



Doing Business in Guinea:

2015 Country Commercial Guide for U.S. Companies

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Chapter 1: Doing Business in Guinea

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Market Overview

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- After Guinea's independence from France in 1958, the country suffered several decades of authoritarian rule and political turmoil following the 2008 coup. In 2010, Guinea made the first major step towards democracy with free and fair presidential elections resulting in the election of Alpha Conde. Since President Conde took office at the end of 2010, the security situation in the country has improved, and Conde and his administration have made significant efforts to rationalize the country's finances and improve the investment climate to encourage foreign companies to return. Guinea took another step towards peace and stability in September 2013 by holding long overdue legislative elections. Although Guinea has made good progress on its path toward democracy and development, Guinea remains a challenging environment to do business. There was a notable slowdown in the mining sector in 2013 due to a fragile social and political environment and although the political situation has improved, the ongoing Ebola epidemic is causing a significant slowdown to the Guinean economy. The upcoming presidential elections, tentatively scheduled for October 2015, have investors wary that political uncertainty and violence may return.
- Customs revenues account for 45 percent of Guinea's fiscal revenues with 98 percent of these revenues collected at the Port of Conakry. Guinea has increasingly looked to foreign investment to stimulate growth and China is now Guinea's largest trading partner representing 14.2% of Guinea's imports. China has dramatically increased its role through numerous investment agreements in the past few years; most notably through the \$526 million Kaleta Dam project and signed \$6 billion alumina/bauxite development project, in addition to Huawei being awarded the \$238 million deal to install 4,000 kilometers of fiber optic cable throughout Guinea. The Kaleta Dam is scheduled to start providing electrical power in June 2015. Guinea ranked as the U.S.'s 136th largest goods trading partner with \$178.5 million in total goods traded (exports plus imports). In 2013, U.S. goods exported to Guinea totaled \$79.5 million and goods imported from Guinea to the United States totaled \$99 million which represented a goods trade deficit of \$19.5 million. In 2012, the U.S. had a trade surplus of \$52 million with Guinea. Bauxite accounts for Guinea's largest mineral export, with Russia and Spain the largest importers of Guinean bauxite. As of 2010, the United States imported \$62.7 million (or 10.5%) of Guinea's total bauxite exports.
- Ebola continues to be a major problem impacting all sectors in Guinea. Guinea was the first country in the region to have a case of Ebola when it was diagnosed

in the Forest Region city of Guekedou in March 2014. International organizations such as Medecins Sans Frontieres (MSF - Doctors without Borders) and the World Health Organization (WHO) were quick to mobilize and the outbreak seemed to be contained. However, Guinea experienced a second wave of Ebola cases in June 2014 that lasted through December, impacted in part from new cases coming from Sierra Leone and Liberia, where Ebola overwhelmed their already fragile health systems. As of June 2015, Guinea has had approximately 3,670 confirmed and suspected cases of Ebola with over 2,400 deaths (approximately 65.3 percent mortality rate) since the outbreak began in early 2014.

- The economic toll of Ebola on the Guinean economy is considerable. The World Bank originally projected growth to be 4.5 percent before the Ebola crisis only to revise the projection downward to 2.4 percent in October and finally to 0.5 percent in December. However, Guinea experienced zero growth for 2014. The main economic impacts of Ebola in Guinea have been in the agriculture and services sectors. Several neighboring countries, including important trading partners Senegal and Cote d'Ivoire, have closed their borders with Guinea, cutting off valuable sales of fruits, vegetables and meat, sales important to Guinea's small farmers. The borders have been officially reopened, but anecdotal reports indicate movement of goods remains weak. Overall, as the epidemic continues, the World Bank estimates flat growth for 2015.
- Improving the business climate for investors is a priority of the current administration. President Conde wants to improve Guinea's global image and realizes that systemic government wide changes are needed to do this. He is committed to making the government more transparent and wants to implement many of the changes seen in the mining sector across other sectors. Although much work remains, the GOG realizes it must improve across the board in order to attract international investments.
- The State Department determined that Guinea did not meet the minimum requirements during its Fiscal Transparency Assessment for fiscal year 2015. Outside of the extractive industry, Guinea must do a better job of making its budget publically available, of providing more detail on revenues and expenditures, and should establish a supreme audit institution to oversee the state budget. A link to the FY2015 report can be found below.
<http://www.state.gov/e/eb/ifd/oma/fiscaltransparency/243692.htm>

Market Challenges

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- Government bureaucracy and pervasive corruption severely hamper economic development in Guinea. As of 2014, the World Bank ranked Guinea 169th out of 189 countries worldwide in its annual "Ease of Doing Business Index". Guinea held the same spot in 2013 and was ranked 178th in 2012. Transparency International's 2014 "Corruption Perception Index" ranked Guinea as 145th of 175 countries and territories listed. This is nine places better than in the 2012 index, but Guinea is still listed as a corrupt country. Guinea is also challenged by

inadequate infrastructure, inefficient bureaucracy, a lack of skilled workers, and political uncertainty.

- In 2014 and 2015, uncertainty concerning the outbreak of Ebola hampered the economy. Fortunately, every outbreak of Ebola has been brought under control and eradicated so there is no reason to believe the same will not happen in Guinea and the region this time. The next uncertainty on the horizon is the outcome of the presidential elections scheduled for October 2015. Many investors are taking a “wait and see” approach to Guinea until Ebola has ended and after the presidential elections. If Ebola is brought under control and the elections proceed with minimal political violence, Guinea could see a flood of investors arrive.
- Guinea lacks the infrastructure capabilities necessary to support advanced commercial activities. Electricity service is irregular throughout the capital city of Conakry, operating an average of six hours per day in some areas. However, the completion of Kaleta Dam and the first 80MW turbine coming online in June 2015 with the other two turbines (240MW total capacity) coming on line later in the summer, the electrical supply to the capital has vastly improved. Furthermore, a U.S. investor is providing a further 50-75MW of electricity from U.S. built Pratt & Whitney turbines beginning in June 2015. Water service in the capital is also intermittent, and largely unsafe for consumption. In the interior of the country, access to electricity and water is largely unavailable. Transportation infrastructure, including roads, railroad, and the port system, is uneven, though the Government of Guinea has targeted infrastructure improvement as a high priority for the coming years. The road network in certain key areas, such as the outskirts of Conakry, between Dabola and Kankan, and Beyla to N'Zerekore, is being upgraded with resources from either international donors or corporate partners in the mining sector. Telecommunication operating costs are high and service is slow and subject to “black outs” due to lack of equipment and a reliance on satellite use for phone and internet connection; although the situation is improving subsequent to Guinea’s connection to an undersea fiber optic cable in 2013. The roll-out is still underway, but the available speeds in Conakry have already increased significantly, though they still greatly lag U.S. speeds.
- Past discontent with the government’s efforts to organize nationwide elections could lead to street protests ahead of the scheduled October 2015 presidential elections. For the most part, protests have been calm and relatively peaceful so far this year. However, in the past these protests have occasionally turned violent with injuries and deaths reported.

Market Opportunities

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- **Rich Natural Resources:** Guinea is a developing country that is richly endowed with natural resources, especially minerals. Guinea possesses over 25 billion metric tons of bauxite, thought to be up to one half of the world’s reserves. In addition, Guinea also has over 4 billion tons of high-grade iron ore, significant gold and diamond reserves, and undetermined amounts of uranium and prospective oil reserves. The majority of these resources have yet to be

extracted due to the lack of in existing infrastructure. There is great potential for companies capable of contributing to Guinea's development of infrastructure including rails, ports, and roads. Owing to Guinea's favorable climate and geography, there is also considerable potential for growth in its agricultural and fishing sectors. Investment opportunities are growing in hydroelectricity projects, as abundant rainfall and waterways have the potential to generate enough electricity to power both Guinea and its surrounding neighbors. Guinea would like to join Power Africa. Further areas of growth include the telecom industry and infrastructure service industry.

- **Stability Promotes Investment:** Since the return of political stability and the inauguration of a democratically elected president in 2010, international investors had been returning to Guinea. New mining projects, a port expansion, hotel construction, and other infrastructure projects attracted new capital and boosted demand for goods and services across multiple sectors. Unfortunately, legal issues with the large-scale mining projects have greatly slowed progress and extended the timetable for development of the Simandou concession. Guinea was poised for an economic rebound in 2014 in the wake of successful legislative election in September 2013 and the seating of the country's first National Assembly in January 2014. However, after Ebola was identified in March 2014 the economy stalled and projected growth of 4.6 percent never materialized and zero growth was achieved. As the Ebola epidemic continues into 2015, growth is projected to remain close to zero. Foreign investors are taking a wait and see approach to the country's efforts to get to zero Ebola cases and the upcoming presidential elections scheduled for October 2015. With an end to Ebola and a successful presidential election, Guinea is poised once again to see strong economic growth and attract foreign investment.
- **Imports on the Rise:** Guinea's import levels are increasing. Total imports rose from \$1 billion in 2009 to \$2.5 billion in 2012 and \$2.6 billion in 2014.
- **American Products Preferred:** Guinean consumers generally prefer products made in the U.S., including services and technology; however, the high cost of U.S. products compared to cheaper imports from the Middle East and Asia inhibits the wide-scale purchase of U.S. goods. Appropriate pricing is important and low cost items will be more successful in Guinea, as the country's GNI per capita was approximately \$500 in 2014.
- **Government Welcoming to Investors:** The government is seeking investment in all sectors of the economy, but economic growth will most likely be led by the Energy and Mining sectors. Other sectors the GOG hopes to attract foreign investors to are Agribusiness; Agriculture, Construction, Building and Heavy Equipment; Education; Finance, and Infrastructure and Communication. Information concerning opportunities is disseminated via tenders listed in the Official Journal (Journal Officiel de la Republique) and in international newspapers when the GOG wishes to solicit international participation. Furthermore, high-level government officials travel to trade shows and international cities throughout the year promoting investment opportunities in

Guinea. GOG officials meet with businessmen throughout the year in Europe, the United States, China and on the African continent.

Market Entry Strategy

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- The technical process of starting a business in Guinea is theoretically straightforward. According to Guinean regulations, the process is centralized at the Agency for the Promotion of Private Investment (APIP), the central business registration office. However, larger investments have recently been initiated directly through the Office of the President. As per the World Bank “Ease of Doing Business Index,” market entry in Guinea is slow, convoluted, variable, and littered with corruption. Although the new government is eager to attract foreign investment and has made efforts to improve the process, Guinea remains a difficult place to invest.
- Successful ventures tend to be those that establish strong relationships with potential local partners. It is strongly encouraged that potential investors visit Guinea and establish these connections. Because of poor communications within the country and with the outside world, and also as a cultural practice, most business deals are conducted in person. The U.S. Embassy’s Economic/Commercial Section can assist potential investors in making these connections and offers Gold Key and International Partners programs.

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Chapter 2: Political and Economic Environment

For background information on the political and economic environment of the country, please click on the link below to the U.S. Department of State Background Notes.

<http://www.state.gov/r/pa/ei/bgn/2824.htm>

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Using an Agent or Distributor

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Entering a successful partnership or representational relationship can be difficult in Guinea. The Guinean judicial system is understaffed, corrupt, lacks transparency, and accounting practices are frequently unreliable. U.S. businesses should exercise extreme caution when entering contract arrangements, and do so with local legal representation. The U.S. Embassy Economic/Commercial Section and Guinea's Agency of Private Investment Promotion (APIP) are good points of contact with the local business community. U.S. Embassy Conakry expects that an International or American Chamber of Commerce will be in place by the end of calendar year 2015

Establishing an Office

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There are six categories of companies recognized by the Code of Economic Activities:

- Joint Stock Companies, either S.A. (minimum capitalization of at least 100 million GNF, approx. \$15,000) or S.A.R.L. (minimum capitalization of 10 million GNF, approx. \$1,500)
- Partnerships
- Non-trading Real Estate Companies
- Professional Services Companies
- Cooperatives

- Special and grouping companies, including joint venture companies, de facto companies, and temporary groupings

Legal incorporation for new investments involves signing by-laws, depositing the start-up capital in a blocked bank account, registering the company in the Register of Economic Activities, and announcing the incorporation in a journal for legal notices. The process is centralized at the Guichet Unique (One-Stop-Shop) in Kaporó, established in December 2011 and operated by the Agency for Private Investment Promotion (APIP), part of the Ministry of Industry and Small and Medium Enterprises.

Fees for individuals total 212,500 GNF (approximately \$32). Total fees for limited liability partnerships are 550,000 GNF (\$80) plus a sliding fee to register the statutes and procès-verbal: 1 percent of capital for companies with a capitalization between 10 and 100 million GNF (\$1,500 to \$15,000), 0.5 percent for companies between 100 million and 500 million GNF (\$15,000 to \$75,000), and 0.25 percent of capital for any amount above 500 million GNF (\$75,000). Corporations pay 650,000 GNF (\$97) plus 0.5 percent of capitalization between 100 million and 1 billion GNF (\$15,000 to \$150,000). Cooperatives register free of charge. The company must submit two photos of the company's director, managing director, or agent, and a copy of his or her identification and visa (if a foreigner), as well as a rental contract for the physical location of the office. Corporations and LLPs must also provide proof of a bank account containing their initial capital to assess the statute registration fee. A branch office can be established through the same procedure at a cost of 700,000 GNF (\$105).

Following registration, to apply for "privileged regime" status and benefit from the provisions of Guinea's investment code, the company will need to address a letter to the Minister of Industry and Small and Medium Enterprises detailing the nature of the company, describing the installation and equipment, projecting anticipated production and revenue for the next three years, and estimating the number of jobs to be created. Large projects entailing new construction may need to submit feasibility studies. The proposal will be reviewed by the National Investment Commission, composed of representatives from APIP, Customs, and the Ministries of Finance, Justice, Taxes, and Tourism.

Although employees at the Guichet Unique seem competent and well-trained, the new registration process still has some kinks to be worked out. Most notably, incoming investors have had difficulty with the rental contract requirement: the Guichet Unique requires a rental contract to establish a business, but most landlords require that the company be established before agreeing to a lease.

Franchising

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Franchise arrangements are rare in Guinea, except for petroleum distributorships with the French gasoline company Total. Currently, the U.S. Embassy is unaware of any franchise arrangements involving U.S. companies in Guinea.

Direct Marketing

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Although the government permits direct marketing, the U.S. Embassy knows of no such companies currently operating in Guinea due to the lack of a reliable postal system or land line telephone network. Demonstration events or product fairs are generally best for high-technology or specifically for products targeting a small market niche in Conakry. Small fairs can be staged in a hotel or public space available in Guinea's larger cities or through agreement with a local partner or government office.

The U.S. Embassy has sponsored business development seminars to introduce Guinean businesses to working in partnership with U.S. companies. The Embassy also helps organize Guinean delegations for U.S. product trade and demonstration events. The Commercial Section helps to facilitate connections between Guinean buyers and producers with appropriate U.S. counterparts.

Joint Ventures/Licensing

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Joint ventures with local Guinean companies follow the same procedures as outlined above in the Establishing an Office Section. Joint ventures with the government are managed by the Office of Public-Private Partnerships. As part of the 2011 Mining Code, the Guinean government is accorded an automatic 15 percent share in all mining projects, with the option to purchase up to an additional 20 percent.

Selling to the Government

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The rules governing sales to the Guinean government vary depending on the amount of investment, source of funds, and nature of material. Donor countries and institutions stipulate the bidding and awarding rules for foreign financed public investment projects. The Guinean Central Procurement Agency (AGCP) handles projects and contracts valued at over one million dollars. The public market handles projects and contracts that are valued under one million dollars.

These projects and contracts generally go to Guinean-based companies and there have been allegations of non-competitive practices. The various ministries and government organizations are responsible for the procurement of their own materials and services (not as part of an investment project); they generally order from local representatives or from foreign sources. In many cases, the government does not meet payment obligations in a timely fashion, so advance payment is strongly recommended.

Distribution and Sales Channels

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Each industry has its own policy and network for sales and distribution. Sales of communication products usually occur through wholesalers who import in bulk for resale to small traders or distributors in the interior of the country. Retailers often directly import luxury consumer goods. Generally, mining, utility, and industrial firms conduct heavy equipment purchases directly through suppliers. Service and customer support should not be expected, and are only possible if negotiated at the time of sale. Guinea features many open-air marketplaces, numerous small shops, and a few medium-sized

grocery stores. A majority of consumer sales are completed within the informal (“black”) market.

Selling Factors/Techniques

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The Guinean population is approximately 85 percent Muslim. Islam plays a major role in shaping the customs and habits of the local business culture. Though Guinean culture is very tolerant of other religions, U.S. businesspeople should be familiar with the basic tenets of Islam to help facilitate their transactions. The country’s official language is French, though many major traders are not fluent, and prefer to use local languages (Peular, Malinké, and Soussou). In addition, the rate of literacy in Guinea is very low, with estimates that only 30 percent of the population is considered to be literate. Few Guineans use English in business discussions and less so outside of Conakry. Friendship and trust are extremely important in Guinean culture. It takes time to build a successful working relationship in Guinea. Effort, patience, and face-to-face contact are required to bring business transactions to fruition.

It is also important to understand the political environment in which Guinea is currently operating. In recent years, financial investment has become more and more centralized around the Office of the President. Processes and decisions directed by the government can be invariable and inconsistent. The new government pledged to address these issues, making discussions and contractual negotiations more transparent and spread out among relevant ministries, but progress toward transparency, although improving, has been slow.

