

Military Rule, Human Rights Abuses & Elections: Guinea's Quest for a Peaceful Transition

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I would like to start by extending my appreciation to the executive members of the Africa Diplomatic Forum for convening this meeting and for inviting me to speak on the current challenges in Guinea.

The title of my remarks this afternoon is: “The Challenges of Exceptionalism.” Guinea’s exceptionalism can be largely explained by three main factors.

First, the country prides itself as the first former French colony to attain independence when it opted out of the French union during the 1958 referendum; the only country that did so in Francophone Africa.

Second, until the military coup in December 2008, Guinea had managed to remain relatively stable in an unstable neighbourhood, the Mano River basin. Both former Liberian President Charles Taylor and his allies, the Revolutionary United Front rebels in Sierra Leone mounted incursions into Guinea at different periods during the conflicts in those countries. However, their attempts were met by decisive military response by the Guinean authorities.

Third, the December 2008 military coup was viewed by some in ECOWAS as an “exceptional” case, while some Guineans viewed it as a welcome break from the inept rule of late President Lansana Conte. Although ECOWAS condemned the coup and suspended Guinea from its councils and called for a return to democratic civilian rule, its overall response was less assertive compared to the way it responded to the abortive father-to-son transition in Togo following the death of President Gnassingbe Eyadema in 2005.

As you may be aware, Faure Gnassingbe, one of president Eyadema’s sons attempted to succeed his father but his move was rejected by ECOWAS, the African Union and other members of the international community. ECOWAS invoked its zero-tolerance policy for unconstitutional change of government and forced Faure to step down from the presidency, temporarily ending the unconstitutional succession. Although, Faure subsequently became president after the elections, his legitimacy came from the ballot box, imperfect as the elections were.

Guinea’s sense of exceptionalism means that it is allergic to external intervention. However, the massive human rights violations including the killing of over 150 unarmed civilians, allegations of rape and disappearances on 28 September this year, significantly raised the stakes for Guinea, its immediate neighbours and the wider sub-region.

Prior to the current military junta, Guinea had only known two leaders in its half century of post-independence existence. During this period, the country remained frozen politically, economically and socially as both regimes ruled with an iron fist with little regard for the civil liberties of its citizens.

In my view, the current crisis presents the Guinean public, ECOWAS and other members of the international community with an opportunity to turn a new page in the country’s troubled political history. In other words, the current crisis should not be wasted, just as similar opportunities were wasted in the past.

Since coming to power, the junta has systematically undermined the rule of law by unleashing the country's security forces on unarmed civilians, the most notable being the massacre at the stadium on 28 September. Prior to that, the junta had embarked on "instant and televised justice" meted out to members of the former regime and alleged drug dealers. In targeting alleged drug dealers, the junta had hoped to win over a sceptical international community, but one, that is worried about the consequences of Latin American drug cartels establishing operating bases across West Africa. The junta dispensed with due process and transformed itself to judge, jury and executioner as members of the former regime and alleged drug dealers were displayed on television confessing to their alleged crimes. The junta's strategy failed as its methods raised concerns about its blatant disregard for the rule of law, thereby undermining the legitimacy that it had hoped for.

However, it is the junta's potential to stoke ethnic tension that is perhaps the greatest danger to the fabric of Guinean society, with wider regional repercussions. While it is no secret that politics in Guinea revolves around ethnic, clan and family affiliations, rumours of planned violence aimed at the country's largest ethnic group, the Fullah or Peuls could remove the lid on the latent tensions that have been simmering on the surface for sometime now. This group views itself as the primary victim of the country's first dictatorship under president Sekou Toure and are likely to fight back if it comes under attack by the state. Additionally, there is a strong feeling among members of this group, that it is their "turn" to lead the country given the fact that the country's two first post-independence leaders came from the Mandingo and Sousso ethnic groups. These dynamics should not be ignored and should be factored into any power sharing deal. Moreover, confidence building among these and the other ethnic groups in the country should be viewed as a pivotal aspect of stabilizing the country in the short and long terms.

If not properly managed, the outbreak of ethnic-based violence would have wider repercussions given the close ethnic affinity across the sub-region. Such a conflict would undoubtedly unravel peace consolidation efforts in Sierra Leone, Liberia and Côte d'Ivoire and add a new layer to an already confused and complex conflict system. For instance, the alleged role of mercenaries from the former Liberian rebel group, Liberians United for Reconciliation and Democracy (LURD) in the stadium massacre on 28 September coupled with reports about the presence of South African mercenaries is troubling. The combination of local and international mercenaries and an undisciplined national security apparatus that is characterized by a weak command and control system is a deadly cocktail. It is important to remember that mercenaries are driven by the profit motive and are only accountable to their balance sheet.

