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President Alpha Condé (2010-present) enacts a revised electoral code, but faces a possible boycott from the opposition, which claims that Condé ignored parliamentary procedure. A total of 18 of the 19 commissioners of the Commission Electorale Nationale Indépendante (CENI) (electoral commission) issue a vote of no confidence removing CENI president Bakary Fofana. The United Kingdom's (UK) anti-corruption agency, the Serious Fraud Office (SFO), opens an investigation into suspected corruption in UK-based Rio Tinto Group Plc's conduct in Guinea.

Condé enacts new electoral law, paving way for local elections

President **Alpha Condé** (2010-present) enacted a revised electoral code on 27 July, during **Guinea's** parliamentary recess.¹ The new electoral code should enable the organisation of local elections, but faces a boycott from opposition parties.² Local elections last took place in 2005 and continue to face significant challenges.³ The main obstacle to resolving the political stalemate between the ruling **Rassemblement du Peuple de Guinée (RPG)** and the main opposition **Union des Forces Démocratiques de Guinée (UFDG)** will be if the UFDG refuses to accept the revised electoral code. The UFDG continues to threaten to hold a mass protest in August, in a repeat of a protest in 2016 in which over 500,000 people gathered to demand that Condé step down (see *ARC Briefing Guinea August 2016*).

Parliament held extraordinary sessions throughout February to review the electoral code in anticipation of holding local elections in June.⁴ The RPG proposed an electoral code that would allow local officials to govern without the presence of an opposition member on the communal council, where members of parliament (MPs) meet with local officials to discuss local policy action.⁵ However, UFDG leader **Cellou Dalein Diallo** refused to support the proposed electoral code because he alleged that Condé made changes in order to postpone the local elections to a later date.⁶ The UFDG claimed that the government had violated the October 2016 political agreement, and its blueprint for local elections in 2017, alleging that the proposed revision of the electoral code in parliament would unfairly favour the RPG in local elections (see *ARC Briefing Guinea January 2017*). A party closer to the RPG, the **Union des Forces Républicaines (UFR)**, has said that local elections should have already taken place. According to UFR MP, **Deen Touré**,

*"If the UFR's opinion had been considered, this election would already be behind us. We could have done it with the register that is in place, even with the non-amended electoral code, and get a result... We think that local elections are possible in 2017."*⁷

UFDG spokesperson **Alpha Boubacar Bah** criticised the delays in enacting the revised electoral code and the failure of the code to prescribe a precise timetable for the elections.⁸

¹ Guinée News, 27 Jul 2017.

² Guinée News, 27 Jul 2017.

³ RFI, 12 Oct 2016.

⁴ RFI, 10 Feb 2017.

⁵ Jeune Afrique, 10 Jan 2017.

⁶ Jeune Afrique, 10 Jan 2017.

⁷ Guinée News, 19 Jul 2017.

⁸ Jeune Afrique, 28 Jul 2017.

*"[The revised electoral code] should have been brought in at the latest in December 2016, to allow us to organise local elections in February 2017. This is just one step in the implementation of point 2 of the [October 2016] political agreement."*⁹

According to legal expert **Mohamed Camara**, the passing of the electoral code fails to respect parliamentary procedure, as the **Assemblée Nationale** (parliament) was in recess during the announcement:

*"The procedure was not respected. As parliament was in recess, they should have organised an extraordinary session to discuss the important aspects of the [electoral] code to define the electoral process from end to end."*¹⁰

Minor opposition party, the **Union des Forces du Changement (UFC)**, supports Camara's criticism of the passage of the electoral law.¹¹ UFC president **Aboubacar Sylla** called the enactment of the electoral code unconstitutional due to its passage during parliamentary recess.¹²

Members of the ruling RPG argue that the UFDG should abandon its plans for a mass protest, following the recent enactment of the electoral code.¹³ However, Bah claims the August protest will take place as scheduled:

*"We are not protesting for the enactment of a law, but against insecurity, corruption, the price of living, the delay in application of all of the clauses of the [October 2016] agreement."*¹⁴

The alleged neglect of parliamentary procedure in the enactment of the electoral code casts doubt on the opposition parties' acceptance of the code. Opposition protest against Condé for what it deems sluggish implementation of the October 2016 political agreement appears to be a likely outcome.