Electronic Commerce

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Although there is limited internet connectivity available in Guinea, it is not yet a viable or feasible method for trade and promotion. Guinea has been connected to the submarine fiber optic cable off the coast since 2013 so as the internet penetration rate increases from less than 4 percent currently, it is expected that electronic commerce will increase in the future as access becomes easier and the costs decrease. The government recently signed a \$238 million fiber optic backbone project that will install 4,000 km of fiber optic cable throughout the country. The project is expected to be completed by 2018. The majority of households and businesses in Guinea has difficulty obtaining electricity and, consequently, do not have internet, although mobile internet access is ramping up quickly, especially through the use of “medium technology” phones capable of simple internet connections. However, the soon to be completed Kaleta Hydropower Dam will provide greater access to electricity in Conakry and the surrounding region. Kaleta’s first 80MW turbine is providing electricity to Conakry and the other two turbines will come online during the summer. Internet cafes do exist in some of the larger cities, but they are expensive for many Guinean consumers.

Guinea is a cash economy. A majority of Guinea’s commerce is informal and transactions are mostly completed with cash. At present, the banking systems cannot support e-commerce nor ensure the reliability or safety of transactions completed with credit or debit cards. Mobile money platforms are being rolled out aggressively by the

mobile phone companies. Most monetary amounts are moved via a money transfer system, such as Western Union or MoneyGram. ATM machines are rare.

Trade Promotion and Advertising

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The Guinean press operates with little official government interference. However, some media outlets occasionally report government harassment or are subject to excessive fines, under the guise of special “licensing costs.” The majority of Guinea’s population is illiterate, so the best and most preferred method for advertising and commercial promotion is through the radio. In 2006, the government liberalized airwave frequencies, and today there are roughly 30 radio stations operating in Guinea, many of which provide substantial air time to advertising products and services. Domestic print media has low circulation and limited readership due to the high cost of printing materials and the high illiteracy rate.

The major newspapers in Guinea include; one daily government publication, one daily independent, eight major weekly independents, and several other independent newspapers that are published intermittently. Advertising in print media is fairly limited, though many newspapers would likely be receptive to advertising revenue. There are no regular English-language publications. The government-run television station, Radio Television Guinee (RTG), is the oldest television broadcaster. There are a few nascent independent TV stations which Guineans generally find to be more credible than the public television station. Most Guineans do not have access to television broadcasts.

Popular private radio stations:

- EspaceFM (96.6)
- NostalgieGuinee (98.2)
- LiberteFM (101.7)
- SabariFM (97.3)
- HorizonFM (103.4)
- SoleilFM (93.5)
- EvasionFM (90.7)
- DjiguiFM (105.7)
- CherieFM (104.1)
- RenaissanceFM (95.9)
- FamiliaFM (105.3)
- GanganFM (101.1)
- Lynx FM (91.00)
- City FM (88.1)
- Planet (106.3)

Selected Publications:

- Horoya (government daily): BP 341, Conakry; Email: horoya2010@yahoo.fr
- La République (independent daily), Telephone: 628 54 69 52, Email: quotidienlarepublique@gmail.com

- Le Lynx (political weekly)/La Lance: BP 4968, Conakry; Email: lelynx@mirinet.net.gn; Website: <http://www.mirinet.net.gn/lynx>
- L'independent/La Democrate: BP 2427, Conakry; Email: indept@mirinet.net.gn
- L'Observateur: BP 1955, Conakry; Email: dembureau@yahoo.fr
- Le Standard: BP 6682, Conakry, Hassan Abraham Kaba; Telephone: +224 601 20 01 01
- Le Diplomate: PB 22 Conakry; Telephone: +224 655 51 51 51; Email: hawasanouci@yahoo.fr
- Le Defi: PB 66 33 Conakry; Telephone: +224 666 45 41 03; Email: jledefi@yahoo.fr
- La Nouvelle: PB 8647; Email: contmoussaiboun@yahoo.fr; Tel: +224 601 26 94 56
- La Croisade: Telephone: +224 601 26 97 73
- Ecovision: PB 36 29 Conakry; Tel: +224 622 48 10 45; Email: kenssa2@yahoo.fr
- Lynx (satirical weekly newspaper)
- Lance (political weekly paper)

Websites:

- www.guineenews.org
- www.africaguinee.com
- www.guineelive.com
- www.lejourguinee.com
- www.mediaguinee.com
- www.guineeconakry.info
- www.conakryinfos.com
- www.guineeinter.com
- www.guineewbinfo.com
- www.aminata.com
- www.kibarou.com
- www.kababachir.com
- www.tamtamguinee.com
- www.guinee55-business.com
- www.factuguinee.com

Pricing

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While U.S. goods are popular in Guinea, the low-income market favors low-cost goods, especially from Asia. For low-cost items, if the difference in cost is not significant, consumers strongly prefer U.S. products. The average mark-up is 25 percent, but can range as high as 100-150 percent. While some American food stuffs are imported by high-end grocers, the mark-up on these products is substantial, limiting the consumer base.

Sales Service and Customer Support are relatively unknown in Guinea, especially due to the informal nature of Guinea's market. The principle of "buyer beware" rules throughout the country.

Protecting Your Intellectual Property in Guinea

Several general principles are important for effective management of intellectual property ("IP") rights in Guinea. First, it is important to have an overall strategy to protect your IP. Second, IP may be protected differently in Guinea than in the United States. Third, rights must be registered and enforced in Guinea under local laws. For example, your U.S. trademark and patent registrations will not protect you in Guinea. There is no such thing as an "international copyright" that will automatically protect an author's writings throughout the entire world. Protection against unauthorized use in a particular country depends, basically, on the national laws of that country. However, most countries do offer copyright protection to foreign works under certain conditions, and these conditions have been greatly simplified by international copyright treaties and conventions.

Granting patents registering are generally is based on a first-to-file [or first-to-invent, depending on the country], first-in-right basis. Similarly, registering trademarks is based on a first-to-file [or first-to-use, depending on the country], first-in-right basis, so you should consider how to obtain patent and trademark protection before introducing your products or services to the Guinean market. It is vital that companies understand that intellectual property is primarily a private right and that the U.S. government cannot enforce rights for private individuals in Guinea. It is the responsibility of the rights' holders to register, protect, and enforce their rights where relevant, retaining their own counsel and advisors. Companies may wish to seek advice from local attorneys or IP consultants who are experts in Guinean law. The U.S. Commercial Service can provide a list of local lawyers upon request

http://photos.state.gov/libraries/guinea/231771/PDFs/legalproviders_001.pdf.

While the U.S. Government stands ready to assist, there is little we can do if the rights holders have not taken these fundamental steps necessary to securing and enforcing their IP in a timely fashion. Moreover, in many countries, rights holders who delay enforcing their rights on a mistaken belief that the USG can provide a political resolution to a legal problem may find that their rights have been eroded or abrogated due to legal doctrines such as statutes of limitations, laches, estoppel, or unreasonable delay in prosecuting a law suit. In no instance should U.S. Government advice be seen as a substitute for the responsibility of a rights holder to promptly pursue its case.

It is always advisable to conduct due diligence on potential partners. A good partner is an important ally in protecting IP rights. Consider carefully, however, whether to permit your partner to register your IP rights on your behalf. Doing so may create a risk that your partner will list itself as the IP owner and fail to transfer the rights should the

partnership end. Keep an eye on your cost structure and reduce the margins (and the incentive) of would-be bad actors. Projects and sales in Guinea require constant attention. Work with legal counsel familiar with Guinean laws to create a solid contract that includes non-compete clauses, and confidentiality/non-disclosure provisions.

It is also recommended that small and medium-size companies understand the importance of working together with trade associations and organizations to support efforts to protect IP and stop counterfeiting. There are a number of these organizations, both Guinea or U.S.-based. These include:

- The U.S. Chamber and local American Chambers of Commerce
- National Association of Manufacturers (NAM)
- International Intellectual Property Alliance (IIPA)
- International Trademark Association (INTA)
- The Coalition Against Counterfeiting and Piracy
- International Anti-Counterfeiting Coalition (IACC)
- Pharmaceutical Research and Manufacturers of America (PhRMA)
- Biotechnology Industry Organization (BIO)

Guinea is a member of the African Intellectual Property Organization (OAPI) comprised of 15 African countries and the World Intellectual Property Organization (WIPO) comprised of 186 members. OAPI is signatory to the Paris Convention for the Protection of Industrial Property, the Bern Convention for the Protection of Literary and Artistic Works, the Patent Cooperation Treaty, the TRIPS agreement, and several other intellectual property treaties. Guinea modified its intellectual property right laws in 2000 to bring them into line with established international standards. There have been no formal complaints filed on behalf of American companies concerning intellectual property rights infringements in Guinea. However, it is not certain that an intellectual property judgment would be enforceable, given the general lack of law enforcement capability. The Property Rights office in Guinea is severely understaffed and underfunded. For additional information about treaty obligations and points of contact at local IP offices, please see WIPO's country profiles at <http://www.wipo.int/directory/en/>.

IP Resources

A wealth of information on protecting IP is freely available to U.S. rights holders. Some excellent resources for companies regarding intellectual property include the following:

- For information about patent, trademark, or copyright issues -- including enforcement issues in the US and other countries -- call the STOP! Hotline: **1-866-999-HALT** or visit www.STOPfakes.gov.
- For more information about registering trademarks and patents (both in the U.S. as well as in foreign countries), contact the U.S. Patent and Trademark Office (USPTO) at: **1-800-786-9199**, or visit <http://www.uspto.gov/>.
- For more information about registering for copyright protection in the United States, contact the U.S. Copyright Office at: **1-202-707-5959**, or visit <http://www.copyright.gov/>.

- For more information about how to evaluate, protect, and enforce intellectual property rights and how these rights may be important for businesses, please visit the “Resources” section of the STOPfakes website at <http://www.stopfakes.gov/resources>.
- For information on obtaining and enforcing intellectual property rights and market-specific IP Toolkits visit: www.stopfakes.gov/businesss-tools/country-ipr-toolkits. The toolkits contain detailed information on protecting and enforcing IP in specific markets and also contain contact information for local IPR offices abroad and U.S. government officials available to assist SMEs.
- The U.S. Department of Commerce has positioned IP attachés in key markets around the world. You can get contact information for the IP attaché who covers Guinea at: [\[INSERT ADDRESS FOR APPROPRIATE IP ATTACHÉ\]](#).

Due Diligence

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The use of a local attorney as a source of consultation and guidance, especially in the case of business disputes, is strongly recommended. The judicial system in Guinea is underdeveloped, underfunded, and there are frequent reports of rampant corruption. The U.S. Embassy’s Consular Section maintains a list of local attorneys, though the list should not be interpreted as an endorsement of any of the attorneys listed. A list of local attorneys is also available from the Ministry of Justice.

There is no existing agency through which U.S. businesses can verify the credit background of counterparts in Guinea before doing business. The U.S. Embassy suggests requesting a letter of credit before commencing business transactions.

Local Professional Services

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A list of local attorneys and physicians is available from the Consular Section of the U.S. Embassy (Email: conconakry@state.gov).

There are several accounting firms present in Guinea, including:

- **Ernst and Young:** Mr. Rene-Marie Kondiano, Country Managing Partner; Tel: +224-621-99-99-10; Email: rene-marie.kadouno@gn.ey.com
- **PriceWaterHouseCoopers:** Mr. Mohamed Lahlou, Director; Tel: 664-00-00-37 Email: Mohamed.lahlou@gn.pwc.com
- **KPMG Audieurs Associes en Afrique:** Mory Cisse, Manager; Jean-Joseph Gomez, auditor; Tel: +224-601-34-48-56; Email: jean-joseph@caramail.com
- **Audit Guinee:** email: auditguinee@yahoo.fr
Alpha Kabine Cisse, Manager; Tel: +224-601-21-62-45; Email: akaudit@yahoo.fr

Please see “Local Professional Services” above for a list of specific web resources.

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Chapter 4: Leading Sectors for U.S. Export and Investment

Commercial Sectors

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- [Petroleum Products](#)
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- [Processed Foods](#)

Agricultural Sectors

- [Agriculture](#)

Machinery and Equipment

Overview

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Unit: USD thousands

	2013	2014	2015 (estimated)	2016 (estimated)
Total Market Size	241,540	175,090	190,000	240,000
Total Local Production	0	0	0	0
Total Exports	0	0	0	0
Total Imports	241,540	175,090	190,000	240,000
Imports from the U.S.	not available	not available		
Exchange Rate: 1 USD	7,000	7,200	7,500	7,300

Total Market Size = (Total Local Production + Total Imports) – (Total Exports)

Data Sources:

Total Local Production: Guinean Customs and Guinean Central Bank.

Total Exports: Guinean Customs and Guinean Central Bank.

Total Imports: Guinean Customs and Guinean Central Bank.

Imports from U.S.: Data not available.

Guinea has little manufacturing capability, so most machinery and equipment must be imported into the country. The decline in 2010 imports from 2009 levels reflected the political situation of Guinea: many mining operations and large government contracts were effectively “on hold” pending presidential elections. While established mining operations resumed normal activities following 2010’s successful presidential elections, uncertainty and political violence in the lead-up to the 2013 legislative elections and the Ebola epidemic effectively stalled the economy. Now that the country is in another presidential election cycle and the Ebola epidemic continues, it is likely that the economy will remain stagnant throughout 2015.

Sub-Sector Best Prospects

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The sector with the best potential is the mining sector. Bauxite, iron ore, gold, and diamond mining projects represent key markets for Guinea. Additionally - and linked to the success of the mining projects development - road and railroad construction is a potentially lucrative market in the future. However, most recently, large road contracts went exclusively to politically well-connected Guinean or Chinese construction firms. One notable exception is Brazil’s OAS, which is repaving and expanding the auto route in Conakry.

Opportunities

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There are several opportunities for exporting machinery and equipment to Guinea, particularly in the mining sector. Several mining companies are in the early exploration

or construction phases of their contracts and will likely look to make substantial investments in machinery and construction equipment in the upcoming years. Additionally, new hotel, office building, and road construction in and around Conakry offer opportunities for machinery and equipment sales.

Web Resources

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- www.guineaalumina.com
- www.alcoa.com
- www.anglogold.com
- www.semafo.com
- www.riotinto.com
- www.alufermining.com
- www.newmont.com

Petroleum Products

Overview

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Unit: USD thousands

	2013	2014	2015 (estimated)	2016 (estimated)
Total Market Size	734,250	778,782	815,000	850,000
Total Local Production	0	0	0	0
Total Exports	0	0	0	0
Total Imports	734,250	778,782	815,000	850,000
Imports from the U.S.	not available	not available		
Exchange Rate: 1 USD	7,000	7,200	7,500	7,300

Total Market Size = (Total Local Production + Total Imports) – (Total Exports)

Data Sources:

Total Local Production: Guinean Customs and Guinean Central Bank.

Total Exports: Guinean Customs and Guinean Central Bank.

Total Imports: Guinean Customs and Guinean Central Bank.

Imports from U.S.: Data not available.

Currently, the Guinean government fixes gasoline at the retail level, subsidizing prices to ease the burden on consumers. Since the start of 2015, due to the decrease in world oil prices the government has reduced the price of gasoline from 10,000 GNF/liter to 9,000 GNF in February 2015 to 8,000 GNF/liter in March. As of June 2015, the price remains at 8,000 GNF/liter for all grades of fuel. The exchange rate as of June 2015 is 7,500 GNF/U.S. dollar.

Storage capacity of petroleum products in Guinea is a problem, with the sole private importer, Guinea Petroleum Company (SGP), having capacity only for an amount equal to about three weeks demand. There is no petroleum refinery in Guinea, meaning that even the slightest interruption in fuel deliveries may provoke fuel shortages. Major consumers include mining companies, retail gasoline stations, and the state-owned electrical utility's diesel generators.

Sub-Sector Best Prospects

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The extent of Guinea's potential oil and gas reserves remains unknown, but promising. U.S.-owned Hyperdynamics conducted oil exploration studies off of Guinea's coast. In February 2012, their first exploratory well uncovered non-commercial quantities of oil. Hyperdynamics sold 40 percent of its Guinean subsidiary to Anglo-Irish oil company, Tullow Oil. As of June 2015, further planned exploratory offshore drilling has not occurred, hampered in part by the Ebola epidemic and the difficulties associated with bringing in specialized subcontractors.

Opportunities[Return to top](#)

The Guinean government is assessing ways to repair its dilapidated energy grid, and may seek new avenues to access petroleum products for its power plant.

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www.hyperdynamics.com

Construction/Semi-Finished Material

Overview

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Unit: USD thousands

	2013	2014	2015 (estimated)	2016 (estimated)
Total Market Size	not available	not available		
Total Local Production	not available	not available		
Total Exports	not available	not available		
Total Imports	93,435	63,557	75,000	100,000
Imports from the U.S.	not available	not available		
Exchange Rate: 1 USD	7000	7200	7500	7300

Total Market Size = (Total Local Production + Total Imports) – (Total Exports)

Data Sources:

Total Local Production: Guinean Customs and Guinean Central Bank.

Total Exports: Guinean Customs and Guinean Central Bank.

Total Imports: Guinean Customs and Guinean Central Bank.

Imports from U.S.: Data not available.

From 2008 to 2010, political instability and the global economic crisis slowed construction considerably. However, the return of international investors to Guinea after 2010's presidential elections sparked a boom in hotel, residential, and office building construction. Construction in the capital of Conakry remains robust even in the midst of the Ebola economic related slowdown of 2014 and 2015. As in most other sectors, most construction material must be imported.

