Guinea

Anti-Corruption Institutions

A review by AfriMAP
and the
Open Society Initiative for West Africa

Research led by Abdou Latif Coulibaly
with the collaboration of Mamadou Taran Diallo

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<tr>
<td>ACGP</td>
<td>Major Projects Administration and Control Office – <em>Administration et Contrôle des Grands Projets</em></td>
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<td>AfDB</td>
<td>African Development Bank</td>
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<td>AGT</td>
<td>Guinean chapter of Transparency International – <em>Association Guinéenne pour la Transparence</em></td>
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<td>ANAIM</td>
<td>National Agency for Mining Infrastructure Development – <em>Agence Nationale de l’Aménagement des Infrastructures Minières</em></td>
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<td>ANBGLC</td>
<td>National Agency for Good Governance and the Fight against Corruption – <em>Agence Nationale de Bonne Gouvernance et de Lutte contre la Corruption</em></td>
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<td>ANLC</td>
<td>National Anti-Corruption Agency – <em>Agence Nationale de Lutte contre la Corruption</em></td>
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<td>APRM</td>
<td>African Peer Review Mechanism</td>
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<td>ARMP</td>
<td>Public Procurement Regulatory Authority – <em>Autorité de Régulation des Marchés Publics</em></td>
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<td>AU</td>
<td>African Union</td>
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<td>CASSSE</td>
<td>Audit Commission for Strategic Economic Sectors – <em>Comité d’Audit et de Surveillance des Secteurs Stratégiqes de l’Economie</em></td>
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<td>CBK</td>
<td>Compagnie de Bauxites de Kindia</td>
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<td>CNDD</td>
<td>National Council for Democracy and Development – <em>Conseil national pour la démocratie et le développement</em></td>
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<td>CNLC</td>
<td>National Anti-Corruption Commission – <em>Comité National de Lutte contre la Corruption</em></td>
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<td>CNT</td>
<td>National Transitional Council – <em>Conseil National Transitoire</em></td>
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<td>CPAR</td>
<td>National Framework for Public Procurement – <em>Cadre de passation des marchés publics</em></td>
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<td>CREI</td>
<td>Court for the Suppression of Illegal Enrichment in Senegal – <em>Cour de répression de l’enrichissement illicite</em></td>
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<td>DNB</td>
<td>National Directorate of the Budget – <em>Direction Nationale du Budget</em></td>
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<td>DNI</td>
<td>National Tax Administration – <em>Direction Nationale des Impôts</em></td>
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<tr>
<td>Acronym</td>
<td>Full Form</td>
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<td>DNMP</td>
<td>National Directorate of Public Procurement – Direction Nationale des Marchés Publics</td>
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<td>ECOWAS</td>
<td>Economic Community of West African States</td>
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<td>EITI</td>
<td>Extractive Industries Transparency Initiative</td>
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<td>ELEP</td>
<td>Limited Poverty Assessment Survey – Enquête légère pour l'évaluation de la pauvreté</td>
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<td>ENACOG</td>
<td>National Survey on Corruption and Governance – Enquête nationale sur la corruption et la gouvernance</td>
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<td>EUR</td>
<td>euro</td>
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<td>FDA</td>
<td>Foundation for the Development of Africa</td>
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<td>GNF</td>
<td>Guinean franc</td>
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<td>HIPC</td>
<td>Highly Indebted Poor Countries</td>
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<td>IGE</td>
<td>State Inspectorate-General – Inspection Générale d'Etat</td>
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<td>IGF</td>
<td>Inspectorate-General of Finance – Inspection générale des finances</td>
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<td>IMF</td>
<td>International Monetary Fund</td>
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<td>INS</td>
<td>National Institute of Statistics – Institut national de la statistique</td>
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<td>LDC</td>
<td>Least Developed Country</td>
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<tr>
<td>MPCEF</td>
<td>Ministry of Economic and Financial Control – Ministère à la Présidence chargé du Contrôle Economique et Financier</td>
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<td>NDB</td>
<td>National Development Budget</td>
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<td>NGO</td>
<td>non-governmental organisation</td>
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<td>OHADA</td>
<td>Organisation pour l’Harmonisation en Afrique du Droit des Affaires</td>
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<td>ONSLG</td>
<td>Organisation nationale des syndicats libres de Guinée</td>
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<td>OSIWA</td>
<td>Open Society Initiative for West Africa</td>
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<td>PRS</td>
<td>Poverty Reduction Strategy</td>
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<td>REGUIJOC</td>
<td>Réseau guinéen des journalistes pour la lutte contre la corruption et la promotion de la bonne gouvernance</td>
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<td>SOGEAC</td>
<td>Société de Gestion et d’Exploitation de l’Aéroport de Conakry</td>
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<td>UNDAF</td>
<td>United Nations Development Assistance Framework</td>
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<td>UNDP</td>
<td>United Nations Development Programme</td>
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<td>UNODC</td>
<td>United Nations Office on Drugs and Crime</td>
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<td>WAEMU</td>
<td>West African Economic and Monetary Union</td>
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Preface

Scope of the study
This study sets out to evaluate the anti-corruption mechanisms established in the Republic of Guinea for the promotion of good governance and advancement of the rule of law. It is not the result of an investigation into specific cases of corruption or their manifestation. Neither is it an attempt to provide a status report on corruption or to evaluate its magnitude in Guinea.

The study was undertaken as an effort to answer the following questions:

- What are the mechanisms put in place to fight against corruption in Guinea?
- How far does the legal and institutional framework of these mechanisms enhance or affect their effectiveness?
- What are the limitations of the fight against corruption and how can the government address them?

Methodology and acknowledgment
We gathered and examined a large number of documents, mainly reports from various audit institutions and anti-corruption bodies. We supplemented this documentary review with a series of interviews with the highest authorities of the country and the front-line actors in the fight against corruption. We would like to express our deep gratitude to all those who enabled us to have a better understanding of the phenomenon of corruption and the citizens’ perception of it. Their understanding of the issue also provided us with an insight into the practical methods by which corruption generally operates and an idea of the magnitude of the problem. In turn, this enabled us to appreciate the limits of the measures so far undertaken by the government to curb corruption.

We had the benefit of talking with the President, Professor Alpha Condé. In our discussions with him, we tried to understand the Guinean state’s new anti-corruption policy; we were able to gauge the extent of his political will and commitment to the task. The head of state made a realistic and frank diagnosis of the situation in his country with respect to corruption. His conclusion on this subject leaves no room for doubt: Guinea virtually does not have a state. He went on to say: ‘We have to start from scratch in this matter. That is why corruption is rampant in the Guinean administration.’
We also had a long interview with the minister in charge of the Department of Economic and Financial Control, Mr Aboubacar Sidiki Coulibaly. The minister discussed with us the anti-corruption systems within his department. He also explained the direction of the new policies implemented by the regime and highlighted the major reforms with a specific anti-corruption objective that are in progress.

The Governor of the Central Bank of the Republic of Guinea, Mr Lounceny Nabé, provided us with an interesting presentation on the bank’s policies for combatting money-laundering. With the Chairman of the National Audit Commission, Mr Jonas Munkamba Diallo, we discussed the issue of state oversight and its effectiveness in the context of the duplication of structures mostly designed to perform the same functions for the purpose of enhancing transparency in public management. The National Director of Public Procurement, Mr Ansoumane Condé, explained the lessons drawn from the enforcement of the Public Procurement Code and the ongoing review of the code. For his part, the Executive Director of the National Anti-Corruption Commission, Mr Mohammed François Falcone, gave us a frank and clear assessment of his agency – its establishment, activities, strengths and weaknesses.

We held discussions with leaders of civil society organisations, trade unionists, journalists and other civil society representatives. These interviews provided more material on the issue of corruption, the perception of its extent in society, specific contextualised cases, the changes that have occurred over time and the conditions in which the Guinean state has existed and operated.

We had fruitful discussions with representatives of the United States Agency for International Development (USAID). We also examined anti-corruption projects financed by donors such as the European Union or the French government in specific sectors such as extractive industries. Our interviews with the persons in charge of these projects provided specific information on the state of affairs with respect to aid given to fighting corruption and promoting good governance in Guinea.

Lastly, we organised a focus group in Conakry that brought together about twenty representatives of different social groups and professional sectors for more than five hours of discussions. They were selected according to a method based on the need to ensure the representation of all the socio-professional sectors in the country, as well as the different spheres of activity in the life of the nation and the respective competencies of the participants. In this way we collected a broad range of opinions on the possible reasons why the country is apparently unable to fight corruption effectively. Anti-corruption measures – especially the establishment of the anti-corruption bodies – are, according to some, just taken to please development partners and not genuinely to combat corruption that benefits the authorities themselves. For others, the ineffectiveness of the anti-corruption measures is due to a lack of political will, the absence of a national strategy, the inappropriate legal framework, lack of public trust, insufficient resources and a lack of capacity of the anti-corruption bodies.

The initial research work for this study was conducted under the supervision of Mr Abdou Latif Coulibaly. Mr Pascal Kambale, deputy director of AfriMAP, supplemented the research after the appointment of Mr Coulibaly in April 2012 as Minister of Promotion of Good Governance and Spokesman of the Government of Senegal. They benefited from the invaluable support of Mamadou Taran Diallo, President of the Association Guinéenne pour la Transparence (AGT) – the
Guinean chapter of Transparency International – and President of the Publish What You Pay coalition in Guinea. His knowledge of the issues and the local actors and his wholehearted commitment to the fight against corruption were extremely valuable to the research project. Mathias Hounkpe, coordinator of the OSIWA country office for Guinea, and Bronwen Manby, AfriMAP senior advisor, read an advance copy of the study report and made useful comments, which helped improve the document.
Summary

In an address delivered on the occasion of the installation of the chair and members of the National Audit Commission on 7 June 2011, President Alpha Condé stated:

It is not possible to fight against embezzlement and corruption without fighting against impunity. That is why I created this structure, which reports only to the President’s Office. This means that it is a structure that is free to examine the financial management of anybody it likes.

This was the strongest and least ambiguous commitment in years by a Guinean leader to fight against corruption. While this expression of political will reveals the magnitude and gravity of corruption in Guinea and the urgent need to fight against the phenomenon, it also reveals the limitations of this fight, primarily due to historical legacy and institutional obstacles. It should be recalled that efforts to fight corruption in Guinea were a constant priority of successive governments well before President Alpha Condé’s election in 2010. The success of any strategy to fight corruption will thus mainly depend on a consideration of the causes of the failure of past efforts and the identification of what needs to be done to avoid repeating them.

To address this concern, a large part of this study reviews the national policies put in place since 2000 as part of the efforts to fight corruption. The study focuses especially on the context for the establishment, in 2000 and 2004, respectively, of the National Anti-Corruption Commission (Comité National de Lutte contre la Corruption, CNLC), and the National Anti-Corruption Agency (Agence Nationale de Lutte contre la Corruption, ANLC), the first two bodies specifically dedicated to the fight against corruption. The study looks into the reasons for the persistent doubts about their capacity to be effective.
The final section of the study, examining both the current situation and future prospects, focuses on the opportunities that have existed since the presidential election of November 2010, particularly the stronger and more diverse institutional framework, a political climate more favourable to institutional reform, the beginning of the implementation of sectoral reforms such as the review of mining contracts, and the establishment of a more professional National Audit Commission. Although the role of the National Assembly has been held by a National Transitional Council (*Conseil National Transitoire*, CNT) since the crisis of 2010, the CNT would still have the legal powers and political authority to act on these issues, pending the election of a new legislature.

Nevertheless, the study leads to the conclusion that the fight against corruption in Guinea is still facing serious obstacles, some of which have to do with the weakness of its legal framework. The absence of an anti-corruption law or a national anti-corruption strategy, and the fact that Guinea uses an outdated and flawed public procurement code, are all factors that undermine efforts to fight against corruption.

The most serious obstacles are without doubt of an institutional nature. The parallel existence of several corruption control, audit and prevention bodies and the overlapping of their powers make them less effective. The lack of independence of these bodies seriously limits their action and may in fact contribute to the perception that they are used as political tools because they are almost all administratively located within the President's Office.

Among the recommendations proposed by the study is the urgent need to provide the anti-corruption institutions with the institutional independence that will allow them to discharge their mandates more effectively. The study also recommends providing them with judicial powers that enable them to investigate allegations of corruption and directly prosecute perpetrators in the courts.

For the fight against impunity to play the complementary role needed in the fight against corruption, as desired by President Condé, there has to be a reformed, independent legal system with the technical capacities necessary to disentangle the cases of corruption from the labyrinth of dummy companies and complex financial transactions under which they often hide. The study suggests that the creation of a specialised court – similar to the Court for the Suppression of Illegal Enrichment in Senegal (*Cour de répression de l'enrichissement illicite*, CREI) – could provide an answer to the specialised training needed by judges dealing with corruption cases.
Recommendations

A. Legal framework

- The government should urgently introduce to the National Transitional Council (Conseil National Transitoire, CNT) – the interim legislature – the draft anti-corruption law finalised by the National Anti-Corruption Agency (Agence Nationale de Lutte contre la Corruption, ANLC) and validated during several stakeholder workshops, and support its rapid adoption and entry into force.

