

# Validation of Guinea (2021): Final assessment of progress in implementing the EITI Standard

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## Acronymes

ANAFIC	Agence Nationale de Financement des Collectivités
ANAIM	Agence Nationale d'Aménagement des Infrastructures Minières
BCRG	Banque Centrale de la République de Guinée
BSD	Bureau de Stratégie et de Développement
CBG	Compagnie des Bauxites de Guinée
CBK	Compagnie de Bauxite de Kindia
CDM	Compagnie du Développement des Mines Internationales Henan Chine
Chalco	Société Chalco Guinea Company SA
CNSS	Caisse Nationale de Sécurité Sociale
COBAD	Compagnie de bauxites et d'alumine de Dian Dian
CPDM	Centre de Promotion et de Développement Miniers
DAF	Division des Affaires Financières
DGD	Direction Générale des Douanes
DNB	Direction Nationale du Budget
DNI	Direction Nationale des Impôts
DNIP	Direction Nationale des Investissements Publics
DNM	Direction Nationale des Mines
DNTCP	Direction Nationale du Trésor et de Comptabilité Publique
DNPP	Direction Nationale du Plan et de la Prospective
EITI	Extractive Industries Transparency Initiative
FIM	Fonds d'Investissement Minier
GNF	Franc Guinéen
GOVIN	Government Open Data Platform
MB	Ministère du Budget
MSG	Multi-Stakeholder Group
NRGI	Natural Resource Governance Institute
SAG	Société AngloGold Ashanti de Guinée SA
SBK	Société Bauxite Kimbo SA. U
SMB	Société Minière de Boké SA
SMD	Société Minière de Dinguiraye
SOGUIPAMI	Société Guinéenne du Patrimoine Minier

## Executive summary

This Validation report presents the findings of the International Secretariat's Validation of Guinea, which commenced on 1 October 2021. The draft report was finalised for review by the multi-stakeholder group (MSG) on 14 December. Following comments from the MSG received on 10 January 2022, the Validation report has been finalised for consideration by the EITI Board. The assessment suggests that Guinea has not exceeded any EITI Requirements, fully met 24, mostly met four and partly met one requirement.

### Key achievements

- Guinea has strengthened its EITI reporting to cover areas generating significant public interest such as subnational payments, contributions to local development funds and the 2017 resource-backed loan between Guinea and China. Guinea's EITI reporting has helped clarify and raise awareness around complex financial flows between mining companies, SOEs and the state to create better public understanding of previously opaque transactions involving infrastructure deals, loans and tax deductions.
- Guinea has used its EITI implementation to work with government agencies to gradually improve systematic disclosures of EITI data. Extractive licenses are disclosed through the online register, production, exports data and contracts are now systematically disclosed through regular government publications and ministry websites. The government's systematic disclosures now cover data on artisanal mining.
- Guinea has broadened civil society engagement in EITI implementation and reinvigorated the industry constituency's participation. Evidence suggests that the EITI has provided a space for civil society to freely discuss topics related to the extractive industries. All constituencies on the MSG now appear to represent their broader constituencies and are actively engaged in all aspects of implementation. This has helped position the EITI as a credible and competent partner, particularly for government institutions, in the opinion of stakeholders consulted.

### Areas for development

- Building on EITI reporting and systematic disclosures, Guinea could expand the MSG's diagnostic role in identifying deviations from statutory procedures in practice to new areas of the EITI Standard, such as on environmental impacts. The growing public debate on the extractive industries' environmental impacts creates an opportunity to provide information on mining companies' environmental contributions, environmental aspects of mining licensing and the impact of tax incentives on government revenues and investments in the sector.
- Following the [launch of the FUSION system by RDF and the government of Guinea](#), a beta version of Ministry of Mines and Geology's open data portal is now publicly accessible, with production data and export quantities of gold, alumina and bauxite. Combined with the open government data exchange platform GOVIN also launched in 2020, this creates

opportunity for Guinea to transition towards more efficient and timelier EITI reporting by companies and to improve the public accessibility of tools for monitoring the government's management of extractive revenues. Outreach efforts towards government agencies and companies will be required to ensure optimal implementation of these tools in the coming years.