Sub-Sector Best Prospects

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As with much of Guinea's economy, the best prospects for growth revolve around mining company operations. Several mining companies are expected to begin construction on projects and will require a vast amount of infrastructure development to access their concessions.

The Guinea Alumina Corporation's bauxite expansion project in Sangaredi and Kamsar will see in boon in construction projects related to developing the mine site and building new port facilities. Furthermore, UK based Alufer will begin developing its bauxite concession on Cape Verga (near Boffa) toward the end of 2015 and construction of the mine, infrastructure and quay will take approximately 12 months. China Power International (CPI) also has a bauxite concession next to Alufer.

Opportunities

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Mining plays a huge role in the economy and the pending Simandou iron-ore project in southwest Guinea could be a game changer and is projected to double the country's GDP when fully operational. The infrastructure costs (mine, 700 km rail, and port) for Simandou will be \$20 billion and it will be the largest Greenfield mining project in Africa. Guinea's mining sector is well positioned to drive post-Ebola growth through bauxite expansion and infrastructure projects related to Simandou.

Web Resources

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- www.bechtel.com
- www.fluor.com
- www.riotinto.com
- www.alufer.com
- www.guineaalumina.com
- www.anglogoldashanti.com

Renewable Energy & Power Generation

Overview

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Unit: USD thousands

	2013	2014	2015 (estimated)	2016 (estimated)
Total Market Size	not available	not available		
Total Local Production	not available	not available		
Total Exports	0	0	0	0
Total Imports	not available	not available		
Imports from the U.S.	not available	not available		
Exchange Rate: 1 USD	7,000	7,200	7,500	7,300

Total Market Size = (Total Local Production + Total Imports) – (Total Exports)

Data Sources:

Total Local Production: Data not available.

Total Exports: Guinean Customs and Guinean Central Bank.

Total Imports: Data not available.

Imports from U.S.: Data not available.

Guinean authorities do not keep statistics on renewable energy as a discrete sector.

Although Guinea is currently highly reliant on imported petroleum for much of its energy supplies, the Government of Guinea (GOG) has announced a long-term energy strategy focusing more on solar and hydroelectric power as a way to promote environmentally-friendly development and to take advantage of Guinea's abundant water supplies.

Sub-Sector Best Prospects

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Guinea's rivers show great potential for hydroelectric power. In 2012, China International Water and Electric Corporation began construction on a 240 megawatt dam at Kaleta and in June 2015 Kaleta's first 80MW turbine began sending power to the grid. By August 2015, the other two 80MW turbines will be online. The GOG plans to invest in at least several smaller dams in the near future and hopes to secure the financing for the Souapiti Dam, which will be located 10 km upstream from Kaleta and regulate the Konkoure River to ensure that Kaleta can operate at full capacity even during the dry season.

Solar power is also growing in popularity for both corporate and residential use.

Opportunities

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Both mining companies and the government are planning extensive road projects in the coming years, providing opportunities for solar-powered streetlights. In the lead up to the presidential elections in October 2015, the Conde administration has accelerated the installation of solar-powered street lights on major thoroughfares in Conakry through the assistance of Chinese development grants.

Mining facilities, often located far from existing electric grids, may also be interested in establishing hydro- or solar-powered systems to reduce reliance on imported petroleum.

Some advisors in the Conde government see hydroelectricity generation as Guinea's long play rather than mining. Although Guinea is blessed with abundant natural resources, including the world's largest bauxite and world's largest high-grade iron ore reserves as well as diamonds and gold, it is hydro-energy, and to a lesser extent bio mass energy could be the key to Guinea's long-term growth. The country is the source of twelve major West African rivers, including the Senegal, Gambia, and Niger Rivers and has an undeveloped hydro-electric capacity of 6,000 MW. Some believe that Guinea can become a major exporter of electricity to the region and unlike its mining resources, hydro-electricity is a renewable resource that can fuel Guinea's development well into the future. Guineans want more energy and the state wants to supply more.

In April 2015, France's Veolia was chosen for the management contract to turn around the state operated electric company (EDG -Electricité De Guinée). Veolia received a four year contract to turn EDG around and implement a recovery plan for the indebted utility. The utility has neglected infrastructure improvements and been mismanaged for decades. The government hopes that after Veolia's contract period, they can privatize EDG or seek a Public-Private Partnership for the utility. The management of former State Operated Entreprises (SOEs) could be an opportunity for U.S. companies.

U.S. manufacturers such as General Electric, Pratt & Whitney and others could see increased opportunities for sales of power generation turbines in Guinea as the country develops its hydro potential to meet domestic and regional demand.

Web Resources

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- www.daccglobal.com
- www.nationsolar.net

Chemical Goods

Overview

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Unit: USD thousands

	2013	2014	2015 (estimated)	2016 (estimated)
Total Market Size	not available	not available		
Total Local Production	not available	not available		
Total Exports	0	0	0	0
Total Imports	199,894	209,937	218,000	250,000
Imports from the U.S.	not available	not available		
Exchange Rate: 1 USD	7,000	7,200	7,500	7,300

Total Market Size = (Total Local Production + Total Imports) – (Total Exports)

Data Sources:

Total Local Production: Data not available.

Total Exports: Guinean Customs and Guinean Central Bank.

Total Imports: Guinean Customs and Guinean Central Bank.

Imports from U.S.: Data not available.

Guinea is heavily reliant upon cheaper chemical imports, notably medications, which accounts for over \$40 million annually. Fertilizer and pesticide use is small, but is expected to grow as the government places more emphasis on food self-sustainability.

Sub-Sector Best Prospects

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Guinean markets are awash in cheap, mostly counterfeit medicines from Asia and other parts of Africa. High prices and the general poor condition of hospitals in Guinea have led many to seek self-medication for medical problems. There is a high demand for effective and non-counterfeit medicines in Guinea, but businesses will have to take into account the general poverty of much of the population.

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With the rise in food commodity prices and an increased focus on exporting food items, pesticide and fertilizer demand is expected to grow.

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Processed Foods

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Unit: USD thousands

	2013	2014	2015 (estimated)	2016 (estimated)
Total Market Size	not available	not available		
Total Local Production	not available	not available		
Total Exports	not available	not available		
Total Imports	378,000	480,938	530,000	580,000
Imports from the U.S.	not available	not available		
Exchange Rate: 1 USD	7,000	7,200	7,500	7,300

Total Market Size = (Total Local Production + Total Imports) – (Total Exports)

Data Sources:

Total Local Production:

Total Exports: Data not available (minimal exports expected).

Total Imports: Guinean Customs and Guinean Central Bank.

Imports from U.S.: Data not available.

Rice is the largest component of food imports to Guinea, making up almost 40% of all food imports, accounting for over \$80 million annually. The second largest component is wheat flour. Both of these items are staples of the Guinean diet, and domestic production is currently unable to meet demand. While there is some domestic production of rice and wheat, imported products are generally much cheaper, and therefore more popular.

Sub-Sector Best Prospects

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President Conde's government is eager to reinvigorate its agricultural sector, but will still remain heavily reliant upon processed food imports. The poor condition of transportation routes in the interior of the country means that much of the population depends upon processed and easily transported food products. There is no cold chain transportation network in the country and roads are in poor condition so Guinea does not export much of its agricultural output. The domestic transportation networks are also not efficient.

Opportunities

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American processed food brands are well-respected and preferred over Asian imports as being higher-quality and safer to consume. However, they are generally sold as premium products at prices higher than the average Guinean can afford.

Historically, Guinea was the major agricultural producer among the colonies of French West Africa. The sector has subsequently collapsed, making Guinea a net food importer, despite its immense agricultural potential. Agricultural production is, with few exceptions, at the smallholder/subsistence level. However, with increased direct foreign investment in the mining sector, other foreign firms are looking to invest in agricultural projects in Guinea, such as rice production in the northern region of Boké. The government is currently self-funding the construction of a rice irrigation project on the Koundian Plain outside of Kankan. The government hopes to be self-sufficient in the production of rice by 2020.

Guinean producers have little or no access to short-term loans or guaranteed markets, so it is difficult for them to make capital improvements in their farms. Poor or nonexistent infrastructure compounds the problem, as producers have little access to cold storage or good roads. As a result, it is hard to get produce to local markets before it starts to spoil, let alone transport it overseas. Some producers are making the transition to dried foodstuffs, which are easier to transport, but lack the necessary machinery and capability to make this a large-scale operation.

While sophisticated producers are aware of U.S. sanitary and phytosanitary regulations, it is difficult for Guinean producers to meet the regulations at the present time. There is potential for Guinea to export bananas, pineapples, potatoes, mangos, other fruits and vegetables, flowers, and plants if these problems are overcome. These could act as significant investment opportunities for U.S. business.

Leading food product imports include (figures in net kilograms, from 2014):

- Rice (639.5 million)
- Wheat Flour (186.4 million)
- Other Cereals (50.1 million)
- Sugar (161.7 million)
- Cooking Oil (71.5 million)
- Milk products (9.2 million)

Guinea's largest suppliers of rice are Thailand, India, Bangladesh, Vietnam, Pakistan, China, and Taiwan. Flour imports originate largely in France and Morocco. Principal sugar suppliers include Belgium, France, Brazil, and Senegal. Periodically, the government takes measures to protect domestic agricultural production. For example, in 2011 the government banned many agricultural exports, most notably rice, believing that this would hold down domestic prices.

Areas that may offer potential for U.S. exports are rice and wheat, along with livestock feed. For interested U.S. exporters, Guinea is eligible under two USDA export programs: the Dairy Export Incentive Program (DEIP, which is not operational at this time), and the GSM-102 Export Credit Guarantee Program. For further information, please contact the U.S. Department of Agriculture, Foreign Agricultural Service, Credit

Programs Division, 1400 Independence Avenue, SW, Mail Stop 1025, Washington, D.C.
20250-1025.

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Chapter 5: Trade Regulations, Customs and Standards

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- [Prohibited and Restricted Imports](#)
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Import Tariffs

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Guinea has a flat import tax rate of 33 percent on most imports. However, some “privileged regimes” (see Chapter 3: Establishing an Office), public institutions, and donor organizations can receive exemptions. Privileged regimes have an exemption on import duties for machinery and equipment for use on investment projects and a six percent duty on raw materials. Basic food and agricultural products are taxed at one to two percent, and some items (certain medicines, for example) are tax exempt. A surtax is imposed on luxury items, such as vehicles, alcohol, tobacco, and most other consumer items. The surtax varies from 20 to 70 percent. The surtax is between 20 and 30 percent for vehicles.

Four import rates exist in Guinea. The import rate is called (DFI: Droit Fiscal d’Importation). The rates vary from zero to 20 percent.

- Zero percent for health, education and information related items
- 5 percent rate for staple food, raw material and property and equipment.
- 10 percent for semi-finished products and industrial inputs
- 20 percent for luxury goods

Rice, wheat, cooking oil and wheat flour are exonerated from VAT.

Trade Barriers

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There is a value-added tax (VAT) on all taxable items at a uniform rate of 18 percent. While not a typical “barrier,” many businesses have complained of competitors with political connections receiving favorable tax exemptions, in effect creating an unfair barrier for their operations. Business executives have also complained that congestion in the port of Conakry and new internal GOG procedures intended to fight corruption have resulted in delays of a month or more between the time a container arrives at

Conakry and the release of its contents to the importer. The importation of staple foods such as rice, sugar, cooking oil, and flour across Guinea's land borders is prohibited.

Import Requirements and Documentation

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The government requires importers to obtain formal import authorization (Demande Descriptive d'Importation – DDI) from the Ministry of Commerce if importing quantities exceeding 12 million GnF (\$2000).

U.S. Export Controls

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The government requires exporters to obtain formal export authorization (Demande Descriptive d'Exportation – DDE) from a commercial bank and to present a certificate of Guinean origin to the Office of Foreign Commerce. According to the government, with the exception of some agricultural goods, gold, and diamonds, exporters are not taxed.

A list that consolidates eleven export screening lists of the Departments of Commerce, State and the Treasury into a single search as an aid to industry in conducting electronic screens of potential parties to regulated transactions is available here:

<http://developer.trade.gov/consolidated-screening-list.html>.

Temporary Entry

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Temporary exemptions from import duties are accorded to those importers fulfilling government contracts. At the end of the contract period, or after three years, items must be exported or the company and the government agree on a fixed rate total tax (which is less than paying each of the different duties separately). A fee of 0.25 percent of the value of merchandise will be levied on goods in transit through Guinea to support a national insurance fund as part of the Economic Community of West African States (ECOWAS) road transit agreement.

Labeling and Marking Requirements

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There are no labeling or marking requirements for exports or imports.

Prohibited and Restricted Imports

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Prohibited items include narcotics, military equipment, and firearms.

Customs Regulations and Contact Information

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Corruption remains a major factor in clearing products through customs. After customs declaration and prior to clearance, importers must verify the value of goods imported. Following valuation, Customs issues a bill for duties owed, which must be paid directly to

the Central Bank or to a local commercial bank. With the bank receipt, merchandise can be cleared through customs. A variety of local shipping agents are available to assist in this process and with warehousing of incoming goods.
<http://www.douanesguinee.gov.gn/f>

Standards

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Product and service quality standards are neither applied nor enforced in Guinea. Occasionally, investigations will be launched at the request of law enforcement in cases of suspected poisoning. Importers, however, may request that specific international product requirements or standards be applied to Guinea's products.

Standards Organizations

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The Guinean Institute for Standardization and Meteorology is in charge of drafting standards and/or adopting Guinean standards to international standards.

NIST Notify U.S. Service

Member countries of the World Trade Organization (WTO) are required under the Agreement on Technical Barriers to Trade (TBT Agreement) to report to the WTO all proposed technical regulations that could affect trade with other Member countries. **Notify U.S.** is a free, web-based e-mail subscription service that offers an opportunity to review and comment on proposed foreign technical regulations that can affect your access to international markets. Register online at Internet URL:
<http://www.nist.gov/notifyus/>

Conformity Assessment

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The National Bureau for the Control of Quality and Norms is charged with inspecting quality standards and ensuring quality control.

Product Certification

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The National Bureau for the Control of Quality and Norms issues certification, attesting to product conformity.

Accreditation

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The Guinean Institute for Standardization is a member of the International Organization for Standardization. It also collaborates with the French Standardization Organization, *Association Française de Normalisation* (AFNOR).

Publication of Technical Regulations

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The Guinean Institute for Standardization annually publishes both local and international regulations. There is also an “information center” at the Institute, with copies of the technical regulations available.

Labeling and Marking

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Guinea does not have a common labeling and marking scheme.

Contacts

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Mr. Yacouba Sylla, Deputy Director of the Guinean Institute for Standardization
Tel: +224 628 36 46 84 / 601 28 22 69
Email: Yacousyl01@yahoo.fr

Trade Agreements

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Guinea has no free trade or export processing zones or warehouses, but a temporary license to conduct free trade transactions can be obtained with special permission from the Ministry of Finance. Guinea is a member of the Mano River Union, which includes standardized customs tariffs between Guinea, Sierra Leone, and Liberia. Guinea is also a member of the Economic Community of West African States (ECOWAS), which includes fifteen countries: Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, The Gambia, Ghana, Guinea Bissau, Guinea, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone, and Togo. ECOWAS is in the process of developing a customs union among its members, allowing for the free flow of goods and services between member nations.

Countries with bilateral investment protections agreements with the Guinean government include Belgium, Benin, China, France, The Gambia, Germany, Great Britain, Iran, Italy, Japan, Morocco, Nigeria, Saudi Arabia, Senegal, South Africa, South Korea, Switzerland, and Tunisia. The United States and Guinea signed an agreement on private investment guarantees through the Overseas Private Investment Corporation (OPIC) in 1992.

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Chapter 6: Investment Climate

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Openness to Foreign Investment

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The Government of Guinea (GOG) is proactively seeking Foreign Direct Investment (FDI) and realizes that the country needs foreign participation in its economy. The technical process of starting a business has been streamlined and is relatively straightforward. In 2011, the GOG centralized the process through the creation of the Agency for the Promotion of Private Investment (APIP) (<http://www.apiguinee.org>), which is a one stop shop that falls under the Office of the President. Post works with APIP often and has found them to be a reliable source of information that is committed to assisting foreign businesses with entering the Guinean market.

The government very much needs foreign development to speed Guinea's economic development. The GOG wants to diversify FDI as they realize they do not want to rely on China for most of its large projects. The GOG wants more western participation in its economy and is hopeful that more American companies will seek investment opportunities in Guinea.

There are no laws that discriminate against foreign investors. Foreign ownership of up to 100 percent is permitted in commercial, industrial, mining, agricultural and service sectors. However, majority foreign ownership in the communication sector, such as radio, television and print media are not permitted. The Investment Code of 1987 (revised in 1992) guarantees the right of all individuals (both Guinean and foreign) to

undertake any economic activity in accordance with current laws and regulations. The Investment Code authorizes private investment of all types: foreign private, mixed foreign and local, and mixed public and private. The Investment Code provides penalties for enterprises that fail to meet their obligations and commitments. In the code, the GOG provides a guarantee that it will not, except for reasons of public interest, take any measure to expropriate or nationalize foreign or locally held assets or businesses. The GOG is in the process of drafting a new Investment Code that it hopes will be presented to the National Assembly for ratification sometime in 2015. However, a draft is not available at and sources tell Post that the main changes are in the tax schedules related to investments.