- The law should at minimum include provisions to domesticate the relevant provisions of the Economic Community of West African States (ECOWAS) Protocol on the Fight against Corruption and other relevant international conventions ratified by Guinea.

- The government should also very urgently adopt a new public procurement code that would guarantee greater transparency in the public procurement process, separate the functions of the executive and oversight bodies, and establish an independent public procurement regulatory authority similar to those existing in other countries of the West African Economic and Monetary Union (WAEMU).

B. Institutional structures

- The government should urgently put an end to the multiplicity of anti-corruption bodies: it should reduce their number and clarify their respective jurisdictions.

- The government should provide these bodies with the independence and resources they need to discharge their mandates in compliance with the relevant provisions of the ECOWAS Protocol on the Fight against Corruption and other international conventions to which Guinea is party.
• Specifically, these bodies should be removed from the administrative oversight of the President’s Office as is currently the case.

C. The national anti-corruption strategy
• The government should prioritise the adoption of a national anti-corruption strategy on the basis of the documents prepared by the ANLC and validated under its aegis.

D. Criminal prosecution and recovery of assets in cases of corruption
• To give meaning to anti-corruption efforts it is vital to strengthen the capacity to prosecute those suspected of corruption and recover the assets stolen. To that end, it is important to, at the very least:
  • provide the anti-corruption bodies with more human resources, as well as technical and legal capacity, to carry out investigations into alleged cases of corruption at their own initiative or following reports from the public;
  • provide the staff or a category of the staff of these bodies with police and criminal investigative powers to enable them to prepare and initiate criminal prosecutions; and to
  • provide these bodies with the legal capacity to initiate civil proceedings for the recovery of stolen assets.
• The government should seriously consider the establishment of a special anti-corruption court provided with qualified and specialised investigators and judges, similar to the Senegalese Court for the Suppression of Illegal Enrichment (Cour de répression de l'enrichissement illicite, CREI).
Weak political institutions

Since 2000, Guinea has set up a number of bodies specifically dedicated to the fight against corruption. These bodies, however, find it difficult to discharge their mandate effectively, in large part because of the weakness of the institutional and legal framework within which they operate. The anti-corruption strategy depends on checks and balances that are very weak and lack institutional coherence, as is the case with the public procurement system.

The weaknesses of these systems reflect the weaknesses of all three branches of government in Guinea – the executive, legislature and judiciary. These institutions inherited and still maintain a long tradition of an authoritarian system in which the over-powerful executive is deprived of any effective internal checks and balances, thus encouraging rule by fiat. The patronage generated by such a system creates a climate that encourages corruption. For its part, the judiciary is struggling to shed the ‘revolutionary’ heritage that subjected it to the ideological objectives of the President of the Republic and his party-state. The lack of resources and independence of the judiciary prevents the courts from acting as the ultimate authority that imposes sanctions in the fight against corruption. Overpowered by the executive, Parliament is unable to exercise its constitutional powers of oversight.

A. An over-powerful executive

The Fundamental Law that established the Second Republic on 23 December 1990 proclaims the principle of the separation of powers. The 2010 Constitution currently in force stipulates that ‘the principle of the separation of powers and balance of power is entrenched’. In practice, however, Guinea is still ruled by a very powerful presidential regime which guarantees the omnipotence of the President at the head of a dominant and all-powerful executive. This regime is the legacy

1 Article 2, last paragraph.
of a long tradition that Guinea is still struggling to overcome, despite the progress represented by the pluralistic presidential election of 2010.

From independence to April 1984, the other branches of government were virtually non-existent in Guinea, then led single-handedly by President Sékou Touré, the ‘supreme leader of the revolution’ and head of the single party, with absolute control over the administration. All the institutions of the Republic were merely window dressing, established to give effect to the will of a single man and provide him with a semblance of legality. For example, in 1971, the National Assembly was constituted as a People’s Tribunal to try and convict alleged conspirators – the legislature thus took over the role of the judiciary. Under the revolutionary regime, the pervasive fear of public officials and civil servants to a certain extent limited the damage caused by corruption and maladministration.²

In spite and because of the excessive personalisation of authority, Guinea was able to function under the revolutionary regime, with an integrity system whose workings were managed from the head of the executive. During that period, one man and one official party-state constituted the whole of the state system. All those suspected of any offences could find themselves in ‘concentration camps’, or rather death camps, of which the most notorious was Camp Boiro.³

The soldiers who inherited the system in 1984 made it somewhat more humane, but they perverted it by making it serve private, clannish or criminal interests. The personalisation of power did not decline, but rather increased, though with less killing and elimination of citizens. Those who held the monopoly on legal violence, particularly the soldiers, held the state hostage and made it serve their own interests and those of their accomplices. This system encouraged corruption at extreme levels, precipitating the collapse of the state and causing violent social upheavals, including those of June 2006 and January and February 2007.

No incident better illustrates the extreme corruption and undermining of state institutions under this regime than when President Lansana Conté took it upon himself to intervene personally in December 2006 to protect from prosecution two of his close associates suspected of corruption. They were Mamadou Sylla, a businessman and financial contributor to the PUP (Parti de l’unité du peuple), led by President Conté, and Fodé Soumah, former deputy governor of the Central Bank of Guinea. They had been arrested in December 2006 and remanded in custody at the central prison in Conakry on suspicion of acts of corruption, including issuing bad cheques, embezzling public funds and conspiring to defraud the state of an amount of more than GNF 15.5 billion (equivalent to about EUR 2 million). After hearing that these individuals were being prosecuted, President Lansana Conté personally went to the prison and openly released them, saying ‘I am the state, justice is me.’⁴

In reaction to such a blatant violation of the Constitution, on 2 January 2007 the trade union organisations Confédération nationale des travailleurs de Guinée (CNTG) and Union syndicale des travailleurs de Guinée (USTG) filed a notice of unlimited general strike ‘from 10 January 2007 until the restoration of the republican order’. The strike notice denounced ‘the interference of

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the head of state, who is head of the executive, in the work of the judiciary by illegally releasing citizens in conflict with the law who were being prosecuted for complicity in the embezzlement of public funds and issuing unsupported cheques.’ Other issues mentioned in the strike notice were the incapacity of the President of the Republic to discharge his mandate, the failure of the government to stop the continued depreciation of the Guinean franc and the conspicuous indifference of the republican institutions (Supreme Court, National Assembly, Economic and Social Council) in the face of this disastrous situation. In a declaration dated 28 December 2006 the National Council of Civil Society Organisations of Guinea (Conseil National des Organisations de la Société Civile Guinéenne, CNOSCG) also vigorously denounced the fact that ‘the people of Guinea are suffering from the diversion of public funds and corruption, nepotism and clannism set up as a governance system’, followed by the announcement that it was going to take a series of ‘actions for change’ from 15 January 2007.

The street demonstrations that followed these calls to protest against the complacency of the state with respect to corruption were aggressively suppressed by the armed and security forces. According to human rights organisations, the clampdown resulted in the deaths of more than 60 people on 22 January 2007, with over 2,000 injured and considerable damage to property over the following days.5

This period revealed the inhuman side of the regime and its lack of respect for constitutional legality. In order to put an end to the crisis caused by the demonstrations, tripartite negotiations were initiated between the trade union coalitions (CNTG, USTG, ONSLG – Organisation nationale des syndicats libres de Guinée and UDTG – Union démocratique des travailleurs de Guinée), the employers’ organisation (Conseil national du patronat) and the government, leading to the signing on 27 January 2007 of a four-point agreement backed by an official report, or procès-verbal, of the negotiations.

Item I of the agreement, entitled ‘On the establishment of a broad-based government led by a Prime Minister as head of government’, stipulated that:

the President of the Republic agreed to appoint a Prime Minister as head of government pursuant to the provisions of Article 39 of the Fundamental Law. The draft decree determining the powers of the Prime Minister as well as his letter of mission were approved by the head of state. This Prime Minister who will be appointed in the next few days shall be a qualified, honest, senior civilian executive who has never been involved in any embezzlement.

Item II, devoted to the respect of the principle of the separation of powers, specifically mentions the prosecution of Mamadou Sylla and Fodé Soumah whose interruption by President Conté had sparked the protests. The item reads as follows:

the principle of the separation of powers being entrenched in the Constitution, the parties agree that it should be strictly respected. To that end, the fight against corruption and the diversion of public funds must be a priority for the government. In that regard, the legal action already

initiated against all those accused of embezzling state funds shall be continued, including the prosecution of Messrs Mamadou Sylla and Fodé Soumah, without any interference.

Items III and IV set out a series of economic and social policy measures intended to ease the social crisis, support the purchasing power of the population and introduce rectitude in public finance. These measures included reducing the prices of some essential commodities, stopping the export of certain food products, increasing the retirement age and pension, supporting the principle that mining contracts should be reviewed and confirming the independence of the Central Bank of Guinea.6

B. A token Parliament

In principle, oversight of government action is first and foremost the responsibility of the legislature. Members of Parliament have the power to challenge the government and to adopt laws that give the authority to the executive to manage public monies, including approving the national budget. This oversight has, however, never been carried out under the optimum conditions for effectiveness because of Parliament’s subservience to the executive. The Guinean legislature only fulfils its role in constructing and consolidating an effective national integrity system to a very limited extent.

Under the terms of the Guinean Constitution, legislative power is vested in the National Assembly. Since the serious political and social crisis of 2010, this legislative power, with effect from March of that year, has been given to a National Transitional Council (Conseil National Transitoire, CNT) composed of 159 members, which has the power to make laws. In the past, this function was discharged by a 114-member National Assembly.

Since independence, the ruling party has dominated Parliament, and this is especially evident in its routine control over the way Parliament votes. This domination was automatic under the revolutionary regime, but the situation has not changed much, despite the restoration of the principle of the separation of powers after the democratic transition of 2010. Only once in its history, on 29 January 2007, did the National Assembly vote against the executive: the National Assembly refused to authorise an extension of the state of emergency requested by the President of the Republic.7 This exception deserves to be underscored in order to highlight the lack of independence of the legislature in discharging its mandate within the national integrity system.

Yet the Guinean National Assembly, according to the law, has considerable powers, which enable it to oversee the executive and thus help to consolidate an integrity system. With ten standing committees and two technical committees, including a dedicated public accounts committee, the representatives of the Guinean people have the means of overseeing public action. In the past, the National Assembly also had a specific anti-corruption committee, as well as an internal audit committee, which supervised the management of the institution itself.

As recently noted:

6 The full text of the agreement was posted on www.guineenews.org on 28 January 2007. It is also attached as an annexe to the report by ICG, Guinea: Change or Chaos, 14 February 2007.

before the transition, the National Assembly used to examine finance bills. Since 2004, it has not received draft administrative and management accounts and draft regulatory bills, which makes its oversight non-existent ... In terms of constraints, members of Parliament do not have technical support to help them analyse matters submitted to them, nor the material and financial resources to discharge their mandate.8

**c. An impotent judiciary**

Guinea is without doubt the only country in the world in which the state is based on the principle of the separation of powers, but where for more than one year the Supreme Court was officially headed by the Prime Minister and Head of Government.9

How can one talk about justice as the foundation of the national integrity system under such conditions? Judges can effectively play their part in the fight against corruption only if the judiciary is free and independent.

The independence of the judiciary is guaranteed by the 2010 Constitution and the laws establishing the status of the judiciary and the Judicial Service Commission. However, there are legal provisions that reduce the scope of this independence. Among these provisions are those relating to the organisation of the Bench that subject the judges to the authority of the Ministry of Justice, creating a situation where the Guinean judge is under instructions to act according to the wishes of politicians.

