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President Alpha Condé (2010-present) announces nationwide consultations regarding planned constitutional change. Major opposition parties and civil society groups boycott the exercise. Commission Electorale Nationale Independante (CENI) president Salif Kabe announces that legislative elections will take place on 28 December, but CENI vice-president Mamadou Sow claims this timeframe is not feasible. Canadian-American mining billionaire Robert Friedland is set to control Guinea's Nimba iron deposit after the Guinean government approves his offer to buy the stake of Australia-based BHP Group, United States-based Newmont Goldcorp and France-based Orano (formerly Areva).

President Condé announces nationwide consultations on constitutional change

On the instructions of President **Alpha Condé** (2010-present), prime minister **Ibrahima Kassory Fofana** began a nationwide consultation process on planned constitutional change on 12 September.¹ Most prominent opposition and civil society organisations have boycotted the consultations, claiming that Condé wants to amend the constitution in order to run for a third presidential term in 2020.² The debate around President Condé's desire to change the constitution is likely to create a standoff between the opposition and the current regime, which could lead to violence and political instability. In a public address on 4 September, President Condé instructed Kassory Fofana to initiate consultations with various institutions, political parties and trade unions, as well as representatives of civil society organisations in order to obtain as many opinions possible:

"Guinea is no longer the same, with the awakening of consciousness, so I understand the ongoing debates in the country on all issues of concern, including the constitution."³

Despite Condé's recognition of his duty to listen to Guineans before taking any personal position, his statements and actions since 2017 indicate that he is strongly in favour of constitutional change. During a visit to **France** in 2017 he criticised the notion of presidential term limits,⁴ and analysts saw his removal in October 2018 of constitutional court president **Kelefa Sall** – who opposed the idea of Condé extending his rule – as a strategy to remove obstacles to a potential third presidential term (see *ARC Guinea Briefing October 2018*). At a meeting with members of the ruling **Rassemblement du Peuple Guinéen Arc-en-Ciel (RPG Arc-en-Ciel)** on 24 March, in a statement interpreted as proof of his desire to undertake another term, he said:

"Nobody will prevent me from moving forward with the Guinean people and to carry out the will of Guineans."⁵

Within the RPG Arc-en-Ciel and presidential coalition, influential regime actors have voiced support for constitutional change. In May, Kassory Fofana officially endorsed the idea to amend the constitution, while the presidency reportedly set up a commission to draft a new constitution (see *ARC Briefing Guinea June 2019*).⁶ Foreign affairs minister **Mamadi Touré** circulated a document on 24

¹ RFI, 13 Sep 2019

² RFI, 5 Sep 2019

³ RFI, 5 Sep 2019

⁴ TV5 Monde, 24 Apr 2019

⁵ TV5 Monde, 24 Apr 2019

⁶ Jeune Afrique, 31 May 2019

June providing directives to the heads of Guinea's 42 embassies and consular representations around the world on the use of "appropriate content" and language to defend the constitutional change (see *ARC Guinea Briefing July 2019*).⁷

The opposition has been vocal against constitutional change, claiming that this will enable President Condé to run for a third presidential term, which would contravene the current constitution that allows only two terms of office. In April, civil society and opposition political parties formed the **Front Nationale pour la Defense de la Constitution (FNDC)** (national front for the defence of the constitution) to campaign against proposed constitutional change (see *ARC Guinea Briefing April 2019*).⁸ The platform includes influential leaders such as opposition **Union des Forces Démocratiques de Guinée (UFDG)** president **Cellou Dalein Diallo**, opposition **Union des Forces Républicaines (UFR)** president **Sidiya Toure**, and civil society movement **Forces Sociales de Guinée** president **Sano Abdourahamane**.⁹ The FNDC organised protests in April and May that resulted in several arrests, and stated they would not participate in the current consultations.¹⁰ Dalein Diallo says the consultations are simply a pretext to remain in power beyond the constitutionally stipulated terms:¹¹