- While civil society remains fully engaged, isolated incidents have raised concerns over possible retribution for critical expression on natural resource governance although these do not appear to have been linked to EITI implementation. There is room for the MSG to further support and strengthen investigations on extractive companies and related topics. Strategic recommendations are provided in Annex A.

## Progress in implementation

EITI Validation assesses countries against three components – “Stakeholder engagement”, “Transparency” and “Outcomes and impact”.

### *Stakeholder engagement*

The government, civil society and extractive companies are actively engaged in EITI implementation, with key stakeholders from each constituency represented on the MSG. The three constituencies have now institutionalised their EITI engagement and appear to be functioning in an efficient manner, maintaining regular communication with non-MSG members. In particular, the civil society constituency regularly seeks to engage with stakeholders from various organisations outside of those directly engaged in EITI. The three constituencies appear to have adapted their communication and coordination methods to local context. The leader of the military junta Colonel Doumbaya delivered a [speech](#) to mining investors on 16 September 2021 that reiterated support for the EITI's principles of transparency and good governance. Stakeholders consulted explained that the EITI in general and the EITI Guinea secretariat and MSG specifically had not faced specific challenges in their operations since the coup d'état. Despite the temporary suspension of international aid since the coup, EITI in Guinea continues to operate thanks to steady government transfers. While the preliminary assessment raised concerns about potential retaliation if civil society organizations expressed criticism of certain companies involved in the mining sector, members of the civil society constituency unanimously confirmed the lack of restrictions on carrying out any activity related to the EITI and its implementation.

### *Transparency*

Public disclosures on the extractive sector in Guinea have matured and reveal a clear distinction between two groups. On the one hand, government portals provide systematic disclosures of core information on the sector, available through the [Ministry of Mines and Geology's quarterly reports](#), which also cover the artisanal sector. These disclosures are among the timeliest of all EITI implementing countries and appear broadly acknowledged by stakeholders as a major step towards more timely and accessible extractive data. Licenses and contracts are publicly available through the Ministry's public cadastral portal and contract publishing website [contratsminiersguinee.org](#). On the other hand, EITI reporting remains a reference for any information related to the extractive sector, [through the open data portal of the Guinea EITI website](#) and EITI Reports. The latter provides new public disclosures but also offers a centralised

source of information on the extractive sector, aggregating systematically disclosed information in one place. Since the 2017 signature of the USD 20 billion resource-backed loan framework agreement between China and Guinea over 20 years, stakeholders consulted highlighted that the 2018 EITI Report was the first public document to disclose key information on the agreement, which is larger in size than Guinea's extractive contribution to the government revenues. There is strong public demand for EITI data on the mining sector, which creates opportunities for EITI Guinea to expand its coverage of areas of increasing public interest such as on the environmental impact and local content contribution to the extractive industries. Partly due to the pandemic's impact on the MSG's work in 2020-2021, there has been only preliminary work accomplished on disclosures related to new required aspects of the 2019 EITI Standard, such as beneficial ownership and project-level reporting.

### *Outcomes and impact*

While the COVID-19 pandemic slowed the pace of the MSG's dissemination of EITI findings, Guinea EITI stakeholders have contributed to policy dialogue and reform on issues relevant to the extractive industries. Building on the 2018 EITI Report, Guinea EITI has provided input to the development of government decrees operationalising local development funds and strengthening the monitoring of the mining industry's production.<sup>1</sup> There is evidence of use of EITI data by researchers, and a strong cooperation between government institutions such as the Ministry of Mines and Geology and the MSG. By sustaining its transition towards open-format disclosures of EITI data, Guinea EITI has the potential to deliver greater impact by cross-referencing or linking the already existing publications to other government data disclosure systems. The work plan could formulate in a clearer way how the objectives of Guinea align with national priorities, while more could be done to strengthen the connection between the MSG's annual review of implementation outcomes and EITI work planning, integrating a greater results-based approach to monitoring and evaluation.