Another significant obstacle to the independence of the judiciary is the meagre financial and material resources allocated to it, as well as the low level of qualification of judges. With only approximately 1% of the national budget, the Ministry of Justice is one of the poorest, and also the least endowed in terms of human resources, among all the ministerial departments. There are only 250 magistrates in the country in total, that is, one magistrate per 38,000 inhabitants.10

Despite the numerous reports in the independent media of cases of corruption, embezzlement of public funds, illicit enrichment and similar crimes, not once has a public prosecutor initiated an investigation into these allegations. Instances of prosecution and conviction of civil servants for economic and financial crimes arising from corruption and similar offences are virtually non-existent. Only in 1998, 1999 and 2000 were cases of embezzlement of public funds that were reported by the media investigated by the legal authorities within the National Directorate of Income Tax (Direction Nationale des Impôts, DNI), the National Agency for Mining Infrastructure Development (Agence Nationale de l’Aménagement des Infrastructures Minières, ANAIM), the National Directorate of the Budget (Direction Nationale du Budget, DNB) and the mining company Friguia. Judgments were handed down and some of the senior civil

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9 Interview with President Alpha Condé as part of this study, Conakry, 19 October 2011.

servants implicated were dismissed. However, almost all these individuals quickly resumed office within the administration and some were even appointed to very senior positions in the top echelons of the administrative and political system of the country.11

1. Perceptions of corruption in Guinea

The Limited Poverty Assessment Survey (Enquête légère pour l’évaluation de la pauvreté, ELEP) carried out as part of the evaluation of the poverty reduction strategy in Guinea revealed that poor governance was one of the major obstacles that prevented the achievement of the set objectives. The ‘democracy and governance’ part of the study was carried out by the National Institute of Statistics (Institut national de la statistique, INS) to determine the opinions of the population aged 18 and above on these issues. Nowadays, the two concepts of democracy and governance are considered to be the essential factors influencing the development of nations.

The respondents did not have a very favourable opinion of the public administration and the services it offers. Confidence indexes (the percentage of individuals who have full confidence in a structure) of administrative departments and civil society organisations made it possible to classify them into credible and non-credible structures from the point of view of the population (credible structures have a confidence index equal to or higher than 50%). The results were as follows:

- Education system – 41.7%
- Health system – 33.1%
- Public administration – 31%
- Public press – 29%
- Political parties – 25.8%
- Security services – 21.6%
- Communal council – 20.9%
- Judicial system – 20.5%
- Supreme Court – 18.1%
- Parliamentary body – 17.5%
- Tax administration – 15%

Approximately nine out of ten Guineans (89%) felt that corruption constitutes a major problem in the country and 7.4% of Guineans stated that they had been victims of corruption perpetrated by civil servants during the 12 months preceding the survey.

The total amount of petty corruption is estimated at GNF 90.4 billion per annum. The people who suffered from corruption at the hands of civil servants often fell victim during the delivery of administrative documents, when accessing health and educational services, when paying taxes and fines, during dispute settlement processes, concessionary contract and public procurement procedures.

The results of the study show that the security forces were the most heavily involved in corruption (32%), followed by local administrative departments (20%), educational services (12%), general administration (8.6%) and health services (6.7%).

A large majority of Guineans felt that corruption was not declining in the country. In this regard, 42.4% of Guineans believed that petty corruption had remained stable and 25.7% that it was increasing. In the case of grand corruption (corruption at the top levels of the state), 36.8% stated that it was stable and 29.6% that it was increasing.

**Source:**

11 Interview with Thierno Hassane Diallo, member of the Network of Guinean Journalists against Corruption, Conakry, 21 May 2013.
National anti-corruption institutions

The period of the political history of Guinea most closely associated with efforts to fight corruption is undoubtedly that of the military transition of the National Council for Democracy and Development (Conseil national pour la démocratie et le développement, CNDD) led by Captain Moussa Dadis Camara in 2008–2009, immediately after the death of President Lansana Conté. During this period, the CNDD launched a relentless and spectacular fight against corruption, the most striking aspect of which was the ‘people’s trials’ led by President Dadis Camara himself live on television, the famous ‘Dadis Shows’.

Formal efforts to fight corruption actually began ten years earlier, when President Lansana Conté outlined the first details of an anti-corruption policy. Two factors made this development possible. Towards the end of the 1990s, corruption had become so rampant that President Conté realised the magnitude of the damage caused to his own regime and the need to take steps to curb it. His government was also forced to react to pressure from international financial institutions, which made good governance and anti-corruption measures the conditions for granting loans.12 However, in the absence of a coherent anti-corruption strategy, the establishment of a National Anti-Corruption Commission was practically the only significant measure adopted at the time. It is this commission that was later transformed into the National Anti-Corruption Agency.

A. The National Anti-Corruption Commission

Created in early 2000, the ‘National Commission Against Corruption and for Raising the Moral Standard of Economic Activities’ (Comité national de lutte contre la corruption et de moralisation des activités économiques, CNLC) was in principle made up of representatives of all political parties,

12 Interview with Aliou Bary, member of the National Transitional Council and Director-General of the polling institute Stat View International, Conakry, 23 May 2013.
civil society organisations and professional organisations. Its composition was, however, not based on any anti-corruption strategy and it was only two years later that the government announced a survey ‘to better appreciate the magnitude, forms and mechanisms of corruption’. The findings of that survey were to help ‘refine the anti-corruption strategy in Guinea as well as the action plan for its implementation’.14

The National Survey on Corruption and Governance (Enquête nationale sur la corruption et la gouvernance, ENACOG) was carried out in 2003 by the private polling firm Stat View International with World Bank finance. However, its report was only published in 2005, one year after the dissolution of the CNLC and its replacement by the ANLC.

Among the main findings of the ENACOG 2003 study were the following:

- Corruption is highly prevalent in Guinea with an index of 37 on a scale of 100 and constitutes a phenomenon that ‘affects the whole country and even the strategic sectors of the state’. (In comparison, the corruption index was 32 in neighbouring Sierra Leone and 28 in Zambia.)
- Poor governance exacerbates income inequality and inequality of access to services. Proportionally, the share of income paid as bribes to access services is greater for low-income earners than for the wealthiest citizens.
- The operation of the public sector and the management of public resources are also seriously affected by poor governance.15

B. The National Anti-Corruption Agency

The name National Anti-Corruption Agency (Agence nationale de lutte contre la corruption) is used in some legal documentation to refer to the agency established in 2004 to replace the CNLC.16 However, in the decree that created it this agency is given the title ‘National Agency for the Fight Against Corruption and for Raising the Moral Standard of Economic and Financial Activities’ (Agence Nationale de Lutte contre la Corruption et de Moralisation des Activités Economiques et Financières),17 using the same name as the CNLC, with the substitution of ‘Agency’ for ‘Commission’. But in other contexts, including the ANLC website, the official title is given as the National Agency for Good Governance and the Fight against Corruption (Agence Nationale de Bonne Gouvernance et de Lutte contre la Corruption, ANBGLC).18 This institutional and semantic confusion is not trivial. It seems to reflect a functional confusion, making it difficult to differentiate the role of the ANLC from that of other anti-corruption institutions and bodies. This confusion was predictable as soon as the ANLC was created.

16 For example, this name is mentioned in Decret D/2012/132/PRG/SGG of 12 December establishing the organisation of the President’s Office.
17 Particularly in the text that created it – Decret n°7137/MPCEF of 13 July 2004 ‘Establishing the creation, powers and organisation of the National Agency Against Corruption and for Raising the Moral Standard of Economic and Financial Activities (ANLC)’, issued by the Minister to the Presidency in charge of Economic and Financial Control.
18 This is the name used in the web page of the agency on the official website of the government of Guinea: http://www.guinee.gov.gn/anbglc/.
The reasons for the dissolution in 2004 of the CNLC and its replacement by the ANLC are not clear. The fact that the new agency did not have more powers than the CNLC suggested that the change was prompted by the government’s desire to advertise its efforts for the benefit of the international development cooperation community. The change occurred when the authorities were trying to show that they were determined to fight more effectively against corruption in a bid to attract external financing, which had been cut off since 2002 in response to the rampant corruption within the government.

In 2004, a government report detailed the linkage between poor financial management of public funds and the deterioration in the general standard of living. The report listed the ‘serious consequences’ of these ‘macro-economic management lapses’ for the capacity of the government to mobilise external financing, including the fact that ‘the two-year programme concluded with the International Monetary Fund (IMF) for the period 2002–2004 was suspended in 2002, and that Highly Indebted Poor Countries (HIPC) initiative funds were similarly suspended in 2003’. More specifically, the report deplored the fact that ‘in 2004 several development partners (AfDB [African Development Bank], FDA [Foundation for the Development of Africa], IFAD [International Fund for Agricultural Development], etc.) suspended their financing of all ongoing projects and programmes’ and, moreover, that ‘no budgetary support has been granted to Guinea since late 2002’. According to the report, the measures taken by the government to demonstrate its determination to revitalise development cooperation for the benefit of the country included, among others, the creation of a Ministry of Economic and Financial Control (Ministère chargé du contrôle économique et financier) and the ANLC.

The ANLC was initially established as a ‘consultative body’ under the supervision of the Ministry for Economic and Financial Control, established within the President’s Office. However, this changed during the period following the tripartite agreement of 27 January 2007 between government, unions and employers’ organisations, when the government made many declarations and gestures to prove its determination to step up the fight against corruption. As a first measure in 2007, the new head of government, Eugene Camara, established a ministry within the government team with responsibility for financial oversight, ethics and transparency (Département ministériel chargé du contrôle économique, de l’éthique et de la transparence) and supervision of the ANLC was transferred to this ministry from the President’s Office, together with the State Inspectorate-General (Inspection générale d’Etat, IGE).

However, in November 2012, the IGE and the ANLC were moved back under the coordination of the Presidency. When Minister Sidiki Coulibaly resigned from the government in

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19 Interview with an official from the national office of the United Nations Development Programme (UNDP), Conakry, 22 May 2013.
20 The report makes special mention of the shortage of water and electricity, the increase in the budget deficit (about 5% from 2001 to 2004), inflationary pressures, the increase in the debt owed by the Treasury to the Central Bank, the drastic decline in foreign exchange reserves between 2001 and 2004, the continued depreciation of the national currency and the increase in the consumer price index (6.1% in 2002 to 14.8% in 2003 and 27.6% in 2004). Ministry of Cooperation (National Least Developed Country [LDC] Focal Point), National Report of Guinea on the implementation of the Brussels Action Plan (BAP) for LDCs 2001–2010, Conakry, January 2006, pp.2–3.
21 Ibid., p.3.
22 Ibid., p.7.
late August 2012, the ministry remained without a minister for two months, before disappearing from the list of ministries in November 2012. Some of the functions under the oversight of this ministry, including the ANLC, were then transferred to the President’s Office, and the rest to other ministries.

Organisational structure
According to the ministerial arrêté establishing the ANLC, the agency has three governance organs: a Steering Committee, an Executive Secretariat and a Consultative Council.23

The Steering Committee
The Steering Committee is defined as ‘the guiding organ that ensures the participation of all the components of Guinean society (the state, private sector and civil society)’.24 It is composed of 20 members representing Parliament, government (Prime Minister’s Office, Ministry of Justice, Ministry of Security), trade union organisations, employers and professional organisations. The Steering Committee operates with a plenary assembly, working sub-committees and ad hoc sub-committees. It is chaired by the Minister of State Control and Good Governance, assisted by two elected vice-chairs from civil society and from other state institutions.25 It is mandated to:

- ‘Give its opinion about the activity reports’ and approve the plan of action of the ANLC;
- Provide guidance for the implementation of the National Programme for the Promotion of Good Governance and the Fight against Corruption (Programme National de Promotion de la Bonne Gouvernance et de Lutte contre la Corruption);
- Ensure the coherence of the programme activities; and
- Approve any modifications in the programme results.

The Permanent Secretariat
The Permanent Secretariat (Secrétariat permanent)26 ensures the coordination of the entire programme and the proper operation of the ANLC. It is expected to:

- Monitor and coordinate the implementation of the national anti-corruption policy;
- Ensure the overall coherence of the activities of the various sectoral committees (focal points); and
- Prepare activity reports (summary semi-annual and detailed annual).

