoption of a population policy, the implementation of a cost recovery system covering operating expenses in many health centers, and the development of plans to decentralize key management functions to the regional and prefectural levels.

Under the Health Ministry's plan, regional and prefectural responsibilities would include some coordination activities such as training, supervision, resource allocation, program data collection, and analysis.

Two main health functions are carried out at the regional level. The first is carried out by the regional Inspector who monitors primary health care program performance, coordinates NGO activities, and monitors other sector interventions. The second is the provision of secondary curative health care.

The prefecture level is the main focus of activities for the PHC program. The Directorate of Health gives refresher training to health providers, monitors program progress in Health Centers, and helps carry out simple planning processes which is the focus of the PHC program for the period 1988-1995. The sale of drugs and services is managed in each community by a management committee composed of representatives from the community. The committee's other major function is social mobilization to bring pregnant women and children to use health services.

The GOG has also encouraged the involvement of private institutions in the delivery of health services in health clinics, medical offices, pharmacies and private laboratories.

4. Bureaucratic Accountability

Corruption, accountability and transparency are major areas of concern for the development of democratic governance. This is

the case because widespread corruption, and the lack of transparency and accountability, contribute to a reduction in the legitimacy of public institutions and erode public confidence in leaders.

a. Rules dealing with corruption

Article 12, paragraph 2 of the Civil Service Code spells out what civil servants cannot do while discharging their duties. The article states that it is totally forbidden to solicit or to receive gifts, tips, or any other benefits through a third person even outside of the exercise of their duties.

The Guinean penal code is being revised. The old code provides for basic sanctions against abuses of administrative power and administrative corruption.

The formal rules exist in the books to sanction administrative abuse and corruption. The main problem in the areas of administrative abuse and corruption is found in the lack of invocation of the laws, the lack of implementation of the rules, and the lack of enforcement of the provisions of the civil service and penal codes.

b. Formal mechanisms for accountability

Accountability is exercised internally and externally. Internal accountability is exercised with the use of regular reporting to hierarchical superiors. All ministries and agencies stress the need for reporting. The regularity depends on each Ministry. These reports, when produced, are not used for the purposes intended by the rules. Most reports receive very little feedback from superiors. Over time, subordinates lose motivation to write reports because they do not see any need for it and stop writing them.

To achieve control and accountability in the executive branch of the government, a few institutions and procedures were put in place. The internal institutions are composed of the *Inspection Générale d'Etat*, the *Inspection Générale des Finances*, the *Inspections Générale* of the various Departments.

1/ The Development of Rules and Procedures

The Republic of Guinea has codified many procedures that create the basis for traceability of decisions made in the public sector.

- * The *Loi Fondamentale* in its articles 31 and 67.
- * The organic law on the Annual Financial Law
- * General principles of public accounting

- * The Investments Code
- * The Procurement Code
- * The Customs Code
- * The Taxes Code
- * The Penal Code

This set of documents, constitution, organic law, codes, laws, and decrees offer the prescriptions for an adequate management of the public resources in the interest of the taxpayers. Unfortunately, the rules are neither applied nor enforced. The capacity to invoke, apply, and enforce the rules is very weak because of the negative incentives systems stated above. There are more incentives to avoid invoking, applying and enforcing the laws.

The rules mentioned above are never invoked in some cases. People who are supposed to invoke them never do so because they do not think there is an accepted administrative culture that accepts the application of sanctions to those who break the law. The question was put to the High Official of the Chamber of Accounts of the Supreme Court as to why He does not invoke the law against the abuses of financial nature. He said he does not do so because he knows doing so would not lead anywhere.

* The Inspection Générale d'Etat

The *Inspection Générale d'Etat* is a control mechanism attached to the Ministry of Economic and Financial Control, which is in turn attached to the President's Office. This body reports only to the President and is in charge of the control of all agencies of the Executive. It is also entitled to all copies of all audits done in all the other control institutions of the country. The *Inspection Générale d'Etat* is presently staffed with one *Inspecteur Général* and 10 *Inspecteurs d'Etat*.

* The Inspection Générale des Finances

The Minister of Finance has at its disposal an organ called the *Inspection Générale des Finances* (IGF) with a regional branch in each the region of the country. This agency was created by *Arreté No. 10890* signed by the Minister of Finances in November 1988. The IGF is in charge of the control of the work of all accountants and all managers of public funds. These inspectors report directly to the Minister of Finance. A copy of their reports is forwarded to the *Inspection Générale d'Etat*.

The *Inspection Générale des Finances* is now staffed with 2 *Inspecteurs Generaux*, 25 Inspectors and 6 Controllors who assist the Inspectors in their work. The IGF does not have its own budget. It thus proposes a program of Inspections that is never fully implemented. The IGF Inspectors do not feel protected against corrupt practices because of low levels of salaries,

benefits and per diem. When they travel, they have to rely on the help of those who they are inspecting in order to make ends meet.

The general criticism coming from other sources of the work of this agency is that it does not have adequately trained staff to get the job done. Moreover, people argue that the inspectors lack the moral foundation to do a good job.

* The Inspection Générale at the Ministry Level

Each Minister has at his disposal a control organ called *Inspection Générale* which is subdivided into sectoral Inspections. Depending on the Ministry's resources, these inspections carry out periodic control on request from the Minister.

All these formal mechanisms of internal bureaucratic accountability could greatly contribute to improve transparency and accountability in the bureaucracy if they were made to operate properly as stated in the rules creating them.

2/ External Mechanisms of Accountability

Mechanisms of control and monitoring that are external to the bureaucracy and that would contribute to transparency and accountability are the National Assembly, the Supreme Court, the Press, and the public opinion.

*The National Assembly

The Constitution and the Organic Law on the internal rules of the AN give the Assembly the right to ask the members of government oral and written questions. Moreover, the law allows the AN to create commissions to investigate any matter it deems necessary to look into.

The legal framework exists which authorizes the National Assembly to exercise control over the Executive. Whether the A.N. chooses to exercise that right or not is a matter of empirical evidence which will not be known until the Assembly starts operating.

* The Supreme Court

The *Loi Fondamentale* provides institutions that will insure that the management of public resources is conducted according to the rules. One of those institutions is the Chamber of Accounts of the Supreme Court. Article 61 of the Constitution gives the Supreme Court the role of insuring *a posteriori* that the Finance Law is executed according to the norms. The same article states that the Supreme Court must report to the National Assembly the result of its audit.

This control function is made more explicit in Title II, chapter II in article 35 of the Organic Law on the Supreme Court dated 23 December 1991 on the organization and functioning of the Supreme Court. The law gives the Chamber of Accounts authority to control the accounts of all public accountants and to audit the financial management and accounting of all agencies receiving funds from the government. This same organic law mentions that the Supreme Court reports to the National Assembly and to the President of the Republic.

The Chamber of Accounts is staffed with three permanent officers, the President of the Chamber and two Councillors. The current president is an accomplished accountant who served a long time in that capacity in Senegal in auditing institutions. The other two Officers are magistrates who were not formally trained in accounting. The Chamber of Accounts does not have its own budget. With such a small staff and no financial resources, the Chamber of Accounts of the Supreme Court is entrusted with the auditing of all agencies managing and receiving public funds. This includes one State account, 77 accounts of the *collectivites territoriales* and 40 accounts of the public enterprises.

Supreme Court officials told us that since 1988, they have not done any audit of government finances. Not a single one in five years, including the two years since the installation of the new Supreme Court. The only audit the Court of Accounts carried out was that of the Customs Office in 1989. The President estimates that the Court saved the state 1.25 billion Guinean Francs and that the audit led to the dismissal of the then Minister of Finance, the Director of the Customs Office, and other officials.

The President is confident that with the appropriate political will, staff and sufficient financial resources, the Chamber of Accounts will be able to audit all the accounts receiving public funds including those coming from foreign sources, and suggest remedies that would gradually help to get rid of all the unorthodox practices that are paralyzing public agencies and destroying the credibility of the institutions and the leadership in this country.

* Public Opinion

Public reactions is often difficult to interpret. On the one hand, society puts heavy pressure on the cadres to spend beyond the levels of expenditures they can afford. Society considers it a curse when one is promoted to a high level position for so many years and does not build a fancy house, buy a fancy car and marry a new second wife. These pressures on bureaucrats and civil servants account for most of the misuses of funds and rent seeking behaviors that occur among the elites. On the other hand, the public acts outraged at the ostentatious luxury displayed by some of the elites.

* Press denunciations

The independent press is the main jewel of the democratization process in Guinea. The press seizes every opportunity to write about whatever is going on that is of interest to the public. In every newspaper, one can find columns about corruption or misuse of funds in central and local levels of government. The fact that the press is involved in bringing in the open corrupt or illegal bureaucratic behavior is a very positive contribution to keeping people in government accountable.

* Opposition as watchdog

The opposition is composed of people who do not hesitate to denounce the corruption practices that occur in the administration. All the opposition leaders the team met identified corruption as the main factor in the inefficiency and ineffectiveness of the bureaucracy. They expressed outrage at the fact that nothing is being done by the government about it. This position taken by the opposition is a major deterrent to corruption.

e. Limitations in the application of laws

The major constraint in the development of accountability revolves around the very low level of application of the laws that exist in the books that punish civil servants and politicians for corrupt behavior while discharging their responsibilities.

The other major obstacle resides in the limited availability of information to those who could determine what is going wrong and who could denounce it. Retention of information is still the main mode of handling information in the bureaucracy. Very few Ministries publish their yearly reports or make them available to the public when they prepare any. This is even true of the National Election Commission, the newest agency in town and the one expected to bring transparency to the legislative elections. Team members were unable to obtain a copy of their latest document because CNE officials did not think it was appropriate to pass it around.

D. Decentralization and Democratic Governance

Democratic governance needs to be conducted at all levels of societies when groups get together and handle some sort of public domain. Conceived in this fashion, democratic governance reduces the concentration of political power, increases responsiveness and accountability, and offers more opportunity for self-governance and the empowerment of the people.

For the purposes of assessing progress in Guinea in the area of greater democratic governance, it would be useful to divide the concept of decentralization into five basic forms:

- * Administrative decentralization which gives more authority and autonomy to state officials at the local level, i.e. region, prefecture, sub-prefecture to make decisions and take initiatives.

- * Political devolution which transfers authority and financial resources to elected and autonomous self-governing units.

- * Generalized self-governance which creates the enabling legal environment which gives the associations and communities the power to organize self-governing units and special jurisdictions that deal with specific problems in areas such as health, education, irrigation, natural resources management.

- * Delegation which entails the State creating entities to which it delegates a piece of its jurisdiction and full management autonomy.

- * Privatization which transfers or leaves to private entities certain domains of activities previously controlled by the state.

1. Decentralization and Conflicting Institutional Interests

Each form of decentralization affects the power relationships in society, within the bureaucracy and the administration and between the government and civil society. Francophone countries have an ingrained administrative cultural tradition of centralization and *tutelle* which gets in the way of true devolution and local self-governance.

Bureaucrats and civil servants at the central level have very little incentives to decentralize. They thus conduct administrative reforms in terms of a highly supervised decentralization which leaves very little power to the local appointed authorities. The rationale for that position is that the local level people are not ready to govern themselves.

Political parties tend to support decentralization. They are very critical of the present form of decentralization because it deprives them of the political base they could have built if the decentralization mode left some room for local government units to be autonomous.

Donors and civil society have a vested interest in the promotion of self-governing units at the local level. Donors face a difficult dilemma in Guinea. They realize that they cannot get

the leverage they need over the central government, and therefore see the need to promote more locally-based projects. Guinean civil society has a greater interest in the development of local self-governance units. To date, the most dynamic entities in civil society are the *Associations de Ressortissants* which would benefit greatly if they had to deal only with local government units composed who are only accountable local constituents.

2. Decentralization and Political Devolution

Those who drafted the 1991 *Loi Fondamentale* did not have much interest in promoting decentralization. In conformity with their peers in other francophone countries, they defined decentralization as an administrative issue. This perspective is found in Title X, Articles 88, 89 and 90 in the *Loi Fondamentale*. Article 88 defines the *collectivités territoriales* as Prefectures, urban communes, and rural communes for development (CRD). Article 89 says that the *collectivités* administer themselves freely under the control of a State delegate who watches for national interests and insures that the laws are respected. Finally, article 90 says that the law organizes decentralization through the transfer of competencies, resources and means to the collectivites.

a. Uniformity of Local Government Rules

The legislation creating jurisdictions do so in a very symmetrical manner at all levels of the administration. They create the same entities all over the country and organize them the same way. The same law determines the sources of revenues the same way for all the jurisdictions even if their economies do not have the same resource base.

Decree 91/167/PRG/SGG/ of June 24, 1991 organizes the services of the CRD. Two kinds are created: technical services, and the treasurer services. Arrete 91/8312/MID/SED/CAB/91 determines the responsibilities of the Communal Secretaries. The latter are in charge of the implementation of the Government and CRD policies in the economic, social and cultural domains.

b. Deliberation rules and executive dominance

Ordinance #093/PRG/85, dated 17 April 1985, created the District Council and the Council of Sages, specified their composition and their major duties and responsibilities.

The way these entities work should be tested through field work which could not be done during the first trip.

Ordinance 079/PRG/SGG dated March 1986 created the *Collectivité décentralisée* (CD) (local government) and specified its organization and rules of functioning.

Ordinance 079/PRG/86, dated March 25, 1986, reorganized territorial administration and created the decentralized collectivities (CD). It organized the territorial administration into a) districts in rural areas, *quartiers* in urban areas, b) rural communities for development, and urban communes, and c) Prefectures and cities of Conakry. Next was enacted Ordinance # 092/PRG/SGG/90 of October 22, 1990. This ordinance sets the principles of organization and operation of the *Communautes Rurales de Developpement*, (CRD). The CRD is constituted with a deliberative and an executive body. The Ordinance gives the list of CRD Officers and their duties and responsibilities. The executive dominates with the deliberative body or council having little control over the President of the CRD.

At all levels of the administrative system, elected officials' decisions are subjected to the veto power of appointed ones who are accountable only to the central authorities in Conakry. An elected assembly cannot remove a representative of the administration.

c. Tutelle rules and Financial dependency

One of the major obstacles to decentralization has always been the financial one. The main area of dependency of the decentralized governments on the central one continues to reside in the areas of financial resource mobilization and use for local activities. The central governments has been reluctant to transfer the authority to determine tax bases and levy resources to the local governments. The GOG put in place an elaborate web of legislation that gives it direct responsibility to carve out any domain that is attributed to the local ones and that gives the central government direct control over all financial activities at the local government levels.

The dependency starts with the definition of the tax base for the urban and rural communes. Ordinance 091/PRG/SGG/90 sets the financial and fiscal regime of the rural communes in Guinea. It fixes the types of taxes communes may levy, how they may collect them, the rules for the budgeting process, the actors and their roles, and the accounting principles. This ordinance also gives the tutelary authorities the right to approve the budget and modify budgets unilaterally.

The data collected at the central level show two major areas in the dynamics of the tutelle rule and financial dependency. The first one is the dependence on the Ministry of Interior in the area of the allocation of resources. All decentralized units have to submit their budgets to multiple levels of approval. The

budget must first be approved by the local representative of the Ministry of Interior. After this approval, the budget is sent to Conakry for the approval of the Minister of Interior. It is at this level that the budget becomes an official budget once it is approved and codified using an *Arreté Ministeriel*. The second area of dependency relates to the one in the expenditure process. The officials in charge of the management of revenues are all civil servants who report to officials other than those of decentralized entities. Decree 92/040/PRG/SGG/ of 7 February 1994 already set the salaries and benefits levels of the members of the deliberative bodies of the CRDs. The CRDs themselves do not have anything to say about that.

Local governments have very limited capacity to provide services because of their low budgets. The 1993 fiscal year budgets figures obtained from the *Direction Nationale de la Décentralisation* show a 5,131,412,249GNF total capital and operating local budget for the city of Conakry, the other four regions, all the other urban communes and the CRDs.

3. Administrative Decentralization: Institutional Dynamics

a. Organization of the Territorial Administration

The main driving rule in the setting up of the territorial administration is to bring administration closer to the people. To achieve that closeness, a vertical territorial administration was put in place composed of three levels: the regional, the prefectural and the sub-prefectural levels. The operating principle is that decisions are made according to the will of the top without any consultation with the populations concerned. Thus the representatives of the central government have become more and more powerful, and their domains have expanded dramatically.

Under the First Republic, the Guinean territory was organized in terms of Administrative regions, *Arrondissements*, and Local Revolutionary Powers. The main operating principle was the supremacy of the political organs of the party over the administration. It was not rare in an administration to see the messenger who was an influential party member threaten and disobey his boss. Office hours were used for political meetings.

The Second Republic introduced military values in the operation of the bureaucracy while attempting to depoliticize the administration. For that purpose, it undertook a massive reorganization of the administrative apparatus.

Ordonnance 042/PRG/84 made new changes in territorial administration. First, it abolished the organization put in place by the First Republic and also abolished the communes. It created an administrative state structured around 8 new

Provinces, 36 Prefectures, Sub-prefectures, districts, and *quartiers*.

The second part of the reform consisted of the restructuring of territorial administration in 1991 along with the restructuring of the central government. The main change here was that the four Resident Ministries at regional levels were replaced by four governorships and some civilians were appointed governors along with military officers. The new governor of Conakry, Kankan and Nzerekore were all civilians.

The main change and improvement in the reorganization of territorial administration in 1994 was the creation of new governorships. This clarifies the relationships. It is now very clear to all that the territorial administration reports directly to the Ministry of Interior. This was not the case before when military governors operated independently of the MI. It remains to be seen if this change will improve territorial administration.

The other change resides in the quality of representation provided by the Governors and the Prefets following the 1994 appointments as the result of Presidential elections.

On the professional front, the professional profile of the Governors shows: two are administrators, two are military officers, two are teachers, one is a surgeon, and one is unidentified. The professional profile of the Prefets shows that 7 Prefets are administrators, 6 are professors, 6 come from the army and security forces, 5 have a financial background, 3 are agronomists, 2 are scientists.

An analysis of the ethnic profile of the 8 Governors shows that 3 are Fulanis, 2 are Sousous, 2 are Forestiers and one is Malinké. The profile of the 33 Prefets yield the following result: 10 Prefets are Fulanis, 5 are forestiers, 4 are Malinkés, 2 are clearly Sousous, the balance is unidentified to be distributed between the Sousous and the Malinkés.