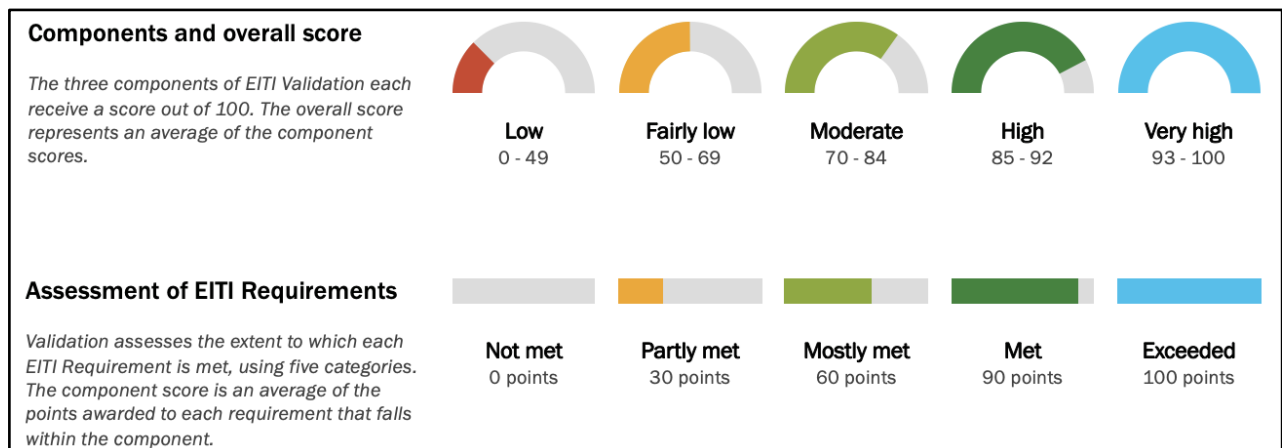
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<sup>1</sup> <https://www.itie-guinee.org/arrete-portant-creation-attribution-composition-et-fonctionnement-des-bureaux-des-evaluateurs-de-quantites-et-quantites-des-produits-miniers/>

Figure 1 Scorecard: Summary of progress in the Validation of Guinea (2021)

EITI Requirements			Assessment		
Validation of Guinea: final assessment per EITI Requirement			Level of progress	Score	Direction
Component	Module	Requirements			
Outcomes and impact	Extra points	Effectiveness and sustainability indicators		1	-
	Outcomes and impact	Work plan (#1.5)	Fully met	90	=
		Public debate (#7.1)	Fully met	90	=
		Data accessibility and open data (#7.2)	Fully met	90	=
		Recommendations from EITI (#7.3)	Fully met	90	→
	Outcomes & impact (#7.4)	Fully met	90	→	
Stakeholder engagement	Multi-stakeholder oversight	Government engagement (#1.1)	Fully met	90	=
		Industry engagement (#1.2)	Fully met	90	→
		Civil society engagement (#1.3)	Fully met	90	=
		MSG governance (#1.4)	Fully met	90	→
Transparency	Overview of the extractive industries	Exploration data (#3.1)	Fully met	90	=
		Economic contribution (#6.3)	Fully met	90	=
	Legal and fiscal framework	Legal framework (#2.1)	Fully met	90	=
		Contracts (#2.4)	Mostly met	60	←
		Environmental impact (#6.4)	Not assessed	-	=
	Licenses	Contract & license allocations (#2.2)	Mostly met	75	→
		License register (#2.3)	Fully met	90	=
	Ownership	Beneficial ownership (#2.5)	Partly met	30	=
	State participation	State participation (#2.6)	Fully met	90	=
		In-kind revenues (#4.2)	Not applicable	-	=
		SOE transactions (#4.5)	Fully met	90	=
		SOE quasi-fiscal expenditures (#6.2)	Fully met	90	→
	Production and exports	Production data (#3.2)	Fully met	90	=
		Export data (#3.3)	Fully met	90	=
	Revenue collection	Comprehensiveness (#4.1)	Fully met	90	=
		Barter agreements (#4.3)	Fully met	90	→
		Transportation revenues (#4.4)	Not applicable	-	=
		Disaggregation (#4.7)	Mostly met	60	←
		Data timeliness (#4.8)	Fully met	90	=
		Data quality (#4.9)	Fully met	90	=
	Revenue management	Distribution of revenues (#5.1)	Fully met	90	=
		Revenue management & expenditures (#5.3)	Not assessed	-	=
	Subnational contributions	Direct subnational payments (#4.6)	Mostly met	75	→
Subnational transfers (#5.2)		Not applicable	-	=	
Social & environmental expenditures (#6.1)		Fully met	90	→	