*"We have a constitution that allows for the exercise of freedoms which enable alternation. We can do revisions. All other provisions are reviewable except the number of terms in office. We understand why he has done it...to hold onto power."*¹²

RPG Arc-en-Ciel executive member **Souleymane Keita** says the deliberations on constitutional change will take place without the FNDC:¹³

*"We can't prevent individuals from giving their views on the constitutional debate... however, with respect to the presidential coalition, we are convinced Guineans need more than ever to improve its institutional layout. At this stage a political party which does not participate in this exercise is not democratic."*¹⁴

The consultation exercise entails the prime minister meeting with 40 different institutions and groups until 25 September.¹⁵ However, in addition to members of the FNDC, the prime minister's list of entities to consult omitted important groups such as Guinea's fourth largest political party, the **Bloc Liberal**, the **Parti des Démocrates pour l'Espoir (Pades)**, and civil society group **Balai Citoyen**.¹⁶ Kassory Fofana met first with **Assemblée Nationale** (national assembly) president **Kory Kondiano** who noted that the constitution permits the president to organise a referendum to consult the people on the constitution, adding that the 2010 constitution has "had its day".¹⁷ Kondiano denounced the absence of opposition MPs from at the consultation and branded the UFDG as a far-right party.¹⁸ The RPG-Arc-en-Ciel and allied parties in parliament concluded the meeting by acknowledging their support for a constitutional amendment.¹⁹ Kassory Fofana was subsequently scheduled to meet the **Haute Autorité de Communication (HAC)** (higher communication authority) and the **Conseil Economique et Social** (economic and social council), as well as unions and non-governmental organisations.²⁰

⁷ Jeune Afrique, 24 Jun 2019

⁸ Aminata.com, 3 Apr 2019

⁹ Aminata.com, 3 Apr 2019

¹⁰ Jeune Afrique, 5 Sep 2019

¹¹ RFI, 6 Sep 2019

¹² RFI, 6 Sep 2019

¹³ RFI, 6 Sep 2019

¹⁴ RFI, 6 Sep 2019

¹⁵ RFI, 13 Sep 2019

¹⁶ RFI, 13 Sep 2019

¹⁷ RFI, 13 Sep 2019

¹⁸ RFI, 13 Sep 2019

¹⁹ RFI, 13 Sep 2019

²⁰ RFI, 13 Sep 2019

The long-running saga of a possible change of Guinea's constitution is reaching a turning point. Since May, President Condé and his collaborators have increasingly taken steps to create legitimacy around the notion of amending the constitution. However, a 2017 survey conducted by pan-African research group **Afrobarometer** found that 82% of Guineans support a limitation of presidential terms, which is above the average of 75% for the rest of Africa.²¹ Recent attempts by African heads of state to extend their presidencies have led to significant violence and periods of instability. **Burkina Faso's** former president, **Blaise Compaoré** (1987-2014), **Algeria's** former president, **Abdelaziz Bouteflika** (1999-2019), and **Sudan's** former president, **Omar El-Bachir** (1989-2019), illustrate the point. Guinea recorded an estimated 107 deaths related to political violence from 2011 to December 2018.²² Current and potential investors in Guinea should keep a keen eye on the constitutional amendment issue.

Will legislative elections take place in 2019?

Commission Electorale Nationale Independante (CENI) president **Salif Kabe** announced on 16 September that legislative elections will take place on 28 December, despite opposition members of CENI stating that this date is not feasible.²³ The organisation of elections is another point of disagreement between the ruling camp and the opposition that has the potential to create violence and instability in Guinea. Legislative elections were initially slated to take place in September or October 2018 but were indefinitely postponed.²⁴

During his national address on 4 September, President Condé urged prime minister Ibrahima Kassory Fofana to provide the necessary support to CENI to enable legislative elections to take place before the end of 2019.²⁵ Kabe proposed that the elections take place on 28 December, but seven opposition commissioners of CENI later rejected the date on the basis that the **Code Electorale** (electoral code) stipulates a 90-day period for revision of the electoral list revision.²⁶