Guinea's Mining Code commits the country to increasing transparency in the mining sector. In the code, the GOG commits to award mining contracts by competitive tender and to publish all past, current, and future mining contracts for public scrutiny. Members of mining sector governing bodies and employees of the Ministry of Mines are prohibited from owning shares in mining companies active in Guinea or their subcontractors. Each mining company must sign a code of good conduct and develop and implement a corruption monitoring plan. Guinea has already implemented a portion of its cutting-edge transparency approach through the creation of a public database of its mining contracts designed by the Natural Resource Governance Institute, formerly known as the Revenue Watch Institute (<http://www.contratsminiersguinee.org>).

President Condé committed Guinea to full membership in the Extractive Industries Transparency Initiative (EITI), which seeks to deepen transparency for oil, gas and mining industries in developing countries. In July 2014, Guinea was named compliant by the EITI board.

Improving the business climate for investors is a priority of the current administration. President Conde wants to improve Guinea's global image and realizes that systemic government wide changes are needed to do this. He is committed to making the government more transparent and wants to implement many of the changes seen in the mining sector across other sectors. Although much work remains, the GOG realizes it must improve across the board in order to attract international investments.

Foreign Direct Investment is regulated by the Investment Code of 1987 (Ordonance No. 001/PRG/87), which was updated in 1995. The code is not restrictive and investments can be financed by foreign exchange or by capital goods. A new Investment Code is in the process of being drafted, but has yet to be completed nor put forth to the National Assembly for ratification. Ratification is scheduled to occur in 2015, but since the government is still coping with the effects of Ebola and it is a presidential election year, a vote could be postponed.

Guinea's Investment Code does not provide a specific definition of foreign direct investment (FDI). The code rather defines "investment of foreign capital" in three forms: 1) as the contribution to any business duly established in Guinea of foreign currency or new capital goods acquired abroad, in return for the granting of company stock or shares, such stock or shares entitling the contributor to an interest in the profits and proceeds of liquidating the business, provided the value of any contribution other than a foreign currency contribution has been determined by independent certified public accountants; 2) the reinvestment of earnings from the business that could have been transferred abroad; and 3) the purchase of existing businesses or the acquisition of

holdings in such businesses through a contribution of foreign currency. The GOG states it will let the legal system deal with domestic cases involving foreign investors. The legal system is weak and in the midst of much needed reforms. Although the constitution and law provide for an independent judiciary, the judicial system lacked independence and was underfunded, inefficient, and overtly corrupt. Budget shortfalls, a shortage of qualified lawyers and magistrates, an outdated and restrictive penal code, nepotism, and ethnic bias limited the judiciary's effectiveness. Judges are poorly trained and corruption plays a factor in many court proceedings.

The Agency for the Promotion of Private Investment (APIP) has the only site that lists information related to laws, rules, procedures and registration requirements for foreign investors (<http://www.apiguinee.org>). APIP is run by a largely bilingual (English and French) staff and is designed to be a one-stop-shop for investors. The website is only in French and includes the mining and investment codes.

According to the GOG, there is no specific screening of FDI. However, the National Investment Commission does have a role in reviewing requests for approval, and for monitoring companies' efforts to comply with investment obligations. This commission is headed by the Minister for Planning and Statistics, who also holds the secretariat. The composition of the commission and its conditions and method of operation are set out in its founding decree. Approval of investments is granted based upon a request to the Secretary of the National Investment Commission. This request must specify the preferential tax plan where approval is sought, and establish the reasons to support receiving a specified tax treatment. The GOG grants approved companies, particularly industrial firms, the use of the land necessary for their plant, for duration and according to conditions set out in the terms of approval. The land and subsequent buildings belong to the State, but can also be rented by or transferred to another firm only with GOG approval.

In addition to respecting the legal and regulatory requirements governing their activities and the conditions and obligations set out in their tax approval, registered companies are bound by the following obligations for the duration of their eligibility for a preferential tax plan: 1. strict adherence to the investment and activity schedule. Any modification to the investment program must be authorized in advance by the National Investment Commission; 2. Adherence to national and international quality standards applicable to the types of goods and services provided and 3. Keeping accounts in accordance with Guinean accounting standards, and submitting accounts to an annual audit by a Guinean approved auditor.

The Agency for the Promotion of Private Investment (APIP) serves as a one-stop shop for investors entering the Guinean market. APIP's bilingual staff has received praise from foreign investors for its work in navigating the complexities of FDI in Guinea.

Conversion and Transfer Policies

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Although there have been no recent changes to remittance policies, it is difficult to obtain foreign exchange in Guinea's economy. Guinea has experienced significantly weakened liquidity levels over the last several years due to government mismanagement, populist policies, corruption, a decrease in mining revenue due to political unrest, and dwindling foreign aid levels. Further, liquidity levels of commercial banks are affected by tight

reserve requirements (22% of deposits) that are in line with IMF performance criteria.

Guinea's economy went through a difficult period in 2013, reflecting the fragile socio-political situation and a sharp slowdown in investment in the mining sector and again in 2014 due to a stalled economy resulting from the impact of the Ebola epidemic. As a result, growth has slowed from projected growth of 4.5 percent in 2014 to a realized growth close to zero for the year. The economic impact of Ebola has carried over into 2015 and without an end to the epidemic; growth will remain flat for most of the year. According to the IMF, uncertainty clouds Guinea's medium-term outlook, but if Ebola is eradicated in the first half of 2015, this year should see a broad-based recovery in activity and a GDP growth rebound in 2016. However, persistent Ebola outbreaks beyond 2015 and a continued fall in commodity prices could reduce investor interest in developing Guinea's large mining potential in addition to not investing in other sectors.

Prospective growth and investment could also be adversely affected by continued delays in structural reforms, caused mainly by Ebola-related diversion of administrative resources and delays in planned external technical assistance. In addition, renewed sociopolitical tensions and political uncertainty could arise ahead of presidential elections scheduled for October 2015.

There are no limits on the conversion of U.S. dollars to Guinean francs (GNF). Post knows of no issues related to currency conversion and does not see any issues with convertibility risks going forward. The official exchange rate is relatively stable at approximately 7,400 GNF/USD (as of June 2015). A weakened economy largely resulting from the ongoing Ebola epidemic has seen the GNF depreciate from an average of 7,000 GNF/USD in 2014. There is practically no difference between the official exchange rate and the rate in the parallel black market. The exchange rate is managed by the Guinean Central Bank (BCRG) and fluctuates.

Expropriation and Compensation

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Guinea's Investment Code states that the GOG will not, except for reasons of public interest, take any steps to expropriate or nationalize investments made by individuals and companies. It also promises fair compensation for expropriated property.

In 2011, the GOG claimed full ownership of several industrial facilities it had previously held partial shares in as part of joint ventures—including a canned food factory and processing plants for peanuts, tea, mangoes, and tobacco—with no compensation for the private sector partner. Each of these facilities had been founded as a state-owned enterprise and languished following privatization under corrupt circumstances in the late 1980s and early 1990s. According to GOG representatives, a joint committee composed of representatives from the Ministry of Industry and the Ministry of the Economy and Finance is preparing dossiers on each facility in order to solicit bids by public auction; the GOG plans to maintain a 20 to 30 percent share in each business. By expropriating these businesses from their owners, whom the GOG deemed to be corrupt and/or ineffective, and putting them to public auction the GOG hopes to correct past mistakes and put the assets in more productive hands. The private partner in at least one of these joint ventures has protested the seizure of its assets and has been battling the GOG decision in court. As of 2015, there has been no resolution of the case. GOG representatives have said that this expropriation applies only to former state-owned firms, fully-owned private businesses and other joint ventures with the GOG will not be

affected.

In 2008, days before his death, Guinea's then dictator, Lansana Conte, signed over the rights to mine Blocks 1 and 2 of Simandou North, which Rio Tinto then owned, to Israeli businessman Benny Steinmetz for \$160 million. Benny Stienmetz and his Benny Steinmetz Resource Group (BSRG) soon sold a 51 percent stake in Simandou North to Brazilian mining company Vale for \$2.5 billion. Simandou is the site of one of the world's largest high-quality iron ore deposits. In 2012, the GOG suspended the BSGR-Vale joint venture of the concession as it investigated claims the blocks were acquired via corrupt means. In April 2014, the GOG concluded its investigation and determined that BSGR did engage in bribery and the joint venture was officially stripped of their concession. Vale was not found to have been involved in any corrupt activities, but was out the initial \$500 million payment it made to BSGR. BSGR has begun arbitration proceedings against the GOG; Vale is suing BSRG; and Rio Tinto is suing BSRG and Vale, accusing them of conspiring to steal its concession rights. Rio Tinto still has the rights to Simandou South (Blocks 3 and 4). In February 2015, the GOG Minister of Mines, Kerfalla Yansane, announced that Simandou Blocks 1 and 2 would be put up for auction. He stated "there is no link between the arbitration and the auction. These assets belong to the government." Minister Yansane said that an auction could take place in 2015.

The government realizes that expropriation carry substantial risk and is not beneficial to the future economic development of the country. The investment climate is in general welcoming to foreign and American firms and the government is working to reduce corruption and increase transparency. The current government is aware of the legacy of its previous international image and does not want to risk losing possible foreign investment in the economy. However, the government remains prone to making hasty, ill-considered decisions to impose onerous new licensing provisions that approach confiscatory levels without adequate consultation or comment periods.

Dispute Settlement

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The country's legal system is largely based upon French civil law. However, the Guinean judicial system is reported to be understaffed, corrupt, lacking in transparency and accounting practices are frequently unreliable. U.S. businesses should exercise extreme caution when negotiating contract arrangements, and do so with proper local legal representation. Although the constitution and law provide for an independent judiciary, the judicial system lacks independence and is underfunded, inefficient, and corrupt. Budget shortfalls, a shortage of qualified lawyers and magistrates, an outdated and restrictive penal code, nepotism, and ethnic bias limited the judiciary's effectiveness. President Conde's administration has called for judicial reform.

Bankruptcy: Guinea, as member country of the Organization for the Harmonization of Business Law in Africa (OHADA), has the same bankruptcy laws as most West African francophone countries. The OHADA's Uniform Act enforces collective proceedings for writing off debts and defines bankruptcy from articles 227 to 233. The Uniform Act also distinguishes from fraudulent from non-fraudulent bankruptcies. There is no distinction between foreign and domestic investors. There only is a "privilege" ranking that defines which claims must be first from the company's asset. Articles 180 to 190 of the OHADA's Uniform Act on the organization of securities spells out which creditors are entitled to priority compensation. Bankruptcy is only criminalized when it occurs due to fraudulent actions. Bankruptcy is penalized though OHADA which leaves criminal penalties to

national authorities.

Guinea ranked 169 out of 189 economies in the World Bank's 2015 Doing Business Report. This represented the same rank Guinea held in 2014. In the reports ranking for ease of resolving insolvency, Guinea ranked 119, which was four places worse than in 2014. According to the report, resolving insolvency takes an average of 3.8 years and costs 8.0 percent of the debtor's estate, with the most likely outcome being that the company will be sold as piecemeal sale. The average recovery rate is 17.6 cents on the dollar.

Investment Disputes: The Investment Code states that competent Guinean judicial authorities shall settle disputes resulting from interpretation of the Code in the accordance with laws and regulations. In practice, however, fair settlements may be difficult. The current Guinean constitution mandates an independent judiciary, although many business owners and high level government officials frequently claim that poorly trained magistrates, high levels of corruption, and nepotism plague the administration of justice. Guinea established an arbitration court in 1999, independent of the Ministry of Justice, to settle business disputes in a less costly and more expedient manner. The Arbitration Court is based upon the French system in which arbitrators are selected from among the Guinean business sector, rather than from among lawyers or judges, and are supervised by the Chamber of Commerce. All parties must be in agreement to have their case settled in the arbitration court. In general, Guinea's arbitration court has a better reputation than the judicial court system for settling business disputes.

International Arbitration: In 1993, Guinea became a member of the Organisation pour l'Harmonisation du Droit des Affaires en Afrique (Organization for the Harmonization of Commercial Law in Africa), known by its French initials, OHADA, which allows investors to appeal legal decisions on commercial and financial matters to a regional body based in Abidjan. The organization also seeks to create harmonization of commercial law, debt collection, bankruptcy, and secured transactions throughout the OHADA region. The treaty superseded the Code of Economic Activities and other national commercial laws when it was ratified in 2000, though many of the substantive changes to Guinean law have yet to be implemented. U.S. companies seeking to do business in Guinea should be aware that under OHADA, managers may be individually liable for corporate wrongdoing. See the OHADA website for specific OHADA rules and regulations (<http://www.ohada.com>).

Guinea is a member of the International Center for the Settlement of Investment Disputes (ICSID), an autonomous international institution established under the Convention on the Settlement of Investment Disputes between States and Nationals of other States with over one hundred and forty member states (<https://icsid.worldbank.org/ICSID/Index/jsp>).

Guinea is also a member of the New York Convention which applies to the recognition and enforcement of foreign arbitral awards and the referral by a court to arbitration (<http://www.newyorkconvention.org>).

Duration of Dispute Resolution: Despite the rights to dispute settlement set forth in Guinean law, business executives complain of the glacial pace of Guinean justice in business disputes. Most legal cases take many years and numerous legal fees to resolve. In speaking with local business leaders, the general sentiment is that any

resolution occurring within 3-5 years would be considered relatively fast.

In many cases, the GOG does not meet payment obligations to private suppliers of goods and services, either foreign or Guinean, in a timely fashion. Arrears to the private sector are a major issue that is often ignored. The GOG is currently looking for ways to finance past arrears to the private sector -- possibly through issuing a public debt instrument. There is no independent enforcement mechanism for collecting debts from the government, although some contracts have international arbitration clauses. The government, while bound by law to honor judgments made by the arbitration court, often actively influences the decision itself.

Business executives, Guinean and foreign, have publicly expressed concern over the absence of rule of law in the country. In 2014, foreign managers of a telecommunications company were harassed by high-ranking members of the military for not renewing a contract. Some businesses have been subject to sporadic harassment and "requests" for donations from military and police personnel.

Performance Requirements and Incentives

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The GOG does not maintain any measures that are inconsistent with the WTO Trade Related Investment Measures (TRIMs) requirements. The Investment Code provides tax advantages for certain priority investments. The government's priority investments are: promotion of small and medium-sized Guinean businesses, development of non-traditional exports, processing of local natural resources and local raw materials, and establishment of activities in less economically developed regions. Priority activities include agricultural promotion, especially of food, and rural development; commercial farming involving processing and packaging; livestock, especially when coupled with veterinary services; fisheries; fertilizer production, chemical or mechanical preparation and processing industries for vegetable, animal, or mineral products; health and education businesses; tourism facilities and hotel operations; real estate development with social benefit; and investment banks or any credit institutions settled outside specified population centers.

Under the 2011 Mining Code, amended in April 2013 to reduce taxes and royalties, mining companies are required to hire Guinean citizens as a certain percentage of their staff, to have a Guinean country director eventually, and to award a certain percentage of contracts to Guinean owned firms; the percentage varies based on employment category and the chronological phase of the project. The mining code requires that 20 percent of senior managers be Guinean; however, the code does not define what constitutes senior management. The Code also aims to liberalize mining development and secure investment. In 2013, the Code created a Mining Promotion and Development Center, a one-stop shop to simplify the administrative process for investors. Post is not aware of non-mining sectors having performance requirements, but that is likely to change as the Guinean economy becomes more developed.

Right to Private Ownership and Establishment

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There is a right to private ownership of property in Guinea. The government's regulations provide for a complex set of tax and duty exemptions and rebates in order to encourage private investment.

Protection of Property Rights

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Real Property: The Land Tenure Code of 1996 provides a legal base for documentation of property ownership. As with ownership of business enterprises, both foreign and national individuals have the right to own property. However, enforcement of these rights depends upon a corrupt and inefficient Guinean legal and administrative system. Furthermore, land sales and business contracts generally lacked transparency.

According to the 2014 World Bank's Doing Business Report, Guinea ranks 122 out of 189 countries for the ease of "registering property."
<http://www.doingbusiness.org/data/exploreeconomies/guinea/>

Intellectual Property Rights: Guinea is a member of the African Intellectual Property Organization (OAPI) comprised of 15 African countries and the World Intellectual Property Organization (WIPO) comprised of 186 members. OAPI is signatory to the Paris Convention for the Protection of Industrial Property, the Bern Convention for the Protection of Literary and Artistic Works, the Patent Cooperation Treaty, the TRIPS agreement, and several other intellectual property treaties. Guinea modified its intellectual property right laws in 2000 to bring them into line with established international standards. There have been no formal complaints filed on behalf of American companies concerning intellectual property rights infringements in Guinea. However, it is not certain that an intellectual property judgment would be enforceable, given the general lack of law enforcement capability. The Property Rights office in Guinea is severely understaffed and underfunded. For additional information about treaty obligations and points of contact at local IP offices, please see WIPO's country profiles at <http://www.wipo.int/directory/en/>.

Transparency of Regulatory System

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Guinea's amended Mining Code commits the country to increasing transparency in the mining sector. In the code, the GOG commits to award mining contracts by competitive tender and to publish all past, current, and future mining contracts for public scrutiny. Members of mining sector governing bodies and employees of the Ministry of Mines are prohibited from owning shares in mining companies active in Guinea or their subcontractors. Each mining company must sign a code of good conduct and develop and implement a corruption monitoring plan. Guinea has already implemented a portion of its cutting-edge transparency approach through the creation of a public database of its mining contracts designed by the Natural Resource Governance Institute (formerly known as Revenue Watch) - <http://www.contratsminiersguinee.org/>).