... as CENI commissioners dislodge Fofana

A total of 18 of 19 commissioners of the **Commission Electorale Nationale Indépendante (CENI)** (electoral commission) on 4 July backed a vote of no confidence, removing CENI president **Bakary Fofana**.¹⁵ The CENI commissioners accused Fofana of opaque management of the CENI's finances and operations.¹⁶ Fofana allegedly oversaw the management of the CENI's finances directly, which reportedly exceeded 560 billion francs (GNF) (\$62.3m), without consultation with other commissioners.¹⁷ The commissioners reportedly called on the government to put in place an investigative committee at the treasury to carry out an audit into the CENI's expenses.¹⁸ CENI commissioners claim this request went unanswered.¹⁹ CENI commissioner **Etienne Soropogui** said,

*"We have observed that there were several irregularities in the operation of our institution. We therefore deemed it urgent to put in place a certain number of organs that would guarantee better functioning and transparency, especially financial transparency. A president's primary role is to ensure that decisions that we take are respected. From the moment that he opposes the application of these decisions, he has no legitimacy to preside over our institution."*²⁰

⁹ Jeune Afrique, 28 Jul 2017.

¹⁰ Jeune Afrique, 28 Jul 2017.

¹¹ Guinée News, 28 Jul 2017.

¹² Guinée News, 28 Jul 2017.

¹³ Guinée News, 28 Jul 2017.

¹⁴ Jeune Afrique, 28 Jul 2017.

¹⁵ RFI, 6 Jul 2017.

¹⁶ RFI, 6 Jul 2017.

¹⁷ Guinée News, 30 Jun 2017.

¹⁸ Guinée News, 30 Jun 2017.

¹⁹ Guinée News, 30 Jun 2017.

²⁰ RFI, 6 Jul 2017.

CENI judicial department head **Amadou Salifou Kébé** has assumed the presidency in the interim.²¹ Kébé issued a statement upon becoming the CENI's interim president:

*"To my CENI commission colleagues, I would say that they did not elect a president... The president of the CENI is not a potentate or one who makes irrevocable orders, it is the one who executes the collegiate decision of all commissioners."*²²

Opposition members such as Dr **Faya Milimono** of the minor opposition **Bloc Libéral (BL)** party, says that change at the CENI has been necessary for several years, but that the replacement of the president is not sufficient,

*"Since 2015 the political class has been calling for change at the CENI... We are at an impasse. We need to take large measures to be able to manage this situation."*²³

Interestingly, the majority of the 18 CENI commissioners who voted in favour of the motion of no confidence were RPG or RPG ally parties, while the only vote against was that of **Kandé Saran**, a UFR member.²⁴ Local sources believe that this could have been an attempt from Condé to bide time,

*"Whatever the outcome of the CENI dispute, one thing is for sure: Condé has won time... This is why the opposition intends to hold a campaign based on political protest and the types of manoeuvres that could end up being beneficial to Condé."*²⁵

The shake-up at the CENI appears likely to slow down organisation of local elections in Guinea, while the body decides whether to maintain Kébé as president or vote for a new president. It is unclear whether the government will carry out investigations into the allegations of financial mismanagement at the CENI under Fofana.