## How EITI Validation scores work



The overall score (out of 100) represents an average of the scores of each component.

Each requirement will be assessed following the scale below and assigned corresponding points:

- **Exceeded** (100 points): All aspects of the requirement, including ‘expected’, ‘encouraged’ and ‘recommended’ aspects, have been implemented and the broader objective of the requirement has been fulfilled through systematic disclosures in government and company systems.
- **Fully met** (90 points): The broader objective of the requirement has been fulfilled, and all required aspects of the requirement have been addressed.
- **Mostly met** (60 points): Significant aspects of the requirement have been implemented, and the broader objective of the requirement is mostly fulfilled.
- **Partly met** (30 points): Significant aspects of the requirement have not been implemented, and the broader objective of the requirement is not fulfilled.
- **Not met** (0 points): All or nearly all aspects of the requirement remain outstanding, and the broader objective of the requirement is far from fulfilled.
- **Assessment with/without improvements on last Validation** (+15 points): The assessment of the Requirement remains the same, but also assesses any improvements on progress in achieving the requirement’s objective since the last Validation.
- **Not assessed**: Disclosures are encouraged, but not required and thus not considered in the score.
- **Not applicable**: The MSG has demonstrated that the requirement doesn’t apply.

Where the evidence does not clearly suggest a certain assessment, stakeholder views on the issue diverge, or the multi-stakeholder group disagrees with the Secretariat’s assessment, the situation is described in the assessment.



## 1. Effectiveness and sustainability indicators

The country is awarded 0, 0.5 or 1 point for each of the five indicators. The points are added to the component score on Outcomes and impact.

### 1.1 National relevance of EITI implementation

This indicator considers the extent to which EITI implementation in Guinea addresses nationally relevant extractive sector challenges and risks.

While the link between work plan activities and objectives could be clearer the objectives of Guinea's EITI work plan broadly align with national priorities articulated in the government's development plan, including the agenda for reforming the legal framework for better management of natural resources. Specifically, Guinea EITI has accompanied government reforms on legal changes to facilitate open data publications by government agencies. Guinea EITI has also responded to public interest, going beyond the minimum requirements of the EITI Standard, by covering developments in the mining sector, such as China's loan for infrastructure agreement with Guinea concluded in 2017. This contract forms an integral part of Guinea's national development plan, which aims to leverage extractive revenues to diversify the economy. The 2018 EITI Report presented key new elements on the framework agreement signed between Guinea and China<sup>2</sup>, which included the amount disbursed each year, the details of the project, conditions of the loan and guarantees. Nevertheless, these efforts are not significant enough to warrant an additional bonus, which would require to demonstrate deeper links between EITI implementation and national priorities.

The Secretariat's assessment is that zero additional point be added to the score on outcomes and impact for this indicator.