It is composed of the following:

- An Executive Secretary (or ‘Executive Director’, according to the government website), ex officio member of the Steering Committee;
- Three permanent secretaries;
- Working sub-committees (or ‘support services’ according to the government website); and
- An administrative and financial service;

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24 Taken from the website of the agency, http://www.guinee.gov.gn/anbglc/.
25 This information has not been updated and it is therefore not clear who is now chairing the Steering Committee in the absence of the defunct Ministry of Economic and Financial Control, which disappeared in November 2012.
• Regional offices; and
• Focal points (or ‘sectorial committees’ according to the government website).\textsuperscript{27}

In addition to these organs and in view of the very limited detail in the decree of 2004, the ANLC has established other structures according to its needs. Thus, within the Permanent Secretariat, there are four permanent secretariats,\textsuperscript{28} an administrative and financial department, a complaints office\textsuperscript{29} and a human rights unit.\textsuperscript{30}

**The Consultative Council**

The function of the Consultative Council (\textit{Conseil de concertation}) is to promote dialogue and consultation between the government and its development partners, with a view to improving coordination, coherence and consideration of the concerns of all stakeholders on issues related to the fight against corruption and good governance. It is chaired by the Minister of Economic and Financial Affairs; the vice-chairs are the Minister of Planning and Cooperation and the Minister of Justice. It also includes ‘representatives of the relevant ministries, a representative of the Central Bank of Guinea, a representative of the development partners and the representative of the Permanent Secretariat’.\textsuperscript{31}

**Functions**

The ANLC considers its mission to have four main objectives:

• To prevent corruption;
• To identify acts of corruption and provide support for their suppression;
• To ensure communication of efforts to fight corruption; and
• To mobilise citizens to support anti-corruption efforts.\textsuperscript{32}

In the absence of an anti-corruption law and strategy, the mission of the ANLC derives from three different sources:

• \textit{Arrêté} no. 7137/MPCEF of 13 July 2004 establishing the creation, powers and organisation of the ANLC;

\textsuperscript{27} Article 5, \textit{Arrêté} of 13 July 2004.
\textsuperscript{28} They are respectively in charge of governance and transparency; information, education and communication; investigations and evaluation of corrupt practices and the performances of public services; and the relations between the ANBGLC and the courts, http://www.guinee.gov.gn/anbglc/.
\textsuperscript{29} The Complaints Office is described as ‘the organ that receives complaints from users and suppliers of the administration. It is in charge of conducting preliminary investigations and makes recommendations and proposes solutions to the Executive Director of the ANBGLC; these range from protecting the rights to providing assistance to citizens, users or suppliers who have problems with the administration, http://www.guinee.gov.gn/anbglc/.
\textsuperscript{30} According to the government website, ‘the main mission of the Unit, in close collaboration with the judicial and security services, is to strengthen the verification of human rights protection measures, the proper enforcement of the Criminal Procedure Code of the Republic of Guinea, as well as human rights agreements, treaties and conventions by acting in synergy with the judicial service inspection department, the partners, the criminal investigation officers and the Bar.’ It has a number of joint intervention committees. It submits its reports to the Executive and publishes the results of its work.
\textsuperscript{31} Article 6, \textit{Arrêté} of 13 July 2004.
\textsuperscript{32} Interview with François Falcone, Executive Director of the ANLC, Conakry, 23 May 2013.
• The web page of the agency on the official government website; and
• The decree on the organisation of the President’s Office.

These sources, however, have different formulations of the mission of the ANLC, which creates confusion and uncertainty about the scope of the agency’s powers.

The decree establishing the organisation of the President’s Office has the shortest, but not necessarily the most precise, formulation. It states that the ANLC’s mission is to ‘prepare and monitor the implementation of the National Policy on Good Governance and conduct activities to prevent, detect and repress corruption and similar practices’.33

It is interesting to compare side-by-side in a table the formulation of the Arrêté of 13 July 2004 establishing the ANLC and that of the agency’s web page to better appreciate the differences (Table 1).

Table 1: Comparison of the functions of the ANLC

<table>
<thead>
<tr>
<th>According to Arrêté No. 7137/MPCEF of 13 July 2004</th>
<th>According to the government’s website (<a href="http://www.guinee.gov.gn/anbglc/">http://www.guinee.gov.gn/anbglc/</a>)</th>
</tr>
</thead>
<tbody>
<tr>
<td>• To prepare the anti-corruption strategy and plan of action and raise the moral standard of economic and financial activities;</td>
<td>• To design, develop and ensure the implementation, in the public and private sectors, of the national programme on good governance, as well as all the activities of prevention, detection and repression of corruption and similar crimes;</td>
</tr>
<tr>
<td>• To coordinate their implementation;</td>
<td>• To stimulate, coordinate and monitor the implementation of the national good governance and anti-corruption programme;</td>
</tr>
<tr>
<td>• To design a monitoring system to enable the ongoing review and updating of the strategy and plan of action;</td>
<td>• To take part in promoting cooperation with the other administrative, jurisdictional and parliamentary control structures on the one hand, and with associations or foreign control institutions on the other hand;</td>
</tr>
<tr>
<td>• To strengthen the institutional mechanisms necessary to prevent and fight against corruption and raise the moral standard of economic and financial activities;</td>
<td>• To take part in setting up a committee to monitor and use the audits in order to help raise the moral standard of securing public funds and rationalise public expenditure;</td>
</tr>
<tr>
<td>• To provide them with operational autonomy, as well as the necessary powers and resources required for implementation;</td>
<td>• To note the dysfunctions in the administration and the para-public sector and consider any remedial measures necessary;</td>
</tr>
<tr>
<td>• To promote a participatory approach involving all the components of Guinean society (public and private sector and civil society) in developing, implementing and monitoring the policy and strategy to fight corruption and raise the moral standard of economic and financial activities as well as its plan of action;</td>
<td>• To promote higher moral standards in public life;</td>
</tr>
<tr>
<td>• To evaluate the costs of implementing the plan of action and organise a donors’ meeting to support the Guinean anti-corruption programme;</td>
<td></td>
</tr>
</tbody>
</table>

33 Article 72, Decree D/2012/132/PRG/SGG of 12 December 2012.
According to Arrêté No. 7137/MPCEF of 13 July 2004

• To publish the findings of research and surveys, the strategy and plan of action, as well as the progress achieved;
• To undertake joint and coordinated actions with all the components of Guinean society to raise awareness about the negative impacts of corruption and reprehensible practices on the economic and financial life of the country and the need to fight against these scourges;
• To design and implement a popularisation programme on the strategy to fight against corruption and raise the moral standard of economic and financial activities.

According to the government’s website (http://www.guinee.gov.gn/anbglc/)

• To carry out studies and research on good governance;
• To define and develop institutional instruments and devices intended to ensure, guarantee and enhance good governance and the fight against corruption in the management of public affairs and in the private sector;
• To define and put in place mechanisms aimed at promoting information, sensitisation and education of the populations about the need to respect public property for the common good;
• To carry out the necessary surveys on the perception of corruption and governance in Guinea and publish the findings;
• To design, develop and implement the strategy and plan of action against corruption and similar practices on the basis of the findings of the surveys;
• To coordinate the actions and projects for promoting good governance in ministries, institutions and civil society;
• To ensure the coordination and regular follow-up of institutional support from development partners to the anti-corruption and good governance programme;
• To look into and analyse acts of corruption and similar offences at all levels;
• To collect data on corruption and monitor corruption cases;
• To take up cases of corruption and similar offences and have them investigated;
• To make sure that sanctions and court decisions are properly enforced and to fight against impunity;
• To evaluate the activities of institutional devices for mobilising, recovering and securing public revenue;
• To carry out any other missions entrusted to it by the Minister of State Control and Good Governance.

The mission of the ANLC is formulated in a more concise manner in the decree than on the website and is more directly related to the suppression of corruption and similar offences. In the formulation of the website, on the other hand, the functions aimed at fighting corruption and
promoting good governance are mentioned together in such a way that their order of priority is not clear. Moreover, the mission of the ANLC is formulated in the decree in a more coherent manner, ranging from devising actions to evaluating implementation.

The ANLC is especially proud of two achievements due to its activism: the ratification by Guinea of the United Nations Convention Against Corruption and public education about the need to fight against corruption. In connection with this latter point, for example, the ANLC involved civil society organisations more than any other sector in its anti-corruption strategy, which included signing partnership agreements with four civil society platforms. The civil society movements in question were the Conseil national des organisations de la société civile Guinéenne (CNOSCG), the Plateforme nationale des citoyens unis pour le développement (PCUD), the Coalition nationale des organisations de la société civile (CONASOC) and the Réseau guinéen des journalistes pour la lutte contre la corruption et la promotion de la bonne gouvernance (REGUIJOC). These positive results were partly due to the sensitisation seminars that have been central in the efforts of the ANLC since its establishment in 2004.

c. The CASSSE and the Audit Commission

One of the first decisions of the CNDD military regime, announced just two weeks after it took power after the death of President Lansana Conté, was the creation by ordinance of the Council of Ministers of an audit agency for state engagement in the economic sector, the Audit Commission for Strategic Economic Sectors (Comité d’Audit et de Surveillance des Secteurs Stratégiques de l’Economie, CASSSE).\(^{34}\) Over three months from 15 September 2009, the CASSSE undertook 16 missions to audit the management of parastatal companies and various public projects. According to a CASSSE report, these audits revealed embezzlement of over GNF 620 billion (more than USD 80 million) (Table 2).

*Table 2: Files audited by the CASSSE*

<table>
<thead>
<tr>
<th>Audited file</th>
<th>Amount involved (GNF)</th>
<th>Report level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kuwaiti Fund</td>
<td>42 731 210 730</td>
<td>Final report</td>
</tr>
<tr>
<td>Privatisation of Air Guinea</td>
<td>39 055 861 000</td>
<td>Final report</td>
</tr>
<tr>
<td>Cotton project</td>
<td>13 422 698 372</td>
<td>Final report</td>
</tr>
<tr>
<td>Compagnie de Bauxites de Kindia (CBK)</td>
<td>48 197 642 230</td>
<td>Provisional report</td>
</tr>
<tr>
<td>National rail company</td>
<td>47 570 031 525</td>
<td>Final report</td>
</tr>
<tr>
<td>Central Bank</td>
<td>153 482 967 506</td>
<td>Provisional report</td>
</tr>
<tr>
<td>Futurelec</td>
<td>241 902 071 294</td>
<td>Provisional report</td>
</tr>
<tr>
<td>Road Maintenance Fund</td>
<td>20 771 936 803</td>
<td>Provisional report</td>
</tr>
<tr>
<td>Guinomar</td>
<td>16 679 500 000</td>
<td>Final report</td>
</tr>
<tr>
<td><strong>Grand Total</strong></td>
<td><strong>623 814 819 460 FG</strong></td>
<td></td>
</tr>
</tbody>
</table>


\(^{34}\) Ordonnance of 14 January 2009.
The December 2009 assassination attempt on Captain Dadis Camara, head of the military junta and prime mover of the CASSSE, demobilised the inspectors in charge of the audits and stopped all further CASSSE activities.35

Following his election in November 2010, President Alpha Condé created by decree an Audit Commission that was placed directly under the authority of the President of the Republic and was independent from the hierarchical reporting systems of the administration and other institutions.36 The Audit Commission was distinguished from its predecessor, the CASSSE, in several ways, in particular in regard to its mission and mode of operation. Its functions are broader than those of the CASSSE; they are not limited to simple audits but also include the power to look into the integrity of oversight carried out by other institutions such as the Inspectorate-General of Finance (Inspection générale des finances, IGF) and the State Inspectorate-General (Inspection générale de l’Etat, IGE), responsible for checking and monitoring the financial and administrative systems within government.37 In contrast to the CASSSE, which had to rely on the inspectors of the IGF and IGE, the Audit Commission has its own staff of professional auditors and, moreover, the power to use the services of private national or international audit firms.38

The reports of the Audit Commission are submitted to the President of the Republic and are not published. It is thus impossible to judge the effectiveness of its activities.

36 Article 1, Decree D/2011/029/PRG/SGG of 8 February 2011 on the creation and functioning of the Audit Commission.
37 Interview with Jonas Mukamba Diallo, president of the Audit Commission, Conakry, 22 May 2013.
Critical evaluation of anti-corruption efforts

Professor Alpha Condé placed the fight against corruption and the improvement of governance at the centre of his election campaign. His election in November 2010 therefore gave a significant impetus to anti-corruption efforts, which had not made much progress in the previous ten years. The will of the new authorities to fight corruption resulted in the revival of the public procurement audits, henceforth carried out with greater aggressiveness and more professionalism than before. The fight against corruption also speeded up the process of establishing a more appropriate legal and institutional framework. The government, among other measures, ensured greater transparency in the governance of the mining sector. It further rationalised the institutional framework of public finance control, especially by establishing a consultative framework for the oversight bodies.

However, three years after President Alpha Condé assumed office, the efforts to reenergise the fight against corruption are losing momentum and are likely to be seriously compromised by the legal and institutional confusion that is becoming increasingly apparent. The absence of an anti-corruption law and a national anti-corruption strategy is preventing the government’s will from translating into clear programmes geared toward eradicating corruption. The creation of several audit and control institutions placed under the direct authority of the President of the Republic is evidence of a stronger political commitment to better governance. However, the multiplicity of institutions having the same or similar mandates, and the confusion caused by the issue of identifying their line ministries could be undermining the anti-corruption efforts instead of encouraging them. The lack of progress in the establishment of a better public procurement regulatory system means that the institutional and structural defects that enabled corruption to prosper for so long have still not been removed. The efforts to fight corruption are particularly
hampered by the fact that the National Anti-Corruption Agency (Agence Nationale de Lutte contre la Corruption, ANLC) does not have any powers to effectively investigate cases of corruption and initiate legal proceedings against perpetrators.