The data above shows that ethnic considerations are not as important as they used to be at these levels of the Government and the Administration. They however tend to point to the increased politicization of the administration. The complaints voiced by the opposition leaders support this view.

Finally, the new reorganization poses a serious problem of resource distribution. The new entities need resources in order to operate efficiently. The increase in governorships increases the financial pressures on the resources of the government at a time where resources are extremely scarce. The question is whether the government would be able to handle the financial

requirements in the start-up and operation of these new jurisdictions.

b. Territorial Administration and Local Development

Administrative deconcentration has been the rule of the game since the beginning of the administrative reform effort. This has consisted in the symmetrical distribution of field offices by agencies of the government without regard for the size of the area and of the population.

After the 1993 presidential elections, the Government proceeded to change the configuration of the territorial administration in Guinea. It created 3 new regions and appointed new Governors. This was characterized by a lack of participation of the populations concerned and the political considerations in the appointment of the new administrators. It did not change any of the rules of tutelle. The Republic of Guinea is presently subdivided into 7 regions and the Special Conakry zone, 33 Prefectures, and 303 Sub-prefectures subdivided into districts. At each one of those levels, there is a representation of the major departments of the Government called "services déconcentrés." These are entrusted with the major role of defining, guiding and supervising local development efforts.

At the regional level, various Inspectors are in charge of the development of regional development policies and the control of their implementation. For example, in the area of agriculture, there is an *Inspection Régionale du Développement Rural et de l'Environnement* which oversees all rural development activities in the Region.

At the prefectural level, a prefectural committee for development is put in place in charge of the development of the prefecture. This Committee is chaired by the Secretary General in charge of Decentralization. The latter is a deputy of the Prefet. The various representatives of national agencies are members of this committee. The secretary General prepares a periodic report giving the accomplishments and the proposals for development projects.

The Government has a system of promotion of local development activities with the creation of local development units at regional and prefectural levels. The main problem is found at the level of the coordination of these development bodies and the units of government represented at the local level in the form of administrative structures and temporary projects. There is a lot of tension in that relationship based on the availability and access to resources.

E. THE LEGISLATIVE POWER: INSTITUTIONAL DYNAMICS

The legislative function is one of the major elements of a democratic society. It is through this function that the society specifies the detailed rules that organize the playing field of the political game. The Republic of Guinea has been slowly developing a democratic legislative apparatus. This process started with the appointment in 1991 of a special committee called the *Conseil Transitoire de Redressement National*, (CTRN) which was entrusted with the development of legislation for the organization of the transition to a democratic society in Guinea. The process will be continued with the installation of the new National Assembly following legislative elections which are presently being prepared. The Legislative function will be analyzed within the frameworks and the dynamics of the successive regimes that held power in the Republic of Guinea..

1. Legislative Functions under the First and Second Republics

Under the First Republic, the President of the Parliament and many other members of the Parliament were also influential members of the Executive Bureau or some other very important body of the single political party. Decisions were made by the political organ, passed on to the government to give it the legal form needed, and then, when there was a need for it, they were passed on to the National Assembly which wrote those decisions into law and approved them without much deliberation.

The First Republic did not value much the principle of separation of powers. Parliament members served as MPs, as members of the Executive, and as magistrates. They did not therefore dispose of much time to devote to their work of lawmaking.

From April 1984 through December 1990, the legislative function was handled by the *Comité Militaire de Redressement National* which acted and governed through ordinances.

2. The CTRN

After the approval of the Fundamental Law by the People of Guinea through a referendum in December 1990, the President of the Republic appointed the members of an institution called the "Conseil Transitoire de Redressement National (CTRN)". The creation of this Council is provided for in the Fundamental Law in its Title XII related to transitory provisions.

The CTRN was a Council composed of 37 members. To carry out its legislative work, the law created an executive bureau, a general secretariat and 5 main commissions. Each commission had a President and a rapporteur. The five commissions were:

- * The Law Commission
- * The Defense and Security Commission
- * The Economy, Development and Environment Commission
- * The Cultural and Social Commission
- * The Communication Commission

a. Rules

The work of the CTRN was done in the five main commissions and approved in the plenary session of the *Conseil*. However, only the executive bureau could seize the CTRN concerning various matters for its consideration. The business for the Commissions was solely introduced by the Executive Office of the CTRN. Commission members and the public could not take initiatives. The CTRN approval process called for decisions to be made on the basis of the absolute majority of its members.

b. The Organic Laws

The CTRN was able to produce a huge amount of organic laws called for in the Fundamental Law. It thus drafted in 9 months of work in 1991 15 major organic laws and submitted them to the President who promulgated them on December 23, 1991. The 15 organic laws are listed below:

- * Charter of political parties
- * Amendment to the Fundamental Law on the number of parties
- * The composition and functioning of the Economic and Social Council.
- * Freedom of the press
- * Creation of the National Council on Communication
- * Financial Laws
- * Supreme Court responsibilities and functioning
- * The responsibilities, organization and functioning of the High Court of Justice and the procedures to be followed.
- * Creation of the Supreme Council of Magistrature
- * Statute of the Magistrates
- * The electoral code

- * Electoral districts, the number of deputies, and the amount of their indemnities
- * Setting the conditions for eligibility, incompatibility concerning the members of Parliament.
- * The by-laws of the internal rules of the National Assembly
- * The state of siege and the state of emergency

The former members of the CTRN interviewed said that the CTRN operated in a very autonomous fashion, without much interference from the President even though the latter was the President of the CTRN. This autonomy allowed them to make major decisions on the length of the transition, the nature of the multiparty system, and on the charter of political parties.

The other point raised with the former members of the CTRN was that of the level of participation of various social groups in the legislative work of the CTRN. The people questioned said that the CTRN appealed to all citizens to help draft the *Loi Fondamentale* and the organic laws. They say that people, mainly the Opposition party members refused to participate in the drafting work and spread out a boycott message.

Most people in the opposition and in civil society interviewed stated that the CTRN was a rubber-stamping institution which only did what the President wanted them to do and what was in the interest of the elites that were involved in the life of the Second Republic. The truth of the matter is found somewhere between these two positions.

The work of the of the CTRN was voluminous. However, this work was done by appointed officials who owed their position to a president who was not elected. The legitimacy of the laws they prepared and adopted is therefore questionable.

A second major problem with the CTRN was the lack of separation of power between the executive function and the legislative function. The President of the Republic was at the same time the Head of State (the executive) and President of the CTRN (the legislature).

A third significant defect in the CTRN was the fact that the CTRN did work on all the major legislation that should have been handled by the newly elected National Assembly. It even prepared and passed legislation on the by-laws of the National Assembly. The writing and passing of that law contributes greatly to the development of the dynamics in the new National Assembly.

Finally, it is very important to note the possible consequences of the CTRN usurping control of legislative agenda setting. This is likely to create a very unstable legislature and a very unstable Third Republic if the newly elected Assembly is composed of a majority coming from a coalition of opposition parties and if majority MPs try to assert their independence *vis à vis* the party that helped them get elected. If those two groups form a coalition, this could mean paralysis of the executive in its legislative initiatives. In the case where this coalition attempts to redraft the organic laws, this could also add to the uncertainty and instability.

3. The National Assembly

Legislative power is organized within a legal framework that can be found in the Fundamental Law in Title IV (Articles 46-58), in organic Law L/91/015 dated 23 December 1991 which sets the internal rules of the new National Assembly, and the decret D/91/264 dated 10 January 1992.

a. Formal rules and organization

The Fundamental Law entrusts the legislative power in a National Assembly which will be composed of 114 deputies elected through a combination of two electoral modes. One third of the assembly will be elected through the single district mode while the remaining two thirds will be elected on a proportional list of party basis.

The by-laws of the National Assembly were drafted in 1991, passed by the CTRN and promulgated by the President on December 21, 1991. These establish the basic institutions that will make the Assembly work. The by-laws provide for the election of a Bureau which will act as the Management unit of the legislature, in charge of running the body, its sessions, and its financial resources. The Bureau is composed of a President elected for the full legislature, and four vice-presidents, four secretaries, and two *questeurs* elected for a one-year term.

The by-laws allow the creation of parliamentary groups on the basis of political affiliations. Each group must have a membership equal to at least one tenth of the membership of the National Assembly. Each deputy may only belong to one parliamentary group. Each group elects its own President who becomes a member of the Conference of Presidents.

The system of committee plays a very important role in the legislative and deliberative processes. All the work of the Assembly is first examined in committees, each one working in its specialized area of expertise. After deliberations, the committees make recommendations to the full A.N. The by-laws provide for the constitution of ten general working committees

composed each of at least 6 members and at most twelve members. The committees are:

- * Economic and financial affairs, planning and cooperation
- * Foreign affairs
- * Legislation, by-laws of the National Assembly,
- * Defense and security
- * Natural resources, environment, and rural development
- * Industry, Commerce, mines, artisans, and tourism
- * Public Works and Transports
- * Employment and Civil Service
- * Education, health, youth, sports, arts and culture, and social affairs.
- * Information and communications

The National Assembly has the power to create special investigative bodies in order to inquire deeply into special matters. Members of those committees are required to keep all deliberations secret. The report on the investigations may be made public only if the Assembly authorizes it.

The members of the National Assembly enjoy parliamentary immunity. This means that they cannot be arrested or tried for reasons related to the discharging of their functions. They can only be prosecuted in penal cases after the National Assembly gives the authorization to do so.

The above formal rules and organization could not be tested as to how they are working because the National Assembly has not been elected yet. The strength of the National Assembly as a check on executive power and tribune for popular concerns remains to be seen. It will also be difficult to analyze the current state of party dynamics and coalition building without seeing how parties will campaign and the outcome of the forthcoming reflections.

F. The Guinean Judiciary: Institutional Dynamics

1. Progress in Moving Towards the Rule of Law

The modern court system based on French law is less developed in Guinea than in other francophone African countries. During the colonial period, conflict resolution was handled primarily through the colonial administration or customary law. When the French broke with Guinea, they pulled out all their legal personnel leaving the country with only a handful of Guineans with sufficient legal training to staff the court system. The Touré regime relied more on the people's courts and the party to resolve conflicts than on the formal system. The regime also formed a small corps of judges who were trained primarily in Guinean universities. Their level of legal knowledge was generally lower than their counterparts in other Francophone African countries. The Second Republic abolished the people's

courts and reconstituted a legal and court system built on the French model. The 1990 Constitution affirmed the principle of judiciary independence and set down rules for establishing a strong Supreme Court and a *Conseil Supreme de la Magistrature* to supervise the naming and promotion of judges.

The published proceedings of the Round Table held in Conakry in October 1992 and organized by the Ministry of Justice with the support of the World Bank provide an excellent analysis of the strengths and weaknesses of the Guinean legal system. The theme of the Round Table was "The Role and Place of Justice in the Development of Guinea. This theme reflected the greater priority on the part of donors and the Guinean government to creating a legal framework for promoting economic development over other legal issues- e.g. establishing rules for a democratic system, protecting human rights, etc. The main participants in the Round Table were government officials, donors, and representatives from the legal professions and private sector. Conspicuously absent were representatives of political parties, human rights groups, and other civic associations.

The Guinean legal system has a unified system of law which distinguishes Guinea from most other African countries. Thus, there is only one body of law and one formal court system to deal with all legal issues. In 1960, the Touré regime abolished the customary law courts established under colonial rule. The Second Republic also formally fused administrative and formal law into one single body of law. Thus, customary law no longer formally exists as part of the official legal system. On the other hand, the realities are such that in the rural areas, the local populations prefer to resolve disputes on the basis of traditional norms and rules and settle their conflicts among themselves even though the decisions emanating from this process has no formal legal standing.

Guineans have made great strides in establishing the skeleton of a modern legal system, especially in comparison with the past. But much needs to be done to reinforce the system and to provide incentives to create an honest, efficient, and accessible court system needed to transform Guinea into a country governed by the rule of law.

2. Organization of the Court System

The Guinean courts are hierarchically organized in the following manner from top to bottom:

- * the Supreme Court which consists of three distinct chambers.
- * two Appeal Courts located in Conakry and Kankan.

- * six *Tribunaux de Première Instance* located in Conakry, Kindia, Mamou, Labé, Nzerekoré, and Kankan.

- * 30 Justices of the Peace.

These courts are presided over by a corps of approximately 200 magistrates. Nearly all of these magistrates were formed under the Touré regime. Little new blood has been injected into the system because of personnel freezes in the Ministry of Justice and insufficient financial incentives to induce lawyers in the private sector to become judges. In order to overcome deficiencies in the legal training of its magistrates, the government has sent judges to other African countries to attend special study seminars and training programs to upgrade their legal skills.

Some of the main constraints on the efficient functioning of the court system include:

- * the dilapidated physical state of the existing courts.

The Justice Ministry in 1992 estimated that the physical rehabilitation of the court system would require a minimum investment of well over 5 billion Guinean francs.

- * the poor working conditions of judges and legal clerks.

The Justice Ministry has an annual budget of approximately 2 billion Guinean francs. Much of this budget goes for personnel costs. There is little money left over for office equipment, furniture, adequate legal documentation, and other amenities. Many magistrates, especially those working outside of Conakry and the regional capitals, don't have access to the basic legal texts needed to make their decisions. Judges also complain of inadequate transportation facilities which make it difficult for officials to get around to monitor and supervise areas in which they have special responsibilities such as the monitoring of election results.

- * their lack of specialized training, especially in the field of commercial law.

While Guinea has elaborated an impressive body of law and enabling legal framework over the past decade to promote the development of the private sector, the correct application of the law has been hindered by the lack of knowledge of Guinean magistrates of commercial law. Trained under the Touré regime which all but eliminated the formal private sector, judges had no need or occasion to make decisions in this domain. The Ministry of Justice is now considering the establishment of specialized courts to deal with the need of the private sector to have prompt and fair legal recourse to settle business disputes and hopes to

provide more specialized training for judges in this area to prepare them for their new duties.

- * the sedentary nature of Guinean justice.

Guineans Courts are stationary. This means that Guineans living outside the major towns must travel considerable distances to go to court. At present, the government lacks the logistical means to bring justice to the people through circuit riding judges as in other countries.

- * the absence of a body of jurisprudence to serve as precedents for judges called upon to make legal decisions.

The Touré regime, of course, left no body of written court decisions. While the court load has increased under the Second and Third Republics and cases decided, the cases are often not written up. Moreover, when the basic decision handed down are written up, judges rarely provide an explanation as to the reasons and legal precedents for their decision. The law clerks (*greffiers*) also lack the means and training to properly record court cases and maintain a legal library.

- * the slowness of the legal process.

Many cases take from six months to a year to be heard. While Justice ministry officials maintain that there are sufficient numbers of magistrates to operate the court system, they acknowledge that the process is often slow. Judges are rarely able to handle all the cases on their docket. For example, The Appeals Court in Conakry had more than 100 cases in 1994 which had been scheduled for hearing that year in which no decision had been handed down.

- * the limited application of and enforcement of legal decisions even after a decision has been taken.

Court officials designated to execute legal decisions often do not carry out their duties promptly or in line with the law. It is particularly difficult to force debtors to repay their debts and to collect on loans. Bailiffs and other state officials are also reluctant to enforce negative decisions affecting wealthy and influential officials or those perceived to be protected by highly placed government officials.

In addition to the regular court system, Guinea also has specialized courts to deal with specific problems which include two labor courts, six children's courts, a military tribunal, and a state security council. The High Court of Justice housed in the National Assembly and designed to try the President in case of High Treason has not yet been established because of the absence of an National Assembly.

The rule of law cannot work effectively without a body of legal professionals (*auxiliaires de la justice*) working in the private sector. To its credit, the Second and Third Republics have contributed to the rebirth of the legal profession in Guinea which was abolished by the Touré regime. Thus, Guinea now has a bar association, approximately 45 practicing lawyers advising clients and defending their interests in court, and six notaries. Guinean lawyers and notaries in the private sector often have more and better legal training than the public magistrates handing down court decisions.

Although the number of legal professionals is minuscule, their numbers have been growing steadily. Despite their small numbers, they play a significant role in the political and economic life of the country. Lawyers play a crucial role in the establishment of new firms and corporations, the recovery of bad loans, and the resolution of conflicts between business associates.

The legal profession has wealthy businessmen, foreign corporations, the government, and political parties, and private individuals as its main clients. Lawyers themselves have been prominent in political parties and human rights groups and have been one of the most dynamic forces promoting democratization processes in Guinea. It is interesting to note, the ,in contrast with the public magistrates, most Guinean lawyers were trained outside Guinea and come from the diaspo community. Ordinary Guineans have little or no contact with the legal profession because they are not aware of and have little interest in the law and cannot afford to pay the fees asked for by lawyers, notaries, and other legal professionals. During the first Republic, lawyers were public officials and represented their clients for free.

3. Incentive Structures and Judiciary Independence

Existing incentive structures constitute major constraints on the efficient operation of the legal system and the use of this system by ordinary citizens.

From the perspective of the ordinary citizen of modest income, transaction costs are too high—e.g time and energy lost going to court, high legal fees, etc.—to justify recourse to the formal legal system to settle disputes and obtain justice. This explains why ordinary citizens prefer to settle disputes among themselves or to use personal relations and bribes to resolve their problems.

The low salaries and poor working conditions of public magistrates coupled with the absence of a rule of law tradition and developed sense of professional ethics provide negative incentives which have contributed to widespread corruption of the judicial process. In his speech opening the October 1992 Round

Table on the Place of Justice in Guinean Development, President Conté cited corruption as one of the major characteristics of the Guinean legal system and noted that all Guineans agreed that something was wrong with the quality of Guinean justice.

While the salary scale of Guinean magistrates is the highest in the public sector, salaries remain woefully insufficient to maintain the standard of living normally expected by a person of that status. Thus, many magistrates find it difficult to resist bribe offers or to demand payment from one of the parties for rendering a positive decision.

To improve the status, professionalism, and honesty of the magistrates, the *Loi Fondamentale* calls for the establishment of a *Conseil Supérieur de la Magistrature* (CSM). The CSM had the power to recruit, sanction, and promote public magistrates. The level of legal training and moral character now are to be factors in naming new judges. Moreover, the CSM calls for a periodic evaluation of the performance of judges and has the power to sanction judges violating the law and legal norms and promoting judges performing their work correctly and efficiently. The CSM is a step in the right direction and has the potential to improve the status and professional of the corps of public magistrates.