### 1.2 Systematic disclosures of extractive industry data

Guinea systematically discloses the required information on the legal framework and more recently on production and exports. With support from the strategy department (BSD) of the Ministry of Mines and Geology, production and export data are now regularly published through quarterly reports, soon in open data format. The level of detail and sophistication of these publications exceeds by far those presented in the latest EITI Report (2018), are timelier and even contain figures from the artisanal sector<sup>3</sup>, as well as an overview of contributions to local development funds. State-owned mining companies, SOGUIPAMI and ANAIM, disclose much of the information required by the EITI on their websites, although the SOGUIPAMI has recently

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<sup>2</sup> For more information on the cooperation agreement between China and Guinea, see <https://www.itie-guinee.org/demande-dinformations-sur-laccord-cadre-entre-la-guinee-et-la-chine/>

<sup>3</sup> Example, quarterly report from March 2021:

[https://mines.gov.gn/assets/uploads/2021/03/Bulletin\\_Stat-Minieres\\_N%C2%B011\\_T1-2021-MMG\\_VFinale9p.pdf](https://mines.gov.gn/assets/uploads/2021/03/Bulletin_Stat-Minieres_N%C2%B011_T1-2021-MMG_VFinale9p.pdf)

implemented a filtering process to only allow accredited users to access its audited financial statements.<sup>4</sup>

Guinea EITI's 2021 work plan includes activities to support the integration of the EITI into government and enterprise systems. Guinea EITI is largely involved in the establishment of a data exchange platform (Fusion) which allows government entities to share data and thus strengthen their own disclosure systems. This platform has been extended to integrate digital reporting of EITI data by companies in the Govin system.

The Secretariat's assessment is that 0.5 additional points be added to the score on outcomes and impact for this indicator.

### 1.3 Environment for citizen participation in extractive industry governance

This indicator considers the extent to which there is an enabling environment for citizen participation in extractive sector governance, including participation by affected communities. During the period under review, Guinea EITI has increased outreach efforts to civil society and other stakeholders in regions and local communities affected by extractive industries. The Multi-Stakeholder group led a series of meetings with local stakeholders to introduce and explain the benefits of engagement with the EITI. Some of the planned outreach efforts were curtailed by the COVID-19 pandemic. The multi-stakeholder group has also carried out outreach and dissemination initiatives of the three EITI Reports published (2016, 2017, 2018) in extractive regions to raise public awareness. Extractive data was communicated to the public through various materials in the different national languages, by popularizing the EITI Report through infographics and podcasts as well as arranging in-person meetings. The EITI also assisted local municipalities to monitor revenue flows from operating companies.<sup>5</sup>

The civil society constituency has renewed membership in the MSG. The MSG renewal is evidence of broad citizen participation in the EITI process. The outreach efforts to regional and local communities, although useful for raising awareness about extractive industry governance issues, does not appear to have yielded wider geographic involvement in EITI implementation activities. A greater focus on corporate engagement at the regional level could potentially support Guinea EITI to increase the responsiveness to company reporting, which has slightly decreased since the first Validation. No significant restrictions on free and open private discussion, including for online blogs and social media were reported. Nonetheless, the Validation noted some stakeholder concerns about civic space in extractives governance. While isolated, cases of harassment of journalists who covered the EITI in the period under review has raised questions around restrictions in the broader civic space affecting civil society's ability to fully and effectively participate in all aspects of EITI implementation, including use of EITI data. In its comments on the draft assessment, the civil society constituency on the MSG insisted on the isolated aspect of restrictions or reprisals for citizens engaged issues related to the extractive industries. The eleven members of the constituency unanimously considered that the incidents noted above

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<sup>4</sup> subject to a registration process for the SOGUIPAMI website, which requires an authorization from an employee of the company.

<sup>5</sup> EITI outreach activities provided to local communities the turnover of companies operating in their municipalities (communities are entitled to 0.4 percent of the turnover of local enterprises but didn't have access to the actual figures).

were not linked to the EITI. While recognizing the efforts made on stakeholder engagement, this context does not yet warrant additional bonus points on the environment for citizen participation.