The Extractive Industries Transparency Initiative (EITI) ensures more transparency in how Guinea's natural resources are governed, and full disclosure of government revenues from its extractive sector. The EITI Standard aims to provide a global set of conditions that ensures more transparency in the management of a country's oil, gas

and mineral resources. EITI reiterates the need to augment support for countries and governments that are making genuine efforts to address corruption but lack the capacity and systems necessary to effectively manage the business, revenues and royalties derived from extractive industries.

Guinea was accepted as EITI Compliant for the first time by the international EITI Board at its meeting in Mexico City on July 2, 2014. As a country implementing the EITI, Guinea regularly discloses the government's revenues from natural resources. The EITI steering committee highlighted the commitment of Guinea to submit 2011 and 2012 reports before their mandated deadlines of December 2013. Going forward as an EITI compliant country now requires Guinea to adhere to more stringent standards. Guinea's first EITI report under the new standard is due on December 31, 2015. The country is working to meet these more demanding requirements.

While Guinea's laws promote free enterprise and competition, the government often lacks transparency in the application of the law. Business owners openly assert that application procedures are sufficiently opaque to allow for corruption, and regulatory activity is often applied based on personal interest.

Efficient Capital Markets and Portfolio Investment

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Commercial credit for private and public enterprise is difficult and expensive to obtain in Guinea. The GOG passed a Build, Operate, and Transfer (BOT) convention law in 1998, which provides rules and guidelines for BOT and related infrastructure development projects. The law lays out the obligations and responsibilities of the government and investors and stipulates the guarantees provided by the government for such projects.

The Investment Code allows transfers of income derived from investment in Guinea, the proceeds of liquidating this investment, and the compensation paid in the event of nationalization to any country in convertible currency. The legal and regulatory procedures, while based on French civil law in theory, are not always applied uniformly or transparently.

Individuals or legal entities making foreign investments in Guinea are guaranteed the freedom to transfer the original foreign capital, profits resulting from investment, capital gains on disposal of investment, and fair compensation paid in the case of nationalization or expropriation of the investment, to any country of their choice. The Guinean Franc uses a managed floating exchange rate. The few commercial banks in Guinea are dependent on the Central Bank for foreign exchange liquidity, making large transfers of foreign currency difficult.

Laws governing takeovers, mergers, acquisitions, and cross-shareholding are limited to rules for documenting financial transactions and filing any change of status documents with the economic register. There are no laws or regulations that specifically authorize private firms to adopt articles of incorporation that limit or prohibit investment.

Guinea's financial system is small and dominated by the banking sector. It comprises 14 banks with 70 branches across the country, six deposit taking microfinance institutions with almost 130 branches, six insurance firms, three money-transfer companies and four currency exchange offices. Guinea's banking sector is overseen by the Central Bank (BCRG) and it serves as the agent of the treasury for overseeing banking and credit operations in Guinea and abroad. The BSGR manages the foreign exchange reserves on behalf of the State. Further information on the BCRG can be found in French at www.bcr-guinee.org.

Due to the difficulty of accessing funding from commercial banks, small commercial and agricultural enterprises have increasingly turned to microfinance, which has been growing rapidly with a net increase of deposits and loans, but the quality of its products remains mediocre, with bad debt accounting for 5 percent of loans with approximately 17 percent of gross loans outstanding.

Guinea plans to broaden the country's small and medium enterprise (SME) base through investment climate reform, solutions to improve access to finance, and the establishment of SME growth corridors. Severely limited access to finance (especially for SMEs), inadequate supply of infrastructure, deficiencies in logistics and trade facilitation, corruption and low capacity of the Government, inflation, and poor education of the workforce, combined with one of the weakest legal enabling environments for business in Africa and a history of poor governance, erratic policy, and inconsistent regulatory enforcement, has seriously undermined investor confidence in Guinea's institutions. As a result, private participation in the economy remains low and firms' productivity measured by value added is one of the lowest in Africa. Firms' links with the financial sector are weak; only 6 percent of firms surveyed in the 2006 World Bank Enterprise survey have a bank loan. Credit to the private sector is low as well, at around 5 percent of GDP for much of the last decade (against a Sub-Saharan African average of 59.6 percent). The banking sector is highly concentrated, not up to date technologically and banks tend to favor short-term lending at high interest rates. While the microfinance sector grew strongly from a small base, microfinance institutions are not profitable and need capacity and technology upgrades. Finally, it is important for the efficiency and the use of payment services by all potential users to be improved, in a context of financial inclusion. Guinea is a cash society and the economy is driven by trade, agriculture and the informal sector, which all rely on cash transactions outside the banking sector.

Generally there are no restrictions for a foreigner's ability to establish bank accounts in Guinea. However, one dual citizen (Guinea-American) commented that his preferred bank declined his request to establish an account due to Foreign Account Tax Compliant Act (FACTA) reporting requirements.

Competition from State Owned Enterprises

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While Guinea maintains some State Owned Enterprises (SOE's) for public utilities (water and electricity), the Alpha Conde government is moving towards allowing private enterprises to operate in this sphere. Recent failures and allegations of corruption at the state-owned electric utility Energie de Guinée (EDG) have led the GOG to revise the management framework of the company and bring in private sector experts to evaluate

and repair Guinea's dilapidated energy grid. Several private projects aimed at harnessing Guinea's hydroelectric energy potential are currently undergoing feasibility studies, with the goal of producing and selling energy throughout Guinea and to neighboring countries.

The hydroelectricity sector could provide the basis for Guinea's modernization and also supply regional markets. Guinea's large hydropower potential is estimated at over 6000 MW, which could make it an important exporter of power to neighboring countries. The overall electrification rate is estimated at 17 percent, with rural electrification at only three percent. In 2011, the urban power generation capacity in Guinea was 130 MW, against an estimated peak demand of 230 MW, thus resulting in widespread load shedding. Hydropower contributed 55 percent of generation, versus 45 percent for oil-based thermal power. The urban electricity sector, managed by EDG is in a critical situation resulting in widespread power shortages; dilapidated infrastructure due to lack of investment and maintenance; high system losses and electricity theft; low bill collection; and increasing financial losses. Given the current level of subsidies to the sector and the persistent inefficiency of the utility, there is a need to improve the company's financial and technical performance before extending the grid or expanding hydropower. In its action plan for EDG, the Government has included signing a performance contract between EDG and the Government and an external assistance contract with a private operator for the management of EDG.

The GOG does not publish much information concerning SOEs. EDG is listed in the national budget as a line item. Its balance sheet is in the red and Veolia of France was selected in April 2015 by the GOG via a tender process to take over the management of the utility for four years. The GOG hopes that at the end of Veolia's management contract the utility will be privatized.

R&D expenditures are not known, but it would be highly unlikely that any of Guinea's failing SOEs would devote much of any funding to R&D given the lack of sophistication in the Guinean Economy. Guinean SOE's are entitled to subsidized fuel, which EDG uses to run thermal generator stations in the capital.

Guinean SOEs do not adhere to the OECD guidelines and are generally highly insolvent organizations. SOEs typically report to the line minister; however, in theory, they typically report to the Office of the President. Seats on the board are allocated by the ruling government and usually by presidential decree. It is most likely that domestic courts will side with SOEs over investment disputes.

Corporate Social Responsibility

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The amended 2011 Mining Code includes Guinea's first legal framework outlining corporate social responsibility. Under the provisions of the code, mining companies must submit social and environmental impact plans for approval before operations can begin and sign a code of good conduct, agreeing to refrain from corrupt activities and to follow the precepts of the Extractive Industry Transparency Initiative (EITI). However, lack of capacity in the various ministries involved make government monitoring and

enforcement of corporate social responsibility requirements difficult. However, there are some NGOs that do play a role in monitoring and promoting CSR. Guinea was found to be an EITI compliant country in July 2014.

Political Violence

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Guinea has a long history of political violence. The country suffered under authoritative rule from independence in 1958 until its first democratic election (presidential) in 2010 and it has seen political violence during its transition as a new democracy. The state persecuted political dissidents and opposition parties for decades. The Sekou Toure regime (1958-1984) and the Lansana Conte regime (1984-2008) were both marked by political violence and human rights abuses.

Following the death of President Lansana Conte on December 22, 2008, a military junta calling themselves the National Council for Democracy and Development (CNDD) took power in a bloodless coup. Immediately following the coup, the USG suspended all but its humanitarian and election assistance to Guinea. The African Union (AU) and the Economic Community of West African States (ECOWAS) suspended Guinea's membership pending democratic elections and a relinquishment of power by the military junta.

On September 28, 2009, after months of public opposition to the tactics of the military regime, the Forces Vives, a group formed of political opposition, civil society, economic actors, and labor unions, organized a large rally at the capital's soccer stadium to symbolize their rejection of junta-leader Moussa Dadis Camara's intention to run in upcoming presidential elections. Soon after the rally began, members of Guinea's armed forces entered the facility and opened fire on the crowd, killing at least 150 people and injuring over a thousand others. Many of the female protestors were also publicly and brutally raped. In the aftermath of the massacre, the military continued to target political and economic opposition. Much of the international community condemned the massacre and the subsequent gross human rights abuses. On December 3, 2009 Moussa Dadis Camara was shot by his Aide-de-camp Lt. Abubaker "Toumba" Diakite and was flown to Morocco for treatment. Camara's bodyguard and driver were killed in the attack. After over a month of recuperation in Morocco, Camara flew to Burkina Faso on January 13. On January 15, Camara, Burkinabe President Blaise Compaore, and Guinean Minister of Defense Sekouba Konate signed the Ouagadougou Accord, creating a transition government and naming Konate as the Interim President of Guinea, and a civilian, Jean Marie Dore, as Prime Minister. The Transition Government was tasked with organizing presidential and legislative elections to usher in a new democratic government of Guinea.

Guinea experienced additional violent incidents during 2011 and thereafter. On July 19, 2011, the President's personal residence was attacked with small arms fire and rocket propelled grenades. Following the attack the government arrested and charged 38 people, mostly military personnel. The government also temporarily reinstated road blocks nationwide with night time check points continuing for months.

The small mining town of Zogota located in Guinea's Forest Region saw the deaths of five villagers including the village chief during August 2012 clashes with security forces over hiring practices at Brazilian iron-mining company Vale. The villagers alleged that

Vale was not hiring enough local employees and was instead bringing workers from other regions of Guinea. The ensuing instability led to Vale evacuating all expatriate personnel from the town. Also in 2012, Ministry of Economy and Finance official and anticorruption activist Aissatou Boiro was shot and killed in her car in November, allegedly for her anticorruption efforts. Authorities arrested two persons in December 2012 and charged them with the killing. However, they remain in pretrial detention.

In 2013, numerous protests resulting in more than 30 deaths took place in the lead-up to the national legislative elections which had been repeatedly postponed prior to finally being held on September 28, 2013. Many other protests were held in 2013 by citizens and residents angry about the extreme lack of water and electricity in the capital city of Conakry. Some of these protests turned violent and many small businesses were negatively impacted by the frequency of the protests.

Since the July 3, 2013 accords brokered by the U.S. Embassy, EU and the French in 2013, there has been minimal occurrences of political violence. The accords led to the often postponed legislative elections in September 2013 that were internationally recognized as being free and fair and, more importantly, the results were accepted by the population. Protests against the lack of basic utilities have been sporadic in the capital throughout 2014.

On July 15, 2013, violence erupted in N'Zerekore, the administrative capital of Guinea's Forestiere Region, 350 miles southeast of Conakry. Conflicting accounts exist of what triggered the onset of the violence which escalated as vicious confrontations ensued between members of Guerze and Konianke ethnic groups. According to local officials, mob and riot-inspired retaliation attacks put the death toll at more than 95 people dead and at least 150 injured. Local police and gendarmerie security forces were deployed to break up the fighting but were initially unable to quell the violence despite an imposed curfew. On July 16, President Alpha Conde publically deplored the violence in N'Zerekore and appealed for calm. By July 17, an uneasy calm was restored in the streets of N'Zerekore.

The success of the new democratic government continues to hinge upon President Alpha Conde's ability to restructure and maintain control of the security forces, and to create a government that fairly represents citizens of all ethnicities across Guinea. Thus far, the military and gendarmes have remained in its barracks during all political protests which is a marked departure from previous administrations.

Other instances of violence occurred in 2014 and 2015 related to the Ebola epidemic. There have been instances since the start of the Ebola epidemic where locals attacked the vehicles and facilities of aid workers. The Red Cross, MSF (Doctors without Borders) and the World Health Organization (WHO) all reported cases of property damage (destroyed vehicles, ransacked warehouses, etc.). On September 16, 2014 in the Forest Region village of Womei, eight people were killed by a mob when they visited the village as part of an Ebola education campaign. The casualties included radio journalists, local officials and Guinean health care workers. Thirty eight people were arrested. Of those brought to trial, eleven suspects were found guilty and fifteen suspects were acquitted. Although the death penalty remains on the books in Guinea, the court sentenced the eleven to life sentences in April 2015.

Although none of the violent events detailed above specifically targeted American or

foreign investors, they were disruptive to business in general and eroded confidence in the security situation under which investors must operate in Guinea.

Presidential Elections are scheduled for October 2015 and there is the possibility of political violence ahead of this highly contested election. In spring 2015, Conakry experienced several protest marches and ville morte strikes by the opposition. Two opposition members were killed during these protests. However, the situation remains calm as of June 2015.

Corruption

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Corruption, including bribery, raises the costs and risks of doing business. Corruption has a corrosive impact on both market opportunities overseas for U.S. companies and the broader business climate. It also deters international investment, stifles economic growth and development, distorts prices, and undermines the rule of law.

It is important for U.S. companies, irrespective of their size, to assess the business climate in the relevant market in which they will be operating or investing, and to have an effective compliance program or measures to prevent and detect corruption, including foreign bribery. U.S. individuals and firms operating or investing in foreign markets should take the time to become familiar with the relevant anticorruption laws of both the foreign country and the United States in order to properly comply with them, and where appropriate, they should seek the advice of legal counsel.

The U.S. Government seeks to level the global playing field for U.S. businesses by encouraging other countries to take steps to criminalize their own companies' acts of corruption, including bribery of foreign public officials, by requiring them to uphold their obligations under relevant international conventions. A U. S. firm that believes a competitor is seeking to use bribery of a foreign public official in international business, for example to secure a contract, should bring this to the attention of appropriate U.S. agencies, as noted below.

U.S. Foreign Corrupt Practices Act: In 1977, the United States enacted the Foreign Corrupt Practices Act (FCPA), which generally makes it unlawful for U.S. persons and businesses (domestic concerns), and U.S. and foreign public companies listed on stock exchanges in the United States or which must file periodic reports with the Securities and Exchange Commission (issuers), to offer, promise or make a corrupt payment or anything of value to foreign officials to obtain or retain business. The FCPA also applies to foreign firms and persons who take any act in furtherance of such a corrupt payment while in the United States. In addition to the anti-bribery provisions, the FCPA contains accounting provisions applicable to public companies. The accounting provisions require issuers to make and keep accurate books and records and to devise and maintain an adequate system of internal accounting controls. The accounting provisions also prohibit individuals and businesses from knowingly falsifying books or records or knowingly circumventing or failing to implement a system of internal controls. In order to provide more information and guidance on the statute, the Department of Justice and the Securities and Exchange Commission published *A Resource Guide to the U.S. Foreign Corrupt Practices Act*, available in PDF at:

<http://www.justice.gov/criminal/fraud/fcpa/guidance/>. For more detailed information on the FCPA generally, see the Department of Justice FCPA website at: <http://www.justice.gov/criminal/fraud/fcpa/>.

Other Instruments: It is U.S. Government policy to promote good governance, including host country implementation and enforcement of anti-corruption laws and policies pursuant to their obligations under international agreements. Since enactment of the FCPA, the United States has been instrumental to the expansion of the international framework to fight corruption. Several significant components of this framework are the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (negotiated under the auspices of the OECD), the United Nations Convention against Corruption (UN Convention), the Inter-American Convention against Corruption (OAS Convention), the Council of Europe Criminal and Civil Law Conventions, and a growing list of U.S. free trade agreements.

OECD Antibribery Convention: The Antibribery Convention entered into force in February 1999. As of January 2015, there are 41 parties to the Convention, including the United States (see <http://www.oecd.org/corruption/oecdantibriberyconvention.htm>). Major exporters China and India are not parties, although the U.S. Government strongly endorses their eventual accession to the Antibribery Convention. The Antibribery Convention obligates the Parties to criminalize bribery of foreign public officials in international business transactions, which the United States has done under U.S. FCPA. Guinea is not a party to the OECD Antibribery Convention.

UN Convention: The UN Convention entered into force on December 14, 2005, and there are 174 parties to it as of March 2015 (see <http://www.unodc.org/unodc/en/treaties/CAC/signatories.html>). The UN Convention requires countries to establish criminal and other offences to cover a wide range of acts of corruption, from basic forms of corruption such as bribery and solicitation, embezzlement, and trading in influence to the concealment and laundering of the proceeds of corruption. The Convention contains transnational business bribery provisions that are functionally similar to those in the OECD Antibribery Convention and contains provisions on private sector auditing and books and records requirements. Other provisions address matters such as prevention, international cooperation, and asset recovery. Guinea is a signatory to the UN Anticorruption Convention

OAS Convention: In 1996, the Member States of the Organization of American States (OAS) adopted the first international anticorruption legal instrument, the Inter-American Convention against Corruption (OAS Convention), which entered into force in March 1997. The OAS Convention, among other things, establishes a set of preventive measures against corruption, provides for the criminalization of certain acts of corruption, including transnational bribery and illicit enrichment, and contains a series of provisions to strengthen the cooperation between its States Parties in areas such as mutual legal assistance and technical cooperation. As of January 2015, the OAS Convention has 34 parties (see <http://www.oas.org/juridico/english/Sigs/b-58.html>) and the follow-up mechanism created in 2001 (MESICIC) has 31 members (see http://www.oas.org/juridico/english/mesicic_intro_en.htm). Guinea is not a party to the OAS Conventions.