Corruption is also widespread among lawyers and other legal professionals in the private sector because of the absence of professional ethics and the possibility of earning easy money by colluding with one of the parties in a dispute. But there are some signs that the Guinean bar association is working to promote legal professionalism and mechanisms for sanctioning unscrupulous lawyers.

While the Guinean Constitution affirms the independence of the judiciary, the judiciary still remains highly dependent upon the government for several reasons:

- * The Ministry of Justice can intervene and overrule decisions by judges in some instances.
- * The justice system is totally dependent upon the national budget for its operating budget and, given present budgetary priorities, is woefully underfunded.
- * Political interference in the judicial process is rampant and the tradition of politics over law remains deeply embedded in Guinean society.
- * The president's control of the nomination process makes it possible to choose judges who will be reluctant to rule against the government. It is interesting to note that the Supreme Court in the five cases in which it has been called upon to hand down decisions concerning state abuse of

authority has always ruled in favor of the government. The most blatant example of this was in rulings connected with the 1993 Presidential elections.

- * The executive branch still retains considerable influence over the CSM because of its control over the nomination process and implementation of CSM decisions.

- * The judicial branch has little or no power to sanction government officials for not enforcing court decisions.

- * The judicial branch has little power to sanction government officials who refuse to conform with the law dealing with transparency and accountability obligations. The *Chambre des Comptes*, for example, has little power to force local government officials, state enterprises, and ministries to send them their books even though the law calls for the *Chambre des Comptes* to do an audit of government spending.

To conclude, the Guinean judiciary remains an embryonic institution with limited resources, vulnerability to executive branch pressures, and little credibility with the general public. Nevertheless, the country has made important strides in improving the legal system over the past decade.

V. CIVIL SOCIETY AND DEMOCRATIC GOVERNANCE: INSTITUTIONAL DYNAMICS

A. Introduction: Understanding Civil Society

The notion of democratic governance can be applied to civil society as well as to the state in order to understand the importance of the participation of civil society in the governance process. Ideally, civil society should be in partnership with the state in organizing a governance system capable of making fair and effective decisions about the way public resources will be mobilized, allocated, and managed.

To achieve this objective, civil society should be able to perform four basic functions:

- * limit the exercise of state authority and its abuse of power.
- * broaden citizen participation in national governance matters.
- * contribute to the development of a civic culture and democratic norms and values.

* undertake self-governance in its associational life outside the formal state administrative system.

These functions can also be summarized as generating demand for good governance from state institutions and supplying good governance from within the institutions of civil society itself.

While civil society defines the realm of voluntary social interaction taking place between the household and the state, associational life may encompass a wide variety of institutional forms which do not necessarily or directly contribute to the growth and reinforcement of democratic norms. Thus, some groups may be highly stratified and anti-democratic in norms and structures or act corruptly or in violation of minority rights when acting as a civil society actor.

B. Associational Life and the Evolution of Guinean Society

Earlier in the report, we presented some of the basic norms and organizing principles of traditional Guinean society. Hierarchy and ascribed sets of characteristics such as age, caste, gender, and ethnicity reinforce traditional norms and exert tremendous societal pressures on individuals to conform to prescribed roles.

Voluntary associational life at the local level was generally devoid of the power asymmetries found in broader social settings and characterized by clientelistic relationships. Local associations were allowed a considerable degree of autonomy because they did not challenge the governing principles of the larger social order. Colonialism preserved the principle of a hierarchical social order, this time dominated by the colonizer while undermining the autonomy of and marginalizing traditional forms of associations.

Because of the restrictive rules of association of the colonial regime, modern civil society associations did not emerge in Guinea until the mid-1940s. During the decolonization period leading to independence, Guinea experienced an explosion in associational life due to the more liberal rules of association of the postwar period.

During the First Republic, autonomous associational life and hence, civil society virtually disappeared as all associations had to be subordinated and incorporated into the party-state. Under the military regime during the Second Republic, associational life revived, thanks to less restrictive rules of association particularly in the social and economic spheres. With the Third Republic, one also saw the emergence of political and human rights associations.

Associational life in contemporary Guinea is governed by two overriding principles which serve as major constraints to civil society effectively performing democratic governance functions:

- * the maintenance of the *tutelle* of the state over all forms of associational life, primarily through the MIS.

- * the general working rule orienting state intervention in associational life that places more restrictions on associations involved in criticism of or confrontation with the state than on strictly economic or apolitical associations.

At the same time, one sees very positive growth in local, grassroots associations which have obtained a certain level of self-governance, precisely because they are not perceived as a threat to the broader social order and do not directly challenge or confront state authority.

C. The Institutional Dynamics of Civil Society

1. Non-Governmental Organizations (NGOs)

The most basic, useful distinctions to make about NGOs in Guinea is whether they are foreign (international) or indigenous (national). Indigenous NGOs may be of two types: those that focus their activities on a specific prefecture or village (e.g., *ressortissants*) or those whose activities span more than one region. Guinea currently has 75 international and 230 national NGOs operating in the country.

Indigenous NGOs began to organize in Guinea after 1984. Two primary positive incentives have spurred the rapid growth of NGOs in Guinea. The first is that NGOs have potentially high access to resources provided by international NGOs and donors. The second incentive is that NGOs receive important tax exemptions as a non-profit voluntary organization which enable them to import equipment and materials without paying customs duties. The advent of Structural Adjustment Programs (SAP) in Guinea also spurred the development of NGOs for different reasons. Structural Adjustment put many husbands out of work. With smaller household incomes, children had to leave school. Women took on a larger share of the family support. They realized they needed to support each other more as well. The unintended negative consequence of the SAP was to build solidarity among the dispossessed.

In this incipient phase, NGOs tend to organize around a person who believes in a specific issue. This individual also tends to be a founding member, well-known and well connected in society, and able to attract the kind of support necessary to getting an NGO off the ground. The sectors most represented currently are

agriculture, health, education, training, and natural resource management (NRM).

NGOs also are principally urban with headquarters in the capital. As with parties, home and office space are often under the same roof. Links to the interior exist where projects have been established or specific action undertaken. Since revenue and connections flow from Conakry, NGOs are centrally controlled. Where local chapters exist, they look to headquarters in Conakry for direction. Members make monthly contributions according to their means. Exceptions or delays are frequently granted for those unable to meet their contributions.

a. State Relations

NGOs are registered and regulated by the government bureau, SCIO (*Service de Coordination des Interventions des ONGs*). SCIO is a specially created appendage of the National Directorate of Decentralization (DND) in the Ministry of the Interior. In addition to its review functions, SCIO's mission is to promote NGOs's and to provide an enabling environment for NGO growth in Guinea.

In practice, state agencies also compete with NGOs for funding and right to implement projects. COFEG has experienced examples of state competition in the Ministry of Condition Féminine for funding from FENUAP for training in womens' entrepreneurial activities. Who's going to get the money is a major concern. In one example, a fish drying project for women went bust after the Ministry of Promotion Condition Féminine ate the funding.

From our limited data, it was difficult to say how much the state has penetrated NGOs. But the state clearly controls access to donor and international NGO resources that NGOs and their individual members seek.

b. Traditional Civil Society and NGOs

La Tontine, Serè, Sanako

Our limited investigation of *Tontines* shows that this traditional savings and credit institution found throughout West Africa still enjoys much popularity with groups in Guinean society. Just how widespread they are is impossible to say, but *tontines* are prevalent with groups that obtain some form of regular income, civil servants and businesswomen foremost among them. They organize according to affinity based on age sets (*serè*), *promotionnaires*, *ressortissants*, and colleagues. The *tontines* grew out of community solidarity such as tending fields together or helping others meet social obligations. With urbanization and a money-based economy, they became revolving credit associations. The *tontines'* members make monthly contributions, each member

receiving the others' contributions according to his turn. While women tend to satisfy social needs with their savings (baptisms, marriages, and ceremonies), men spend more on say, adding to a house under construction.

Other prevalent traditional forms of association still exercise a powerful influence in Guinean life (rural more than urban). These include the *serè* (age sets) and *sanako* (affinity grouping by names). Members of a *serè* for example, are bound to help each other, may tease each other, but also must submit to the will or advice of the group. *Sanako* permit similar relationships linking families across ethnic lines. Those who violate the norms are subject to paying fines or making equivalent amends in order to regain acceptance by society. Failure to follow the rules, ask for forgiveness, follow the advice of the group results in sanctions such as isolation from the community—the kiss of death in African society. These ascriptive associations become a way to extend the family, acting as guarantors of social norms and moderating social tension. The daily preoccupations of urban living, physical separation, have shaken solidarity and have weakened these traditional institutions.

2. Women's NGOs

Some fifteen women's NGOs have formed a federation, the *Coordination des ONGs Féminines de Guinée* (COFEG). This alliance has received assistance from USAID and other donors. CECI has provided a full-time technical assistant to help COFEG attract donor funding and build its management-coordinating capacity. The Canadians are planning to fund a full-time local administrator who will bring a degree of permanence to the organization. Individual NGOs have found motivation to join because it brings them increased credibility, access to resources and training, and better links with other NGOs. COFEG requires its member NGOs to be registered with the Ministry of the Interior. They are required to make a one-time contribution of 200,000 GNF, and a monthly contribution of 20,000 GNF. Each NGO member of COFEG sends three delegates to the general monthly meetings.

With limited data, it's difficult to say how cohesive women's NGOs are compared to mixed groups. The COFEG deliberately attempts to build solidarity and cohesion among its members. It tries to fight rivalry—a heritage of the First Republic. It has already unified businesswomen and brought together NGOs engaged in similar activities.

The women's NGOs also tend to be built around an individual who has the credibility to attract support from the government or the donor community. The president of COFEG, for example, is a well-known businesswoman and former ambassador. Senior civil servants may serve as NGO honorary presidents as does Aïcha Ba, the

Minister of Pre-University Education (MEPU-FP). Members tend to be professionals—civil servants, teachers, or students. The average age is about 40, reflecting the greater freedom of women whose children are able to be on their own. Many of them have studied, finished high school, have done advanced studies, and are freer to devote time to these activities. They are motivated by both humanitarian as well as financial reasons.

The statutes of these NGOs are usually written by their founding members. The key sectors of interest for the women's NGOs is health, followed by agriculture and others. They are engaged in a variety of public service, developmental, and humanitarian projects. In addition to opening public debate in its newsletters on such sensitive issues as abortion and female circumcision, COFEG is also lobbying the CNE for greater participation of women in the legislative elections and the right of women to stand for public office without being members of a political party.

Members of NGOs are still unskilled in decision-making, writing projects, networking with donors and so forth. They are learning these basic skills however, via their participation in their various NGOs. Members who have the resources contribute regularly to the NGO. The typical NGO may have an executive bureau composed of a treasurer, secretary, secretary general, and a president who are elected by the members in a general assembly. One NGO interviewed said it voted for officers by raising hands. The officers presented themselves as candidates. Their availability, experience, credibility, and intellectual capacity were the criteria on which their candidacies were judged. Still, the NGOs have not yet put all their structures in place. The executive bureau and the *Conseil d'Administration* are one and the same for COFEG.

COFEG maintains no formal links with political parties, although members are free to belong to parties. The president, Mme. Kaba is apparently well known for her opposition to the Conté regime. She is also the COFEG delegate to the CNE. Within the last three months a union, CONFETRAG, representing only women workers joined COFEG.

Internationally, COFEG maintains relations with similar organizations in Dakar.

The overall impact of women's NGOs is still small. But examples do exist. The Ministry of Promotion de Condition Féminine has consulted COFEG on several occasions. For example, on a contentious policy issue, the debate on the Family Code, COFEG has been working to abolish polygamy, female incision, and has united two groups of businesswomen. COFEG finds that generally Guinea tends to be ahead of other countries in texts and laws concerning women's rights, but in the working world Guinea either

lags behind or resembles the others. Problems of infrastructure, communications and controlled media all make it difficult to reach and educate women.

3. Religious Associations

Guinea is a secular state under the constitution which provides for freedom of religion and freedom for religious communities to manage their own affairs without government interference. The Conté regime has struck an interesting balance in religious matters. Although Guinea is 85% Muslim, the state observes both important Muslim and Christian holidays.

Islamic associations share much in common with public interest NGOs. Of some fifty registered associations, about a third are functional. Most of these are created to look for donor funding from sources such as Saudi Arabia or Kuwait. Typically, their founders are people without money who are not in a position to help others. In this respect they promote Islam by building mosques or schools, but they also undertake development projects that benefit non-Muslims as well. They are dependent on the *Ligue Islamique* for facilitating contacts with the donors. The *Ligue* helps them by asking them to prepare a plan and a budget in order to compete for funding. Ninety percent of these associations are based in Conakry. The 10 percent in the interior are based mainly in *Guinée Forestière* and the *Fouta Djallon*. However, all target national audiences and do not limit themselves to a neighborhood, village, prefecture or region.

Like other associations, Islamic Associations seek official recognition and must register with the MIS. The MIS sends their dossiers to the *Ligue* for approval. Within the last year, some four associations were approved, and two were refused registration because the *Ligue* felt they were threats to peace.

The *Ligue* evolved from its status as a full Ministry of Religious Affairs during the First Republic to its present status. Its mission is to promote Islam and to help organize the Muslim community of Guinea. This objective is met by Islamic associations that build mosques, cultural centers, and dispensaries and schools. The state justifies its existence as a bureaucratic entity on the basis that Guinea is a young state with a large Muslim population. It fears that this population may be susceptible to outside influences such as radical fundamentalist forces that are not in harmony with the objectives of the state. Unlike the smaller Christian population, which has a history of guidance from Europe and Rome, Muslims in Guinea have no such recourse. The state thus feels justified in providing this *tutelle*.

The Secretary General is named by presidential decree. He in turn appoints his staff by means of an *arreté*. He attends

cabinet meetings providing council to the government in religious affairs. The current Secretary-General, El Hadj Sylla is a trained economist with considerable banking experience. The choice of a technical administrator instead of a *mullaha* in this position is to promote development cooperation between Guinea and Islamic donor countries. During the Sékou Touré regime, Guinea was the second-largest recipient of Arab aid in Francophone Black Africa.

While only the central level has salaried personnel, the regions, prefectures and sub prefectures have staffs of between 10-15 people--volunteers who receive gifts. The inspector at the regional level has the use of a vehicle. Members are designated by the wisest of their communities on the basis of their knowledge, conduct and ability to promote peaceful resolution of conflicts. Each level proposes its leaders to the next highest level for approval. The national level approves leaders at the prefectural and regional levels with an arret from the Secretary General.

In its *tutelle* function, the Islamic League has the right to remove Imams from their posts if they preach disunity, become political, or commit other serious errors. It monitors Islamic associations and religious life closely to prevent politicization of religious groups.

While the official line is that the *Ligue* promotes tolerance and solidarity among Guineans, events have shown that the League may not always be a disinterested, apolitical actor. During the presidential campaign, all party leaders visited and sought the blessing and support of the "Grands Imams" in the interior. Opposition party members complained that Imams were being pressured by the *Ligue* into supporting the Conté regime. They accused the *Ligue* of using its resources and of collaborating with the state to entice *Ligue* members and Imams with in-kind gifts and perks into supporting the PUP. Some of the Imams have been discredited for their apparent overt support of the PUP from the pulpit. Following the presidential elections, Imams and religious leaders in the Fouta announced that Allah had spoken. Conté was Allah's representative on earth. No Imam has been removed for political misconduct, however.

The *Ligue* played a moderating role in the presidential elections period by joining with the Catholic community to appeal for calm and tolerance among the various ethnic groups. However, the two *Ligue* members of the CNE were among only four CNE members that voted against delaying the presidential elections.

Although Guineans are 85% Muslim, moderation and tolerance for other religious beliefs characterize the attitude of the state. Within the Muslim community itself, the *Ligue's* position is one of promoting moderate forces. Guineans talk about the

encroachment of "intégristes" in Guinean Muslim society. Overt signs are appearing though they are few. For example, over the past year one occasionally sees women completely covered and veiled in gray cloth on the streets of Conakry or Kankan.

According to our limited data, the *intégriste* influence comes from Iran via the Muslim Lebanese community. Members of this well-to-do group have built several major buildings in Conakry. They promote their sub-culture through their cultural center and mosque. Recently they brought over an Imam who had studied in Iran. He is the Grand Imam of the Lebanese community mosque in Conakry. He has never gone to be introduced to the *Ligue*. This apparently is a source of concern to the *Ligue* and to Guineans who do not wish to see an extreme form of Islam grow in Guinea and who do not wish to see the state become islamicized. The secular status of the state is guaranteed by the Constitution and can't be revised.

4. Human Rights Groups

The main players:

OGDH *Organisation de Défense de Droits de l'Homme* (not officially recognized)

AGDH *Association Guinéenne de Droits de l'Homme*, agréé May 11, 1992

CDC *Comité de Défense de Droits Civiques*, agréé March 22, 1993

AVR *Association des Victimes de Répression*

AIA *Association pour l'Intégration Africaine*, July 14, 1992

Enfants des Victimes du Camp Boiro

a. Legal Context

The law guarantees freedom of association, but legal restrictions exist on assembly. The penal code bans any meeting that has an ethnic or racial character or any gathering "whose nature threatens national unity."

The existence and experience of these groups support the postulate that the more politically-oriented an association is, the more the regime considers it to be a threat to itself. Three of these groups were suspended in August 1992 for participating in a protest march in July 1992. The MIS lifted the suspension in March 1993, but still has failed to give official recognition to the OGDH (one of the suspended human rights groups).

b. Origins

All of these groups are less than five years old. Activism began with the AVR, the first human rights organization to gain official recognition from the GOG. The AVR was founded to make claims against the First Republic for loss of possessions and property, especially of victims of Camp Boiro. Efforts since 1991 have not succeeded in restitution of belongings or compensation. The AVR sent its claims to the CMRN. A second group of claimants filed for restitution and compensation after the pillaging of their shops following the July 4, 1985 alleged coup of Diarra.

c. Politicization

AGDH has become involved with the RPG's plight in Upper Guinea as a result of its president Christian Sow, who is Alpha Condé's lawyer. For this reason, AGDH has become publicly associated with the RPG. While the OGDH has no official party relationship, it was a member of the *Forum Démocratique National*. It also participated in the protest march following the shooting of demonstrators in Baé. For this reason its activities were suspended for a period. The government refuses to grant it official status as a registered association. The CDC and the AIA were also suspended for participating in that protest march.

d. Capacity, Organization, and Resources

Few financial, human, and material resources are available to these groups. At present, their organization is limited to one or a few persons who lead the group. AGDH and CDC operate without an office or equipment. They work out of their members' offices or homes. These leaders tend to be *fonctionnaires*. AGDH has received some funding from international sources including the US Embassy to produce a report. OGDH receives some financial support from CECI and the US Embassy which it uses for office equipment and civic education. It currently is finishing a project translating civic liberties into the local languages. For lack of access to *Radio Rurale*, the audio cassettes will be distributed to taxi drivers and *café* owners.

e. Linkages

All of these groups are based in Conakry. They are centralized in the capital with few vertical links to grassroots levels. Few horizontal linkages exist among groups. The betrayal syndrome affecting parties also has affected human rights organizations. The AGDH broke with the OGDH over affiliation with the Forum, which the AGDH claimed was too politicized. Relations with the OGDH are dysfunctional. AGDH claims that a member of OGDH, Nadine Barry, has worked to block membership of AGDH in the *Fédération Internationale de Droits de l'Homme*. AGDH argues that it stayed separate from OGDH in order to focus on its work rather than to persist in quarreling. OGDH wonders how the AGDH was

able to receive registration with the MIS in two months when OGDH still has not been able to get it.