A. Overlapping structures and lack of independence
One of the main obstacles to the prevention, detection and suppression of corruption is that there are so many overlapping governmental control structures:

- The President’s Office encompasses the following:
  - Audit Commission;
  - Solicitor-General (Agent Judiciaire de l’Etat);
  - Major Projects Administration and Control Office;
  - National Gendarmerie;
  - State Inspectorate-General (Inspection Générale d’Etat, IGE) (since November 2012); and
  - National Anti-Corruption Agency (Agence Nationale de Lutte contre la Corruption, ANLC).
- The Ministry of Finance supervises the following:
  - Inspectorate-General of Finance;
  - National Directorate of Public Procurement; and
  - National Directorate of Financial Control.
- The Ministry of Security is in charge of the following:
  - National Police Force; and
  - Office for the Suppression of Economic and Financial Crimes (Office de Répression des Délits Economiques et Financiers).

Moreover, within each government department there is an internal sectoral inspectorate whose mission is to ensure proper application of legislation, regulations and technical standards by the units operating in that department.\(^{39}\)

Anti-corruption efforts are therefore hampered by a serious dysfunction in the organisation and coordination of governmental work. The ANLC itself recently highlighted these issues, noting in its 2011 report that:

the effectiveness of government action is affected first of all by non-compliance with the documents organising the President’s Office and the Prime Minister’s Office ... either some posts [within the President’s Office and the Prime Minister’s Office] not provided for by these texts [documents] were created and filled, or some posts provided for have remained vacant. The top strategic position represented by the President’s Office and the Prime Minister’s Office thus suffers from a shortage of human resources, especially qualified staff, whereas that is where major policy decisions are made and where government action is given

the necessary impetus. The effectiveness of the government’s action is also seriously affected by the relative lack of cohesion, with certain inter-ministerial relations being characterised by conflicts of jurisdiction and/or interest. Similarly, the departments of the President’s Office do not have a strategic planning unit composed of highly experienced staff who have modern strategic planning, public policy formulation and monitoring and evaluation tools and methods at their disposal.  

This overlap of institutions is compounded by a confusion of jurisdictions caused by the difficulty, or even the practical impossibility, of identifying the boundaries between the jurisdictions of the various organs. For example, in 2012 the President of the Republic established an Audit Commission and provided it with a mandate similar to that of the IGE. The Audit Commission is expected to ‘carry out accounting and financial, procedural or organisational audits … [of] the management of the administrative structures, the public or joint venture entities and enterprises, or contracts in which the government has an interest’; while the IGE’s mission is the audit and oversight of the management of all government departments, irrespective of their management method or geographical location, as well as of local authorities and public services established under them.  

An additional problem is that the majority of these organs, if not all of them, report directly to the executive, which raises serious questions about their independence. The most active of these organs are placed under the umbrella of the President’s Office, of which they are ‘specialised bodies’. Some of these specialised bodies ‘are directly attached to the President’s Office’: the ANLC, the Consultative Council for the audit institutions (cadre de concertation des organes de contrôle), and the Audit Commission. Some, for example, the Major Projects Administration and Control Office and the Directorate for Public Procurement, are placed ‘under the authority of the President of the Republic with delegated authority to the minister in charge of coordinating the work of the office’. Others are placed ‘under the authority of the President of the Republic and delegated to the Secretary-General of the President’s Office’, as in the case of the Solicitor-General’s Office and the IGE.  

Some people believe that attaching these organs directly to the President’s Office or under his authority, far from constituting an obstacle to their independence, actually guarantees it. According to President Alpha Condé, ‘a structure that reports only to the President’s Office … is a structure that is free to examine anybody’s management’. Such an assertion, however, seems to run counter to the major international conventions on the prevention and suppression of  

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41 Articles 70 and 80, respectively, of Decree D/2012/132/PRG/SGG of 12 December 2012 on the organisation of the President’s Office.
42 Article 66, Decree D/2012/132/PRG/SGG of 12 December 2012 establishing the organisation of the President’s Office.
43 Ibid., Article 74.
44 Ibid., Article 77.
45 Address on the occasion of the installation of the Audit Commission, 7 June 2011.
corruption to which Guinea is party, insofar as these conventions insist on the independence of the bodies in charge of fighting against corruption. The African Union (AU) Convention, for example, makes it binding on states to ‘establish, maintain and strengthen independent national anti-corruption authorities or agencies’. The United Nations (UN) Convention stipulates that ‘each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption’ and grant such body or bodies ‘the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence’. For its part, the Economic Community of West African States (ECOWAS) Protocol obliges each State Party ‘to take measures to establish and consolidate ... specialised anti-corruption agencies with the requisite independence and capacity that will ensure that their staff receives adequate training and financial resources for the accomplishment of their tasks’.

The executive director of the ANLC is of the opinion that these provisions are not violated in Guinea by the fact that the ANLC is attached to the President’s Office. In support of his assertion, he cites a decision of the Constitutional Court of Benin in connection with a Beninese law that had placed the Beninese National Anti-Corruption Authority under the supervision of the President of the Republic, that ‘the concept of supervision does not imply that the authority vested with the power to control is subordinate to the body that is controlled’. This was obviously a very incomplete reading of the decision of the Constitutional Court of Benin, which added that what it had just described in connection with the relations of supervision is ‘different from hierarchical control, which is based on the subordination of a lower body to a higher authority’ and that ‘hierarchical authority ... entails the power to appoint, dismiss and give instructions’.

The nature of the powers of the President of the Republic over the ANLC and the other control bodies clearly shows a hierarchical relationship and not supervision. Indeed, the President has powers of appointment, dismissal and instruction over the bodies in charge of prevention and repression of corruption attached to him or placed under his authority.

B. Lack of a legal framework and a national anti-corruption strategy
Most of the activities of the ANLC concerning its mandate to promote good governance have had to do with the drafting of anti-corruption law and the preparation of a national good governance policy and a national anti-corruption strategy. The ANLC’s performance on these issues is, however, extremely poor. The anti-corruption law has not yet been adopted and the national anti-corruption strategy is still not forthcoming.

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46 Article 5(3) of the AU Convention on the Prevention and Fight Against Corruption.
47 Article 6 of the UN Convention Against Corruption of 31 October 2003, ratified by Guinea on 29 May 2013.
49 Interview with François Falcone, Executive Director of the ANLC, Conakry, 23 May 2013.
50 The decision in question is DC11-064 of 30 September 2011, available in République du Benin, Cour constitutionnelle, Recueil des décisions et avis 2011, p.402.
51 Ibid.
52 Articles 70, 71, 72, 75, 78 and 80 of Decree D/2012/132/PRG/SGG of 12 December 2012 regarding the organisation of the President’s Office; articles 1 and 5 of Decree D/2011/029/PRG/SGG of 8 February 2011 on the establishment and powers of the Audit Commission.
Preparation of an anti-corruption law

One of the first priorities of the ANLC from its inception was to draft an anti-corruption law, which would later be approved by the government and adopted by Parliament. In collaboration with the Ministry of Justice, the ANLC initiated an anti-corruption bill together with a draft decree relating to the institutional development of the agency. It obtained the support of the United Nations Development Programme (UNDP), which financed the secondment to the ANLC of three consultants in charge of drafting the bill. In 2005, these three consultants submitted a preliminary draft and the ANLC circulated it for comments and consultation.\(^5\)

The consultation procedure that the ANLC had chosen for the validation and adoption of the bill was, however, so complex that the bill could not be adopted within a reasonable time. The ANLC chose to hold a workshop to validate the preliminary draft of the anti-corruption law only after first organising a campaign to popularise the AU and UN conventions against corruption ‘in order to take into account not only the concerns of the Guinean populations, but also the final opinion of the specialists in charge of harmonising the above-mentioned conventions with the national laws’.\(^5\)

Throughout the year 2007, the ANLC thus organised a popularisation campaign on the UN and AU conventions against corruption in the key governance ministries\(^5\) and in the four natural regions of the country (N’Zérékoré, Kankan, Labé, Kindia) with a closing workshop in Conakry. According to the ANLC activity report for 2007, the campaign resulted in a number of recommendations, which:

helped improve the anti-corruption bill before it was submitted to the authorities of the Ministry of Economic and Financial Control, Ethics and Transparency with a view to organising a workshop to validate it before final submission to the National Assembly for adoption.\(^5\)

In 2008, just when it was thought that the bill was ready to be submitted to the National Assembly, the ANLC organised a second campaign to popularise the UN and AU conventions against corruption. According to its annual report, the recommendations resulting from this campaign made it possible to ratify the two conventions ‘and to incorporate them in the anti-corruption bill before it was submitted to the ministry in charge of state control within the President’s Office’.\(^5\) The ANLC thereafter set up a committee to harmonise these conventions with Guinean laws and invited representatives of the Ministry of Justice and the Ministry of State Control, as well as civil society as members. The task of the committee was ‘to prepare the final draft of the bill and to organise the validation workshop with civil society, members of the administration, the private sector and the media, before submitting it to the authorities of the country for adoption’.\(^5\)

\(^{55}\) The participating ministries were the Ministries of Interior and Security, Economy and Finance, Public Works, Housing and Urban Planning, Justice and Human Rights, Education, Employment, Civil Service and Administrative Reform.
\(^{58}\) Ibid.
Then in 2009, it was a ‘joint committee made up of the ANBGLC [Agence Nationale de Bonne Gouvernance et de Lutte contre la Corruption/National Agency for Good Governance and the Fight against Corruption] and the Ministry of Justice’, not the ‘harmonisation committee’ announced in 2008, that was tasked with drafting the anti-corruption law. According to the ANLC, this committee ‘almost finalised the first preliminary draft’ in 2009.\(^{59}\) In 2010, the ANLC announced that the preliminary draft anti-corruption bill had been submitted to the economic commission of the National Transitional Council (Conseil National Transitoire, CNT) and that it was already scheduled for approval by the government council before it was ratified by the CNT ‘in the next few days’.\(^{60}\) However, the ANLC waited until the following year before announcing that ‘the said law is in the process of being consolidated and updated in a bid to include emerging issues and concrete realities related to the changing political and economic environment’.\(^{61}\)

At the time of drafting this report (August 2013), the anti-corruption bill has still not been adopted.

**National good governance programme and national anti-corruption strategy**

From its very first year of operation, the ANLC undertook the preparation of a ‘national good governance and anti-corruption programme’ which was to be submitted for approval by the government. It thus set out to achieve one of the objectives of the Guinean government that had been in the pipeline since at least 2001.\(^{62}\) To that end, the ANLC received the technical support of the World Bank in the form of a secondment to the agency of a consultant who was ‘experienced in governance issues to prepare, in the short term, the minimum 2006 plan of action and, in the medium and long term, the National Good Governance and Anti-Corruption Programme’.\(^{63}\) However, the process was interrupted owing to a lack of financing for a national forum to validate the programme.\(^{64}\)

The same obstacles that prevented the adoption of an anti-corruption law also affected the chaotic process of developing a national anti-corruption strategy. Firstly, the ANLC decided to finalise the development of an anti-corruption strategy only after conducting a popularisation campaign on the UN and AU conventions against corruption, insisting that it was necessary to include in the national strategy the recommendations of the participants in the campaign. However, since this popularisation campaign could not take place in 2006, the development of the strategy was deferred to 2007.\(^{65}\)

After succeeding in organising the popularisation campaign in 2007, the ANLC announced the creation of a commission in charge of finalising the National Good Governance Programme and National Anti-Corruption Strategy, while including the concerns of the various sectoral

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\(^{60}\) ANLC, Activity Report 2010, Conakry, August 2010, p.4.


\(^{64}\) Ibid., p.7.

departments that took part in the campaign. It then announced that the results of the commission’s work would be presented in 2008, but postponed this to the second semester of 2009 because the members of the commission were to undergo a training course.\footnote{ANLC, Annual Activity Report 2007, Conakry, March 2008, p.5; Annual Activity Report 2008, Conakry, March 2009, p.5.}

However, in 2010, it was another structure, a ‘technical committee’, that was set up to formulate the programme and strategy. Set up in consultation with the Ministry for Economic Control and Audits, the technical committee had a tripartite composition, with representatives from the administration, civil society and the private sector. The ANLC announced that in 2010 the drafting and signing of the ‘texts [documents] establishing the structure of the technical committee in charge of formulating the good governance policy would be completed as well as the terms of reference for the drafting of the aforementioned programme and timetable of activities to be conducted’.\footnote{ANLC, Activity Report 2010, Conakry, August 2010, p.3.} One year later, the development of the National Good Governance Programme and a National Anti-Corruption Strategy were still ‘projects being finalised whose results will be presented in the second half of 2012’.\footnote{ANLC, Status of Governance and Corruption in Guinea. Activity Report 2011, p.39.}

At the time of writing the present report (August 2013), the drafting of the National Good Governance Programme and that of the National Anti-Corruption Strategy had still not been finalised.

**C. Lack of capacity to investigate cases of corruption**

There is no institutional capacity in Guinea to conduct effective investigations into cases of corruption in order to assess their magnitude or prosecute perpetrators. The ANLC, which has that mandate, has not conducted any investigations revealing any serious case of corruption, partly due to the lack of internal expertise and the absence of a national anti-corruption law and strategy. Institutions that are, in theory, technically better equipped to reveal cases of corruption lack the independence and autonomy necessary to investigate cases of corruption reported by citizens or at their own initiative. This is the case with the Audit Commission and the IGE, which cannot take up cases at their own initiative or receive reports from citizens.