The Secretariat's assessment is that zero additional point be added to the score on outcomes and impact for this indicator.

#### 1.4 Accessibility and use of extractive industry data

This indicator considers the extent to which extractive sector data is accessible and used for analysis, research and advocacy. Guinea EITI has started efforts to ensure that data is accessible and responds to stakeholders' interests. Much of Guinea's data on the extractive sector is publicly disclosed in various open formats on the [website of the EITI](#), as well as systematically disclosed through the quarterly reports of the BSD. It includes production and exports (requirements 3.2 and 3.3), revenues (4.1, 4.6) and local funds disbursements, and metrics on artisanal mining. All contracts are available and searchable on both the [Ministry of Mines website](#) and [resourcecontracts.org](#). Publicly available extractive sector data is used for analysis by some actors including civil society as well as academics and other oversight actors. Students and the media have drawn on EITI data for research and analysis. Data most widely used are on government revenues, production and exports and local content.

Going forward, the expansion of Guinea's EITI efforts for disclosures to cover areas of high public interest such as environmental impact of the extractive activities and the contribution to rehabilitation funds could help strengthen the use of EITI data, given the large demand from the public. The MSG could ensure wider use of existing data to inform public debate by more directly identifying corruption risks in the upstream extractive industry value chain, such as in the licensing process. Ensuring the availability of all extractive sector data in open format in a timely manner is also encouraged to facilitate data analysis.

The Secretariat's assessment is that 0.5 additional points be added to the score on outcomes and impact for this indicator.

#### 1.5 EITI-related changes to extractive industry policy and practice

This indicator considers the extent to which EITI has informed changes in extractive sector policies and practices. There is evidence that EITI activities have facilitated changes to disclosure practices among some government agencies, particularly systematic disclosures related to the contribution of the extractive industries to the local and national government. There has also been significant engagement with the Ministry of Mines regarding the recruitment and training of mines inspectors to control bauxite production and exports as a means of strengthening tax collection from mining. There is not, however, clear evidence that EITI analysis or data has been used in extractive sector policies development such as the reform of the mining code or led to improvements in the systems or operations of companies or government agencies. Such improvements were not highlighted as direct outcomes of Guinea EITI implementation by stakeholders consulted.

The Secretariat's assessment is that zero additional point be added to the score on outcomes and impact for this indicator.

## 2. Outcomes and impact

This component assesses EITI Requirements 7 and 1.5, which relate to progress in addressing national priorities and public debate.

### Progress by requirement and corrective actions

The detailed assessment of progress in addressing each EITI Requirement or corrective action is available from the data collection templates referenced in annex to this report.

EITI Requirement / past corrective action	Summary of progress in addressing the EITI Requirement	Assessment
<b>Work plan (Requirement #1.5)</b>	<p>There is no evidence of back-sliding since the previous Validation, in which Requirement 1.5 was assessed as “satisfactory progress”. The Secretariat’s assessment is that Requirement 1.5 remains fully met. The work plan is widely available to the public via the national EITI website, and the latest version <a href="#">has been presented</a> in March 2021. It is reviewed and updated annually. Stakeholders confirmed that the process is inclusive and considers the issues raised during previous years. Civil society or Company representatives noted no financial capacity constraints that could limit their ability to fully participate in delivery of activities. The work programme and activities of the EITI work is funded by various actors, from central government to government agencies and donors. The work plan includes a clear description of how activities will deliver outcomes to achieve the objectives, although more would be welcomed for how activities will address legal and regulatory obstacles (1.5.c.iii) and could be more precise for some areas such as beneficial ownership. A results-based approach to the work plan including a monitoring and evaluation framework would also help to strengthen implementation, particularly on the follow-up of activities delayed or not implemented, such as the work on beneficial ownership (activities 1.10 to 1.19 of the work plan). The communications and outreach strategy could be more aligned with the work plan to target stakeholders relevant to the policies and practices that Guinea EITI activities are designed to change or influence.</p>	<b>Fully Met</b>
<b>Public debate (Requirement #7.1)</b>	<p>There is no evidence of back-sliding since the previous Validation, in which Requirement 7.1 was assessed as “satisfactory progress”. The Secretariat’s assessment is that Requirement 7.1 remains fully met. EITI in Guinea has undertaken active and innovative communication, outreach and dissemination efforts that enable evidence-based public debate on extractive industry governance, in line with the objective of the requirement. The EITI Reports are comprehensible and actively promoted through public events and podcasts. The language of activities varies according to regional needs, and Guinea EITI has developed different types of communication products to ensure that data is accessible to different groups. With the support of GIZ, EITI has provided</p>	<b>Fully Met</b>

