

Inter-Guinean Political Dialogue

Agreement of 12 October 2016

Preamble

1. In accordance with Article 58 of the Constitution, establishing the Prime Minister as responsible for encouraging social dialogue and for implementing any agreements with Social Partners and Political Parties, Mr. Mamadi YOULA, Prime Minister, Chief The Government has taken the initiative of reopening the political dialogue.

2. Subsequently, on 1 September 2016, an historic meeting between His Excellency the President of the Republic and the Leader of the Opposition was held at the Sékhoutoureira Palace. An historic meeting, as it has laid the foundations for this country's return to peace.

3. On 22 September 2016, under the authority of the Minister of Territorial and Decentralization Administration, the Inter-Guinean Political Dialogue was opened in the Hall of Acts of the People's Palace.

4. Given the importance it has in creating an environment without hostility, the parties to the dialogue recognise the importance of gathering together to bring peace in both political and social domains, as well as strengthening democratic achievements and achieving political harmony by restoring mutual trust and reopening an ongoing dialogue.

5. After having reaffirmed

-their loyalty to the constitution:

-their desire to create inclusive, credible and peaceful election conditions

-their willingness to pool their efforts towards insuring the normal functioning of the Institutions of the Republic of Guinea and towards a return to a regular administrative situation.

6. After agreeing on the framework and the agenda, and choosing General Bourema CONDE, Minister of Territorial and Decentralization Administration, as President of the Framework for Political Dialogue, the Parties have proceeded to evaluate and determine the specifics and the point-by-point implementation of the agreement of 20 August 2015.

Thus, the Parties agree as follows:

I. On the electoral register

7. The parties to the dialogue note that the current status of the electoral register allows for its use for the upcoming local elections without much change needed.

8. The parties to the Dialogue agree on, for the forthcoming national elections, a CENI-recruited Cabinet to carry out a complete audit of the electoral register, to obtain any recommendations to further consolidate the register and make it more efficient and consensual.
9. The conclusions of the audit should be available by 31 May 2017.
10. The results of the audit will be taken into account by the CENI to improve the electoral register.
11. To this end, a Joint Technical Committee will be set up to draw up a set of specifications, by 30 November 2016 at the latest. This Committee will be associated with the recruitment operations of the Cabinet performing the audit.
12. This Technical Committee can be assisted by foreign expertise when needed.
13. The final report of the audit will also be sent to the Monitoring Committee of the implementation of the Political Agreement.

II. On the organization of communal elections

14. The parties to the Dialogue note the complexity of and the difficulties associated with organising elections in the country's 3763 districts.
15. In view of this complexity, the Dialogue parties recommend that:
 - a. The district council be composed pro rata according to the results obtained in the districts from the lists of candidates for the communal election;
 - b. The chairman of the council of each district must be appointed by the entity whose list has reached the top of said district by communal ballot.
16. To this end, the parties to the Dialogue invite the National Assembly to proceed with the revision of the electoral code at the 2016 budget session.
17. The parties to the Dialogue agree to postpone the holding of communal elections during the month of February 2017 to allow for the peaceful implementation of new provisions.
18. The Dialogue parties agree that the communal elections will be organized without revision of the electoral register. The CENI, for this purpose, will seize the constitutional court.

III – On the Independent National Electorate Commission (CENI)

19. The Dialogue parties recommend that the CENI continue the activities of updating cartography, as well as all other activities that do not impact the elections.
20. The parties to the Dialogue recommend that the chronogram proposal be made available in order to follow the above.

21. The parties to the Dialogue invite, in accordance with the Agreement of 20 August 2015, the National Assemblies to proceed with the revision of Law 016 on the composition, organization and functioning of the CENI.

22. The parties agree that the revision of the law should allow the establishment of a more technical CENI, for better management of the electoral process.

23. The proposed law introduced by the Opposition to the National Assembly may serve as a basis for discussion, with a view to a possible adoption at the April 2017 Law Session.

IV. On Special Delegations

24. Despite the difficulties encountered by both parties, the process of setting up Special Delegations has been completed to date.

V. On Respect for the constitutional principle of the Public Administration's neutrality

25. Despite the significant progress noted:

The parties reaffirm the sacrosanct principle of respect for the neutrality of the public administration.