In the absence of an appropriate legal framework and a clear governmental strategy, the ANLC seems to be navigating by sight. For example, for lack of a clear definition of what constitutes an act of corruption, which can only be provided by an anti-corruption law, the ANLC relies on out-of-date definitions from the criminal code and can act only within the scope of the criminal procedure code, which does not give it any investigative or prosecutorial powers.\footnote{Interview with François Falcone, Executive Director of the ANLC, Conakry, 23 May 2013.} For example, from August 2007, the ANLC has undertaken audits of public agencies and corporations. However, the findings of these audits have not lead to the recovery of any amounts or property, nor to any administrative sanctions or prosecution, thus allowing impunity to continue and limiting such exercises to ‘auditing for the sake of auditing’\footnote{Amadou Oury, ‘Des “audits” en Guinée’, article posted on 20 June 2010, http://guineeactu.info/HTML/des-quot-audits-quot-en-guinee.htm.}.\footnote{ANLC, Annual Activity Report 2007, Conakry, March 2008, p.5; Annual Activity Report 2008, Conakry, March 2009, p.5.}
The Complaints Office of the ANLC

As part of its mission to contribute to the repression of acts of corruption, the ANLC opened a Complaints Office, which receives reports of cases of corruption and carries out investigations to verify the content of such denunciations. During peak periods, the office receives up to 20 denunciations per day, which makes the ANLC say that ‘the agency has the legitimacy of the Guinean population’.

The nature of the cases dealt with by the ANLC, however, is such that the agency’s performance should be put in its proper perspective and the effectiveness of its strategy in terms of enforcement should be seriously questioned. The definition of the cases dealt with by the ANLC is so vague and flexible that it covers all cases, including those that do not necessarily have to do with corruption. The ANLC, indeed, says that it deals ‘not only with cases between legal and natural persons in private law (private individuals) in their relations with the public administration, but also with cases between the lower and higher levels of the administration’.

There is another serious obstacle to the ANLC’s action in that it does not have the power to take up cases at its own initiative, for example, by joining as partie civile in a case against the administration. All it can do is to advise the complainant to take the matter to court himself. Moreover, its officials do not have the powers of criminal investigation officers or examining magistrates. They cannot examine a case of corruption, for example, by drawing up official reports that can be used as evidence in court. Neither can the ANLC prosecute a case of corruption in court. It can only access the courts with cases of corruption by going through the Solicitor-General.

During its first year of operation, the ANLC dealt with about 20 cases. Almost all those cases, however, were related to conflicts between private individuals and should normally have been taken to the courts. A few of those cases were related to complaints against the administration that had absolutely nothing to do with corruption. They included:

- A request to the ANLC to help recover debts owed by the Ministry of Economy and Finance;
- A request to the ANLC to try to get the Ministry of Higher Education to continue the building construction it had commissioned;
- A denunciation of a threat of eviction from a building;
- A complaint about the non-observance of the terms of a lease; and
- A claim for payment of an invoice for the construction of the headquarters of the commune of Ratoma in Conakry.

The same trend continued in the following years. The ANLC continued to deal with private conflicts, as well as cases that are normally under the commercial or administrative jurisdiction of the courts, such as claims from suppliers against the state or allegations of human rights violations, for example:

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71 Interview with François Falcone, Executive Director of the ANLC, Conakry, 23 May 2013.
73 Interview with François Falcone, Executive Director of the ANLC, Conakry, 23 May 2013.
74 ANLC, Annual Activity Report 2005, Conakry March 2006, p.5; see also ‘Summary table of the complaints received’, p.20.
• A request for assistance to enforce a court decision, filed by a court bailiff against SOGEAC (Société de Gestion et d’Exploitation de l’Aéroport de Conakry);
• A claim filed by one Mamadou Bah against the insurance company SONASSUR for the payment of hospitalisation expenses;
• A complaint against the Commissioner of Lands for issuing two title deeds for the same plot of land;
• A complaint against the National Civil Service Directorate for issuing the same registration number to two persons;75
• A complaint filed by the non-governmental organisation CERIDA (Centre d’Etude et de Recherche pour l’Intégration et le Développement de l’Afrique) against the Ministry of Social Affairs for breach of a service provision contract;
• A complaint of the workers of Lumumba Printing Works against the financial administration for non-payment of 24 months of salaries;76
• A complaint by citizen Alsény M’Bemba against the privatisation of Rex cinema, located in the Prefecture of Kindia;
• A complaint by Mr Cissé against the communal authorities of Siguiiri for the illegal occupation of his fuel station acquired during the privatisation of public companies; and
• A complaint by citizen Harouna Sow against the Chief of Sonfonia-Gare district for the illegal sale of his land to another citizen.77

In 2011, the ANLC significantly improved its performance in dealing with complaints in the sense that the vast majority of the 48 complaints received during the year concerned cases more directly related to corruption. It should be noted, however, that the ANLC only dealt with cases of petty corruption involving civil servants or local government officials at the lowest level, for example:

• Education officers asking for bribes from the teachers of the District of Samaya before allowing them to receive their bonuses;
• Education authorities asking for money from public school authorities before handing them posters of the President of the Republic;
• At the regional hospital of Labé, the doctors asked for money after performing a caesarean section;
• The conversion to private use of the motorcycles of the Independent Prefectoral Electoral Commission (Commission Électorale Préfectorale Indépendante, CEPI) by the prefectoral authorities in Guéckedo;
• A complaint filed by a taxi driver against the traffic police for stopping him at every junction in Conakry; and

• The allegation that the Prefect of Gaoual, Mr Ousmane Barboza Bangoura, received the sum of GNF 5,000,000 in order to help Mr Samba Kouroumani Diallo to be President of the District of Bowé in the sub-prefecture of Koumbia.78

During 2011, the ANLC continued to deal with cases that involved human rights violations or were under the jurisdiction of the courts, for example:

• ‘The murder of four people including a farmer’ in the prefecture of Beyla;
• The ‘denunciation of Mr Amani for illegally cutting wood along the Makona River, in the districts of Nongoa, Guelamon and Sonadou’; or
• The ‘breach of the employment contracts in Semafo of more than half of the workers ... because of an illegal subcontractor’.79

Partly because of the nature of the cases it handles, the ANLC has a very small margin for manoeuvre in terms of the measures it can take. It can only choose to request the administration targeted by the complaint to kindly redress the situation, attempt a mediation between the parties with a view to reaching an amicable settlement, or finally, refer the case to the courts. Mediation is the preferred method used by the ANLC. For example, out of the 33 cases that the ANLC received during 2006, 18 were settled through mediation, conciliation or arbitration by the ANLC and four were referred to the courts and tribunals.80

More audits than investigations
The majority of the anti-corruption bodies, if not all, are more concerned with auditing the past management of public funds than investigating potential ongoing cases of corruption or preventing such cases from occurring in the future. This seems to support the opinion that the audits are used as a political tool, ‘a scarecrow to intimidate opponents, most of whom were prominent managers of the state’s resources’.81

This fear is involuntarily created by the institutions themselves, whose actions and public statements sometimes tend to suggest that auditing the management of public funds is all that needs to be done to fight corruption. For example, the most important anti-corruption measure adopted by the National Council for Democracy and Development (Conseil national pour la démocratie et le développement, CNDD) government was the establishment of the CASSSE; systematic CASSSE audits of the public procurement of goods and services created the impression that auditing past management was the same as fighting against impunity. The following extract from the address of the Head of State on the occasion of the installation of the Audit Commission is also quite revealing on this subject:

A number of audits have been performed, you will take them up again and present them properly, not only for the purpose of publishing them, but

79 Ibid.
81 Interview with Thierno Hassane Diallo, member of the Network of Guinean Journalists against Corruption, Conakry, 21 May 2013.
we will take to task all those named in these audits in order to fight against impunity. Secondly, you will audit most of the autonomous financial departments and bodies that had financial budgets in order to verify their management.\textsuperscript{82}

There is little doubt that it is necessary for the new authorities established after the November 2010 elections to shed light on the management of public resources during the previous years. Though appropriate and necessary, audits of past management should not be allowed to hide the need for prosecuting the perpetrators of acts of corruption. This can only be done by strengthening the mechanisms for investigating cases of corruption. The capacity to investigate corruption cases was seriously questioned in the case of the attempted embezzlement of GNF 13 billion (the so-called ‘13 Billion Case’) involving senior officials of the Central Bank and the Ministry of Finance.\textsuperscript{83} The lack of a credible investigation into this case caused a lot of speculation about the suspected link between the 13 Billion Case and the assassination of Mrs Aissatou Boiro, the National Director of the Treasury in the Ministry of Finance, on 9 November 2012.\textsuperscript{84}

This poor investigative capacity is underscored by the fact that in four years of auditing, first by CASSSE in 2009 and 2010, then by the Audit Commission, the ANLC and the IGE, no file containing serious allegations of embezzlement or corruption has been referred to the legal authorities for prosecution.\textsuperscript{85} More than 80\% of lawsuits brought to the courts by the Guinean state are related to state property, such as claims on buildings or landed properties of the state, while the others are related to the recovery of debts owed to the state.\textsuperscript{86}

It is true that the lack of prosecution in corruption cases also reflects the weaknesses of the judicial system and that, as recalled by President Condé, the fight against corruption must go hand in hand with legal reform.\textsuperscript{87} It is in fact to address the poor capacity of the traditional judicial bodies that the Audit Commission recommended the establishment of a special court to deal with economic crimes, similar to the Court for the Suppression of Illegal Enrichment (\textit{Cour de répression de l’enrichissement illicite}, CREI) in Senegal.\textsuperscript{88}

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\footnotesize\textsuperscript{82} The President’s Office, Address by the Head of State, Professor Alpha Condé, on the occasion of the formal installation of the Audit Commission, Wednesday 7 June 2011 (unpublished); see also ‘The Audit Commission is determined to unmask those who plunder the country’s resources’, \textit{Le Matin} (daily newspaper), 8 June 2011.
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\footnotesize\textsuperscript{84} Interview with Aliou Bary, member of the CNT and Director-General of the polling institute Stat View International, Conakry, 23 May 2013; see also Aly Badara Condé, ‘The assassination of Mme Boiro: Is Alpha influencing the course of the investigation?’, \textit{Le Démocrate} (daily newspaper), 19 November 2012.
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\footnotesize\textsuperscript{85} Interview with Jonas Munkamba Diallo, President of the Audit Commission, Barrister Goureissy Sow, Solicitor-General, and François Falcone, Executive Director of the ANLC, Conakry, 22 and 23 May 2013.
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\footnotesize\textsuperscript{86} Interview with Barrister Goureissy Sow, Solicitor-General, 23 May 2013.
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\footnotesize\textsuperscript{87} President’s Office, Address by the Head of State, Professor Alpha Condé, on the occasion of the formal installation of the Audit Commission, Wednesday 7 June 2011 (unpublished).
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\footnotesize\textsuperscript{88} Interview with Jonas Munkamba Diallo, President of the Audit Commission, 22 May 2013.
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D. Weakness of the public procurement system

In Guinea, public procurement is officially under the purview of the Directorate of Public Procurement (*Direction des marchés publics*), an administrative structure under the Ministry of Finance. It lacks independence from the organisational point of view and does not have its own resources. The Directorate of Public Procurement has regional offices in Labé (Moyenne Guinée), Kindia (Basse Guinée), Kankan (Haute-Guinea) and Zérékoré (Guinée Forestière). In reality, these regional offices are not operational because all the major government contracts, including those executed in the regions where the offices are located, are directly processed at the national level.

Public procurement is governed by the Public Procurement Code.\(^89\) This law formally establishes the independence of the National Public Procurement Commission (*Commission nationale de passation des marchés*). The commission organises the invitations to tender for all government contracts. In principle, any expenditure relating to supplies, provision of services, industrial works or contracts of an amount exceeding GNF 100 million is subject to public tender and must comply with the procedures established by the Public Procurement Code.\(^90\) Exceptions to this principle are provided for by law, for example, party-to-party contracting, single tender and restricted consulting. Recourse to these exceptions must nevertheless be justified and supported by strong evidence relating to urgency, reasons of state, and so on.\(^91\)

The National Directorate of Public Procurement is mandated and expected to encourage and organise transparency in public procurement and ensure equity in the process. The members of the commission are appointed for the duration of the evaluation and expected to work in compliance with the procedures. The tasks of issuing invitations to tender, bid opening and contract supervision are sometimes shared by the National Directorate of Public Procurement and the Major Projects Administration and Control Office.