Several observers have accused AGDH of belonging to the RPG. Its president, Christian Sow, is related to Alpha Condé, and does legal work for him. A leader of RPG claims that he has more contacts with OGDH. He says he has never seen AGDH at a meeting of the Executive Bureau of RPG.

f. International Affiliation

AGDH is a member of the *Union Africaine de Droits de l'Homme* in Agiotage.

g. Activities and Conflict Resolution Mechanisms

AGDH held its first congress on April 19, 1992. Its actions then were mainly limited to prison visits, freeing prisoners, making declarations supporting prisoners' rights. It has responded to requests for its help from varied sources including the regional coordinations of Mandeng and Fouta. Recently the Mandeng contacted the AGDH regarding a stolen register of members' names which they believe was taken by someone in-government to intimidate members or for use in reassigning civil servants and teachers.

In March-May 1994, individuals, the Conseil des Sages, and the hometown association of *Guékédou* contacted AGDH regarding harassment in tax collection. The military was under orders to stop all persons without i.d. cards. People were afraid to go to the markets.

Other requests for help include personal pleas mainly involving prisoners. For prison visits, families and friends of prisoners, and even prison guards contact AGDH. AGDH writes letters to the National Directorate for Prisons Administration (*Direction Nationale de l'Administration Péniticiare*) in the Ministry of Justice which go unanswered. AGDH has proposed to visit prisons along with international observers. But the government has not authorized these visits.

Parties also contact AGDH. The RPG has contacted the AGDH concerning violations of their militants' rights, especially following the presidential elections.

The OGDG has also been active. In October 1994, its plans to hold a seminar on the role of security forces and human rights were thwarted by a decision by the MIS to not give permission to hold the meeting on the grounds that the OGDH was not an officially recognized organization.

5. Student Groups

The main players:

UNEEP *Union Nationale des Elèves et Etudiants Patriots*

AJDG *Association des Jeunes Démocrates de Guinée*
Diplômés Sans Emploi (two factions apparently exist—one is
the creation of the Conté regime)

The groups listed above do not include student chapters organized by the political parties. At present, it seems that these chapters are inactive. Like the parties, their membership mirrors ethnic divisions in Guinean society.

The most active group in Conakry—UNEEP—began as a simple *Comité de Coordination* sometime before 1992. Its purpose was to be an intermediary between the University administration and the students who had been striking at least once a year since 1987. The strikes centered around student dissatisfaction with the state's response to deteriorating physical conditions of the university, overcrowding in the dormitories, bad food, problems with electricity, and declining standards of education. The Student Committee was under the *tutelle* of university authorities. When the ten original members failed to gain concessions, they decided to create an independent, autonomous association of students.

This development coincided with the legalization of political parties in April 1992. Critics accused the group of being sold out to the opposition, or connected to a certain political party. The committee left party membership up to its members. Nonetheless, government sympathizers viewed UNEEP founders and members as diaspo troublemakers. In fact, most of the founders had come back to Guinea after 1984 from neighboring countries where conditions were much better. For this reason, University authorities attempted to create indigenous student groups to coopt UNEEP members in order to neutralize UNEEP's independent actions. The government has been able to use students not having had foreign experience to validate the government's positions. This tendency to docility is a legacy of the First Republic under which a spirit of claims against the state or rising up against the state authorities did not exist.

Things came to a head in February-March of 1992 when university authorities ordered students out of their dormitories and to leave the premises sometime between midnight and one o'clock in the morning. Three thousand students vacated immediately. When recruitment for new classes began, the emphasis was changed to students supportive of the Conté regime. A disproportionate number of Sousou were recruited. The then president of UNEEP, a Sousou, left the organization to join the PUP and to found the

Comité de Reprise des Cours. Twenty to thirty soldiers armed with knives and guns remained on the premises to threaten students who failed to join the movement. Students also began arming themselves. UNEEP claims that high government officials participated in these events.

Playing the ethnic card is significant because it was used to break and stop the student strikes. The government's interpretation of the strikes was that they were anti-government, organized by or in connection with the opposition to the government. Sousou students were used to provide balance to what was seen as an anti-Conté movement.

The students saw themselves as being sacrificed. They countered with a committee of their own: *Comité de Réfus*. Cut off from government services, they reached out to political parties for help, thus confirming the government's position. Among the parties providing material and medical support were the PRP, UNR, UPG, RGP, and the PGP. The parties' contributions (principally UNR, PRP, and RPG) gave legitimacy to the students' cause and won the respect of the students for the parties. This event more than any mobilization activity won student support for the parties. UNEEP had also been participating in the Forum, attending its meetings. It was a signatory to the Forum declaration of October 1991 calling for multipartisan support and an autonomous national conference.

On the level of the *Lycées*, UNEEP came to the defense of pupils who were kicked out of schools for supporting the university students' strikes or for "misconduct" during the presidential elections. On numerous occasions, high school students threw stones at the president's cortege. At the *Lycée* in Matoto, guards shot and killed one student and seriously hurt two more. Following that incident, members of the executive bureau of the UNEEP were kicked out of school permanently from all high schools in Guinea.

When the university became autonomous in 1993, the rector was regarded by some as a puppet of the regime. None of the legal texts guaranteeing student rights are now being applied. Recently, ten students were barred from the university without due cause. UNEEP has written to the president of the Republic, to the Ministry of Higher Education, and to foreign embassies in Conakry to protest but has not received a reply.

UNEPP claims members in at least 30 *Lycées* across the country, with the fewest located in the Fouta. Six higher institutions have members. The executive bureau in Conakry has 13 members. Nationally, executive bureau membership numbers 45 in order to increase financial contributions. Membership in the executive bureau requires a contribution of between 500 and 1,000 francs monthly.

Links with other student organizations in Guinea are contentious. The AJDG, which is limited mainly to the University of Kankan, was a creation of the rector (now Political Secretary of PUP and Minister of Commerce and PME) to counter UNEEP. UNEEP does maintain several weak links with neighboring countries student groups such as the *Fédération des Etudiants de Dakar*, which came to Conakry for a visit. The goal of that visit was to create a regional, integrated union with a regional university. Guinea failed to participate in a recent regional student conference organized in Mali because the GOG was unable to finance student participation. UNEEP maintains irregular contact with groups in at least five West African countries including Senegal, Côte d'Ivoire, Niger, Mali, and Togo.

6. Trade Unions

Some of the Major Players:

CNTG	<i>Confédération Nationale des Travailleurs Guinéens</i>
SLECG	<i>Syndicat Libre des Enseignants et Chercheurs Guinéens</i>
UGTG	<i>Union Générale des Travailleurs Guinéens</i>
UND	<i>Union Nationale des Déflatés</i>
USTG	<i>Union Syndicale des Travailleurs de Guinée</i>
ONSLG	<i>Organisation Nationale des Syndicats Libres de Guinée</i>

a. Legal Context

Unions benefit from a labor code (1988) that facilitates their right to organize and to engage in collective bargaining. Unions need a minimum of 15% of the workers of their profession to form. Unlike NGOs or political parties, the legality or functioning of unions are not governed by the bureaus or rules of the MIS. When their rights have been threatened at the national level, unions have made appeals to international norms such as the convention of international workers.

b. Organization and Internal Governance Structure

Our limited data on labor unions in Guinea indicates that they, along with political parties, are among the few federated associations with national coverage. Some of the independent unions such as SLECG are true membership-based organizations. Although we were not able to cross-check this in the interior, unions theoretically aggregate base groups from the prefectures and communes into increasing levels of association culminating in a national apex body. In the case of SLECG, it maintains 38 local branches throughout Guinea. Accountability to and representation of members is questionable since many unions still have designated officers directing their provisional executive bureaus until elections can be held. Efforts are underway to bring to fruition a resolution from the November 1993 Democracy and Unions Seminar that called for creating a cross-sectional

federation of national unions. Currently taking shape, the *Union Syndicale des Travailleurs de Guinée* (USTG) will coordinate all national union associations and would aim to represent workers and their associations.

c. Origins: History of Corporatism and Politicization

The correlation between free union association and democratic progress is strong. Unions were among the first types of formally-organized free associational life permitted and recognized by colonial powers after World War II. After a brief period of *tutelle* under their French counterparts from the *metropole*, unions in the Francophone colonies turned their energies to nationalism and became leaders in independence movements.

In independent Africa, single party and party-state systems domesticated unions ostensibly to promote national unity and harmonious development. Reflecting their political parentage, unions merged into confederations with central, hierarchal control, subordinate to the needs of the state. Nationalizing unions was made easier because many emerging leaders, including Sékou Touré, had cut their political teeth in union activity prior to independence.

In Guinea, the union umbrella, the *Confédération Nationale de Travailleurs Guinéens* (CNTG), evolved from the Guinean chapter the *Union Syndicale des Travailleurs de Guinée* (USTG) of the pan-African workers' union-UGTAN. It was conceived and christened at a special congress of the PDG in 1960 in order to consolidate some 20 existing unions (among which six professional federations). In theory, the vast majority of Guinean workers—all employees of the state—were represented by the CNTG. This national constituency would be mobilized under the CNTG to further Sékou Touré's political kingdom. Thus, the CNTG became incorporated as a political agent for waging Guinea's revolutionary, anti-neo-colonialist struggle.

As for labor relations, the CNTG functioned less as an advocate for workers' rights than as a device for suppressing worker demands—a role it freely continued to play after 1984. Though independent unions were allowed to form, under the aegis of the CNTG they were generally ineffective. This arrangement held until structural adjustment put thousands of government workers out on the streets. Devaluations of the Guinean franc made it impossible for those still employed by the state to live on their salaries. The lid could no longer be kept on worker demands or those of the unemployed. In the crisis that followed, the CNTG neither could support striking workers, nor keep them from striking. The teachers' strikes of March-April and May 1991 forced the government to negotiate directly with the leaders of

an ad hoc group (*Le Comité de Grève*), making it clear to both sides that the CNTG did not represent the teachers.

d. Engaging the State

1/ Creation of SLECG

The emasculation of the CNTG resulted in a movement to form free and independent unions. One of these, the *Syndicat Libre des Enseignants et Chercheurs de Guinée*, (SLECG), was born out of the strikes of 1991. Prior to this, teachers were represented solely by the CNTG teachers' union, the *Fédération Syndicale Professionnelle de l'Education*.

The history of union subordination to the state during the First Republic has left a legacy of worker confrontation with the government. The state attempts to weaken unions by channeling representation through its designated agencies. This forum permits the state the option to refuse to hear or to respond to worker grievances. When independence to this monopoly forms, the state uses a variety of tools such as corruption and buy-outs, or if necessary, the organization of counter movements and harassment of independent union leaders. Because of their weakness and the dysfunctional environment in which they attempt to organize workers, independent unions are easily penetrated by the state. In the absence of unions, workers organize resistance informally as they did recently in the private passenger transport strike in Conakry. Where union resistance occurs, it often leads to violence because rules governing these relations are not applied. For lack of ideological or other reasons for disagreement, the politicization of these relations has assumed an ethnic character.

Unions generally are still too weak to organize labor resistance on a large scale. The most notable exception was the teachers' strikes of March-April and May 1991. The first (unsuccessful) three-day strike began when a meeting between educators and government ministers (Facinet Touré among them) failed to reach a solution. For lack of sufficient organization, the strike itself was unsustainable. When the educators began meeting at the University of Conakry to reorganize, the government launched a disinformation campaign against them on the national languages broadcasts, *Kibaro*. They were branded as "outsiders" and "troublemakers". They formed a *Comité de Pilotage de Grève* to organize a second strike.

The government saw these strike leaders as unpatriotic and dangerous to national goals. The Ministry of Education refused to respond to their list of claims. *Kibaro* stepped up the anti-striker campaign alleging that those who refused to teach Guinean children were undermining Guinea. The teachers in turn threatened to publish the salaries of government ministers who

were earning twenty-four times as much as teachers. The matter went to the president who called in the leaders, offering them an 8%-10% raise. The teachers' bulletin, *INFO*, came out with the salaries and the strike began in May 1991.

The strike lasted three days. School children went out into the streets to claim their rights. The university students marched on the presidency asking Conté to step down.

At this point the strike assumed an ethnic coloring as well. Local leaders--the newly elected mayors of Kaloum, Dixinn and the Imam of the Boulbinet mosque organized the Sousou to stage a counter strike and demonstration designed to head off the marching students. The two groups narrowly averted a bloody encounter on the streets of Conakry. That same night, the president gave in announcing a 100% raise for all civil servants, 50% effective immediately and the rest in July. Still unwilling to recognize the leadership of the *Comité*, the military called on the CNTG to end the strike. Since the strike had been organized without the support of the CNTG, it was powerless to stop it. The *Comité* asked teachers to remain home in protest to the overt ethnicization of the counter-march. They claimed that a coterie of the president had mobilized the Sousou to support the government and at the same time to break ranks with the other teachers.

The government asked to meet with both the CNTG and the *Comité* when it realized that the CNTG had no workers behind it. It was out of this meeting that the SLECG was born. The following July teachers met during the exams corrections period in Conakry to create the basic structures of a new union. In April 1992 a provisional executive bureau was elected at a founding congress. The bureau was mandated to oversee the creation of regional offices in each of the four natural regions.

In April-May 1994, SLECG met at *Lycée Donka* to discuss a list of demands for medical coverage, rent subsidies, home credit, and to discuss the problem of reassignment of teachers active in the opposition. The Governor of Conakry was invited. Instead of attending, the Governor invoked the *Loi Anti-Casseur* forbidding public assemblies. SLECG refused to comply citing a higher authority: the convention of international workers that gives the unions the right to assemble in their places of work. SLECG claimed the other law applied to parties, but not to unions. Mbemba Bangoura, the Regional Education Directeur for Conakry tried to organize a counter assembly just prior to the meeting. Tracts were sent out to students denouncing SLECG as a political party tool. The disinformation campaign was nasty, designed to disrupt the assembly. Before the end of the day, the meeting was broken up, and three teachers suffered broken bones in the *melée*. Under the initiative of the director of the Computing Center of

the University, the government has since created a counter union, *Syndicat des Enseignants Patriotes de Guinée*.

2/ The UGTG, UND and the Problem of the *Déflatés*

A second grouping, also at the vanguard of labor relations is popularly known as the *déflatés*. These are retrenched civil servants who have organized under the banner of the *Union Générale des Travailleurs de Guinée* (UGTG). Some 90% of the *déflatés* at some time have belonged to this federation and to their union, the *Union Nationale des Déflatés* (UND). Camping by day under the mango trees across the street from the Ministry of Finance, they have been more conspicuous and relentless than any other dispossessed group in demanding the compensation promised by the state as part of their retrenchment settlement.

The intrigue surrounding the leaders of the UGTG and the UND is indicative of the difficulty in finding solidarity in labor. Mamadou Mara has been the target of government harassment (for defending *déflatés*?) or for personal reasons as alleged by Ousmane Sylla, the ex-president of the UND. For his part, Ousmane Sylla has been voted out of office for allegedly being corrupted by the government.

e. Women and the Trade Union Movement

The Labor Code (1988) barred job discrimination against women and gave them the right to 14 weeks of maternity leave without prejudicing their jobs. But the great potential of women in government and civil society in Guinea is still largely untapped. However, in at least three unions, women occupy positions of secretary general. The women's NGO umbrella organization, COFEG, recently accepted a women's union into its membership. SLECG has made much of women's rights, at least on paper. Six of the 20 executive bureau members present at the conference on democracy and unions were women. And given that 25-30% of SLECG's constituency is female, women could have significant clout in this union.

SLECG is also aware of the international environment that has been promoting women's working rights since the founding of the ILO in 1919. But women's emancipation and development for women is still mostly rhetoric. Acting on recommendations from the democracy seminar, SLECG has pledged to promote women's participation in Guinea's national development. First, it wants to help women gain recognition of equality with men in the work place; second, it will identify the major challenges facing women teachers in that development, and third, it will propose solutions to overcoming the constraints and obstacles to that development.

f. Politicization and Party Links

Unionizing constitutes a terrain of political conflict in Guinea. When unions join the struggle for the rights of their members to access resources, they become political actors in class, ethnic, and regional conflicts. However, unions may be more susceptible to politicization by virtue of taking positions either for or against the government in power, than by affiliation with specific parties.

Political alignments of the CNTG, SLECG, and the UGTG and their leaders are more the consequence of past legacies than current ideological struggles. Unused to worker independence, the present government used the *Fédération Syndicale* to cast SLECG as the union of the opposition. In fact, its leaders and many of its members are active in the opposition by virtue of the government's position. In the case of the UGTG, it is no secret that Mamadou Mara is an active member of the RPG. However, that is not to say that members of his union are RPG, or that RPG leaders support him. Nonetheless, in a politicized environment, his party affiliation is easily confused with his union activity.

The corruptibility and ineffectiveness of unions have prevented them from forging stronger ties with political parties. Those aligned with the regime in power may enter a marriage of convenience while the more independent ones are too weak and susceptible to penetration to be very credible. For this reason, the opposition is suspicious of unions and reluctant to collaborate with them. As one party put it, "they are too amorphous. If you try to strike, they are more likely to break you than support you." Even when SLECG defended teachers who were reassigned for their party activity, the party that benefitted directly seemed to have little confidence that the union could do much to defend teachers' grievances against the state.