While Kabe claims that the electoral roll can be revised in 45 days, CENI vice-president **Mamadou Bono Sow** said it would be more realistic to hold elections during the first quarter of 2020, as *"technically, we cannot make proper elections within this time."*²⁷ Sow highlighted that this timeline must be respected to ensure the voters' roll does not have duplicate and fictitious voters.²⁸ Sow accused Kabe of managing the institution alone and not making use of biometric data to verify voters.²⁹ Ruling party members of CENI supported Kabe's claim that 45 days are sufficient to revise the electoral list, saying that the electoral law allows the CENI president to shorten the revision period.³⁰ Opposition **Union des Forces Républicaines (UFR)** vice president **Ibrahima Bangoura** warned CENI that if it botches the electoral roll revision process, he will order his party members to protest.³¹

Revision of the electoral register was one of the provisions of the 12 October 2016 **Accord Politique** (political agreement).³² Experts from the **European Union**, the **Organisation internationale de la Francophonie (OIF)** (international organisation of French-speaking countries), and the **United Nations Development Programme (UNDP)** began an audit of the electoral roll in 2018.³³ Their

²¹ Afrobarometer, 21 Sep 2019

²² Aminata.com, 28 Nov 2018

²³ RFI, 17 Sep 2019

²⁴ DW, 5 Sep 2019

²⁵ RFI, 5 Sep 2019

²⁶ Aminata.com, 16 Sep 2019

²⁷ RFI, 17 Sep 2019

²⁸ RFI, 17 Sep 2019

²⁹ RFI, 17 Sep 2019

³⁰ Aminata.com, 16 Sep 2019

³¹ Aminata.com, 15 Sep 2019

³² Jeune Afrique, 19 Apr 2019

³³ Jeune Afrique, 19 Apr 2019

report recommended a full-scale review of the electoral register as well as a new census.³⁴ Kabe said that the census and electoral roll revision will enable CENI to identify deceased, duplicate and fictitious voters, and register voters who are eligible to vote for the first time.³⁵ CENI communications officer **Ibrahima Diakhite** noted that the census would involve upwards of six million Guineans and that up to 25% of current voters (1.5 million) may be struck off the electoral roll following this exercise.³⁶

CENI needs to address these and other issues, including concerns about its lack of financial means and independence, to avoid a repeat of the violence that occurred during the February 2018 communal elections (see *ARC Guinea Briefing February 2018*). The UFDG and UFR have already announced they will boycott the elections unless these matters are resolved.³⁷ However, if the legislative election is well organised, it could help to improve the currently tense socio-political climate in Guinea.

Friedland set to acquire Nimba iron deposit

Canadian-American mining billionaire **Robert Friedland** is set to control Guinea's **Nimba** iron deposit after the Guinean government approved his offer to buy 95% of its stake from **Australia-based BHP Group, United States (US)-based Newmont Goldcorp and France-based Orano (formerly Areva)**.³⁸ Friedland is a major player in international mining circles and his engagement in Guinea will bring significant investment to the iron ore sector and possibly encourage other investors to prospect for mining opportunities in Guinea. Friedland carried out the purchase of the Nimba iron deposit through his holding company, US-based **High Power Exploration (HPX)**.³⁹ HPX president **Eric Finlayson** stated,

*"I am delighted that HPX will work with the government and people of Guinea to bring the deposit into production and help President Alpha Condé to realize his longstanding vision of seeing Guinea become a world-class producer of iron ore."*⁴⁰

President Condé was present at the signing ceremony alongside former **South African** president **Kgalema Motlanthe** (2008-2009).⁴¹ Under the new entity that controls the Nimba deposit, the **Société des Mines de Fer de Guinée (SMFG)**, Motlanthe will be the co-chairperson alongside **Guy de Selliers de Moranville**,⁴² a **Belgian** national who has served as a director of Canada-based **Ivanhoe Mines** since 2011.⁴³ HPX granted the Guinean government a 15% stake in the venture and it will have two seats on the board.⁴⁴