26. The Government in general and the Ministry of Territorial and Decentralization Administration in particular must ensure that this principle is respected. The Code of Conduct for Territorial Administrators will be widely diffused both throughout the general population and the political parties.

27. The parties to the Dialogue express their commitment to the principle of fair access to public media for political parties and candidates.

28. The parties to the Dialogue invite the public and private media to behave professionally and ethically in regards to information, particularly during the election period.

29. The Government is committed to ensuring the fair access of political parties and candidates to the media and public places.

30. The parties to the Dialogue reaffirm the need to ensure respect for fundamental rights and freedoms, including freedom of expression, freedom of safe assembly and movement, and respect for public order.

VI. On the Identification and prosecution of perpetrators of violence during protests organized by the Opposition for the 2013 Legislative Elections

31. The parties to the Dialogue note the Government's commitment to the following measures:

-diligence of judicial investigations;

-proceedings before the Dixinn District Court;

-establishment of a pool of investigating magistrates for offenses related to the demonstrations;

-constitution of the civil parties.

32. The parties to the Dialogue agree that the Monitoring Committee of this Agreement will be regularly informed of developments in the proceedings initiated.

VII. On the Establishment of a High Court of Justice

33. In the context of implementing already established republican institutions, the parties to the Dialogue recommend the establishment of a High Court of Justice as soon as possible, because of the important role that this institution can play in improving the quality of political, economic and social governance.

VIII. On the release of arrested and imprisoned persons

34. In order to alleviate the socio-political climate, the parties request that lenient measures be taken to release those arrested and condemned for political demonstrations, in keeping with the spirit of the Dialogue.

35. However, these release measures do not apply to persons convicted of murder.

36. Finally, the parties request the diligence of proceedings for persons prosecuted for such events, in keeping with the spirit of the Dialogue.

IX. On compensation for victims of violence at the 2013 Legislative Election protests

37. In accordance with the Agreement of 20 August 2015, on the Government's commitment to compensate the victims of the 2013 political protests:

-the parties to the Dialogue agree on the establishment of the 2013 Political Demonstrations Victims' Fund, comprising a Fund for Deceased and Disabled Victims and another for Looting Victims;

-the funds will be placed under the tutelage of the Ministry of Territorial and Decentralization Administration and supported by the State as well as technical and financial partners, similarly to the "Basket Funds";

-in the case of deceased and handicapped persons, a management structure will be set up under the supervision of the Ministry of Territorial and Decentralization Administration (MATD). In addition to the MATD, it will include the representatives of the Ministries of Justice, Attorney General, National Unity and Citizenship Institutes, the INDH, the OGDH, the United Nations High Commissioner for Human Rights, two (02) representatives of the Civil Society designated by the parties to the dialogue, two (02) representatives of the victims, two (02) representatives of the Dialogue framework, of which one (01) for the Movement and one (01) for the Opposition;

-the management structure will define its mode of operation for processing files submitted to it by the beneficiaries;

-in the case of victims who have lost property, the management structure will include, in addition to MATD, the representatives of the Ministries of Economy and Finance, Commerce, Justice, Attorney General, National Unity and Citizenship Institutes, the victims, the Movement and the Opposition;

-this specific management structure will define the mechanism of its operation with a view to reimbursing the victims;

To this end, the parties to the Dialogue recommend that a provision be made in the 2017 finance law for a gradual settlement of damages.

X. On unapproved demonstrations

38. The parties, while reaffirming the need to respect the legal provisions relating to demonstrations, welcome the fact that this provision has been effectively observed since the signing of the Political Agreement of 20 August 2015.

XI. On the Monitoring Committee

39. The Monitoring Committee for the implementation of this Agreement, chaired by the Minister of Territorial and Decentralization Administration or his representative, is composed as follows:

-three (03) representatives of the Presidential Majority;

-three (03) representatives of the Opposition;

-one (01) magistrate of the judicial order.

40. Representatives of the Civil Society (02) and the International Community (ECOWAS, International Organization of La Francophonie, United Nations, European Union, Embassies of the United States and France) will participate as observers.

XII. On the duration of the Agreement

41. This Agreement shall come into force upon signature by all Stakeholders. With the exception of the Permanent Consultative Framework (Chapter III - 16), it will end after the legislative elections.

Conakry on October 12, 2016