Council of Europe Criminal Law and Civil Law Conventions on Corruption: Many European countries are parties to either the Council of Europe (CoE) Criminal Law

Convention on Corruption, the Civil Law Convention on Corruption, or both. The Criminal Law Convention requires criminalization of a wide range of national and transnational conduct, including bribery, money-laundering, and accounting offenses. It also incorporates provisions on liability of legal persons and witness protection. The Civil Law Convention includes provisions on whistleblower protection, compensation for damage relating to corrupt acts, and nullification of a contract providing for or influenced by corruption, inter alia. The Group of States against Corruption (GRECO) was established in 1999 by the CoE to monitor compliance with these and related anti-corruption standards. Currently, GRECO comprises 49 member States (48 European countries and the United States). See http://www.coe.int/t/dghl/monitoring/greco/general/about_en.asp. As of January 2015, the Criminal Law Convention has 44 parties and the Civil Law Convention has 35 (see <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?CL=ENG&NT=173>; <http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?CL=ENG&NT=174>). Guinea is not a party to the Council of Europe Conventions.

Free Trade Agreements: While it is U.S. Government policy to include anticorruption provisions in free trade agreements (FTAs) that it negotiates with its trading partners, the anticorruption provisions have evolved over time. The most recent FTAs negotiated now require trading partners to criminalize “active bribery” of public officials (offering bribes to any public official must be made a criminal offense, both domestically and trans-nationally) as well as domestic “passive bribery” (solicitation of a bribe by a domestic official). All U.S. FTAs may be found at the U.S. Trade Representative Website: <http://www.ustr.gov/trade-agreements/free-trade-agreements>. Guinea does not have an FTA with the United States. Guinea does not have an FTA with the United States.

Local Laws: U.S. firms should familiarize themselves with local anticorruption laws, and, where appropriate, seek legal counsel. While the U.S. Department of Commerce cannot provide legal advice on local laws, the Department’s U.S. and Foreign Commercial Service can provide assistance with navigating the host country’s legal system and obtaining a list of local legal counsel.

Assistance for U.S. Businesses: The U.S. Department of Commerce offers several services to aid U.S. businesses seeking to address business-related corruption issues. For example, the U.S. and Foreign Commercial Service can provide services that may assist U.S. companies in conducting their due diligence as part of the company’s overarching compliance program when choosing business partners or agents overseas. The U.S. and Foreign Commercial Service can be reached directly through its offices in every major U.S. and foreign city, or through its website at www.trade.gov/cs.

The United States provides commercial advocacy on behalf of exporters of U.S. goods and services bidding on public sector contracts with foreign governments and government agencies. An applicant for advocacy must complete a questionnaire concerning its background, the relevant contract, and the requested U.S. Government assistance. The applicant must also certify that it is in compliance with applicable U.S. law, that it and its affiliates have not and will not engage in bribery of foreign public officials in connection with the foreign project, and that it and its affiliates maintain and enforce a policy that prohibits bribery of foreign public officials. Problems, including alleged corruption by foreign governments or competitors, encountered by U.S. companies in seeking such foreign business opportunities can be brought to the

attention of appropriate U.S. government officials, including local embassy personnel, and reported through the Department of Commerce Trade Compliance Center “Report a Trade Barrier” Website at tcc.export.gov/Report_a_Barrier/index.asp. Potential violations of the FCPA can be reported to the Department of Justice via email to FCPA.Fraud@usdoj.gov.

Guidance on the U.S. FCPA: The Department of Justice’s (DOJ) FCPA Opinion Procedure enables U.S. firms and individuals and issuers to request a statement of the Justice Department’s present enforcement intentions under the anti-bribery provisions of the FCPA regarding actual, prospective business conduct. The details of the opinion procedure are available on DOJ’s Fraud Section Website at www.justice.gov/criminal/fraud/fcpa and general information is contained in Chapter 9 of the publication *A Resource Guide to the U.S. Foreign Corrupt Practices Act*, at <http://www.justice.gov/criminal/fraud/fcpa/guidance/>. Although the Department of Commerce has no enforcement role with respect to the FCPA, it supplies general information to U.S. exporters who have questions about the FCPA and about international developments concerning the FCPA. For further information, see the Office of the General Counsel, U.S. Department of Commerce, website, at <http://www.commerce.gov/os/ogc/transparency-and-anti-bribery-initiatives>. More general information on the FCPA is available at the websites listed below.

Exporters and investors should be aware that generally all countries prohibit the bribery of their public officials, and prohibit their officials from soliciting bribes under domestic laws. Most countries are required to criminalize such bribery and other acts of corruption by virtue of being parties to various international conventions discussed above.

Corruption and bureaucratic red tape are hallmarks of Guinea’s business climate. In its 2015 “Ease of Doing Business” index, the World Bank ranks Guinea 169th of 189 countries worldwide. Transparency International’s 2014 “Corruption Perception Index” has Guinea ranked 145th of 175 countries listed.

The business and political cultures, coupled with low salaries, have historically combined to create and encourage a culture of corruption throughout Guinea’s government system. Business is often conducted through the payment of bribes rather than by the rule of law. It is not uncommon for government officials to demand money for their personal use, in exchange for favors or to just perform their duties. Though it is illegal to pay bribes in Guinea, there is no enforcement of these laws. In practice, it is difficult and time-consuming to conduct business without paying bribes in Guinea, and as they must comply with the Foreign Corrupt Practices Act, this leaves U.S. companies at a disadvantage. Enforcement of the rule of law in Guinea is irregular and inefficient.

Although the law provides criminal penalties for corruption by officials, the government does not implement the law effectively, and officials often engaged in corrupt practices with impunity. The World Bank’s most recent Worldwide Governance Indicators reflected that corruption continued to be a severe problem. Public funds were diverted for private use or for illegitimate public uses, such as buying expensive vehicles for government workers. Land sales and business contracts generally lacked transparency.

Guinea’s Anti-Corruption Agency (ANLC) is an autonomous agency established by presidential decree in 2004. The ANLC reports directly to the president and is currently

the only state agency focused solely on fighting corruption. However, it has been largely ineffective in its role with only two cases prosecuted with no convictions in 2014. The ANLC is also forwarded anonymous tips concerning possible corruption cases received from a hotline. However, during the past two years there have been no prosecutions as a result of these tips. The ANLC executive director stated that the agency is underfunded, understaffed and lacks the basics to fight corruption such as computers and vehicles. The ANLC is comprised of 42 employees in seven field offices and operates on a budget of \$1.1 million per year.

The Bureau of Complaint Reception fields anonymous tips forwarded to the ANLC. Investigations and cases must then be prosecuted through criminal courts. During the year there were no prosecutions as a result of tips.

A poll by Afrobarometer and Stat View International of 1,200 citizens from 2011 to 2013 found that 57 percent of the respondents reported paying a bribe within the past 12 months. A separate survey by the ANLC, Open Society Initiative West Africa, and Transparency International found that among private households 61 percent of the respondents stated they were asked to pay a bribe for national services and 24 percent for local services. Furthermore, 24 percent claimed to have paid traffic-related bribes to police, 24 percent for better medical treatment, 19 percent for better water or electricity services, and 8 percent for better judicial treatment.

The Conde administration has promised to combat corruption in both the government and in commercial spheres as one of its top priority agenda items. In general, the situation has improved over the past year as the government earnestly attempts to improve transparency and reduce corruption.

Anti-Corruption Resources

Some useful resources for individuals and companies regarding combating corruption in global markets include the following:

- Information about the U.S. Foreign Corrupt Practices Act (FCPA), including *A Resource Guide to the U.S. Foreign Corrupt Practices Act*, translations of the statute into numerous languages, documents from FCPA related prosecutions and resolutions, and press releases are available at the U.S. Department of Justice's Website at: <http://www.justice.gov/criminal/fraud/fcpa> and <http://www.justice.gov/criminal/fraud/fcpa/guidance/>
- The U.S. Securities and Exchange Commission FCPA Unit also maintains an FCPA website, at: <https://www.sec.gov/spotlight/fcpa.shtml>. The website, which is updated regularly, provides general information about the FCPA, links to all SEC enforcement actions involving the FCPA, and contains other useful information.
- General information about anticorruption and transparency initiatives, relevant conventions and the FCPA, is available at the Department of Commerce Office of the General Counsel website: <http://www.commerce.gov/os/ogc/transparency-and-anti-bribery-initiatives>

- The Trade Compliance Center hosts a website with anti-bribery resources, at <http://tcc.export.gov/Bribery>. This website contains an online form through which U.S. companies can report allegations of foreign bribery by foreign competitors in international business transactions
- Additional country information related to corruption can be found in the U.S. State Department's annual *Human Rights Report* available at <http://www.state.gov/g/drl/rls/hrrpt/>.
- Information about the OECD Antibribery Convention including links to national implementing legislation and country monitoring reports is available at: <http://www.oecd.org/corruption/oecdantibriberyconvention.htm> See also Antibribery Recommendation <http://www.oecd.org/daf/anti-bribery/oecdantibriberyrecommendation2009.htm> and Good Practice Guidance Annex for companies: <http://www.oecd.org/daf/anti-bribery/44884389.pdf>.
- GRECO monitoring reports can be found at: http://www.coe.int/t/dghl/monitoring/greco/evaluations/index_en.asp
- MESICIC monitoring reports can be found at: http://www.oas.org/juridico/english/mesicic_intro_en.htm
- The Asia Pacific Economic Cooperation (APEC) Leaders have also recognized the problem of corruption and APEC Member Economies have developed anticorruption and ethics resources in several working groups, including the Small and Medium Enterprises Working Group, at <http://businessethics.apec.org/>, and the APEC Anti-Corruption and Transparency Working Group, at <http://www.apec.org/Groups/SOM-Steering-Committee-on-Economic-and-Technical-Cooperation/Working-Groups/Anti-Corruption-and-Transparency.aspx>. For more information on APEC generally, <http://www.apec.org/>.

There are many other publicly available anticorruption resources which may be useful, some of which are listed below without prejudice to other sources of information that have not been included. (The listing of resources below does not necessarily constitute U.S. Government endorsement of their findings.)

- Transparency International (TI) publishes an annual Corruption Perceptions Index (CPI). The CPI measures the perceived level of public-sector corruption in approximately 180 countries and territories around the world. The CPI is available at: <http://www.transparency.org/research/cpi/overview>. TI also publishes an annual *Global Corruption Report* which provides a systematic evaluation of the state of corruption around the world. It includes an in-depth analysis of a focal theme, a series of country reports that document major corruption related events and developments from all continents, and an overview of the latest research findings on anti-corruption diagnostics and tools. See <http://www.transparency.org/research/gcr>.
- The World Bank Institute's Worldwide Governance Indicators (WGI) project reports aggregate and individual governance indicators for 215 economies over the period 1996-2013, for six dimensions of governance (Voice and Accountability, Political

Stability and Absence of Violence, Government Effectiveness, Regulatory Quality, Rule of Law, and Control of Corruption). See <http://info.worldbank.org/governance/wgi/index.aspx#home>. The World Bank Business Environment and Enterprise Performance Surveys may also be of interest and are available at: <http://data.worldbank.org/data-catalog/BEEPS>. See also the World Bank Group *Doing Business* reports, a series of annual reports measuring regulations affecting business activity, available at: <http://www.doingbusiness.org/>

- The World Economic Forum publishes every two years the *Global Enabling Trade Report*, which assesses the quality of institutions, policies and services facilitating the free flow of goods over borders and to their destinations. At the core of the report, the Enabling Trade Index benchmarks the performance of 138 economies in four areas: market access; border administration; transport and communications infrastructure; and regulatory and business environment. See <http://www.weforum.org/reports/global-enabling-trade-report-2014>.
- Global Integrity, a nonprofit organization, publishes its annual *Global Integrity Report*, which typically assesses anti-corruption and good governance mechanisms in diverse countries. (The 2012 and 2013 reports covered a small number of countries as the organization focused on re-launching a modernized methodology in mid-2014.) For more information on the report, see <https://www.globalintegrity.org/global-report/what-is-gi-report/>.

Bilateral Investment Agreements

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Guinea has bilateral investment agreements with Belgium, Benin, Burkina Faso, Cameroon, Chad, China, France, The Gambia, Germany, Ghana, Great Britain, Iran, Italy, Japan, Malaysia, Mali, Mauritania, Mauritius, Morocco, Nigeria, Saudi Arabia, Senegal, Serbia, South Africa, South Korea, Switzerland, Tunisia, Turkey and Ukraine. Although Guinea does not have a Bilateral Investment Treaty or Free Trade Agreement with the U.S., a trade and Investment Framework Agreement was signed in May 2014 between the U.S. and the Economic Community of West African States (ECOWAS). There is no Bilateral Tax Treaty between Guinea and the United States.

OPIC and Other Investment Insurance Programs

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Guinea and the U.S. have had an agreement on private investment guarantees in effect since 1962, making investors eligible for Overseas Private Investment Corporation (OPIC) insurance programs. Currently there is no OPIC activity in Guinea. U.S. private sector firms would most likely utilize OPIC for infrastructure related projects in the mining and energy sectors such as projects related to the Simandou iron ore project and Power Africa should Guinea become part of the program. A USAID Power Africa lead transaction advisor visited Conakry in April 2015 for preliminary meetings and fact finding to gauge if there is a role for Power Africa in Guinea.

Labor

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Guinea's National Assembly adopted a new labor code in February 2014. Guinea's Labor Code protects the rights of employees and is enforced by the Ministry of Social Affairs. The Labor Code sets forth guidelines in various sectors, the most stringent being the mining sector. Guidelines cover wages, holidays, work schedules, overtime pay, vacation, and sick leave. The new labor code also outlaws all discrimination in hiring including sex, disabilities, and ethnicity. It also prohibits all forms of workplace harassment, including sexual harassment. However, the law does not provide antidiscrimination protections for persons based on sexual orientation and/or gender identity.

The National Assembly increased employer rights to hire and fire under the 1999 revision of the Labor Code. Employers no longer need to go through the labor office in order to contract or terminate the work of an employee, and the Act removed the requirement to hire only Guinean employees. Some employers, including the Guinean Government, avoid paying mandatory benefits by employing people as contractors for years at a time rather than as permanent employees. Some foreign managers cite incidents of theft, low productivity, and difficulties in terminating employees as problems.

Although the law provides for the right of workers to organize and join independent unions, engage in strikes, and bargain collectively, the law also places restrictions on the free exercise of these rights. The new labor code requires unions to obtain support of 20 percent of the workers in a company, region, or trade which the union claims to represent. The new code mandates that unions provide 10 day notice to the labor ministry before striking, but the code does allow work slowdowns. Strikes are only permitted for "professional claims." However, the new labor code says it does not apply to government workers, members of the armed forces, or temporary government workers. While the labor code protects union officials from anti-union discrimination, it does not extend that same protection to other workers. The labor code prohibits employers from taking into consideration union membership and activities with regard to decisions about employee hiring, firing, and conduct. The new labor code allows workers 30 days to appeal any labor decisions.

The law prohibits child labor in the formal sector and sets forth penalties of three to 10 years imprisonment and confiscation of resulting profits. The law does not protect children in the informal sector. The minimum age for employment is 16. Exceptions allow children to work at age 12 as apprentices for light work in such sectors as domestic service and agriculture, and at 14 for other work. The law does not permit workers and apprentices under 18 to work more than 10 consecutive hours, at night, or on Sundays. The Ministry of Labor maintained a list of occupations in which women and youth under 18 cannot be employed, but enforcement is limited to large firms in the modern sector of the economy. The penal code increases penalties for forced labor if minors are involved, but penalties do not meet international standards, and enforcement is not sufficient to deter child labor violations. The most recent statistics indicated that more than one-third of all children under 18 worked in industries considered dangerous by the United Nation's International Labor Organization (ILO). Although the child code provides that the country's laws respect treaty obligations and is regarded as law by the justice system, ambiguity remained about the code's validity, because the government had not passed a required implementation text.

The Ministry of Labor is responsible for enforcing child labor laws, and it conducted occasional inspections. Authorities did not bring any cases to justice, and inspections

were not adequate. The police division OPROGEM under the Ministry of Security was responsible for investigating child trafficking and child labor violations. After arrests, police transfer all information to the Ministry of Justice. In August 2012 the Ministry of Security set up a new unit specifically focused on child trafficking and child labor. The unit had 30 members and brought five cases to trial in 2012 and one in 2013.

Child labor by boys occurs most frequently in the informal sectors of subsistence farming, small-scale commerce, and mining. Smaller numbers of girls, mostly migrants from neighboring countries, are subjected to domestic servitude. Forced child labor occurs primarily in the cashew, cocoa, coffee, gold, and diamond sectors of the economy. Many children between the ages of five and 16 work 10 to 15 hours a day in the diamond and gold mines for minimal compensation and little food. Child laborers extract, transport, and clean the minerals. They operate in extreme conditions, lack protective gear, do not have access to water or electricity, and face a constant threat of disease and sickness.