Friedland initially expressed interest in obtaining the concession in June 2018.⁴⁵ US-based media agency **Bloomberg** reported in May this year that advanced discussions had taken place with respect to the transaction and that Friedland was on the verge of reaching an agreement with the concerned parties (see *ARC Briefing Guinea May 2019*).⁴⁶ BHP and Newmont had been trying to divest from Nimba, as mining activities had not been carried out for four years.⁴⁷ BHP said the Nimba deposit did not fit its preference for operating in stable and developed economies, while Newport justified its decision to sell as part of its efforts to rationalise its portfolio and focus on its core business of gold

³⁴ Jeune Afrique, 7 May 2019

³⁵ Jeune Afrique, 7 May 2019

³⁶ Jeune Afrique, 7 May 2019

³⁷ Aminata.com, 16 Sep 2019

³⁸ Financial Times, 6 Sep 2019

³⁹ Financial Times, 6 Sep 2019

⁴⁰ Financial Times, 6 Sep 2019

⁴¹ Bloomberg, 6 Sep 2019

⁴² Financial Times, 6 Sep 2019

⁴³ Ivanhoe Mines, 25 Sep 2019

⁴⁴ Financial Times, 6 Sep 2019

⁴⁵ Australian Financial Review, 25 Jul 2018

⁴⁶ Bloomberg, 16 May 2019

⁴⁷ Bloomberg, 16 May 2019

mining.⁴⁸ Orano, on the other hand, said it had decided to prioritise its efforts towards uranium deposits.⁴⁹

Although financial details of the purchase deal were not made available, BHP and Newport, which owned 45% of the mine shares respectively, and Orano, which held the remaining 5%, will receive payment for their stakes once mining operations are up and running.⁵⁰ HPX plans to bring 1-5m tonnes of iron into production as soon as possible⁵¹ and will undertake feasibility studies to assess the possibility of raising the output to 20m tonnes annually.⁵² In 2015, a **US Geological Survey (USGS)** review of the Nimba deposit estimated that iron reserves stood at 1 billion tonnes.⁵³

HPX will reportedly invest \$1 billion in the Nimba deposit.⁵⁴ Finlayson said the investment will have a major socio-economic impact in the **Lola Prefecture**, where the mine is located, as well as the greater **Forestière Region**.⁵⁵ In line with obligations stipulated in the **Code Minière** (mining code), 95% of employees, including company directors, will be Guinean.⁵⁶ Mines and geology minister **Abdoulaye Magassouba** said he was “*confident that the project would be developed well*”.⁵⁷ The deposit consists of high-grade iron ore, which is more environmentally friendly and in high demand, as it requires less energy to use, and produces fewer greenhouse emissions during the steel-making process.⁵⁸ However, the Nimba deposit is near the Nimba reserve, a **United Nations Heritage Site** since 1981. Finlayson has assured that the mining activities will not affect the reserve.⁵⁹

The Nimba deposit is located in south-east Guinea near the border with **Liberia**.⁶⁰ President Condé has indicated the government’s willingness to enable smaller iron ore deposits to be exported by rail through Liberia.⁶¹ This is an option hinted at by **Mark Davis**, chairman of **Neron Metals**, which is developing the **Zogota** iron ore deposit located in the same region as the Nimba concession.⁶²

Despite having some of the world’s highest grade iron ore, Guinea has not been able to fully exploit the industry’s potential. The **Simandou** iron ore deposit has been the source of ongoing legal battles between **United Kingdom**-based **Rio Tinto**, **Brazil**-based **Vale S.A** and **Guernsey**-registered **BSG Resources** (formerly **BSGR**) of **Franco-Israeli** billionaire **Benny Steinmetz**.⁶³ The Guinean government has insisted that any company intending to exploit the mine must construct a 650 km **Transguinean** railway.⁶⁴ Guinea launched a tender in July for two of the four Simandou blocks that were previously owned by BSG Resources and Vale S.A, which gathered significant interest from foreign companies (see *ARC Guinea Briefing July 2019*).⁶⁵