In addition to union weakness and ineffectiveness, intrigues, competition for the limelight, and jealousy also explain their failure to build solidarity with parties or other associations. For example, in spite of Mamadou Mara's active membership in the RPG, a leader of this party sees Mara's involvement with the *déflatés* as a personal publicity stunt. He expects no impact from Mara's initiatives. His rival in the UND accuses him of tying his star to the plight of the *déflatés*. Yet a leader of the UNPG (not in alliance with the RPG) found Mara's efforts laudable and unselfish.

g. Links with NGOs

Linkage with NGOs is at the awareness and resolution stage. Union, NGO, and political party leaders recognize the need for dialogue among each other, the need for concertation in promoting a democratic culture in Guinea, and the need for mutual respect and tolerance of differences. But they are also afraid of

forming links that may jeopardize their autonomy and compromise their independence. The womens unions that have joined COFEG are notable exceptions.

Given the legacy of state hegemony in labor relations in Guinea, the mere existence of several independent unions, federations of unions, and the larger umbrellas of confederations represents a significant development for civil society in general and labor in particular in Guinea. As a movement, it remains fragile though, and given few financial resources, little formal education of workers, poor communication and infrastructure, union activity exists mostly on paper. Given the continuing dominant role of the state as employer, many existing unions are for civil servants, subject to penetration by the CNTG and the state.

Notwithstanding, teachers and civil servants won major concessions from the state as a result of the 1991 strikes. Moreover, as the state lost control over labor and the economy, workers were forced to develop new associations, namely the formation of independent unions, to advance their demands. In this vein, they have succeeded in obtaining government recognition and respect. For example, using the threat of strikes, SLECG has prevented some of its teachers from being reassigned for reasons of their political affiliation. The unions also have used their associations to promote a more open public realm. In November 1993 under the sponsorship of CECI, SLECG co-organized a seminar-workshop on the role of unions in an evolving democracy.

For its part, the UND and the UGTG remain active in securing compensation for the *déflatés*. Stories on the UGTG, the *déflatés*, and alleged government mismanagement of their compensation recently have become the subject of much public debate in the weekly papers. These advances in associational life and in the public realm however are fragile. In the case of the *déflatés*, small gains in compensation have been offset when those who find work forget about their still unemployed comrades. Solidarity too is compromised by personal ambition or corruption in union leadership.

7. Professional and Employers Associations

An earlier section on the economic context discussed the organization of the *Patronat* association which grouped several leading businessmen. The *Patronat* seems to have little influence on government decision-making and remains more a vehicle of personal prestige for its officers than a strongly organized interest group. It is headed by wealthy businessmen and subject to internal personal rivalries, notably between the president and the vice-president. Like many other civil society associations, dues payment is sporadic and formal rules for conducting business are not always followed. One of the major advantages of being a

member or rather being an officer are the invitations to international conventions and seminars on the private sector. Most of the businessmen in the Patronat have good relations with the government.

The weakness of private sector associations has its roots in the First Republic which eliminated the formal private sector and forced Guinean businessmen out of the country or underground. It has only been a decade since the end of this regime. The low levels of modern education of its leadership and the desire to maintain a low profile and keep business activities discreet are other factors explaining the relatively weak position of professional employers as an interest group. One of the few militant groups in the formal sector are transporter and taxi owner associations. A taxi strike shut Conakry down for a few days earlier in the year.

Although much has been written about the informal business sector and its dynamism, little is known about its associational life and how the different individuals and micro-firms organize themselves to conduct business and to defend their interests. Historically, the market women of Conakry have been a potent pressure group. During the First Republic, their protests forced Touré to take steps to liberalize the economy during the late 1970s. Moreover, under the Second and Third Republics, the government carefully listens when the market women express themselves collectively on political as well as economic issues. More needs to be done to get this vibrant sector more involved in public life.

Professional associations are not very developed in Guinea because the liberal professions were restored in Guinea only after the demise of the First Republic. However, there are signs that these groups are beginning to organize as in the case with the Guinean bar association. On the other hand, doctors and pharmacists have relatively little clout in Guinea because of their small numbers and the fact that the health sector remains dominated by the state.

8. Grassroots and Local Service Associations

Although interviews and documents consulted by the team indicated that grassroots and local level associations were among the most dynamic elements in Guinean society, we were not able to look at this sector because we could not travel in the interior to ascertain their effectiveness, how they operate, their degree of organization, and their relationships with the state.

Parent-Teacher associations and local health committees deserve particular attention and seem to be working effectively to deliver health and educational services to their constituents.

Rural producer groups, peasants organizations, women's groups, and coops have also expanded rapidly over the past decade. Their dynamism has been described briefly in the economic context section.

D. Conclusions

Ten years ago, civil society did not exist in Guinea. Thus, any assessment of the success of civil society in adequately performing democratic governance functions must be measured by its starting point. Although it has made remarkable progress in a relatively short period of time, civil society in Guinea still has a weak capacity for civic action because of the past. On the other hand, the picture is much rosier in terms of civil society's role in promoting sustainable economic development.

* Human rights organizations, trade unions, and to a lesser extent student associations constitute an important check on state authority and its potential abuses. Divisions within these movements and limited resources, however, limit their effectiveness. On occasion the Catholic Church has spoken up in favor of human rights. Business groups and Islamic associations have generally been closely tied to the regime and reluctant to be critical of state abuses of authority.

* Civil society associations to date also have had little impact on national policy making and have not yet much capacity to defend their interests *vis à vis* the state. More needs to be done to enable civil society to participate in national policy-making and to encourage the state to consult more with civil society before making major policy decisions.

* Civil society's contribution to democratic culture is felt more at the local level with the internal democracy and accountability of many grassroots associations. At the national level, human rights groups, lawyers, and to a lesser extent trade unions have been at the forefront of efforts to create a civic culture. Because of the relatively weak status and quality of the university, professors and students have played a much less important role in building a democratic culture than in other countries. The absence of an autonomous university tradition may explain the relative "silence of the intellectuals" in Guinea.

* Much progress has been made in promoting many self-governance norms, particularly in women's groups which seem to be the most dynamic in Guinean society. However, further progress in this area is constrained by the *tutelle* mentality of the state, the lack of financial and managerial

capacity, and the dependency of many groups on external funding. Donors like USAID can play an important role in building the capacity of grassroots associations and NGOs to manage their own affairs through training while a policy dialogue with the government concerning the reduction or elimination of *tutelle* rules would create a better enabling environment for autonomous associational life.

VI. LINKAGE INSTITUTIONS: INSTITUTIONAL DYNAMICS AND BEHAVIOR

A. Introduction

Linkage institutions which are not technically part of civil society are invaluable to a democratic society because they monitor the performance of government, publicize ineffective policies and abuses of power, articulate the views of key constituencies to the political authorities, and, in some instances, mobilize resistance against an incompetent or repressive regime.

Three main types of linkage institutions may emerge when a previously authoritarian political system begins the transition to political democracy:

- * political parties
- * the media
- * national fora for debating national policy issues.

The first type is explicitly political and consists of political clubs and parties. Parties may be considered differently from civil society associations because their principal task is often to take control of the state and to rewrite the rules of the game. As liberalization proceeds, civic-minded associations and economic interest groups often become politicized and become important elements in an electoral campaign or aligned with a party bent on major or even revolutionary system changes. Political parties have the potential for providing linkages between civil society actors and the state. However, political parties are not linkage institutions when they merely represent the power struggles of strong personalities, narrow elites, and factions of the ruling elites. For political parties to have linkage functions, they must have contact with major civil society actors and the grassroots and articulate and defend their interests.

The media constitutes a second major linkage institution and can play a critical role in monitoring government performance and raising national policy issues and political questions that before the completion of the full transition to democracy may be difficult for civil society actors to raise. The media can be

state-controlled; independent and nonpartisan; or the voice of a particular political party, economic sector, or voluntary association. Freedom of the press and an independent media are crucial to the effective functioning of democracy.

The third type of linkage institution and one which seems to be totally absent in Guinea are national fora—regarded by the main players as more or less neutral—that bring together a variety of interests, political and otherwise, together with each other or with representatives of political institutions such as political parties, human rights and other civic-minded groups and officials from the different branches of government. The state may attempt to manipulate and control such fora. But in many instances, the fora open up channels for dialogue and serious discussion of major societal issues and generate mechanisms for managing and resolving conflict peaceably.

Linkage institutions play two major roles in the political process. First, they aggregate interests by negotiating and reformulating the demands of different groups in a pluralist society. Second, they provide the public with the information needed for individuals and different groups in society to participate in policy processes and outcomes. Linkage institutions are thus vital in associating people as citizens in political affairs that transcend their group, local community, or region, thus tying them to the larger national political system and building their affiliation to the nation.

B. Political Parties

1. Parties and the Current Guinean Political Landscape

Some summary conclusions about political parties and the political landscape may be offered here. Four parties—the PUP, the PRP, the UNR, and the RPG—will be viable forces in the legislative elections. In spite of their limited financial and human resources—and in the case of the opposition—harassment from the government, each of them is actively mobilizing, educating, and attempting to consolidate the interests of their new constituencies. Linkage is strongest where party members form cohesive social and support networks, participating in grassroots ceremonies such as baptisms, marriages, and funerals. Political activities diminish markedly in remoter areas of the country, in general below the prefectural level. The most active membership is found within a thin slice of the elite—literate in French—mainly teachers, functionaries, and professionals.

All parties are weak in ideological appeal because their agendas focus on development and access to resources—key motivational factors for Guineans. Programs and ideology are driven by the Bretton Woods institutions. Whether opposition or *mouvance*, all parties are captives of this reality. With similar programs of

development, parties rely on regional and ethnic bases of support. They also tend to be extensions of their leaders' personalities. In this respect they are fraught with the sometimes petty, bitter prejudice that induces rivalry and solidifies division, even among members of the same ethnic group. This is particularly true of the two leading Fulani parties competing for a slice of the same pie. Only the president's party has been able to cross-cut ethnicity because of its access to state resources.

Cultural values and traditions exert a powerful influence on political parties. Guinean society is stratified according to caste, particularly in the Fouta and in Upper Guinea. Stratification by social status has important implications for land-owning, access to wealth, and for political aspirations. Social cleavages were exploited during the presidential campaign. For example, the RPG is said to have promised land to former serfs in exchange for their support. Lineage is a determining factor in selecting Fula candidates for the national assembly.

The *Fôret Sacrée* carries much significance for the "Forestiers" (people from the forest region). Decisions taken there in secret are binding for all members of the community. Voting is said to have taken place in the *Fôret Sacrée* during the last elections. Part of the Forest's support for Lansana Conté in the presidential elections is explained by the threat, taken seriously, that if a Malinké were elected, the local economy would revert to the "*normes*" (tax system under the First Republic) and the *Fôret Sacrée* would again be outlawed. If a Fulani were elected, the *Forestier* would lose his right to drink beer and go to his church.

Parties attempt to build their constituencies with strategies that target first the local notables--imams, patriarchs, elders, wisemen, and chiefs--in whom reside traditional authority. These individuals enjoy more popular legitimacy than the elected or appointed state authorities. Leaders ritually offer cola nuts to these authorities and seek their approbation and blessings. This practice confers a measure of legitimacy on these leaders who seek the support of a constituency that is foreign to them. It is indicative of a body of traditional, inherited rules that operate in spite of the overlay of modern, foreign republican institutions. Party leaders have had to conform to these traditional rules or have tried to undermine them when they did not serve their interests.

Women and youth are the two key groups that attract much party attention because they constitute vital constituencies. Traditionally, they are marginalized in Guinean society. If you are young or a woman, you do not speak in front of men. But when it comes to mobilization, women and youth march, organize neighborhood meetings, and call the market traders to action.

These are dynamic forces in society. Parties recognize this fact by creating women and youth groups at national, prefectural, and grassroots levels. In some parties, these groups proposed candidates for the national assembly. In reality, they still have much less power than men. And in spite of party rhetoric that emphasizes the role of women, they remain unequally represented at all levels in all of the parties. Where quotas are established for women's participation, they are often not respected. Parties have indicated that fewer than 10% of their legislative candidates will be women.

The great challenge for parties is finding a way to combine these different sets of rules peacefully and adapting them to the evolving process. Much depends on education: getting people to understand and accept the new rules, and holding those in authority responsible for applying them. Creating and putting in place democratic institutions requires a shared political culture with a common acceptance of procedures, system functions, and measures of recourse when systems malfunction. On a basic level, it is doubtful that most people understand what a legislature is, what it is supposed to do, how it is supposed to work, and what its relationship is to other branches of government. Modern principles of democracy will be hard to assimilate as long as a parallel set of conflicting rules exists alongside them. Beyond this consideration, one senses a significant difference in political values between elites of the diaspora and indigenous elites. One must question whether the Guineans most involved in the democratic process believe that the system they are putting in place will work.

How are officials elected by list relating to parties? Politicization of elected officials is stronger at lower levels and at higher levels. The *Conseillers Communaux* are more politically independent than the *Conseillers de Quartiers* and CRD presidents, while the mayors have become very politicized—e.g., Mamou, Kaloum, Dixinn, Ratoma, and Matam. Two-fifths of commune members in Conakry do not belong to the pro-government PUP.

Mayors are handicapped by poor track records over their 3 years in office. Although they were elected from non-party lists, they have become increasingly politicized because the rules will likely call for mayoral candidates to be presented by parties on the next round. Much pressure is placed on mayors to support the PUP, but given the general unpopularity of mayors with their constituencies, the PUP may want to distance itself from these mayors now in office.

Is the evolving process of democratization in Guinea outside the African norm? In spite of the absence of a democratic culture for the last century, probably not. Using Michael Bratton's assessment of political liberalization in Africa as a benchmark (Bratton, 1993), Guinea appears quite mainstream. Like most

African countries, Guinea has experienced governance gains and then seen them diminish in a series of delays and reversals. Backsliding in democratization is a general phenomenon in Africa. Moreover, if prospects for consolidation of democratic gains depends on progress in the economic and cultural spheres (as Bratton argues), Guinea may experience further deterioration of gains in the political realm.

2. The Representational Function

A proliferation of political parties characterizes the African political landscape since democratization. With 45 registered parties, perhaps soon to be 46, Guinea finds itself somewhere in between the 17 parties of Niger and the 200 of Zaire. At least ten of the parties aligned themselves with the *Mouvance Présidentielle* during last year's elections, while some 30 parties joined the opposition movement's short-lived *Etats-Généraux pour le Changement Démocratique*. Four of the eight parties that ran candidates in the presidential elections had national organizations capable of representing most of the 33 prefectures and 5 communes of Conakry. These were able to mobilize the masses via meetings, rallies, conventions, national councils. All of them held assessment conventions or national councils following the presidential elections. The others drew their support mainly from their leader's home base or from vestigial constituencies of the past.

a. Political Coalitions and Alliances

The frequent repositioning of parties on the Guinean political landscape is reminiscent of ephemeral party alignments that characterized post-independent Africa. Since the legalization of parties in Guinea, some eight alliances have formed or reformed. Some of these have organized around specific objectives such as holding a national conference while others have attempted to form electoral coalitions.

1/ The Birth of the Opposition: *Le Forum Démocratique National* and *Les Etats-Généraux*

The Forum was the first overt political grouping of individuals and associations whose purpose was to press the state for political reforms. It sprang from the joining together of the *déflatés* (civil servants who lost their jobs due to cutbacks in government personnel), human rights activists and the association of *Femmes et Développement* in early 1990. Members began meeting at the home of Mamadou Bâ who authored three popular and influential tracts from March to May of that year critical of government performance.

The Forum initially focussed on the reading, criticism and rejection of the *Loi Fondamentale*. It found *La Loi* to be

"concocted" by the General-President himself, to suit his needs, and imposed on the Guinean people. The members objected to the way they felt that it personalized the powers of the president. They also thought the review process had been circumvented (it had been hurriedly written-in less than one year-and passed after 15 days of public study and approval). Specifically they said (1) it created a strong presidential regime in a country that had known 26 years of dictatorship; (2) it was not debated publicly before adoption; and (3) the voting on the referendum was not free and fair. As for the organic laws pertaining to the parties and electoral code, they felt that those too suffered from a similar bias, designed to suit the needs of Conté. In its communique of January 8, 1992, the Forum called the *Loi Fondamentale* "an avenue to personal power and a dictatorship even more vicious than the one Guineans had previously known."

On April 17, 1991, without government permission, they published their ideas in the first issue of *La Nouvelle République* (Guinea's first private newspaper). On October 24, a group led by Bâ walked over to the *Présidence*, received an audience with Lansana Conté, and informed him that the people wanted him to step down. If he would resign, they would guarantee his safety and possessions.

In a written declaration of the same date, the Forum invoked the UN Charter, the Universal Declaration of Human Rights, the Charter of the OAU, and the African Charter of Individuals' and People's Rights of which Guinea was a member to remind the regime of their rights to freedom of association. The thirty signatories of the document demanded (1) unlimited multiparty democracy, and (2) a sovereign national conference which would, among other things, set the conditions for the creation of a transitional government of national unity and set the dates for elections. The boldness of their action and their open defiance of public authority gained them a national notoriety around which the parties would form.

But this loose alliance was too divided to withstand its internal contradictions. Motivated by their own personal ambitions, each of the major opposition leaders was unwilling to cede power to another. The *Parti de Renouveau et du Progrès* (PRP) of Siradiou Diallo, perhaps fearing what a national conference might unearth, and unable to collaborate with its main rival, the *Union pour la Nouvelle République* (UNR) of Mamadou Bâ, was excluded by the others for failing to support key initiatives of the Forum. The others, hoping to dominate a future national conference, began creating "paper" parties and associations in order to stack the deck in their favor.

The story of the Forum illustrates the incentives that first motivated the opposition alliance against the *Régime d'Exception* and then caused it to split apart. The leaders of the Forum were

brought together by virtue of their former opposition to Sékou Touré and their exile status. Key leaders had been members of the *Regroupement des Guinéens de l'Extérieur* (RGE); Alpha Condé had been president of the *Fédération des Etudiants d'Afrique Noire en France*. As the mixture of actors and groups of mainly indigenous forces coalesced around the president and his coterie that dominated the pace and characteristics of the reform process, those on the outside, mainly of the returned diaspora, joined together to oppose the tailoring of the new institutions, which suited the needs of those in power.