According to a government study conducted with the ILO and issued in 2011, 43 percent of all children between five and 17 worked, including 33 percent of children ages five to 11, 55.9 percent between 12 and 15, and 61.3 percent between 16 and 17. Of those, 93.3 percent worked in what the ILO defines as hazardous conditions – meaning 40.1 percent of all children in the country worked in hazardous conditions. This included more than one million children in fishing and agriculture, 30,619 in manufacturing, 46,072 in mining, 15,169 in construction, 204,818 in commerce and restaurants, 6,816 in transport, and 92,873 in other hazardous or dangerous work.

The Labor Code outlines general guidelines related to health and safety, but the Guinean government has yet to implement a set of practical occupational standards. The government has limited resources for this activity. The law provides that the government should support children's rights and welfare, although in practice, the government has neither the capability, nor the political will, to curb the high rate of child labor. The Labor Code also stipulates that the Minister of Labor maintain a list of occupations in which women and youth under the age of 18 cannot be employed. In practice, enforcement by ministry inspectors is limited to large firms in the modern sector of the economy.

The labor code allows the government to set a minimum monthly wage enforced by the Ministry of Labor. On April 29, 2014 the government exercised this provision for the first time, setting the minimum wage for domestic workers at 440,000 GNF (approximately \$64) per month. No minimum wage for other sectors was established. There is no known official poverty income level established by the government.

The law mandates that regular work should not exceed 10 hour days or 48 hour weeks, and it mandates a period of at least 24 consecutive hours of rest each week, usually on Sunday. Every salaried worker has the legal right to an annual paid vacation, accumulated at the rate of at least two workdays per month of work. There also are provisions in the law for overtime and night wages, which are a fixed percentage of the regular wage. The law stipulates a maximum of 100 hours of compulsory overtime a year.

The law contains general provisions regarding occupational safety and health, but the government has not established a set of practical workplace health and safety

standards. Moreover, it has not issued any orders laying out the specific safety requirements for certain occupations or for certain methods of work called for in the labor code. All workers, foreign and migrant included, have the right to refuse to work in unsafe conditions without penalty.

The Ministry of Labor is responsible for enforcing labor standards, and its 160 inspectors were empowered to suspend work immediately in situations deemed hazardous to workers' health. Nevertheless, enforcement efforts were sporadic. According to the ILO, inspectors received inadequate training and had limited resources. Retired labor inspector positions went unfilled. Inspectors lacked computers and transportation to carry out their duties. Penalties for violation of the labor law were not sufficient to deter violations. The penal code calls for prison terms of up to 10 years for people found guilty of trafficking in persons. Additionally, the law subjects traffickers to forfeiture of objects of value or money received through forced labor of others. Offering someone into forced labor is punishable by up to five years' imprisonment.

Authorities rarely monitored work practices or enforced the workweek standards and the overtime rules. Teachers' wages were extremely low, and teachers sometimes went six months or more without pay. Salary arrears were not paid, and some teachers lived in abject poverty.

Violation of wage, overtime, and occupational health and safety standards were common across sectors. Forced child labor, which constituted the majority of forced labor victims, occurred primarily in the gold, diamond, cashew, cocoa, and coffee sectors. There were, for example, reports of unsafe working conditions in the artisanal (small-scale) gold mining communities in the northern section of the country, where inspectors found occupational health and environmental hazards.

Despite legal protection against working in unsafe conditions, many workers feared retaliation and did not exercise their right to refuse to work under unsafe conditions. Data were not available on workplace fatalities and accidents in 2014, but accidents in unsafe working conditions were common. The government banned wildcat gold and other mining during the rainy season to prevent deaths from mudslides. Still, the practice continues and many lives were lost in 2014.

Pursuant to the Guinean Labor Code, any person is considered a worker, regardless of gender or nationality, who is engaged in any occupational activity in return for remuneration, under the direction and authority of another individual or entity, whether public or private, secular or religious. In accordance with this Code, forced or compulsory labor means any work or services extracted from an individual under threat of a penalty and for which the individual concerned has not offered himself willingly.

A contract of employment is a contract under which a person agrees to be at the disposal and under the direction of another person in return for remuneration. The contract may be agreed upon for an indefinite or a fixed term and may only be agreed upon by individuals of at least 16 years of age although minors under the age of 16 may be contracted only with the authorization of the minor's parent or guardian. An unjustified dismissal provides the employee the right to receive compensation from the employer; in an amount equal to at least six months' salary with the last gross wage paid to the employee being used as the basis for calculating the compensation due.

The law provides that the government should support children's rights and welfare, although in practice, the government has neither the capability, nor the political will, to curb the high rate of child labor. The Labor Code also stipulates that the Minister of Labor maintain a list of occupations in which women and youth under the age of 18 cannot be employed. In practice, enforcement by ministry inspectors is limited to large firms in the modern sector of the economy.

Guinea has a young population with a high unemployment rate and lacks employees with specialized skills. The country has a poor educational system and lacks professionals in all sectors of the economy. Government policy provides for tuition-free, compulsory primary school education for six years, and an average of 71 percent of children were enrolled in primary school in 2008. Of these, 62 percent of male students and 47 percent of female students continue their studies to complete their primary school education. However, only around 66 percent of girls eligible for education attended primary school. Despite the government providing tuition-free schooling, the GOG spends only a meager 1.7 percent of its GDP on primary education. In 2011, following poor university entrance examination results, the government promised to increase educational related funding. Education funding was increased as part of Guinea's Highly-Indebted Poor Country (HIPC) debt-forgiveness program by the International Monetary Fund (IMF) and World Bank. Lack of funding, a paucity of qualified instructors and over-populated classrooms has led to the creation of a large number of private schools centered around urban centers. Nearly 60-70 percent of primary and secondary school students in urban areas are enrolled in these private schools. In 2009, the UNESCO Institute for Statistics estimated that only 39.5 percent of Guinea's adult population was literate.

Guinea lacks the specialized skills needed for large-scale projects such as the Simandou iron ore project that is projected to cost \$20 billion in infrastructure costs alone and will be Africa's largest Greenfield mining project. The project calls for new the building of a new port, 700 km railway and the development of the mine before iron ore can be exported. Simandou holds the world's largest reserve of untapped high-grade iron ore. This massive project will require specialized labor skills (such as engineers, electricians, plumbers, translators/interpreters, welders, lawyers, etc.) that Guinea's workforce does not currently possess. Consequently, many of these better paying jobs will go to workers from outside the country. Most mining projects employ Guineans as security guards and drivers and not in skilled labor positions.

The Port Autonome Conakry (PAC – Port of Conakry) has held strikes from time to time. The most recent call for a strike was in October 2014 to protest the awarding of the Roll On/Roll Off concession for vehicles from PAC to Bollere of France. Bollere operates the secure container section of the port. Although PAC employees did not go on strike as this time, they do have the potential to bottleneck port operations, which would have a ripple effect in the economy as customs revenues account for 45 percent of Guinea's revenues with 98 percent of these revenues collected at the Port of Conakry.

Foreign-Trade Zones/Free Ports

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Guinea has no foreign trade zones or free ports.

Statistics on FDI are difficult to obtain in Guinea. The Central Bank estimates show a continuing decrease in foreign investment from a high of around \$386 million in 2007, reflecting Guinea's years of political instability and falling global commodity prices. By 2010 FDI had declined to approximately US \$101 million. However a surge in spending associated with the Simandou iron-ore project saw a dramatic rise in FDI in 2011 and 2012 (\$956 million and \$606 million respectively). However, political uncertainty ahead of the legislative elections and friction between the government and Rio Tinto over Simandou saw FDI plunge to \$25 million in 2013. In 2014, the impact of Ebola slowed FDI to \$46.61 million. If Guinea can bring the Ebola epidemic to an end and the October 2015 presidential elections go smoothly, 2016 should see strong growth in FDI. We expect to see 2015 FDI at 2014 levels.

In 2004, the Guinea Alumina (GAC) joint venture (with investments by Global Alumina, BHP Billiton, Dubai Aluminum, and Abu Dhabi's Mubadala Development) began feasibility studies on a 650 sq. km bauxite mining site. In 2008, the company started the early works phase of their project which includes infrastructure construction on the mining site, the refinery facility, and a transportation network. Alcoa and Rio Tinto-Alcan are also in the early construction phase of a smaller refinery in the area. Taken together, they could see a 40% increase in Guinea's bauxite production upon completion. The \$5 billion GAC project continued to move slowly in 2011 due to falling commodity prices, shareholder disagreements, and uncertainty about the regulatory environment. Though production from the site was originally scheduled to commence in mid-2012, it is not likely to reach the production stage until 2015. Global Alumina and BHP Billiton subsequently sold their respective stakes in the project to Dubai Aluminum and Mubadala Development in May of 2013 for \$38 million.

Rio Tinto signed an agreement with the Government of Guinea in 2003 to develop a 110 sq. km iron mine in Simandou. In December 2008, the government announced that it would be revoking part of Rio Tinto's Simandou contract. The site remained in dispute until April 2011, when Rio Tinto signed an agreement with the government to develop its two remaining blocks of Simandou in exchange for a \$700 million payment to the government. As of October 2011 the company had invested nearly \$3 billion in feasibility studies and early development of the mining site and associated infrastructure. Due to delays in agreements between Rio Tinto and the Government of Guinea, Rio Tinto has scaled back its presence in Guinea in 2012 and again in 2014 as a result of the Ebola epidemic. Simandou iron ore exports are not expected before the end of the decade.

Three gold mining companies, Societé de Minière de Dinguiraye (SMD), Societé Aurifère de Guinée (SAG – a subsidiary of AngloGold Ashanti), and SEMAFO have significant investments in Guinea's interior, though small-scale artisanal mining is also a major factor in that sector. SEMAFO's Kiniero gold mine resumed operations in April 2012. It had been closed since September 2011 when protesting locals damaged housing and machinery on the complex.

U.S. oil exploration company Hyperdynamics commenced drilling its first exploratory well in its 9,650 square mile offshore oil concession in October 2011. Hyperdynamics

relinquished 70 percent of its original 31,000 square mile concession in 2010 to the Transition Government. After finding oil (in non-commercial quantities) with the first drilling, Hyperdynamics sold 40 percent of its Guinean venture to Anglo-Irish Tullow Oil. Tullow will be the lead company going forward. As of June 2015, the Hyperdynamics-Tullow consortium had not resumed exploratory drilling offshore.

China International Water and Electric Corporation construction of the 240 megawatt hydroelectric dam at Kaleta, located 150 km northeast of Conakry, is on schedule and the first of three 80MW turbines is operational and providing power to Conakry and other towns. The \$526 million project was largely financed by China's Ex-Im bank and is part of the Gambia River Basin Development Organization (OMVG - Organisation pour la Mise en Valeur de fleuve Gambie). The OMVG Energy Project involves the four countries of The Gambia, Guinea, Guinea-Bissau and Senegal and is comprised of three main components: 1. Sambangalou Dam (located in Senegal and not currently under construction), 2. Kaleta Dam, and 3. an interconnection transmission line linking the dams to the electric grid of the four member countries. Guinea will consume 70 percent of Kaleta's output and export the remaining 30 percent to the other OMVG countries. However, those countries have yet to connect to the OMVG interconnection line.

Contact Point at Post

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Michael Westendorp; WestendorpMC@state.gov; +224-655-10-4428

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Chapter 7: Trade and Project Financing

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- [How Does the Banking System Operate](#)
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How Do I Get Paid (Methods of Payment)

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The vast majority of transactions are made in cash. Imports/exports rely on documentary letters and letters of credit. There are no credit rating or collection agencies. Use of credit cards in Guinea is discouraged by the U.S. Embassy due to high levels of fraud.

How Does the Banking System Operate

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Guinea's banking system is loosely based on the rules and regulations governing the French banking system. Guinea's commercial banking sector was legalized by reforms in 1985 and 1986. Guinea's formal financial sector consists of the Central Bank and several commercial banks. The financial sector is largely controlled by foreign-owned banks. The system has a narrow base, is very fragile, and is unable to meet the development needs of the private sector; hence, there is a thriving black market for foreign currencies. Since banks are conservative and risk averse, there is not a significant amount of capital available to finance large investments. Commercial banks favor short-term lending at high interest rates (25% and up), as there is high potential for default. International banking institutions have reported harassment by the military in the form of robbery and attempted extortion.

Foreign-Exchange Controls

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Guinea's Investment Code guarantees the free transfer of capital.

U.S. Banks and Local Correspondent Banks

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There are no U.S. banks operating in Guinea, but there are several local banks with U.S. banking arrangements including:

- Banque Internationale pour le Commerce et l'Industrie de Guinee (BICIGUI), with Citibank of New York, and the French American Banking Corporation Banque Nationale de Paris
Tel : (+224) 30 41 45 15
Email: dg.bicigui@bnpparibas.com
www.biciguinet.net

- Societe Generale de Banque en Guinee, with SBG New York,
Tel : (+224) 30 41 17 46
www.sgbg.net

- OraBank formerly UIBG, a subsidiary of Credit Agricole Francais
Director Mamadou Sene
Tel: (+224) 622-35-90-90
www.orabank.net

- ECOBANK, a partner of Citibank
Tel: (+224) 30-45-58-76/ +224-30-45-58-77
Email: ecobankgn@ecobank.com

ECOBANK, a West African bank under partial Citibank ownership, has direct financing and transfer links with Citibank worldwide. ECOBANK has gained the bulk of U.S. banking business in Guinea and has consistently been more accommodating to potential U.S.-based clients.

Project Financing

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The six major commercial banks limit their activities to short and medium-term finance. Commercial interest rates are very high, averaging 20-30 percent, making commercial loans scarce and expensive. A majority of these programs focus on helping local Guinean businesses and are, therefore, difficult for foreigners to access. Most U.S. exporters dealing with Guinean importers receive direct payment through international transfer. If not, exporters are encouraged to insist upon an irrevocable letter of credit before shipping products to Guinea. Funding for larger projects or business expansions can be found through international lenders and development banks. For example, the African Development Bank's private-sector window also has some funding available for development-orientated business projects. The Overseas Private Investment Corporation (OPIC) will accept invitations for investment projects in Guinea. However, all contracts/projects that are "under review" by the government of Guinea are not eligible for consideration by OPIC. The U.S. Trade and Development Agency (TDA) has a program to assist in the financing of feasibility studies that meet significant U.S. export criteria.

Web Resources

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Trade Finance Guide: A Quick Reference for U.S. Exporters, published by the International Trade Administration's Industry & Analysis team:
<http://www.export.gov/tradefinanceguide/index.asp>

Export-Import Bank of the United States: <http://www.exim.gov>

Country Limitation Schedule: http://www.exim.gov/tools/country/country_limits.html

OPIC: <http://www.opic.gov>

Trade and Development Agency: <http://www.tda.gov/>

SBA's Office of International Trade: <http://www.sba.gov/oit/>

USDA Commodity Credit Corporation: <http://www.fsa.usda.gov/cc/default.htm>

U.S. Agency for International Development: <http://www.usaid.gov>

(Insert a link to the applicable Multilateral Development Bank here and any other pertinent web resources.)

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Business Customs

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Given the complexity of Guinea's social and economic customs, it is imperative to establish local contacts, and possibly a local office staffed by individuals who know the language(s) and cultures of Guinea. With the commencement of the Second Republic in 1984, Guinea liberalized its economy and opened up to investors from other regions for the first time. However, rampant corruption and several years of political instability have mitigated the beneficial effects of the investment laws. With the return of stability and the establishment of a democratically elected executive eager to attract foreign investment this situation may improve, but it will take time to change an established culture of corruption and mistrust.

Bribery is a common practice in commercial negotiation in Guinea. Though it is illegal to pay bribes in Guinea, there is no enforcement of these laws. In practice, it is difficult and time-consuming to conduct business without paying bribes in Guinea, which can leave U.S. companies at a disadvantage as they must comply with the Foreign Corrupt Practices Act. Enforcement of the rule of law in Guinea is irregular and inefficient. Businesses report that one must pay a bribe to see that law is enforced, and then a bribe is paid by the offender to reduce or eliminate any penalties. It is crucial that businesses understand that bribery is common and be prepared to appropriately address and deflect bribery attempts.

Business in Guinea is conducted on a very personal level; given the weakness of local legal institutions and law enforcement Guineans rely heavily on personal networks to make business connections and establish trust. Particularly at the beginning of a business relationship face-to-face meetings are vital. Guinean businessmen will want to inspect potential partners' products and facilities personally to establish their quality.

Guinea's population is approximately 85% Muslim. Businesses will encounter similar challenges and opportunities found in other West African/Muslim countries. Business attire is recommended and business cards are commonly exchanged during meetings. Key elements to having success in the Guinea are French language ability, patience,

taking the time necessary to develop relationships, and very clear contractual terms, including an irrevocable letter of credit and/or advance payment.

Travel Advisory

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Due to the tenuous political and security situation in Guinea, it is necessary for any U.S. citizen to consult the U.S. Embassy's Consular Information sheet for Guinea, available at the Department of State website:

http://travel.state.gov/travel/cis_pa_tw/cis/cis_1132.html

As of June 2015, the Centers for Disease Control and Prevention (CDC) urges all US residents to avoid nonessential travel to Guinea and Sierra Leone because of unprecedented outbreaks of Ebola in those countries. CDC recommends that travelers to these countries protect themselves by avoiding contact with the blood and body fluids of people who are sick, because of the possibility they may be sick with Ebola. More information can be found via the CDC's website.