SFO opens investigation into Rio Tinto

The **United Kingdom's (UK)** anti-corruption agency, the **Serious Fraud Office (SFO)**, on 24 July opened an investigation into suspected corruption in UK-based **Rio Tinto Group Plc's** conduct in Guinea.²⁶ Rio Tinto had notified anti-corruption authorities in the **United States (US)**, UK and **Australia** concerning an internal inquiry into a \$10.5m consultancy payment in November 2016.²⁷ The **Australian Federal Police (AFP)** have said that they had already begun investigations into the payment.²⁸ Rio Tinto, after its public announcement of the internal investigation, suspended energy and minerals chief **Alan Davies**, while legal and regulatory affairs group executive **Debra Valentine** resigned.²⁹ The announcement came a week after its non-binding agreement to sell its stake in the **Simandou** mine (see *ARC Briefing Guinea November 2016*). Rio Tinto claimed that it became aware of details of a \$10.5m consultancy fee paid to **François Polge de Combret** in 2011, contained in internal e-mail correspondence between then chief executive **Tom Albanese**, iron ore head **Sam Walsh**, and Davies, who was Simandou project head at the time.³⁰ Rio Tinto executives claim the fee was used to secure blocks 3 and 4 of the Simandou mine.³¹ De Combret is a former adviser to former **French** president **Valéry Giscard d'Estaing** (1974-1981) and reportedly a former classmate of Condé.³²

²¹ RFI, 6 Jul 2017.

²² Guinée News, 4 Jul 2017.

²³ Guinée News, 6 Jul 2017.

²⁴ Source, investigator, Conakry

²⁵ Source, investigator, Conakry

²⁶ www.sfo.gov.uk

²⁷ www.riotinto.com

²⁸ Financial Times, 24 Jul 2017.

²⁹ www.riotinto.com

³⁰ Australian Financial Review, 10 Nov 2016.

³¹ Australian Financial Review, 10 Nov 2016.

³² Financial Times, 10 Nov 2016.

Rio Tinto first obtained concessionary rights to the Simandou mine in 1997.³³ Rio Tinto owned the entire Simandou concession until 2008, when the government of ailing President **Lansana Conté** (1984-2008) retracted Rio Tinto's share in Blocks 1 and 2 (**Simandou North**), assigning them to **Israeli** businessman **Beny Steinmetz's BSG Resources (BSGR)**.³⁴ Rio Tinto retained blocks 3 and 4 (**Simandou South**) but entered a dispute with the government for Blocks 1 and 2. After Conté's death, BSGR sold 51% of its interest to **Brazil-based Vale S.A** for \$2.5 billion, though only received \$500m of this as BSGR missed development milestones.³⁵ In 2010, Condé set up a committee which in 2011 concluded that BSGR had obtained Blocks 1 and 2 through bribery and returned them to Rio Tinto.³⁶

In March 2014, following a US **Federal Bureau of Investigation (FBI)** investigation, a French national, **Frederic Cilins**, who used to lobby for BSGR, pleaded guilty in a federal court in New York to obstructing a bribery and money-laundering investigation.³⁷ Rio Tinto in April 2014 filed a case under the US **Racketeer Influenced and Corrupt Organizations Act (RICO)** against Vale and BSGR for alleged fraudulent conspiracy and corruption, accusing Vale and BSGR of colluding and conspiring with **Dadis Camara's** (2008-2009) military junta and its officials, notably including mines minister **Mahmoud Thiam**, in order to take control of Rio Tinto's concessions (see *ARC Briefing Guinea November 2015*).³⁸

A **Manhattan Court** for the **Southern District of New York (US)** in May 2017 convicted Mahmoud Thiam on one count of transacting criminally derived property and one count of money laundering for receiving an \$8.5m bribe from **China-based China International Fund (CIF)** (see *ARC Briefing Guinea May 2017*).³⁹ Meanwhile, Steinmetz filed a lawsuit against US billionaire investor **George Soros** at the same US court in Manhattan in April, claiming that Soros led to BSGR's loss of the Simandou mine and "at least" \$10 billion through a defamation campaign (see *ARC Briefing Guinea May 2017*).⁴⁰

The litigation procedures and investigations into the full account of events relating to Rio Tinto and BSGR with regard to the Simandou mine will continue to haunt the Guinean government's reputation for the foreseeable future.

³³ The Economist, 6 Dec 2014.

³⁴ Economist, 6 Dec 2014.

³⁵ Multiple sources: Bloomberg, 18 Nov 2016; www.mining.com

³⁶ Economist, 6 Dec 2015.

³⁷ WSJ, 10 Mar 2014.

³⁸ www.panamapapers.icij.org

³⁹ www.justice.gov

⁴⁰ Bloomberg, 14 Apr 2017.

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