The seeds of the dissolution of the Forum are found in its failures and in its successes, too. Having failed to obtain a national conference, ten of its fourteen associations disappeared. Three of the four remaining became registered in 1992, but are marginal. The fourth, the OGDH, despite a track record, is currently fighting for its right to exist since it was never granted official status. Two of the union signatories are still active. Having been granted its demand for a multiparty system, the opposition disintegrated into a multitude of parties, none of them able to dominate the others, either alone or with their entourage of minor parties. Given their rivalries and the regional and ethnic character of the forum parties, none numerically was able to obtain more than 25% of the electorate.

Following the legalization of parties in April 1992, the Forum members and members of Siradiou Diallo's "Mariador Group" (the *Convention de l'Opposition Démocratique* [COD]), merged to form the *Etats-Généraux* whose goals were to continue lobbying for a transitional government of national unity and for a *Commission Nationale Electorale* (CNE). In the absence of either of these, the members of the EGs were committed to boycotting and in the case of some of the parties, even blocking the presidential elections. The appearance of a united front, however, crumbled before the personal ambitions of individual leaders, some of whom flirted with the regime, and others who, despite assurances of solidarity to the others, abrogated word-of-honor commitments to each other.

The *Etats-Généraux* ceased to exist as a credible force after its fateful meeting of October 20, 1993 at which Siradiou Diallo and Alpha Condé announced that they had already paid their bonds for candidacy to the presidential elections. Each leader found reasons to accuse the other sides of betrayal or treason. But the failure to reconcile their differences split the opposition into three distinct blocks, built around the personalities and the parties of Alpha Condé, Mamadou Bâ, and Siradiou Diallo. The remaining opposition parties attempted to run their candidates (PDG-RDA, Dyama, UNPG, UPG) or sat out the presidential elections altogether. While it may be argued that the Forum and *Etats-Généraux* were never much more than illusions of solidarity among the opposition, they did manage to achieve two of their

objectives--the multiparty system and the National Electoral Commission. They also created a basis for dialogue, and a means for advancing the democratization process.

2/ *La Mouvance*: The Presidential Coalition

The movement to support the candidacy of Lansana Conté, dubbed "La Mouvance," brought together a collection of the president's party, the *Parti de l'Unité et du Progrès* (PUP), the nine party members of the *Alliance pour la Démocratie et le Progrès* (ADP), and a lobbying group, *Comité de Soutien à l'Action de Lansana Conté* (COSALAC) and its sibling, *Mouvement de Soutien à l'Action de Lansana Conté* (MOSALAC). The PUP grew out of a desire of the president's close collaborators--military cohorts, ministers, senior civil servants, and members of the CTRN to build a grand national party under the name, *Rassemblement pour la République* (RPR).

Lacking a popular base, they formed a symbiotic relationship with Sousou intellectuals and leaders of small parties without leaders of national stature. Some of these formations included *L'Union pour la Démocratie et le Progrès* (UDP) of Fodé Idrissa Touré, alias Briqui Momo (mayor of Kaloum); *Le Rassemblement pour la Démocratie et le Progrès* (RDP) of Aboubacar Somparé (formerly ambassador to France; presently a leading member in the executive bureau of PUP); and *Le Parti Guinéen de l'Unité et de la Démocratie* (PGUD) of Sylla Mamdou, former assistant director of the Hotel de l'Indépendance and René Gomez (now minister of the interior and security).

Officially, ethnic, religious and regionally based parties violate the Charter of Political Parties. On paper, the parties respect this law. Yet all of them, (the PUP to a lesser extent), depend heavily on ethnic and regional support. Mamadou Bâ's famous declaration, "We've had 26 years of Malinké rule, 10 years of Sousou rule, and now it is the Fulanis' turn," may have been shocking, but he was only stating what many Guineans were thinking.

b. Analysis of the Presidential Elections

The results of the flawed presidential elections, though highly unreliable and manipulated in favor of the PUP (see IRI and IFES reports), clearly showed regional and ethnic divisions. The major parties scored highest in their home regions. The RPG dominated Upper Guinea; the PRP dominated the prefectures of the northern Fouta; the UNR won the southern Fouta; and the PUP took Guinea Maritime. The diaspora latecomer, Jean-Marie Doré, failed to persuade fellow *Forestiers* to support him over Conté. Urbanites also voted according to their regional and ethnic backgrounds. Generally, in the prefectures where the PUP did not score first, it came in second. Though the reasons for avoiding

a run-off have been the subject of some debate, it is widely acknowledged that Conté would easily have garnered sufficient support to win a second round against Conde.

The elections undermined the pretense of parties as national parties and demonstrated the limitations to regional-based support. No single party has the numbers to win a majority based on its ethnic group alone, therefore mergers, rapprochements, and electoral coalitions will be necessary for political survival. Parties also may look to distinguish themselves based on ideology, class, or other factors.

Examples of this change in appeal are few but significant. In the post-election period, parties led by the 35-45 age group have begun showing their interest in forming a youthful coalition. And though it is far from certain, the major parties may begin refining their diffuse demographic and ideological bases in order to consolidate their constituencies and win new converts.

In simplified terms, the UNR has been the management party, basically in agreement with structural adjustment policies and stressing the need to create jobs and put Guineans back to work. Its popularity with Fula youth, the unemployed, and the small market merchants in Conakry is largely due to its machiavellian leader, Mamadou Ba, who has been Conté's harshest critic and now the PUP's most celebrated partner. Its rival for the Fouta, the PRP, has projected a more moderate image, one respectful of authority and cultural traditions, designed to appeal to the older, more traditional elements of Guinean society. It has been the party of the larger Fula traders and businessmen. Labe and its surrounding region is its stronghold.

The RPG has cast itself as a populist party with the aura of a "*parti-état*." It has appealed to a Malinké population that feels deprived and excluded from government-directed development projects. Malinkés are said to be looking for a savior that will deliver them from what they claim is a pattern of discrimination dating from the abortive Diarra coup attempt of 1985. The RPG has responded to this need through a mix of patriotic rhetoric and revolutionary action. Its early pamphlets authored in the mid-1980's called for Guineans to identify their enemies (neo-colonialist exploiters) and to build a nation of patriots. Following the government's decision to annul the election results from Siguiri and Kankan, the RPG called for resistance to the government's authority (including refusal to pay taxes), resulting in numerous confrontations.

As for the PUP, in addition to inducting the civil service at all levels, and capturing the Sousou vote, it built a following among rural populations based on the message, "*Le changement dans la continuité*" (*change in continuity*). This image suited an incumbent chief because it reassured the majority of the

population-illiterate in French and rural-that the status quo would prevail. This group placed a high price on peace and respect for authority. It also found itself economically better off, and freer from state interference than under the First Republic.

Generally, supporters of the diaspora parties cite their respect for their leaders' international reputations and technical qualifications. However, supporters of the president and the PUP find these reputations flawed and these leaders out of touch with Guinean reality.

The outcome of the elections also showed the government's ability to control the process. Despite the opposition's claims that pre-electoral conditions had not been met, it was unable to agree on a boycott strategy. When the disputed election returns were brought before the Supreme Court, the ruling was in the government's favor. The working rules in the electoral system favor the president and his party and the increase the chances that the Supreme Court will side with the government in election disputes.

3. The Power-Sharing Arrangement

In the absence of other measures such as a National Assembly, the structure of the new government gives some indication of the political arrangement by which the president intends to maintain his victory and reward his allies. A few ministerial posts were awarded to members of the PUP's executive bureau, one went to the head of COSALAC, and one to the president's campaign director. A number of appointments went to *Forestiers*, lending credence to the notion that the Forest Region voted for Conté.

As the president pointed out to those hoping to cash in on the spoils after the election, he believes it was his money and the military that got him elected, not a party or a coalition of parties. He has also stated publicly that he considers himself an "adopted son" of the PUP, for which he is grateful, but a son must be left alone to make his own way. Although these statements reflect his negative reaction to the PUP's list of 80 suggested appointments, they support the notion that the main purpose of the PUP was to provide a vehicle for his election. His dismissal of the ADP parties shows that they were largely paper parties that did little to get him elected. Therefore he does not need to abide by the allocational rules that would otherwise apply.

The president clearly has said no to the idea of a government of national unity. The notion that opposition parties who win a percentage of the vote ought to be compensated accordingly in the government is not respected by Conté. Although it is rumored that certain of the diaspora leaders have been quietly seeking

government positions behind the scenes, none have openly sought to occupy positions in the new government with the possible exception of the UNR. The UNR-PUP negotiations, however, have yielded no fruit in power-sharing which supports the contention that the nexus of decision-making in the new government lies outside of the PUP.

4. Parties as Interest Aggregators and Policy Makers

The parties are mandated to broaden political participation and effective representation of people in the decision-making process. The major parties have active national organization and structures from the top to the bottom in units corresponding to the capital, prefectures, sub-prefectures, and districts. Different strata of society are represented in their groups for youth, women, elderly, workers, some by profession. All of them excepting the PUP rely heavily on regional cultural and language coordinating groups to communicate party decisions and policies, particularly in volatile situations where information must travel quickly.

As mentioned above, the president's belief that he is beholden to no one for his election has distanced the PUP, the ADP, and COSALAC from the locus of policy-making. Those responsible for policy direction seem to be limited to the president, his close advisors, including the *Conseil de Ministres* and the *Conseil Elargi*. The policy monitoring and evaluation units in the executive play relatively insignificant roles. Policy itself is driven by the ideals and programs of the IMF or the World Bank. In this vein, party programs may differ according to order of priority, pace of reform, method of implementation, or emphasis, but none of them varies greatly from another. Accountability for policy implementation flows upward, rather than downward.

At this stage of governance, coalitions and alliances are notably absent. The president apparently has granted free reign to the PUP to conduct negotiations with other parties and groups such as the UNR. Yet he does not get involved himself. Nor does the PUP as a party get involved in policy matters. Little coordination exists among the PUP, the ADP, and COSALAC because they compete for the same resources and spoils. This absence of wider collaboration implies that interests are not aggregated beyond those of a few key players at the apex of government.

At the prefectural levels, party section or federation members occasionally provide input into national party decisions. For example, following the presidential elections, each of the major parties convened popular assemblies on a national scale to collect the contributions of their militants regarding lessons to be learned and ideas for policy direction. The various committees at the prefectural level are involved in selecting and

proposing candidates for the "uninominal" lists to the national assembly.

Several considerations limit their input. First, the evolving party coalitions may produce deals that call for supporting the candidate of the coalition partner in given regions. Second, the existence of party "fiefs" in some regions prohibit members of opposing parties from engaging openly in political life. Third, local party members at the sub-prefectural level remain marginalized from political life by virtue of their distance from the prefecture capitals and limited formal education.

5. Parties as Political Educators and Mobilizers

Parties engage in two types of political education—the first is for their members and the second is for the public. The major parties generally limit education for their members to on-the-job training activities. Members learn about political action by doing and listening. Much of the learning thus is institutional, handed down from the party elders to more youthful groups. Party members in the 35-45 year old category play a critical intermediary role in this respect, facilitating communication between generational sets. The RPG attempts to motivate its members by awarding prizes such as the "militant of the month award". A few parties see their role in this phase strictly as educational. In this respect, the UFD has chosen to organize round-tables rather than engage in political mobilization.

On the basis of one team member's visit up-country in the summer of 1994, parties seem to take an interest in educating the masses (with a view to winning converts) and, with limited resources, do what they can to increase contacts with grassroots populations. Because they are so closely connected, education and mobilization go hand in hand. Activists working at the grassroots level assume that the time spent explaining electoral procedures will count toward gaining converts for the party. Presidential candidates visited most of the prefectures, but their visits generally were limited to stops in the capitals and along the main roads.

Parties get their feet in the door by sending a "son of the place" (*fils de l'endroit*) to network with local cadres in setting up a party cell. Then members provide social support on ceremonial occasions in the way of financial contributions, gifts, and weekend visits to families of party sympathizers. For the most part, party affiliation is defined by relations, not by promises or program. This explains why the various candidates first pay visits of respect to local notables before engaging in other political activities during their campaign trips to the regions.

Three major obstacles to public education are lack of resources, uneven quality of information, and access to the media. Party sections at the prefecture level are basically on their own financially. Some of them had a motorcycle or two--rarely a vehicle at their disposal. Often the more affluent members used their personal transportation to go to the sub-prefectures or were given rides by transporters. Reaching the isolated sub-prefectures required time. For lack of access to broadcast media parties relied on sending messages by bush taxi or with party members who happened to be travelling to a specific destination. Infrequent travel to far-flung areas meant that follow-up visits were rare. Public information regarding elections, rights and responsibilities was monopolized by state-controlled media.

In some regions, particularly Upper Guinea, organizing political gatherings was tantamount to risking repression by state authorities. In contrast to the up-country experience, communes and neighborhoods of Conakry were the target of regular party meetings prior to the campaign. These provided occasions for the parties to mobilize the population, explain voter registration procedures, deliver campaign speeches and slogans. These meetings often were accompanied by traditional musicians and youth groups entertaining the neighborhood crowds and singing praises of the party candidates.

In the post-election period, parties are gearing up for the next rounds. However two factors are at work in limiting the effectiveness of party activity at the grass-roots levels. The voter registration drive, which ended in November, generated little enthusiasm among voters. The parties believe that the unfulfilled expectations of the last election, and problems of perceived illegitimacy of these elections have created a feeling of voter apathy. This post-election syndrome is disquieting, especially given the complexity of the next round, which requires a new wave of education and public awareness if it is to be understood by the population.

More awareness building of the importance of this phase of the electoral process will be needed to overcome the *malaise* among the population that (1) might expect cheating on the legislative elections; (2) questions the necessity of these elections (3) doesn't understand what a National Assembly is.

Political education and the channel of information function are problematic for all parties, especially for those in opposition who rely on the resources of the leader, a few business people, and member contributions. Several parties publish monthly newspapers that reach limited audiences. Popular articles are photocopied, or reprinted for a larger readership. Other means of communication include broadsheets, flyers, occasional policy papers and pamphlets. These reach the interior by taxi. Frequency of publication depends on budgets. The UNR has been

the most active in this area, sending out regular position statements to its constituency. Two or three political debate programs exist on RTG radio and television but are tightly controlled by its managers and moderators.

6. The Patterns and Role of the Opposition

At this stage of the democratization process, several conflicting views on the opposition are competing for an audience in Conakry. The first, which lacks credibility, comes from former outspoken government critic, Mamadou Bâ who insists that there simply is no opposition. His own critics dismiss that as rationalization for what they see as his opportunism. In fact, the November MIS *communiqué* excluding Guinean nationals residing abroad from voting in the upcoming legislatures provoked immediate criticism from the UNR.

Government officials see the opposition role as destructive. As evidence they cite the hardline call to boycott or block the presidential elections, the smashing of ballot boxes and polling places in Conakry, the insulting rhetoric questioning the origins of Lansana Conté's parentage, and the party-state behavior of the RPG in Upper Guinea. Although the PUP claims that the dangerous period of violent confrontation is past, a duality characterizes its views of the opposition. The opposing parties joke around with each other if they meet on the street, but just beneath the veneer of cordiality exists a deep hostility. The memories of the invasion of 1970, Camp Boiro, the broken urns and strewn ballots of last December, and the opposition's proclamation to the world that the elections were fraudulent have left deep scars in the PUP.

The RPG and PRP see themselves as underdogs on an extremely unlevel playing field. They criticize government performance—its incapacity to maintain law and order, its failure to promote development, for the rampant corruption and ineffectiveness of the public bureaucracy, the weak economy, and its unwillingness to allow the CNE to be independent. In some cases, they have become targets of government persecution. Some of their members who are civil servants are being reassigned because of their political activities. In some regions they are denied the right to organize political activities. In spite of this situation, the opposition parties have said they intend to be players in the upcoming elections, regardless of government manipulation.

In the wake of the UNR-PUP rapprochement, the opposition is reconstructing itself. Smaller parties have the choice of aligning themselves with the government, with a centrist group led by the UNPG, or with the opposition defined by the tenuous PRP-RPG alliance. Younger party leaders have also been maneuvering to create a generational coalition. But these

arrangements are likely to be ephemeral because of intense competition and the struggle for survival.

In the Fouta Djallon and Upper Guinea, both the RPG and PRP are active and maintaining well-established networks at the prefectural and sub-prefectural levels in their base regions. Party organization seems to drop off steeply beyond the sub-prefectural level. Party activity at the grass-roots level is mainly restricted to campaigning or social networking, using holidays, ceremonies, and events such as funerals to offer moral, material and some financial support on behalf of a given party. The PRP in particular will be under pressure to succeed in the legislative arena or risk losing its financial and organizational backing from medium- to large-scale merchants and traders.

The comparison of the opposition PRP/RPG to the former opposition party, UNR offers a interesting contrast in rule application and enforcement. A working rule pattern is emerging: The less critical a party is of the regime, the more applicable laws such as freedom to associate become. Example: the mayor's application of laws in Kaloum for the UNR's meeting at the public stadium. However, the more opposed a party becomes, the more the prohibitive rules will be applied that limit party activity. Examples: Siradiou Diallo's visit to Boffa where the prefect and the mayor forbade him to stop because they had not had adequate time to ensure his safety; the restrictions on RPG political activity in Kankan and in Faranah for reasons of public order.

C. The Media as Linkage Institutions

The media has three key roles to play in a democratic society: (1) It informs the public about issues of local, national and international importance, (2) it monitors government performance, and (3) it monitors the concerns of individuals and associational groups in civil society.

What holds for Guinea, and most African countries at this stage of development, is (1) the dominance of the realm of public over private media, and (2) the disproportionate influence of broadcasting media over the written press. Through its monopoly on radio and television, the state restricts access to news, limits its coverage, and tailors it for public consumption. What is not said or covered by the media (sins of omission) is as important as what is communicated and how it is filtered (sins of commission). Thus, the news becomes the world-view of the state reflecting what it wants the public to know. The Guinean press suffers from insularity. Foreign papers are expensive and sold under the monopoly of the *Société Guinéenne de Diffusion de Presse* (SOGUIDIP).

The private media provides a counterbalance to a state-centered interpretation of events and public concerns. It generally

covers stories the government press refuses to cover. To the extent that it effectively performs its watchdog role, it guarantees the morality of the democratic process. But in doing so, it often finds itself in competition with state interests. Notwithstanding the strength of the media in countries such as Nigeria, African governments use a variety of measures to block, neutralize, undermine, or harass the media when its interests are jeopardized.