2. The need to reform the public procurement system

The various media statements by the former Minister of Agriculture and President of the RDIG [*Rassemblement pour le Développement Intégré de la Guinée*/Rally for the Integral Development of Guinea], Jean Marc Telliano, since his replacement by his relative Marc Yombouno, have attracted many comments in the media and the cafés. To find a place in the opposition, Mr Telliano did a U-turn and clamoured that he was opposed to the bad governance (for which he was certainly accountable) currently prevailing in the country ... The passage we found most striking is where the former minister defended himself against the accusations of over-invoicing and embezzlement levelled against him during the 2011 agricultural season. He argued that the procurement was carried out by the ACGP [*Administration et contrôle des grands projets*/Major Projects Administration and Control] and not by him, the minister, while acknowledging

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\(^89\) L97 No. 016/AN of 3 June 1997.
\(^90\) Public Procurement Code, Article 4.
\(^91\) Ibid., Article 5.
that it is indeed an inter-ministerial committee that is convened in such a case (including the representative of his department). Jean Marc Telliano cannot convince anybody by arguing that the project owner alone should be allowed to select the contractors (this would open the door to all sorts of abuses) instead of using the current method involving, among others, the project owner, the Directorate of Public Procurement, the Ministry of Planning, the Directorate of Public Investment and the ACGP. With such an inter-ministerial team, one can hope to reduce corruption in the public procurement process. Therefore, even if the procurement process needs to be improved in this country, Mr Telliano’s arguments appear futile, especially on the part of somebody who is supposed to have read the Public Procurement Code (if only because he occupied the post of minister). Our purpose here is to argue in favour of the proper regulation of this sector because practices that have been going on for more than 20 years cannot be eradicated overnight.

Several specialists dreamed of a genuine reform of the public procurement process in Guinea after Alpha’s victory. They expected, inter alia, a review of the Public Procurement Code (to take into account current realities) and the establishment of a Public Procurement Regulatory Authority. Instead, all the government did was to issue a reminder that an invitation for tenders should be organised for all contracts exceeding GNF 100 million (even though over-the-counter contracting is quite common) and to start auditing public contracts (of which a report was published in the press in the first half of this year, 2012). Therefore, the need for these two reforms remains a topical issue and could be justified as follows:

**1 There is a need to update the Public Procurement Code:** Like all the other documents, the Public Procurement Code should be adapted to the changing business environment: compliance with OHADA [Organisation pour l’Harmonisation en Afrique du Droit des Affaires] texts [documents], the difference between FINEX (external financing) and NDB (National Development Budget) contracts, the review of the signature thresholds of prefectures and regions, the minimum time allowed for bid preparation ... To take only the last criterion (time between the publication of the invitation to tender and bid submission), all kinds of tricks are played to distort competition. While the Public Procurement Code provides for a minimum of one month, most invitations (NDB and those emanating from autonomous departments) that are currently published do not apply this rule. One week to ten days maximum is what is generally imposed in the invitation to tender, the purpose being to discourage other bidders and pave the way for the enterprise that has already prepared its bid. This is the new trick used by the administration to engage in quasi over-the-counter contracting. An example is the invitation to tender for the ISAV [Institut supérieur agronomique et vétérinaire Valéry Giscard d’Estaing de Faranah/Agronomical and Veterinary Institute of Valéry Giscard d’Estaing of Faranah] project: the publication date was 3 December and the bid submission deadline was 12 December 2012. Less than ten days to visit the site, evaluate the price and request a guarantee of 2% of the bid amount – this is almost impossible for any serious-minded person. Such is the new trick used to hide the schemes that make it possible to award contracts to a bidder who has already been prepared by the project owner long before [a tender is advertised].

**2 There is a need to establish a Public Procurement Regulatory Authority:** This body will help enhance the transparency of the public procurement processes through capacity building and
training of technical teams, periodic audits (whose findings should be published) and public relations (good communication with stakeholders, external partners, study and exchange trips ...). While trying to copy the best practices of our neighbours, we will be able to draw inspiration from the Senegalese experience in this field, since the establishment of their regulatory authority, the ARMP [Autorité de Régulation des Marchés Publics/Public Procurement Regulatory Authority]. The author of this text has had some personal experience with the small differences between our [two] countries both with respect to the bidding documents and the small details of the bid opening procedures.

**SOURCE:**

The current system has attracted criticism because it does not encourage transparency and open competition between the state’s service providers. A large number of very important state contracts are therefore concluded over the counter. According to the ANLC, in 2011 ‘almost all major contracts were concluded with only one bidder, resulting in over-invoicing, poor quality services and embezzlement’.92

The dysfunctions and opacity of the public procurement system have also been criticised by civil society organisations. For example, after examining the 617 contracts concluded by the state during 2009–2010, with a total value of GNF 13 500 billion, the Guinean Association for Transparency (AGT), discovered that the whole process was marred by:

dysfunctions, non-compliance, abuse and violations of the Public Procurement Code ... for the purpose of illicit enrichment ... [and that] the state almost never allowed open competition between its suppliers in 2009 and 2010: out of the 82 contracts examined which cost the state more than GNF 9 000 billion and all exceeding the ceiling authorised for over-the-counter contracts, only three involved an invitation to tender. A letter from the Minister of Finance even granted an exemption to the Ministry of Defence so that contracts involving less than GNF 1 billion could be signed without any invitation to bid: thus, a ministerial directive violated the law, namely, the Public Procurement Code.93

These reports confirm that apparently nothing has changed since 2002, the year in which a joint assessment mission by the World Bank (WB) and African Development Bank (AfDB) found that the public procurement system in Guinea was suffering from:

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93 AGT, Declaration No. 03/2011 of 15 September 2011 (copy available from the authors).
• the lack of a public procurement procedure that draws its effectiveness from the accountability of its actors and the dynamics of the stakeholders, whose progress would depend on needs and results;
• the dwindling of the resources available to the relevant institutions;
• the existence of an imbalance between the powers of the National Directorate of Public Procurement (Direction Nationale des Marchés Publics, DNMP) and those of the Major Projects Administration and Control Office (Administration et Contrôle des Grands Projets, ACGP);
• the lack of a continuous training system aimed at maintaining a constant supply of qualified staff;
• the absence of means of external control capable of detecting dysfunctions and abuse, and of triggering the sanction mechanisms with the support of a state institution that is respected by all parties involved in public procurement; and
• the fact that the Consultative Committee envisaged in the Public Procurement Code has not been established for the purpose of approving exemptions related to over-the-counter contracts.  

A major reform of the public procurement system was announced in 1997 and was recently speeded up when, in early 2011, the WB and the AfDB financed the drafting of the bills and enabling decrees relating to the reform of the public procurement procedures. The reform is expected to introduce a new system, which is currently in force in all the member states of the West African Economic and Monetary Union (WAEMU), of which Guinea is not a member. Pursuant to this bill, the new system will henceforth separate the three functions that are confused and currently discharged by the Directorate of Public Procurement alone: preparation of the invitations to tender, bid opening and the sanctioning of irregularities. From now on, the verification function will be performed by an independent public procurement regulatory body; the control of the bidding process will be performed by another structure.  

Despite the progress achieved in terms of establishing an appropriate legal and institutional framework, the law on the new public procurement procedures had still not been adopted when this report was being drafted, whereas it had been announced that it would be examined by the Council of Ministers ‘before the end of July 2011.’

E. Actions against corruption recommended by the IMF
In 2012, the International Monetary Fund (IMF) published a report on the implementation of poverty reduction in Guinea. It concluded:

Corruption and similar practices are obstacles to economic development and poverty reduction. Studies undertaken on this burden indicate that businessmen pay GNF 500 billion in bribes per annum and spend a lot

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of time trying to understand the constantly changing rules governing taxation and customs services. In the last four years, the public finances were audited, leading to the recovery of certain amounts. In 2007, 13 purchase contracts amounting to more than GNF 100 million per contract were audited; the findings were published in 2008.

In this effort to enhance transparency in the management of public affairs and the fight against corruption, the Government instituted a quarterly audit system, which is one of the conditions for achieving the HIPC [debt relief under the Highly Indebted Poor Countries initiative] completion point. In that connection, an inter-ministerial Committee for the Recovery of Monies owed to the state was set up. This committee succeeded in recovering an amount of GNF 138 782 271 394 on behalf of the Treasury, tax administration and cooperation. There are also training courses for the staff of the state oversight and audit bodies.

To enhance and maximise these results, the government recommends the following actions:

- Strengthening the institutional framework of the ANBGLC by adopting and enacting the anti-corruption law, which will incorporate into the domestic law the provisions of the UN and AU conventions relating to the fight against corruption;
- Drafting a law establishing the National Anti-Corruption and Good Governance Programme;
- Conducting a study to assess the level of corruption in the country;
- Improving transparency in the management of natural resources as part of the Extractive Industries Transparency Initiative (EITI), the Kimberly process and the Rio Convention, by strengthening the partnership between all the actors concerned (administration, private institutions, civil society, rural populations and decentralised authorities);
- Building the capacities of the complaints office of the ANBGLC and providing for decentralised whistle-blowing centres where people can report cases of corruption and similar practices;
- Continuing to establish regional good governance and anti-corruption branches to strengthen the partnership with civil society as part of the effort to enhance the citizens’ role in controlling local resources and to fight against corruption at the decentralised level;
- Organising a citizen sensitisation and mobilisation campaign against corruption by popularising the conventions and legislative and regulatory documents relating to the fight against corruption, including the content of the state budget and public procurement procedures;
• Pursuing the project to improve the National Framework for Public Procurement (Cadre de passation des marchés publics, CPAR);
• Continuing audits in all the central and decentralised departments; and
• Popularising the African Peer Review Mechanism (APRM) to enable Guinea to adhere to this good governance mechanism.\(^\text{97}\)

## Appendix I: List of interviews

<table>
<thead>
<tr>
<th>Names</th>
<th>Title or affiliation</th>
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<tbody>
<tr>
<td>Aliou Bary</td>
<td>Member of the National Transitional Council and Director-General of Stat View International agency</td>
</tr>
<tr>
<td>Ansoumane Condé</td>
<td>National Director of Public Procurement</td>
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<tr>
<td>Aboubacar Sidiki Coulibaly</td>
<td>Minister of Economic and Financial Control</td>
</tr>
<tr>
<td>Jonas Mukamba Diallo</td>
<td>Chairman, Audit Commission</td>
</tr>
<tr>
<td>Thierno Hassane Diallo</td>
<td>Member, Network of Guinean Journalists Against Corruption</td>
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<tr>
<td>François Falcon</td>
<td>Executive Director, National Anti-Corruption Agency</td>
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<tr>
<td>Lounceny Nabé</td>
<td>Governor, Central Bank of the Republic of Guinea</td>
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<tr>
<td>Latif Haidara</td>
<td>Governance Officer, United Nations Development Programme</td>
</tr>
<tr>
<td>El Hadj Lamine Sanoh</td>
<td>Inspector-General of Finance</td>
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<tr>
<td>Goureissy Sow</td>
<td>Solicitor-General</td>
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Appendix II: Extracts from the 2011 ANLC Activity Report

8. Anti-corruption activities
In a bid to achieve significant results in terms of good governance, several reforms were undertaken by the new authorities in 2011 with a view to correcting the governance lapses of the past decade, especially reforms of the security and defence, justice, administration and finance sectors. To achieve the goals of its mission, the ANLC [National Anti-Corruption Agency/Agence Nationale de Lutte contre la Corruption] prepares an annual work plan together with realistic activities and objectively verifiable indicators upon completion, taking into account the concerns of all the actors concerned with governance (administration, private sector, civil society, media), as well as development partners.

In view of the difficulties encountered, particularly with respect to financing, the ANLC focused during the year on institutional, organisational and operational capacity-building of its central and decentralised structures. The ANLC planned to do the following in 2011:

- Develop the national good governance programme and national anti-corruption strategy.
- Continue the process of approval and adoption by the CNT [National Transitional Council/Conseil National Transitoire] of the anti-corruption bill.
- Pursue the process for the ratification of the UN [United Nations] Convention Against Corruption.
- Design and disseminate teaching aids for prevention, as well as material for sensitisation and communication, on the harmful effects of corruption and similar practices.
- Develop teaching and sensitisation materials on the National Development Budget, the decentralisation code, the mining code, citizen oversight, and organise a series of training courses to build the capacity of the ANLC members posted to the administrative regions to ensure that they are qualified to perform their duties and provide them with the equipment and materials they need. This approach is intended to take into account the participation of new development partners as well as emerging issues related to democratisation and change.
- Celebrate, on 9 December 2011, World Anti-Corruption Day and popularise the UN Convention Against Corruption in Conakry and Kindia.
- Establish partnerships with civil society and the enforcement authorities in charge of drug control, money laundering, and national and transnational organised crime. This is a strong recommendation.

8.1. Activities carried out
In spite of the difficulties related to the political, economic and financial environment in the
country, the following activities were carried out by the ANLC as planned.