Friedland’s decision to operate in Guinea is a welcome development for the government, which is keen to use the mining sector as a catalyst for economic growth and development. Friedland, who is also chairman of Ivanhoe Mines, has a track record of closing out major mining deals as well as

⁴⁸ Reuters, 6 Sep 2019

⁴⁹ Reuters, 6 Sep 2019

⁵⁰ Financial Times, 6 Sep 2019

⁵¹ Financial Times, 6 Sep 2019

⁵² Reuters, 6 Sep 2019

⁵³ Bloomberg, 6 Sep 2019

⁵⁴ Reuters, 6 Sep 2019

⁵⁵ Bloomberg, 6 Sep 2019

⁵⁶ Jeune Afrique, 20 Sep 2019

⁵⁷ Reuters, 6 Sep 2019

⁵⁸ Bloomberg, 6 Sep 2019

⁵⁹ Jeune Afrique, 20 Sep 2019

⁶⁰ Financial Times, 6 Sep 2019

⁶¹ Financial Times, 6 Sep 2019

⁶² Financial Times, 6 Sep 2019

⁶³ Financial Times, 6 Sep 2019

⁶⁴ Financial Times, 6 Sep 2019

⁶⁵ Financial Times, 6 Sep 2019

discovering and developing mines in remote areas.⁶⁶ In 1996 he acquired US-based copper mining firm **Magma** for \$3.2 billion⁶⁷ and subsequently purchased **Oyu Tolgoi** copper mine in **Mongolia** and the **Kamoa-Kakula** project in the **Democratic Republic of the Congo (DRC)**.⁶⁸

Planner

Oct 3-4 **Lomé (Togo)** *Agence Ecofin*. **Invest in West Africa** forum;
 28 Dec 2019 (**Guinea**) Legislative elections scheduled;
 Oct 2020 (**Guinea**) Presidential elections (date to be determined)

Chronology

18 Sep 2019 **Conakry (Guinea)** *Agence Ecofin*. Transport minister **Aboubacar Sylla** announces that **Guinea Airlines** will be operational before the end of 2019;

17 Sep 2019 **Conakry (Guinea)** *RFI*. Opposition representatives of the **Commission Electorale Nationale Independante (CENI)** (national independent electoral commission) reject the proposed legislative election date of 28 December as too early;

15 Sep 2019 **Conakry (Guinea)** *Vision Guinee*. The governments of the **United States** and **Guinea** have signed an aviation agreement that will allow direct flights between the two countries;

12 Sep 2019 **Conakry (Guinea)** *RFI*. Opposition parties boycott a session of parliament in which prime minister **Ibrahima Kassory Fofana** was set to commence consultations over a possible constitutional amendment;

9 Sep 2019 **Conakry (Guinea)** *Agence Ecofin*. **United States (US)**-based **High Power Exploration**, headed by **Canadian-US** billionaire **Robert Friedland**, reaches agreement with the government to acquire a 95% stake in the iron ore deposit from **Mount Nimba**;

8 Sep 2019 **Conakry (Guinea)** *La Tribune Afrique*. President **Alpha Condé** visits the **United States (US)** with the aim of improving economic cooperation between the US and Guinea ;

5 Sep 2019 **Conakry (Guinea)** *RFI*. In a nationally televised address, President **Alpha Conde** says he will carry out nationwide consultations with respect to desired constitutional change and that legislative elections will occur in 2019, without providing an exact date;

29 Aug 2019 **Paris (France)** *Agence Ecofin*. **International Court of Arbitration of the International Chamber of Commerce** orders the **Guinean** government to pay **Spain**-based **Global Voice Group (GVG)** a \$20m fine for breach of contract;

27 Aug 2019 **Conakry (Guinea)** *RFI*. Dozens of journalists protest outside the **Haute Autorité de Communication** (higher communication authority) over the harassment of journalists from private media houses;

⁶⁶ Financial Times, 6 Sep 2019

⁶⁷ Australian Financial Review, 25 Jul 2018

⁶⁸ Financial Times, 6 Sep 2019

About Africa Risk Consulting:

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