1. Overview of Public and Private Media in Guinea

The state monopoly on broadcast media and domination of print media is a legacy of the First and Second Republics. Before 1990, the written press was limited to *Horoya*, the official government paper now in its 34th year, and *Foniké*, a magazine for youth. While *Foniké* ceased publishing around 1990, the government publishes *Horoya* almost daily. *Horoya* mainly covers government news from state visits to donor-funded development projects. It enjoys a fairly wide readership, particularly among its key constituency—the civil service—thanks to free circulation to most government offices in the capital and to a lesser extent in the interior.

The state radio and television, *Radio et Télévision Guinéene* (RTG) and its affiliates up country, *Radio Rurale*, reach a much wider audience with their daily broadcasts. Because of the limited number of television sets, and the lack of electricity, most Guineans get their news from RTG radio and *Radio Rurale*. Inexpensive short-wave sets for sale on the streets, compromise state monopoly of the news by permitting many Guineans to listen to *Radio France Internationale* (RFI), the British Broadcasting Company (BBC), and other foreign stations.

As in other sectors of the Guinean civil service, the personnel of RTG requires private payment for public service. It is not uncommon for donors to pay the equivalent of \$100 or more to have their projects publicized on national radio and television.

The degree of objectivity in the state news media generally reflects a maxim holding true for other spheres in Guinea: the more politically sensitive the subject is, the less state tolerance to allow freedom of competing views. For example, developmental, public service issues, or humanitarian concerns receive much coverage and are subject to less bias than overtly political matters. Development-oriented programming for *Radio Rurale* is balanced and quite independent from central government control. However, as the presidential campaign in late 1993 demonstrated, these media are subject to considerable manipulation in their programming content. The politicization of the local language broadcasts (*Kibaro*) illustrated how easily state media could be transformed into propaganda tools against the opposition.

The private press began unofficially-and illegally-with the publication of *La Nouvelle République* in April 1991. Since being legalized, some 20 private newspapers have come to press-albeit irregularly. In its brief history, the private written press reached its apex in mid- to late-1993 when as many as 10-20 papers hit the stands on a fairly regular basis. Few however, were able to sustain the level of interest that they generated prior to the presidential elections. Presently, only two of these publish weekly, *Le Lynx* and *l'Indépendant*. Political party newspapers and a few unaffiliated papers publish monthly or when finances permit. *Le Lynx* and *l'Indépendant* enjoy the widest readership, attracting pro-government and opposition readers alike. The two weeklies combined may have anywhere between 8,000 and 14,000 copies in circulation a week. The other papers generally print between 1,000 and 3,000 copies per issue.

Because of the limited circulation and readership of private newspapers, the government shows much tolerance in granting them a free hand in expressing their views-often very critical of the president himself. For the opposite reason, the broadcast media remain off-limits to the private sector. The only attempt to establish a private radio, "Gandal", failed when the government shut it down after some 70 hours of musical broadcasting in May 1994. According to our information, RFI has also applied for-and not yet been granted-a license for operating an FM station in Guinea.

2. Relations with the State

The press is subject to regulation by two state agencies. The first is the Ministry of Communication and the *Haut Commissariat à l'Information*, the latter which regulates the state media and is one of five ministries now directly linked ("*rattaché*") to the presidency. The second is the Ministry of Security and the Interior. By law, newspapers must submit four copies of their newspapers before distribution with the Ministry of the Interior (*La Direction Nationale de Réglements et Libertés Publiques.*) Up to now, the Ministry has not prohibited the circulation of any local newspapers. For record purposes, newspapers are also required to submit four copies to the National Library and National Archives, and three copies to the *Procureur de la République* for the (*Dépot Judiciaire*).

An important conflict resolution mechanism is in place to manage the rules governing state-private media relations. The CNC (*Conseil National de Communication*), is a quasi-independent body that counsels the Ministry of Communication and the *Haut Commissariat* in media matters. Created in 1991 by a *loi organique*, it manages its own budget, which is authorized by the Ministry of Finance. It is composed of nine members, three of whom are presidential appointees and six from various sub-sectors of the media. Its four sub-commissions have a broad mission.

They prevent or settle disputes between the independent press and the state, they promote a professional code of ethics for journalists, they protect societal values against worldly and pornographic influences in entertainment and the media, and they perform such delicate matters as regulating political party campaign air time on the RTG. In theory, the CNC also protects journalists from harassment and breaks up media monopolies in the interest of guaranteeing citizens their rights to information.

Its record as an ombudsman is fairly good overall. Opposition parties have praised it for its impartiality in organizing air time, and for its objectivity and restraint regarding its censorship function in the presidential elections. But, where it must limit the excesses of the state, or where the state refuses to cooperate, its effectiveness is limited. One of its members resigned in part because he felt the CNC did not have the autonomy and authority it needed to carry out its mandate. He felt that the state media were beyond its control. In the case of Radio Gandal, the CNC wrote three letters to the Ministry of Communication requesting licensing for Gandal. It claims never to have received a response (What's not authorized is forbidden). The CNC's influence as an advisory body is considerable, but the authority to take important decisions such as granting operating licenses lies with the Ministry.

As in neighboring countries in the region, much of what exists (or existed) in the private press is quite critical of the government. But the press exercises what it calls self-censorship according to a generally accepted set of professional norms. This practice no doubt has mitigated state hostility to unfriendly criticism. Press editors and journalists have vowed to continue fighting to denounce government abuses of authority and breaches of democracy. The popular satire of *Le Lynx* is remarkably critical and provides a constant source of irritation and embarrassment for the government. This watchdog function takes on added importance in the absence of a National Assembly.

The government has proved tolerant of this criticism. Rarely has the government flagrantly harassed journalists. Where this has occurred, it tends to have been directed at journalists working for foreign news services such as the BBC, RFI, and Africa No.1. In a few examples where defamation suits have gone to court, only one has gone against a journalist (*l'Union*). This ruling is under appeal. But peace between the critical press and the government is fragile. An informant told us that *Le Lynx* has to be careful because it is under threat at all times.

However, this record of tolerance is tempered by the restricted access the private press has to news. Since government is the main game in town, access to news regarding it is key. Moreover, the recent warnings of the president equating criticism of him or his government as libel, and therefore subject to punishment, are

reason to question whether freedom of speech is guaranteed in Guinea. This latest doctrine has yet to be tested.

3. Capacity Issues

The independent press has limited capacity to curb state abuses, and to promote a greater degree of fair play between state and civil society actors. However, specific articles on corruption or abuse of authority have produced results. In one case, a published news story helped get the immediate and unconditional release of political detainees. In another, 500 young officers received their overdue promotions after an article publicizing their plight was published. Civics columns appearing in one of the weeklies, "Do you know your rights?" are likely to produce change over time.

This capacity is limited by several factors, chief among them: (1) financial viability, (2) a weak enabling environment, and (3) a low level of journalist skill.

a. Financial Viability

Aside from its public information and government watchdog functions, the independent press exists for profit motives. On the business side of the ledger, private papers are in trouble. An illiterate population does not buy papers, and in a society where intellectual culture is nigh absent, papers--no matter how good--won't sell in volume. Not only do most Guineans not read, they cannot afford to read. At about \$.70 per copy, the reading public would rather read someone else's paper than buy its own (in relative terms, the cost of buying a paper twice a week in Guinea for a civil servant would be like spending at least \$140 per month for his US counterpart). Because of almost no advertising revenue, the papers must recoup all their costs in the price of the paper. At a base cost of 450-500 GNF per copy, profit margins are less than 250 GNF per copy.

While printing presses and publishing houses are part of the problem (*Le Lynx* is printed in Côte d'Ivoire), the biggest constraint is lack of a viable market--an educated reading public. Universities, schools, NGO's, government agencies do not subscribe to the papers. The public has not yet found that reading papers will improve their well-being, quality of life, or standard of living. The general reading public with fewer analytical skills and a greater appetite for titillation finds the papers too intellectual. Smaller papers such as *l'Eveil Africain* find themselves at a still greater disadvantage for volume in sales because of the emphasis on analysis rather than reporting.

Low circulation rates between 1,000 and 4,000 copies per issue are the norm. *Le Lynx* prints between 5,000 and 10,000 copies per

issue. Some papers publish a second edition if they sell out the first. Few copies are sold by subscription. The weeklies sell a few copies on newsstands in the region and in France. Copies reach the interior via taxi and airplane, but as many as two-thirds of them are sold in Conakry. Some papers have tried to expand their readership by adding pizzazz or more pages to the typical eight-page format. Color pictures, sports pages, crossword puzzles, games, home economic tips, and health advice have become familiar features. However, with few exceptions, businesses are unwilling to advertise in them for fear of being labeled anti-government. They choose instead to publicize in *Djeli* or the *Tam-tam*-advertising and classified papers, which carry no political content and are free to the public.

b. Enabling Environment

Overall, the media environment is non-enabling. Two associations attempt to provide fora for cooperation and support among the media. The *Association de Journalistes de Guinée* (AJG) and the *Association Guinéenne des Editeurs de Presse Indépendante* (AGEPI), founded in 1991. Only the latter manages to meet regularly (about once a month), but neither functions well. Because of the collapse of newspapers, AGEPI is down to 4-5 regular members. AGEPI's goal is to promote journalism, to train them, and to defend the liberties of the press and of speech. It has tried unsuccessfully to launch a press club and to hold regular press meetings between state and private press.

However, in Guinea's emerging transition, supporting links do exist. Journalists from the various press often meet informally at the offices of the AGEPI president to discuss common concerns. The OGDH also has successfully defended *Le Lynx* once against government charges. And the new government itself recently contributed to a freer flow of information by inviting all the press to attend what it promises to be regular public press conferences. For their part, the donors have helped to promote the public realm by organizing round tables, seminars, and some technical support. This year marks the first that students at the University of Conakry are enrolling in a degree program for journalism. Two faculty are teaching 8-10 students in this first year of the program.

Several fora including workshops and seminars have been organized to strengthen the independent press. While technical skills of journalists may have been improved, these have had limited impact on public policy regarding promotion of the private press. Several policy instruments, though available, are on hold because the state has no incentive to use them. For example, one of the USIS-AGEPI seminar recommendations was to overhaul the state publishing house, *l'Imprimerie Patrice Lumumba*, which still sits mostly idle.

Contacts with the outside world of journalism constitute a third arena of support. Guinean journalists are in touch with the *Union Internationale de Journalistes de la Presse de la Langue Française*, with *Rapporteurs sans Frontières*, and with the *Union des Journalistes de l'Afrique Occidentale*.

c. Competence of Journalists

Despite generally low levels of education and training, the journalists working for the main papers demonstrate a remarkable degree of professionalism. All must meet minimum qualifications established by the CNC in order to obtain a trade card. A pending court case against a would-be reporter would disqualify him. In principle, the trade card allows a reporter to do research on all but classified information. While some have had the benefit of living and studying abroad, most-especially in the smaller papers-work within the limits of their local experience. Their skill levels remain relatively low even though several journalists have benefitted from seminars and workshops organized both in Guinea and abroad by USIS, Fondation Friedrich Ebert, PNUD, IFES, and others.

While the quality of reporting in the two weeklies is high, journalists are handicapped by restricted access to news, limited resources, lack of telephones and transportation, and traffic snarls. Corroborating stories in Conakry, not to mention up-country, is difficult and time-consuming. The smaller papers especially, struggle against these obstacles. For lack of means and experienced staff, they tend to editorialize, substituting opinions, feelings, and sentiments for facts. Restricted budgets limit reporters mainly to coverage of events in Conakry.

d. Impact and Prospects

AGEPI has succeeded in co-organizing two training seminars for journalists with USIS. It successfully protected and found lawyers to defend three journalists facing defamation charges by the state. It sends a representative to the CNE. Among its initiatives is a plan to set up a publishing coop and information clearing house, which would allow private papers access to cheaper publishing facilities, and better sharing of resources and information.

But the survival of the independent press under prevailing conditions is in question. Editors insist that newspapers are dying out. The two that now appear weekly are said to survive partly on subsidies and on the personalities of their directors. For example, the *Indépendant* pays for part of its operating costs with revenue from the owner's printing press. Its director, a former senior cadre in the government is well-connected around town. While these papers are on the endangered species list, the others may be all but extinct.

Overall, AGEPI feels that the enabling environment would be improved with additional workshops aimed at specific tasks or methods. The efforts underway to set up a journalism department at the University of Conakry would contribute to building skills. Favorable tax policies and import rates for newsprint or newspaper would also lower the costs of production and increase profit margins. If businesses were willing to advertise in private papers it would add to their revenues. But these will be long shots as long as the regime views the private media as unfriendly and a threat. In the short term, the private media are likely to remain weak and fragile.

4. Associational Media

By associational media, we are talking about various types of communication outside of the news media that are aimed at public education. In the US, media giants such as Time-Warner Publications have merged the industries of news and entertainment. On Guinea's modest scale, associational media might include NGO outreach programs, public service messages, newsletters, or other sources of information. Their goal is to share information, to educate the public, to inform people of their rights and responsibilities, or to help create solidarity among associations by establishing and widening networks of communication. SLECG's "INFO," PRIDE's "*mon enterprise*" and COFEG's "*La Guinéenne en Action*" are notable examples of sharing information and ideas with groups and individuals that may have similar interests and goals.

Examples of public education range from the OGDH's audio cassettes in local languages on civil and human rights, to Professor Djibril Tamsir Niane's textbooks such as *Education Civique* from the collection "*Jeune Citoyen*," or paperbacks such as *Contés de Guinée*. His recently created youth magazine presents an opportunity to reach the next generation of Guineans who will inherit the present legacy of democratization.

VII. SYNTHESIS AND RECOMMENDATIONS: GOVERNANCE IMPLICATIONS AND STRATEGIC DEMOCRATIC GOVERNANCE OPTIONS FOR USAID/GUINEA

A. Summary of Rules, Behaviors, and Implications for Democratic Governance in Guinea

The December 23 1990 *Loi Fondamentale* and the diverse organic laws which followed one year later established the basic formal rules of the political system in Guinea. It should be noted that much of the rule changes creating the legal framework for transforming Guinea from a highly centralized state economy to a more liberal economy were put in place in the late 1980s before political liberalization and the establishment of national political institutions. In general, the Conté regime has shown itself to be more willing to apply rules pertaining to the

liberalization of the economy than the application and enforcement of rules affecting political behavior contained in the constitution and organic laws.

Since 1990 Guinea has made considerable progress on the road to democracy. Democratic rule changes have thus permitted the development of a vigorous though still vulnerable independent press, the emergence of human rights organizations, the creation of political parties and detailed procedures for conducting national and local elections. Moreover, the opening up of the public realm through the liberalization of association rules has given private firms, NGOs, hometown development associations, women's groups, and other apolitical groups much freedom to organize and manage their own affairs. New watchdog institutions like the CNE which has the potential to monitor the electoral process and thus reduce temptations to rig elections and the CNC which was designed to insure equitable access to the media have also been created under the young Third Republic.

The impressive progress made in the transition from a military to a democratic civilian regime has been somewhat marred by a general pattern in which rule enforcement of democratic rights and procedures seems to decrease as group activities become more overtly political. Opposition political parties have thus often found it difficult to organize public marches and rallies, human rights groups have been denied permission to hold colloquies, and trade union leaders have been subjected to harassment by the authorities. It should also be noted that the transition to democracy in Guinea will not be complete until the National Assembly begins to function as Guinea's representative legislative body after the upcoming legislative elections.

Prescribed rule changes contained in the constitution and various organic laws have established the legal framework for a strong and independent judiciary. However, the institutions created to apply and enforce the rule of law, at present, don't have the capacity to carry out their tasks. For example, the *Chambre des Comptes* which the law has given the formal responsibility for auditing public accounts--the annual national budget, the accounts of 38 local government units, and the accounts of all state enterprises--has a tiny staff and no funds to carry out its mandate. The inability of the *Chambre des Comptes* to carry out its legal functions thus reduces the opportunities for increasing the government's financial accountability and transparency which in turn provides greater incentives for officials to use public resources for private needs because they are less likely to be caught and sanctioned.

A major obstacle to good governance is the rampant corruption in the state bureaucracy. President Lansana himself has, on many occasions, denounced corruption and called for greater honesty in government. Low salaries, the lack of bureaucratic discipline,

and the reluctance of officials to enforce rules to punish corrupt behavior provide perverse incentives for state officials and discourages efforts to promote good governance practices.

Cultural norms and behavior patterns inherited from the colonial regime and the First Republic have also had a great impact on political behavior. Belief in the virtues of centralization and the necessity for the state to maintain its *tutelle* over civil society and local government institutions are widely held by government officials. The *tutelle* function gives state officials the power to recognize and withdraw recognition of civil society associations. Most local government decisions such as the passage of a budget must be approved by the administrative hierarchy before they can be executed. The *tutelle* mentality can be summed up in the rule that what is not authorized by the state is forbidden. This rule creates negative incentives which discourage officials in the state bureaucracy, local government units, civil society organizations, and individuals from taking the initiative to act to resolve their own problems and implement their own objectives.

The relatively limited dialogue and mutual distrust of the major political actors in Guinean society reflect behavior patterns inherited from twenty six years of despotic rule under the First Republic. The Touré police state killed independent political thought, fostered an atmosphere of personal insecurity and fear of being denounced, and exploited nationalist sentiments to fan mistrust of Guineans living outside the country. The limited political debate and absence of political parties and an independent press under the Second Republic (1984-1990) also hindered the development of a tradition of open public debate and dialogue.

Four major patterns in rules and behavior pose serious constraints to moving further along the path to democratic governance in Guinea:

- * the non-application and enforcement of certain democratic rules and procedures prescribed in the constitution and organic laws which guarantee citizens, associations, and political parties their full political and civil rights.
- * the limited capacity of most government institutions, notably the courts and legal system, to carry out its mandate to apply and enforce the rule of law, and the lack of incentives to motivate judges and other state officials to perform their duties correctly.
- * the overriding centralization and *tutelle* mentality embodied in central government institutions and officials which blocks efforts towards real decentralization and

raises the transaction costs of individuals and groups in civil society to organize and manage their own affairs.

* the lack of political dialogue and mutual distrust among the key political actors—e.g. government officials, those supporting the regime and those in the opposition—and civil society, the absence of an independent public national forum available to all parties to air grievances and publicly debate major national public issues, and the absence of formal mechanisms providing incentives for political actors in conflict to discuss their differences and resolve conflicts in a mutually satisfactory manner.