The presence of these groups is destabilizing because they might use their political base in Guinea to destabilize Guinea's neighbours by offering their services to disaffected politicians and criminal networks such as Latin American drug cartels vying for a foothold in the region. Such a development would lead to the emergence of a conflict system that could plunge the entire Mano River basin into crisis. If that were to happen, it would take on the scale and magnitude of developments in the Great Lakes region of Africa where governments and transnational groups are locked into an interwoven and paralyzing conflict system.

The situation in Guinea following the coup posed three dilemmas for ECOWAS.

First, whether it should strictly enforce its zero-tolerance policy on coup d'états, given the inept rule of the ousted regime.

Second, what was the appropriate response given the fragile situation in Guinea and its immediate neighbours in the Mano River basin?

Third and perhaps most importantly, how forcefully should it respond given that large sections of Guinea's population had welcomed the junta? The Guinean public's initial embrace of the junta made it difficult for outsiders, including ECOWAS to confront the junta which had installed itself in power.

The tensions between respecting the 'wishes' of the Guinean public and implementing ECOWAS's norms exposed the undercurrent between national and supranational institutions in the sub-region and elsewhere. This dilemma raised three critical questions for ECOWAS: should sub-regional governance norms such as ECOWAS's zero-tolerance policy for unconstitutional change of government supersede public opinion in its member states? What are the carrots and sticks at the disposal of ECOWAS to entice or enforce compliance with its norms? What is the appropriate middle ground between enforcing sub-regional ethos and respecting domestic jurisdiction in the face of gross human rights violations?

Faced with these dilemmas, ECOWAS was forced to thread a fine line as it suspended Guinea from its councils but promised to assist the junta in organizing elections. ECOWAS's pledge to support the junta in organizing the elections was anchored on the wishes of the population, who had welcomed the junta but insisted on a speedy transition to civilian rule.

However, to reinforce its desire for compliance with its norms, ECOWAS objected to the junta's promise of holding elections in two years and insisted that elections should be held sooner. Additionally, it demanded that the junta leader and members of his cabinet should not be candidates in the elections; a major sticking point in the current mediation efforts. You may be aware that the junta has already backtracked on its initial promise not to participate in the elections and has been reluctant commit to that despite combined pressure from ECOWAS, the AU and others in the international community.

Unlike its response to the crisis in Togo in 2005, ECOWAS' response to the military coup in Guinea was not uniform as Senegal and Libya, though not a member of ECOWAS on several occasions appeared to fraternise with the junta, weakening ECOWAS's common position. Differences among ECOWAS member states risk playing into the hands of the junta which at the moment appears shaken but determined to cling on to power. There is no doubt that the success of ECOWAS's response to the current situation in Guinea would reinforce the democratic norms that it has nurtured since the adoption of its intrusive conflict prevention protocol in 1999. Failure on the other hand, would undermine its credibility and set a dangerous precedent for other would be copycats in the sub-region

In light of this, ECOWAS and its current chair, Nigeria, should ensure that its mediation efforts and other international initiatives are complementary. Currently there are several initiatives by ECOWAS through its Facilitator, President Blaise Compaoré of Burkina Faso,

the UN Panel of Investigation, the International Criminal Court, the International Contact Group on Guinea and other visible and invisible bi-lateral initiatives. It is therefore critical to establish a clear end state to guide the various external actors, and that end state should be shaped by the genuine aspirations of the Guinean public. And here, it is important to ensure that the public is not manipulated by the junta which has already demonstrated a tendency to do so. For its part, Nigeria should ensure that president Campaoré's Facilitation is transparent and consistent with the overall objective of returning the country to civilian rule in the shortest possible time.

In my view, a robust military intervention at this point is neither desirable nor feasible, for three main reasons.

First, it is not desirable because of the negative perceptions surrounding military interventions especially following the US invasion of Iraq in 2003. While some in Guinea and the sub-region have advocated for intervention, such a move could potentially exacerbate the crisis as it would play into the hands of the junta, which could stir up nationalist and/or ethnic sentiments against any foreign presence. It is important to bear in mind that Guineans are averse to external intervention going back to the Portuguese invasion in the early 1970s.