<http://wwwnc.cdc.gov/travel/notices>

Visa Requirements

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A passport, visa, international vaccination record (WHO card), and a current yellow fever vaccination are all required for entry into Guinea. Please contact the Embassy of the Republic of Guinea for the most current visa information. The Embassy of the Republic of Guinea in Washington, D.C. is located at 2112 Leroy Street, NW, Washington, DC 20008; tel: (202) 986-4300; fax: (202) 478-3010. Overseas inquiries should be made at the nearest Guinean embassy or consulate. The U.S. Department of State is unaware of any HIV/AIDS entry restrictions for visitors to or foreign residents of Guinea. Although the reciprocity visa agreement between Guinea and the United States calls for a 36 month multiple entry visa, the Guinean embassy only issues visas for six and 12 month validity.

U.S. Companies that require travel of foreign businesspersons to the United States should be advised that security evaluations are handled via an interagency process. Visa applicants should go to the following links:

State Department Visa Website: <http://travel.state.gov/visa/>

U.S. Embassy, Conakry Consular Office: <http://conakry.usembassy.gov/visas.html>

Telecommunications

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The telephone network in Guinea is generally unreliable and subject to coverage failure and frequent system outage, even in the capital city of Conakry. While there are some land lines, the more common practice is to carry multiple cell phones with different cellular company subscriptions. There are currently four major cellular phone companies in Conakry (Areeba, Cellcom, Intercel, and Orange). Competition between the available service providers affords customers reasonable local rates. International

calls can be made from most cellular phones, major hotels, and places of business, though international service is often expensive. Guinean postal service is not reliable and is not a secure means of transmitting anything of value. It is strongly advised that all mail be routed through the overnight carriers serving Guinea (DHL or FedEx).

There are numerous web equipped facilities in Conakry, however the services are expensive and insecure, and the connections are poor. Internet connectivity in the interior of the country is almost non-existent. Guinea is connected to the undersea fiber optic cable off the West African coast and internet speed and reliability has improved. Some providers now provide fiber optic based service which represents a vast improvement. Guinea's internet speeds are poised to continue improving as more service providers roll out fiber optic based data services.

Transportation

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Air France operates daily flights from Paris to Conakry and Brussels Airlines flies from Brussels to Conakry three times per week. Senegal Airlines, Royal Air Maroc, and ASKY Airlines make regional connections from Conakry to Dakar, Casablanca, Monrovia, Freetown, Bamako, and Abidjan. Emirates Air started service between Dubai and Conakry in 2013, but suspended flights to Conakry in August 2014 due to the ongoing Ebola epidemic. Turkish Air announced plans to begin service between Istanbul and Conakry in June 2014, but they postponed entering the market due to Ebola concerns. As of June 2015, neither Emirates nor Turkish Airlines have announced when they will resume service to Conakry.

Taxis are available at the major hotels in Conakry, but are not up to U.S. standards and can be very unsafe. Car rental (with or without a driver) is available through many larger hotels in Conakry, though it is expensive. There are no car rental agencies at the airport.

Avis: B.P. 1455, Conakry, Republique de Guinee; Tel: +224.622.41.11.82; Email: avisgui@sotelgui.net.gn

Hertz Guinee: B.P. 1562, Conakry, Republique de Guinee; Tel: +224.43.07.45

EURO Car: Hotel de l'Independence, B.P. 3152, Conakry, Republique de Guinee; Tel: +224.631.40.70.80; Email: azcorp@sotelgui.net.gn

Language

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French is the official language of government, education, and business. Local languages (Soussou, Peular, Malinké, etc) are also widely spoken, particularly outside of Conakry. Most Guinean businesspeople speak little or no English.

Health

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Most healthcare facilities in Guinea are in poor condition. There is little or no control on the importation of medicines, many of which are suspected to be counterfeit and

dangerous to use. Visitors should update all appropriate vaccinations before traveling to Guinea. Consult the Center for Disease Control and Prevention's website, www.cdc.gov/travel and the U.S. Embassy's Consular Information Sheet, http://travel.state.gov/travel/cis_pa_tw/cis/cis_1132.html, for information on vaccinations, medical education, insurance (including Medevac insurance), medical facilities, and health care. Please be advised that any traveler to Guinea must have a yellow fever shot recorded on an official World Health Organization (WHO) card (see "visa requirements" section) in order to enter the country. The vaccination should be given at least 10 days before travel and at 10 year intervals if there is an on-going risk. If a traveler does not have the immunization and card when entering Guinea, they will be given the shot by airport medical officials, which is not a recommended space for such vaccinations.

Malaria is a major cause of death among unprotected travelers. Malaria is a tropical infection spread by the Anopheles Mosquito. Chloroquine-resistant malaria is present in Guinea. Malaria prophylaxis should be started two weeks before arrival for Mefloquine and continue four weeks after departure; two days prior for Malarone, and seven days after departure; Doxycycline – two days prior to coming and continued for 4 weeks after departure. Please consult your physician for the appropriate prophylactic and usage before taking this prescription medication.

Before traveling to Guinea, it is important to consult your physician about appropriate measures to take to maintain your health. Although not an exhaustive list, the following simple health precautions should be observed in Guinea:

- Drink only bottled, boiled, or filtered water
- Wash and disinfect salad ingredients and non-peelable vegetables and fruits before eating them
- Take anti-malaria pills as the prescription requires
- Use a mosquito net at night and wear long-sleeved clothing and pants when possible
- Do not swim in non-moving fresh water
- Persons with chronic medical conditions **must** bring supplies and medications sufficient for their length of stay

Medical facilities are limited and are not up to U.S. or European standards. Doctors and hospitals will expect immediate cash payment for medical care. The Embassy's Consular Section keeps a list of doctors for referral to Americans.

Guinea has been dealing with an Ebola outbreak since December 2013. Although the situation has vastly improved since the peaks of August and December 2014, the virus continues to impact Guinea. The epicenter of cases has moved from the Forest Region to Bas Cote – mainly the coastal corridor from Kamsar to Forecariah. The Centers for Disease Control and Prevention (CDC) urges all US residents to avoid nonessential travel to Guinea and Sierra Leone because of unprecedented outbreaks of Ebola in those countries. CDC recommends that travelers to these countries protect themselves by avoiding contact with the blood and body fluids of people who are sick, because of the possibility they may be sick with Ebola.

Ebola is a rare and deadly disease. The disease is caused by infection with one of the Ebola virus species (Zaire, Sudan, Bundibugyo, or Tai Forest virus). Ebola is spread by **direct contact** (through broken skin or mucous membranes in, for example, the eyes, nose, or mouth)

- with the blood or body fluids (such as urine, saliva, sweat, feces, vomit, breast milk, and semen) of a person who is sick with or has died from Ebola;
- with objects (like needles and syringes) contaminated with body fluids of a person who is sick with or has died from Ebola;
- with infected fruit bats and primates (apes and monkeys); and possibly with semen from a man who has recovered from Ebola (for example, contact during oral, vaginal, or anal sex).

Signs of Ebola include fever and symptoms such as severe headache, fatigue (feeling very tired), muscle pain, vomiting, diarrhea, stomach pain, or unexplained bleeding or bruising. You can be exposed to the Ebola virus if you have contact with blood or body fluids (such as urine, saliva, sweat, feces, vomit, breast milk, and semen) of a person sick with Ebola without wearing the right protective clothing and equipment. For healthcare workers, this includes wearing a face shield or goggles, a medical mask, double gloves, a waterproof gown or coveralls, an apron, and waterproof boots.

This kind of exposure can happen if you —

- Are stuck with a needle or splashed in the eye, nose, or mouth with blood or body fluids of someone sick with Ebola.
- Handle blood or body fluids of a sick Ebola patient.
- Touch a person who is sick with Ebola.
- Touch the body of someone who died from Ebola.
- Care for or live with a person who is sick with Ebola.
- Spend a long amount of time within 3 feet (1 meter) of a person who is sick with Ebola.

Travelers could be infected if they come into contact with blood or body fluids from someone who is sick or has died from Ebola. Healthcare workers and the family and friends in close contact with Ebola patients are at risk of getting sick because they may come in contact with infected blood or body fluids. People also can become sick with Ebola if they come into contact with infected wildlife or raw or undercooked bushmeat (wild animals hunted for food) from an infected animal. Ebola virus has been found in the semen of some men who have recovered from Ebola. It is possible that Ebola could be spread through sex. The risk of getting Ebola from semen is considered to be very low, and likely decreases over time.

There is no approved vaccine or specific treatment for Ebola, and many people who get the disease die. Therefore, it is important to take steps to prevent Ebola.

- Avoid nonessential travel to Guinea and Sierra Leone.
- If you must travel, please make sure to do the following:
 - Before your trip, check your health insurance plan to learn what is covered in the event that you become sick. CDC recommends that anyone traveling to Guinea have full coverage, including coverage for emergency medical evacuation.

- Information about medical evacuation services can be found on the US Department of State's website on the [Air Ambulance/MedEvac/Medical Escort Providers](#) page.
 - Some insurance providers are excluding medical evacuation coverage for people who have Ebola. Check with providers to ensure you have the coverage you need.
 - Be sure to check the coverage limits for evacuation insurance. Also check to see if the policy covers evacuation to the United States or to the nearest location where adequate medical care is offered.
- Practice careful hygiene. For example, wash your hands frequently with soap and water or use an alcohol-based hand sanitizer.
- Avoid contact with blood and body fluids (such as urine, saliva, sweat, feces, vomit, breast milk, and semen).
- Do not handle items that may have come in contact with an infected person's blood or body fluids.
- Avoid contact with dead bodies, including participating in funeral or burial rituals.
- Until more information is known about sexual transmission, avoid contact with the semen of a man who has recovered from Ebola (for example, during oral, vaginal, or anal sex). If you do have sex, use a condom the right way every time. Consider bringing your own supply of condoms.
- Avoid contact with animals (such as bats or monkeys) or with raw or undercooked meat.
- Do not eat or handle bushmeat (wild animals hunted for food).
- Avoid facilities in West Africa where Ebola patients are being treated. The US Embassy or consulate is often able to provide advice on facilities that are suitable for your medical needs. The U.S. Embassy in Conakry can be reached at +(224) 655-104-000. The after-hours emergency number is +(224) 655-104-444.
- Seek medical care immediately if you develop fever (100.4°F / 38°C or above) or other symptoms such as severe headache, fatigue (feeling very tired), muscle pain, vomiting, diarrhea, stomach pain, or unexplained bleeding or bruising.
 - Limit your contact with other people when you travel to the doctor. Do not travel anywhere else.

Conakry follows Greenwich Mean Time (GMT). Business hours are generally from 9am until 6pm, but times vary greatly. The following official holidays are observed in Guinea (days vary for religious holidays):

New Year's Day:	January 1
Prophet Mohammed's Birthday:	mid-February (variable)
Easter:	March/April (variable)
Labor Day:	May 1
Organization of African Unity Anniversary:	May 25
End of Ramadan:	variable
Assumption Day:	August 15
Independence Day:	October 2
Eid Al-Adha:	variable
Christmas:	December 25

Temporary Entry of Materials and Personal Belongings

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Provided that goods are declared prior to entry, all items for personal use and personal effects may be brought into the country in small amounts, free of duty. Transport of narcotics, military equipment, and firearms is prohibited.

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- <http://conakry.usembassy.gov/>
- www.travel.state.gov
- www.cdc.gov
- www.who.int

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Chapter 9: Contacts, Market Research and Trade Events

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Contacts

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U.S. Embassy

- Economic & Commercial Officer: Michael Westendorp, U.S. Embassy Conakry, Guinea; WestendorpMC@state.gov; TEL: +224-655-10-4428
- Economic Assistant: Mahawa Camara, U.S. Embassy Conakry, Guinea; Camaram1@state.gov; TEL: +224-655-10-4226
- US Embassy Conakry mailing address:
American Embassy Conakry
P.O. Box 603
Transversale No. 2
Centre Administratif de Koloma
Commune de Ratoma
Conakry, Republic of Guinea
TEL: +224-655-10-4000

Trade or Industry Associations in Guinea

- Chambre de Commerce d'Industrie et d'Artisanat de Guinee (Guinean Chamber of Commerce)
B.P. 545, Conakry, Guinea
Tel : +224-622-23-20-64/+224-90-36-70
cfcimport@yahoo.fr

Mr. Morlaye Diallo, Interim President, Guinea Chamber of Commerce)
Tel: +224-622-66-47-10
Email: tommydiamor@yahoo.fr
- Confederation Patronale des Entreprises de Guinea (Guinean Business Association)
President Hadja Gmouma Traore
B.P. 3972, Conakry, Guinea
+224-664-20-57-34

- Chambre Nationale d'Agriculture (Chamber of Agriculture)
B.P. 896, Conakry, Guinea
+224-601-29-47-09
- Chambre des Mines de Guinee (Guinean Chamber of Mines)
President Mamady Youla
4eme Etage, Immeuble labe
Cite Chemin de Fer
B.P. 241, Conakry, Guinea

Tel: +224-622-35-10-36/+224-631-35-42-84
Email: mamady@yahoo.fr; cmgcom@chambredesminesgn.com;
Website: <http://chambredesminesgn.com/>

Key Government Offices in Guinea

- State Ministry of Public Works and Transport
(+224) 30-41-46-88
- Ministry of Commerce
(+224) 30-43-67-57
<http://mcguinee-gov.net/>
- Ministry of Industry
(+224) 30-45-34-50
- APIP – Agency for Private Investment Promotion
(+224) 655-78-78-78
<http://www.apiguinee.gov.gn/accueil>
POC (English speaker): Ms. Konah Traore ; konah29@yahoo.com
- Port of Conakry
Phone: (+224) 30-41-27-28 / 41-27-37
Fax: (+224) 30-41-25-95
<http://www.portconakry.org/>

Multilateral Organizations with Offices in Guinea

- World Bank
Immeuble de l'Archeveche
B.P. 1420, Conakry, Guinea
+224-30-41-27-70
- International Monetary Fund
Banque Centrale de la Republique de Guinee

B.P. 692, Conakry, Guinea
+224-30-45-51-76 / 64-28-97-63

Market Research

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To view market research reports produced by the U.S. Commercial Service please go to the following website: <http://www.export.gov/mrktresearch/index.asp> and click on Country and Industry Market Reports.

Please note that these reports are only available to U.S. citizens and U.S. companies. Registration to the site is required, and is free.

Trade Events

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Please click on the link below for information on upcoming trade events.

<http://www.export.gov/tradeevents/index.asp>

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Chapter 10: Guide to Our Services

SelectUSA:

SelectUSA was created by President Obama in June 2011 through Executive Order 13577, as the U.S. government-wide program to promote and facilitate business investment into the United States, including foreign direct investment (FDI) and reshoring.

The program is housed within the Commerce Department and coordinates investment-related resources across more than 20 federal agencies through the Interagency Investment Working Group (IIWG).

SelectUSA provides services to two types of clients: investors and U.S. economic development organizations at the state and local level. Services include:

Information Assistance:

- SelectUSA provides information to investors on the benefits of establishing operations in the United States, as well as the information needed to move investments forward. Investors can access facts, data and local contacts for the U.S. market.
- SelectUSA also works closely with state, local and regional economic developers to provide counseling on strategy, best practices, and on-the-ground intelligence from the Foreign Commercial Service network across more than 70 foreign markets.

Ombudsman Services: SelectUSA coordinates federal agencies to address investor concerns relating to a wide range of federal regulatory issues – helping them to navigate an unfamiliar system.

Investment Advocacy: U.S. state and local governments often find themselves competing with a foreign location for a project. SelectUSA can coordinate senior U.S. government officials to advocate to the investor to bring those jobs to the United States.

Promotional Platform: SelectUSA brings the power of the “USA” brand to high-profile events, such as, such as the upcoming 2015 Investment Summit, to attract investors to learn about our nation’s investment opportunities. SelectUSA organizes international Road Shows and missions to trade fairs, while also offering tailored on-the-ground assistance in more than 70 markets.

Note: SelectUSA exercises strict geographic neutrality, and represents the entire United States. The program does not promote one U.S. location over another U.S. location.

For more information on SelectUSA and services provided for investors and economic development organizations please click on the following link:

<http://selectusa.commerce.gov/>

National Export Initiative:

The President’s National Export Initiative/NEXT marshals Federal agencies to provide customer service-driven services and actionable information resources that ensure

American businesses are able to capitalize on expanded opportunities to sell their goods and services abroad.

The U.S. Commercial Service offers customized solutions to help U.S. exporters, particularly small and medium sized businesses, successfully expand exports to new markets. Our global network of trade specialists will work one-on-one with you through every step of the exporting process, helping you to:

- Target the best markets with our world-class research
- Promote your products and services to qualified buyers
- Meet the best distributors and agents for your products and services
- Overcome potential challenges or trade barriers
- Gain access to the full range of U.S. government trade promotion agencies and their services, including export training and potential trade financing sources

To learn more about the Federal Government's trade promotion resources for new and experienced exporters, please click on the following link: www.export.gov

For more information on the services the U.S. Commercial Service offers to U.S. exporters, please click on the following link: (Insert link to Products and Services section of local buyusa.gov website here.)

U.S. exporters seeking general export information/assistance or country-specific commercial information can also contact **(800) USA-TRAD(E)**.

To the best of our knowledge, the information contained in this report is accurate as of the date published. However, **The Department of Commerce** does not take responsibility for actions readers may take based on the information contained herein. Readers should always conduct their own due diligence before entering into business ventures or other commercial arrangements. **The Department of Commerce** can assist companies in these endeavors.

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