The agency established and delivered the remainder of the regional anti-corruption and good governance promotion branches in the administrative regions of Mamou, Faranah and Boké, in order to complete the chain of citizen oversight of the public funds intended for the populations in the local communities.

In addition to these sensitisation activities, the agency organised, with the support of development partners AfDB (African Development Bank), a training workshop in Mamou for the regional branches. This activity was aimed at building the capacities of the regional branches, particularly representatives of the private sector and civil society. Three sets of teaching materials on the documents establishing the powers and organisation of the ANLC and its branches, as well as on citizen oversight techniques, were developed and distributed to the workshop participants.

In addition to these measures, the agency continued to train its new agents. It also focused on the formulation and drafting of the national anti-corruption strategy, similar to all the ECOWAS [Economic Community of West African States] Member States, as well as the finalisation of the bill and the promotion of the ratification of the international legal instruments relating to the fight against corruption.

The anti-corruption strategy recommended included the following actions:

• To continue monitoring the measures to clean up public finances and increase the performance of public resources;
• To help consolidate and enhance the rule of law and political, legal, administrative and local governance;
• To strengthen the actions of civil society and build the capacity of the private sector to create economic growth while improving the transparency of public procurement and ensuring a reduction of delays and procedures; and
• To adopt a realistic approach to the implementation of reform policies and measures relating to the fight against corruption and the promotion of good governance.

With respect to investigations, it received two major cases currently under review, namely, the case of the employees of the Central Bank of Guinea, which was successfully settled, and the case of the employees of the former National Assembly.

Regarding contributions to the national development programme, the ANLC continues to take part in the work on the Poverty Reduction Strategy (PRS), the Extractive Industries Transparency Initiative (EITI), the civil–military dialogue as part of peace consolidation efforts and in the UNDP-UNDAF [United Nations Development Programme – United Nations Development Assistance Framework] programme.

8.2. The National Good Governance Programme and National Anti-Corruption Strategy

With respect to the National Good Governance Programme and National Anti-Corruption Strategy, the agency initiated a project that is in the process of being finalised. Its results will be presented in the second half of 2012.
8.3. The Anti-Corruption Bill
Regarding the anti-corruption bill, which is strongly recommended by the UN and the UNODC [UN Office on Drugs and Crime], the African Union (AU) and ECOWAS, the draft was presented to the authorities for adoption. It is being consolidated and updated in order to take into account emerging issues and concrete realities relating to political and economic developments in a changing environment.

As for the international conventions relating to the fight against corruption, the two international legal instruments of the UN and the AU have now been signed, ratified and promulgated as part of Guinean law. The process of depositing the instruments of ratification with the various secretariats of these institutions is under way and a focal point has been appointed to that end within the Ministry of Foreign Affairs.

8.4. Sensitisation and prevention
Regarding sensitisation and prevention, the agency organised interactive public and private radio programmes on the determinants and negative impacts of corruption on the living conditions of the population and productive private investments, as well as the techniques and strategies for mobilising citizens against the phenomenon (social audit). It also held several conferences and debates at universities and colleges on the evils of corruption, as well as on the education and health system, infrastructure, environment and human rights.

8.5. Contribution and participation in activities to promote good governance and raise moral standards in public life
In this connection, the agency conducted the following activities:

• The finalisation of the establishment of the regional branches in order to complete the chain of public monitoring of corruption in local communities.
• In its capacity as member of the Steering Committee of the EITI, the agency took part in the validation of the preliminary report of the international audit firm, Deloitte, on the payments made by mining companies to the state and local communities.
• It continues to participate in the training courses on the techniques for validating the EITI reports and the communication strategy disseminated by the international NGO Publish What You Pay.
• As rapporteur of the thematic monitoring and evaluation group on the PRS, the agency led the governance part of the drafting of the PRS II interim report and continues to participate in the evaluation of the implementation of this strategy.
• On the international level, the ANLC joined the ECOWAS network of anti-corruption bodies and took part in the launching of the African Peer Review Mechanism (APRM) of Gabon, as well as the training session on the community of good anti-corruption practices organised by the UNDP in Benin.
• With a view to enhancing partnership for an effective coalition against corruption, the ANLC organised a workshop to mobilise actors in charge of fighting against economic and financial crimes at Novotel-Conakry, with the financial support of OSIWA (Open
Society Initiative for West Africa), whose relevant recommendations will be included as action points in its 2012 work plan.

- It celebrated World Anti-Corruption Day together with the Ministry of Economic and Financial Control on 9 December.
- It seized the opportunity of the celebration to publish the decree relating to the ratification of the UN Convention Against Corruption signed by the President of the Republic on 6 December 2011.
- It also launched the toll-free number for whistle-blowers (147) as part of the capacity-building efforts to enhance detection and prosecution as well as to facilitate citizen participation in the fight against corruption.
- It jointly signed a partnership agreement with the special departments in the President’s Office in charge of fighting against drug trafficking and organised crime in order to enhance the investigation chain of corruption.
- Within the framework of the same partnership, the agency was requested by LAREGUE, a sub-regional NGO that conducts research on corruption issues based in Dakar, Senegal, to support the organisation to hold a regional seminar in Conakry on the topic ‘Denouncing and monitoring corruption’ for the media and civil society. Following this workshop, it initiated and encouraged the establishment of a civil society framework for fighting against corruption.

8.6. Activity of the Complaints Office

The complaints office is a structure of the agency that receives and examine complaints and reports on corruption practices from citizens, economic operators, public and private agents and users of the administration. To maximise these results, it launched a toll-free number (147) and an internet site as well as a partnership with the special services in charge of fighting against drug trafficking and organised crime.
Appendix III: Resolution of the Dialogue and Planning Workshop of the Control Bodies of the State

The identified weaknesses can be addressed by the following two categories of proposals: one relating to the general organisation of the administrative control bodies, the other relating to the institutional capacity-building of the control system as a whole.

1. Organisation of the administrative control system: A permanent consultative framework

a. Missions and role

The permanent consultative framework of the administrative control bodies, suggested by the workshop, is under the authority of the Ministry of Economic and Financial Control. It is mandated to do the following:

- Coordinate the activities of the administrative control bodies;
- Prepare an annual and multiannual programme for controlling the administrative organs; and
- Encourage collaboration with the parliamentary and jurisdictional control bodies.

More specifically, its mission is to:

- Bring together the general and specialised skills necessary for the joint implementation of the planned missions;
- Identify realistic control priorities according to the available resources in terms of qualifications and number of inspectors;
- Encourage the transfer of skills from one body to another; and
- Ensure the coherence of the control missions.

The workshop identified four areas of intervention for the permanent consultative framework. They are programming, follow-up of controls, standardisation of procedures and identification of needs.

Programming

- Along the lines of a risk-based approach, develop an annual and multiannual verification programme to be conducted jointly for 40% of human resources;
- According to the priorities, determine the controls to be performed and the means necessary to do so in terms of human resources (manpower, qualifications, and/or recourse to experts);
- Prepare the mission letters at least in outline (content to be standardised);
• Establish the timetable and likely duration of the audit missions;
• Set the deadline for the submission of reports; and
• Appoint a head of mission for each mission – State Inspectorate-General (Inspection générale d’Etat, IGE) or Inspectorate-General of Finance (Inspection générale des finances, IGF).

Follow-up of controls
The follow-up of controls will be performed at quarterly meetings by:
• Submitting reports during the last period; and
• Monitoring the activity and adjusting the programme according to the work progress.

Standardisation of procedures
The standardisation of the procedures will be effected by:
• Developing a code of ethics and professional conduct; and
• Developing manuals of procedure for each category of control bodies.

Needs identification
The needs will be identified according to the verification programmes, manpower and requisite material and financial resources.

b. Organisation
Under the authority of the Ministry of Economic and Financial Control, the permanent consultative framework will include the following:
• Permanent Secretary of Ministry of Economic and Financial Control;
• State Inspector-General;
• Inspector-General of Finance;
• National Director of Financial Control;
• National Director of Economic and Financial Control;
• National Director of Control Regulation; and
• Inspector-General of each government department.

2. Institutional capacity-building: Areas of reform for an effective control system
As a matter of priority, it is necessary to guarantee the control loop by strengthening two institutions: Financial Control (Contrôle Financier) and the Cour des Comptes (Court of Auditors).

a. Financial Control
The decree of 16 March 2011, defining the missions and responsibilities of Financial Control, stipulates in its articles 4 and 5 that the Financial Controller (Contrôleur financier) is subject to disciplinary, civil and criminal liability in the discharge of his mandate. With this in mind, the reform proposals are as follows:
• Ensure the protection of the Financial Controller in discharging his duties;
• Envisage the possibility for the controller to be released from liability and for him to
transfer that liability should the authorising officer or his delegate overrule his refusal to sign;

- Ease the financial control a priori so that it can concentrate on the expenditure to be incurred;
- Remove all the dispensatory procedures for the payment of the expenditure so that all expenditures are included in the chain of computerised expenditures, whether they are controlled a priori or a posteriori; and
- Complete the decentralisation of financial control.

b. The Cour des Comptes

Building the capacity of the Cour des Comptes should begin with the drafting and approval of the founding documents, in accordance with the provisions of the new Constitution. The institution should also be provided with suitable premises to house its departments. The main reforms envisaged are:

- Providing the court with a budget adapted to its mission in order to ensure its independence;
- Dividing the Cour des Comptes into chambers to allow the specialisation of judges;
- Determining the status of the judges of the Cour des Comptes and providing them with a status that guarantees their independence, security of tenure and career prospects, except in the case of misconduct;
- Envisaging the possibility of statutory recruitment from a list of the members of the inspection bodies (because of their technical skills);
- Allowing authorising officers to refer matters directly to the court;
- Creating and sanctioning the offence of favouritism;
- Developing proposals for sanctions against those who violate the budgetary and regulatory rules; and
- Providing for the possibility of sanctions imposed by peers instead of the executive.

c. Parliament: The economic, financial and planning committee

The proposals for reforming parliamentary oversight involve putting in place technical assistance for the Parliament’s different responsibilities and establishing a framework for exchanging experiences with the Parliaments of neighbouring and other countries in order to enhance the skills of members. Further, it is necessary, for public information, to disseminate the conclusions of all economic and financial verifications conducted during the budgetary and legislative session.

d. The administrative control bodies

The current architecture of the administrative control structures will not constitute an obstacle to the proper operation of the control system if the consultative framework is established and maintained. Indeed, each minister needs his internal inspection body and the coexistence of the IGF and the IGE, a higher control body, is not a constraint as long as they all work together in a complementary manner. Consequently, the proposals for a reform geared toward improving the
effectiveness of these structures include reviewing the founding documents, human resource capacity building and putting in place anti-corruption measures.

**Review of founding documents**
Reviewing of the founding documents should make it possible to:

- Address the overlapping of jurisdictions and shared jurisdictions; and
- Withdraw strictly administrative tasks from the purview of the specialised inspection bodies.

Notwithstanding such reviews, it is essential to respect the laws and regulations already in force.

**Human resources**
The issue of staff qualifications came up a number of times during the debates. It emerged that there was a need to organise the control bodies and put in place a code of ethics and professional conduct. The organisation of the control bodies involves the following:

- Establishing an employment framework that specifies a status that guarantees a career, a salary and opportunities in the inspection bodies;
- Recruiting staff by competitive examination, after the short-listing of candidates;
- Limiting recruitment from a category of qualified civil servants on the basis of their additional skills (in the case of such appointments, the opinion of the head of the control body is required, and a negative response shall be published in the Official Gazette);
- Resorting to experts for specific controls;
- In the absence of the recruitment of fresh graduates from specialised schools, preferably recruiting from amongst young and qualified executives in the management cadre;
- Defining moral rules of behaviour for the profession; and
- Drafting code of ethics and professional conduct to avoid conflicts of interest.

**The fight against corruption**
The fight against corruption will be undertaken by a multidisciplinary team, including police officers, gendarmerie, economists, magistrates and specialised inspectors who must undergo adequate training in this field.

3. **Conclusion**
The workshop carried out a realistic and pragmatic diagnosis of the control system in Guinea and proposed a consultative framework for the control bodies. Moreover, it identified the areas of the reform that will help improve economic and financial governance. The implementation of these proposals will lead to the changes necessary to establish a transparent, healthy and effective management of economic resources. The participants in this workshop became aware of the scope and complexity of their mission and resolutely committed themselves to actively support the government’s control policy. Further, the Head of Government, the Prime Minister, the Minister of Economic and Financial Control and the Minister of Economy and Finance
expressed the genuine determination of the government to support the process of strengthening the control bodies.

The technical and financial partners present at this workshop took note of the commitment of the government and the control bodies and pledged their continued support to the programmes of change undertaken by the new authorities in the field of control and the fight against corruption.