Second, there is no appetite among the major peacekeeping platforms on the continent and elsewhere to undertake a military operation in Guinea. ECOWAS member states are less inclined to mount ECOMOG style interventions as they did in the Mano River Basin in the 1990s and beyond. The AU, the main regional actor on the continent, is mired in its faltering peacekeeping efforts in Somalia, while the UN is overstretched as it deals with unprecedented levels of deployments. A coalition of the willing is far fetched given the absence of a core state to serve as the lead nation. Essentially, the current climate could best be described as one of intervention fatigue.

Third, and perhaps most importantly, Nigeria, which essentially acted as the banker and major troop contributor for the ECOWAS interventions in the 1990s is preoccupied with its own domestic challenges, most notably, the conflict in the Niger Delta. Additionally, the country is still recovering from the controversial elections that brought the current government to power. Needless to say, interventions are not only controversial but are financially costly in blood and treasure. It is estimated that Nigeria alone lost hundreds of troops and spent over \$12 billion on the peacekeeping efforts in the Mano River Basin. Given the current global financial and economic crisis, it is inconceivable to see how Nigeria or any other country in the sub-region can justify an expensive military venture when other less costly options can be pursued.

Given this picture, what are the most viable options for resolving the current crisis?

First, it is important for the domestic actors in Guinea, ECOWAS and the wider international community to speak with one voice. While this might sound idealistic, the crisis cannot be resolved without a unified position by all the domestic and external stakeholders. Consequently, Guinea's opposition parties and civil society, ECOWAS, the AU, UN, the ICC and the International Contact Group on Guinea should coordinate their efforts to ensure complementarity.

Second, the head of the current military junta should be forced to step aside to pave the way for a unity government that would oversee Guinea's return to civilian rule. Although some might view this as an unrealistic demand, all past attempts at reducing the powers of the presidency by installing an executive prime minister failed. This is largely due to the fact that Guinea has an imperial presidency that cannot be easily tamed through a power sharing arrangement.

Third, ECOWAS, the UN and the ICC should work together to ensure that those responsible for the human rights violations on 28 September are speedily brought to justice. Here the focus should be on those with command responsibility and the perpetrators of the crimes. Dealing with impunity would not only help to stabilize the situation but would send unequivocal message across the sub-region, that those complicit in human rights violations would be punished. This task should not be left to the Guinean authorities.

Fourth, instead of a robust military intervention, ECOWAS should consider deploying a medium-sized military observer force at least three months before the elections. The force, which should be part of ECOWAS's election monitoring team, should be mandated to monitor the activities of the country's security forces before, during and after the elections. Monitoring the period immediately after the elections is crucial to ensure a smooth transition. The model of deploying military personnel to oversee elections worked well during the 2005 elections in Togo.

Fifth, and related to the previous point, a residual military presence should be kept on the ground to assist the new civilian authorities start the process of bringing the country's security forces, especially the military under civilian control. Subjecting the military and other statutory security institutions to civilian control should be a high priority as it is a crucial first step in consolidating civilian rule in Guinea. Moreover, the residual force should assist the Guinean authorities in disarming and returning foreign militias to their countries of origin. This process should specifically target mercenaries from neighbouring states and beyond.

Sixth, ECOWAS should reinforce its political mission on the ground to not only ensure the holding of free and fair elections but to monitor implementation of any agreements that result from its current mediation efforts.

Finally, key international players with significant economic interests in Guinea such as France, China and the US should consider suspending their trade relations with Guinea if the junta refuses to step down. For instance, China should consider holding off on implementing its recently announced \$7 billion mining deal with the junta, and should guard against being viewed as a spoiler in ongoing peacemaking efforts. The same applies to the US and France given their huge stake in the country's mining and other sectors. The use of targeted sanctions would not yield the desired outcomes as most of the junta leaders have little or no foreign assets, thereby reducing the deterrent effects of targeted sanctions.

To conclude, I would like to reiterate that Guinea's exceptionalism has brought to the fore exceptional challenges for its people, its neighbours, ECOWAS and the wider international community including the AU. It is only through exceptional resolve that Guinea can be pulled back from the brink. Forcing the junta to step down and holding free and fair

elections followed by a peaceful transition are important first steps in the long-road to a Guinea that is at peace with itself and its neighbours.

Thank you for Listening!