These patterns of rule application and behavior have important implications for USAID/Guinea program and project implementation and need to be addressed. For example, the staying power of the *tutelle* mentality and the centralization of financial control by the Ministry of Finance makes it extremely difficult to implement decentralization. Thus, training local government officials who have no real power to allocate financial resources and who must turn to the *tutelle* power for approval of most of their decisions in this context may be less urgent and not necessarily the best use of USAID resources.

The limited capacity of Guinea's legal system affects the mission's efforts to provide a more favorable climate for promoting the private sector in general and foreign investment in particular. It also adversely affects financial accountability and transparency in government spending and makes donor relationships with the GOG more difficult and the implementation of projects more problematic.

The non-application and/or violation of key election rules in the 1993 presidential elections became a major bone of contention between the United States government and the GOS. The results have been a reduction in American aid to Guinea, the placing of Guinea on the State Department's watch list, and cooler relations between the two countries. President Conté and other high-ranking officials have publicly expressed their hostility to what they perceive as external efforts to impose a timetable and form of democracy which do not reflect Guinean realities as they see it. The mission's involvement in providing support to and making assessments of the electoral process has thus politicized USAID/Guinea's relations with the GOG and made its task more delicate.

B. A Brief Analysis of Democratic Governance Components in USAID/Guinea's Current Portfolio

USAID/Guinea is in the process of formulating a program on democracy and governance as a fourth strategic objective for the

next strategic planning period. The mission's current portfolio currently focuses on three key Strategic Objectives (SOs):

- * Growth and Increased Efficiency in Agricultural Markets;
- * Improve Family Health Services and Increased Ability of Families to Limit Household Size;
- * Improved Quality and Increased Enrollment in Primary Education.

In the meantime, USAID/Guinea is proposing a cross-cutting democracy and governance objective whose purpose is "to help Guinea establish transparent, open, accountable and effective governmental institutions and to develop a democratic civil society which promotes broad-based economic development and equitable participation in social and political life." (USAID FY 1996 Action Plan, p.8).

The mission has already promoted DG objectives in several areas, providing electoral assistance to the Guinean government for the 1993 presidential elections; training and seminars related to decentralization for local government and MIS officials; and training programs for female small-business owners and representatives of women's groups and other associations which have contributed to strengthening the development of civil society. In addition, USAID/Guinea sent a contingent of 7 Guineans to Atlanta, Georgia in the summer of 1993 to attend a seminar on democratization.

1. Electoral Process Assistance

USAID/Guinea provided direct support for the 1993 presidential elections in the form of technical assistance through the International Foundation for Electoral Systems (IFES), training of poll workers, election supplies, and financing the printing of ballots and election guides. This support was designed to contribute to DG objectives by making the electoral process more efficient and transparent. The analysis in this DG assessment indicates that the electoral process is perhaps the most sensitive area in the Guinean political system because it determines who will retain or gain power and control over the state apparatus. The stakes are extremely high and thus provide incentives for those in power to manipulate the system in order to stay in power. This kind of behavior is, of course, also found in most democratic systems, hence, the need to prescribe, invoke, apply, and enforce rules which will insure open and free elections and reduce the capacity of those in power to rig elections in their favor.

The GOG is currently seeking USAID and other donor support to finance the upcoming legislative elections. In a country like

Guinea where communications are poor and the population not used to voting procedures, organizing national elections properly is a long, costly, and complex process. Both the donors and the GOG find themselves in a difficult situation. If the donors don't provide the financial assistance needed, the likelihood that the elections will run smoothly is slim. On the other hand, some donors are reluctant to contribute to the electoral process because they feel that they have not received sufficient guarantees that the elections will indeed be free and transparent. For its part, GOG leaders are sensitive to outside interference in what they believe to be an internal matter. Donor conditionality in this area is thus perceived as an affront to their sense of national sovereignty and dignity. Yet they also know that they need external assistance to insure smooth elections and that at least a minimum degree of transparency is needed to give their regime greater legitimacy in the eyes of the Guinean people and the international donor community. Mutual interests thus provide the grounds for negotiating an agreement between the GOG and USAID that may be acceptable to both parties and insure that the national legislative elections will be more open and transparent than the 1993 presidential elections. A recent IFES report indicates that the GOG has made some progress in moving towards more transparent elections but that some obstacles remain. USAID/Guinea is prepared to offer material and technical assistance to the GOG for the organization of the legislative elections providing there is basic agreement on the ground rules required for insuring open and transparent elections.

2. Decentralization

USAID/Guinea has supported decentralization objectives through its Human Resource Development Office (HRDO) since 1990 and developed good relations with the National Decentralization Service in the MIS. In collaboration with the Research Triangle Institute (RTI), the mission has organized several national and regional seminars geared to MIS officials, local government representatives, and local business communities. These seminars have focused attention on market towns and methods for mobilizing local financial resources to support local government functions in providing public goods and services. The mission is also planning to conduct seminars in municipal financial management. The HRDO seems to be very sensitive to Guinean political realities.

Thus, it has wisely delayed the implementation of a 1993 proposal by a RHUDDO mission to provide assistance to create an Association of Guinean Mayors. The politicization of urban government politics since the creation of political parties in 1992, the current inability of mayors to adequately provide urban services to their constituents, and the scheduling of municipal elections in 1995 also suggest that it is premature to provide

assistance in this area until one knows who the new mayors will be, their degree of legitimacy with the local populations, and the amount of real power that local government will be able to exert.

Another area in which USAID/Guinea needs to move cautiously is in providing support to "strengthen the NDD's capacity to provide technical and administrative assistance to municipalities." This kind of support runs the danger of perpetuating the *tutelle* of central government institutions over local government and paradoxically expanding the size and scope of the central government bureaucracy in the name of decentralization. USAID should thus explore other mechanisms for providing technical and administrative assistance to local government which will not perpetuate the *tutelle*.

USAID/Guinea should continue to collaborate with the NDD because it can not do decentralization without working through some central government agency. Rather than support the NDD's *tutelle* function, USAID/Guinea would do better to support the NDD's role as an advocate of decentralization and as a clearinghouse for providing timely information concerning decentralization legislation, local government functions, and local associational activities for donors, NGOs, local government officials, the private sector, and local associations.

3. Training Programs to Strengthen Civil Society and Promote a Democratic Culture in Guinea

The USAID has conducted a large number of training sessions and programs for representatives of small businesses in the private sector and women's groups. In strengthening the governance capacity of these groups through training in management techniques, the mission is making a modest contribution to the strengthening of civil society.

In examining USAID's portfolio, various training programs could be initiated or expanded to strengthen the governance capacity of local associations and/or local government units directly or indirectly involved in the implementation of specific projects and programs geared to achieve the non-DG strategic objectives contained in the mission's current action plan. This implies working with a wide range of locally based groups such as parent-teacher associations, local health committees, village communities managing common natural resources, rural producer associations, etc.

USAID/Guinea also has plans to promote a program of civic education through a network of rural radio stations to provide Guinean citizens with information concerning their rights and obligations in a democratic society. The content of these programs will have to be carefully constructed to translate

democratic concepts into terms and language that can be readily understood by the local populations and not be restricted to translations of basic texts.

4. The Reorientation of USAID Resources from Central Government to the Grassroots Level

The mission's current action plan notes that future U.S. assistance will be directed away from central government as much as possible and channeled directly to the local level and through U.S. NGOs.

This implies that strengthening civil society and promoting decentralization will be at the core of future DG efforts.

C. Donor Democratic Governance Activities and Coordination

At present, there seems to be no coherent program among donors to coordinate democratic governance programs and activities. During the mid and late 1980s, donors led by the World Bank and the IMF focused on governance issues directly affecting the efficient operation of the Guinean economy and the capacity of the GOG to use donor resources efficiently. This led to the drafting of a broad range of legislation which established the legal framework for the liberalization of the Guinean economy (See economic section for more details on this point.) Donor coordination centered around economic policy reform and showed little concern for political issues. The emphasis was placed on governance issues such as reducing corruption, increasing transparency in government operations, strengthening the capacity of government planning and financial agencies, and restoring the health of the banking system. The major rule changes promoting the transformation of Guinea from a centralized socialist economy to a liberal economy took place under the military regime of the Second Republic.

With the fall of communism in the Soviet Union and Eastern Europe and the expansion of the movement for democracy in many African states during the late 1980s and early 1990s, donors began to talk about democracy as a major development goal and to make a strong link between democracy and development. Mitterand at the 1990 Francophone African Conference at La Baoulé in France reiterated this point and hinted that henceforth the volume of French aid would depend, to some extent, on the degree of progress made towards achieving democracy.

The new emphasis on democratization and democratic governance has created a new set of problems for donor agencies. The World Bank and IMF remain focused on governance while bilateral donors are now incorporating democratization activities into their portfolios.

Donor coordination has been most significant in providing technical and material assistance to the GOG in organizing the 1993 presidential and upcoming legislative elections. Principal donor support for national elections has come from USAID and the American Embassy, the French, the Canadian embassy, the United Nations Development Program (UNDP), the European Commission (CEE), China, and the Frederich Ebert Foundation. The French, who are old hands in Francophone Africa and Guinea, appear to be more tolerant and understanding of defects in the electoral process than the American, Canadian, and German donors. Donors have been pressing the GOG to giving the CNE a greater and more independent role in the electoral process. The MIS has been reluctant to surrender its tight control over the electoral process, thus increasing tensions between donors and the GOG. It is still not clear how much donors will actually offer to support the organization of the legislative elections.

There seems to be little donor coordination in other democratic governance activities such as support of decentralization, civic education, and the strengthening of civil society by working more and more through local NGOs and various associations.

1. Decentralization

- a. The French have provided technical assistance to the NDD to help set up and provide technical assistance to the CRDs.
- b. The Frederich Ebert Foundation provided some training for mayors shortly after the 1991 municipal elections.
- c. The Canadian based CECI is working closely with pilot CRDs in Middle Guinea.
- d. The World Bank is financing is large-scale urbanization project in Conakry to provide municipal services such as sanitation, improved thoroughfares, etc.
- e. French cities have twinning (*jumealge*) relationships with several Guinean towns and offer trips, training, and modest financial support.

2. Civic Education and Human Rights

- a. The Frederich Ebert Foundation has organized conferences and seminars on democracy--most recently a seminar on the role of the opposition in African politics.

b. UNICEF and the Swiss have provided technical and financial support for the creation of Rural Radio in Guinea.

c. CECI also offers programs in civic education.

d. The American Embassy has provided some modest support to the OGDH.

3. Support for NGOs and Local Associations (Civil Society)

a. Nearly every major bilateral donor agency has provided financial and technical assistance and training to NGOs and local associations for many years. They have thus been strengthening the capacity of governance functions of specific civil society groups and associations involved in their projects. However, there has been no conscious effort to devise a strategy for developing civil society as such.

b. Trade unions have thus far received little support from donors. However, the American Embassy has provided some resources for SLECG.

4. Rule of Law and the Legal System

Although donors, notably the French, have provided technical assistance to the GOG to computerize and codify existing legislation and to elaborate various national codes, little financial assistance has been forthcoming from donors to support Guinea's court system. Donors have also provided resources to send magistrates to Senegal, the Ivory Coast, and France to upgrade their legal skills. It is difficult to establish the rule of law if courts don't have the capacity to function properly.

D. Options for Developing a Strategy to Support Democratic Governance Goals in the Future

USAID programs can incorporate a long shopping list of ostensibly useful projects and activities to support the implementation of DG objectives. On the surface, nearly all of the projects on the list—e.g. supporting civil rights groups, trade unions, civic education, and open elections; training local government officials; increasing the management capacity of local associations to efficiently run their own affairs; promoting legal reforms and rules changes needed to insure transparency and curb corruption; strengthening the legal and court system, etc.

However, what is needed is not a shopping list but a coherent strategy based on an analysis of the specific political, social, and economic realities of a given country and the major

constraints to moving towards democracy and good governance. Thus, it makes no sense to spend large sums of money to elaborate formal rules which are not understood or considered to be legitimate by the people and therefore, will not be invoked. Nor does it make sense to create a complex legal framework in a situation where the courts and legal profession don't have the capacity or independence to apply and enforce the prescribed rules. Support of deserving local associations while improving governance functions for a few groups might not have much of a multiplier effect in building up the capacity of civil society to defend its interests vis-à-vis the state.

USAID missions can opt for several kinds of strategies. They can decide on some variation of the following three kinds of approaches:

- * A stand alone DG SO which coexists side by side with sectoral SOS with little interaction between the two kinds of programs. DG can be a token SO to demonstrate a minimum conformance with the new emphasis in Washington on democratic governance as a priority in government policy or it can imply a major shift of resource allocation away from sectoral SOs. This kind of strategy is dualistic. The DG SO component usually operates at the national level while the sector SO component operates at the local level without being much affected by democratization concerns. The DG stand alone SO in this case often focuses on supporting national level groups—lawyers, magistrates, human rights organizations, trade unions, and the media. The sectoral SOs continue to operate in the traditional manner with a minimum of effort given to injecting DG concerns into the portfolio.

- * A cross-cutting DG program which will incorporate DG components into all of their sectoral SOs without developing a specific stand-alone DG SO. Resources remain concentrated almost exclusively within the sectoral programs with greater emphasis given to promoting rule changes and strengthening governance functions of government agencies, and civil society associations involved in the sectoral projects. The emphasis is on governance—e.g. efficiency and management issues or on internal democracy within the organizations and groups touched by the project.

- * A stand-alone DG program which is more directly integrated with DG components in sectoral SO programs like health, education, and national resource management, etc. The emphasis is on a DG stand alone SO which will attempt to address problems at the national level which directly affect the implementation of sectoral SOs with strong DG components. For example, one could focus on a DG stand-alone SO which tackles decentralization at the national

which in turn complements DG decentralization components in sectoral programs.

The USAID mission's choice of a DG strategy should take into consideration such factors as:

- * the degree of receptivity of the host government to different kinds of DG components and the existence of and possibility to create incentives for the host government to participate in DG programs.
- * the degree of mission understanding of and sensitivity to the dynamics of the host country's political system.
- * the degree of commitment to DG SOs by mission directors and top management personnel.
- * the quality of the mission's FSNs, their degree of knowledge of the host country's political system, and their capacity to serve as effective intermediaries between the mission, the host country government, and key actors in the host country's political system.
- * the tradeoffs between the transaction costs of starting up a new DG SO program and maintaining tried and true sectoral SO programs.

E. Recommendations for USAID/Guinea DG Program

The democratic governance assessment team has identified two major constraints to moving Guinea further along the road to democratization and good governance which could be addressed by a USAID/Guinea stand-alone DG SO. The first is the lack of political dialogue and absence of a mechanism for bringing representatives of the state, political parties, and civil society together to discuss public policy and elaborating mechanisms for establishing rules and procedures for resolving political conflicts and raising the level of civility in politics. The second is the prevalence of the *tutelle* mentality on the part of government officials which makes it difficult for the state to really transfer authority and resources from the central government to local government units and community based organizations.

USAID/Guinea could act to reduce these constraints by supporting:

- * the establishment of a national public forum which would bring together representatives of the state, political parties, and civil society to promote political dialogue, the frank discussion of public policy issues, and ways of creating a pluralistic democratic system adapted to Guinea's specific political, social, and cultural environment.

* a broad-based campaign which would undertake to change the *tutelle* mentality and bring about rule changes which now block effective decentralization.

The DG assessment team also recommends incorporating DG components into USAID/Guinea's sectoral strategic objective programs, especially in the areas of primary education and public health programs at the local level. These programs would attempt to rally broad community support and participation in programs to improve the quality of primary education and health care at the local levels.

The objectives in a primary education program in addition to improving the quality of primary education and greater access of females to schooling would be to strengthen civil society at the local level and its capacity to articulate community interests at the local and national level by forging horizontal linkages between local government, decentralized state educational services, hometown development associations, women's groups, parent-teacher associations, private schools, and local entrepreneurs.

Current educational programs tend to include only those groups directly involved in education. A broader approach would try and promote hometown or *résortissant* development association involvement in educational projects. Members of hometown development associations have the capacity to mobilize financial resources and to serve as important links between the local and national level. One could also include local entrepreneurs and artisans in planning and implementing local educational programs. Their incentive to participate would be the possibility of getting contracts to build or repair schools and provide equipment such as chairs, desks, and other school furnishings. Women's groups would also be invited to participate and their support enlisted for a campaign to enroll more girls in school. Local educational committees could be set up to mobilize community resources to support primary education. Public and private schools would be encouraged to collaborate and pool resources. The project would encourage greater community input in determining school curriculum and decentralized management of local public school systems. Civic education would also be injected into the local school curriculum. Community educational associations could be set up to lobby for more state support and develop primary school education projects for donor and NGO financing. Local community associations could eventually federate and be part of a national lobby to discuss and debate educational policy.

A similar sort of strategy could be established for the health sector. The decentralized state health services would collaborate with private health practitioners, traditional

healers and midwives, and local government officials. The project would also generate broad support for primary health care services by involving the hometown development associations, women's groups, and local entrepreneurs in planning local community health programs.

The DG components of sectoral programs to implement SOs would mobilize local financial and human resources to co-produce health and educational services in collaboration with the government. They would also encourage local communities to articulate their ideas and needs concerning education and health and to lobby for these needs at the local and national level. The horizontal linkages reinforced by the rallying of local community groups around common and concrete sectoral objectives would strengthen civil society at the local level and provide mechanisms and incentives for the state to become more responsive to local needs.

F. Gaps in the Guinean Democratic Government Assessment

This democratic governance assessment for Guinea still suffers from two major gaps. The first gap is the result of the team's not being able to get the proper authorization needed to do field work in the interior. Without observing democratic governance conditions at the grassroots level, it is impossible to get the full picture.

A second major gap is a consequence of the team's arriving before the holding of national legislative elections. As a result, one can not fully understand the dynamics of party politics and relative weight of the diverse political forces in Guinean society. To fully understand how the democratic system is evolving, it is also necessary to look at the National Assembly which won't come into existence before April 1995.

To fill these gaps, the ARD DG assessment team recommends that USAID/Guinea have a team come back to Guinea for a second mission after the legislative elections. The team would spend three to four weeks in Guinea (March to May 1995?). Most of the team's time would be spent doing field work in the interior. The team would also look at the implications of the legislative elections and the emerging role of the National Assembly in the Guinean political system. The results of its analysis would then be integrated into the final report.

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