	<p>training for journalists speaking regional languages to strengthen the awareness of EITI at the local level. Interactive broadcasts in local languages with private media and local radios (rural and community) were also conducted, where findings of EITI Reports are shared. The Covid 19 has had impact on the regularity and the number of these activities in 2020. EITI data is used by a wide range of actors including academics, civil society and parliamentarians leading to the fulfilment of the EITI Principles by contributing to wider public debate. Stakeholder consultations and the Validation submission show that EITI can be used to inform decision-making and drive reforms in extractive industry governance. Stakeholders consulted highlighted that government institutions consider the EITI as a reliable technical actor and regularly discuss publications. The Secretariat's assessment is that all aspects of the Requirement 7.1 have been addressed.</p>	
<p><b>Data accessibility and open data (Requirement #7.2)</b></p>	<p>Guinea EITI has agreed and published an open data policy (<a href="https://opendataitie-guinee.org/">https://opendataitie-guinee.org/</a>). The 2018 EITI Report, its summary data, and various 2018 annexes are available in excel and csv format through the open data portal of the EITI. In addition, some contextual data for the 2018 report such as the contribution of the extractive industries to the economy (Requirement 6.3) and data on production (Requirement 3.2), are available in various formats including .xlsx and .csv, as well as Export data (Requirement 3.3) and subnational payments to the development fund (FODEL). Extractive revenues are also published through the data portal (Requirement 4.1), disaggregated by agency, revenue stream and company, in percentage and absolute values. The accessibility of the data is mainly due to EITI means of publication, but production and export figures are also systematically disclosed through the BSD quarterly reports. Stakeholder consultations and the Validation template did not highlight any particular concern related to the accessibility of the data for analysis. The Secretariat's assessment is that all aspects of the requirement have been addressed and that the objective to enable the broader use and analysis of information on the extractive industries is fully met.</p>	<p><b>Fully Met</b></p>
<p><b>Recommendations from EITI implementation (Requirement #7.3)</b></p>	<p>The MSG has made efforts to strengthen the impact of EITI implementation by acting upon lessons learned. A plan to follow up on recommendations from EITI reporting and corrective actions from Validation has been set up, and an ad-hoc committee within the MSG has been created to monitor this process. The plan identifies the responsible entities and lists the activities, indicators and actual actions undertaken to address each corrective actions. The MSG's committee oversees implementation of recommendations and identifies remedy actions. The MSG has compiled the recommendations dating back to 2016 as part of their 2018 EITI Report (see section 6). In total, 17 recommendations have been made from the 2018 Reporting exercise, ranked by priority. 6 of the 15 recommendations from</p>	<p><b>Fully Met</b></p>

	<p>previous reports have been fully addressed, while 9 remain in progress. Out of the corrective actions from the previous validation, 6 have been fully implemented, while 2 remain in progress. A report published by PWYP<sup>6</sup> reviewed the implementation of gender aspects from the requirements 1.4, 6.3, 7.1 and 7.4 in Guinea, noting a slow progress of the gender question during the dissemination activities, as well as a slight improvement in the representation of women in the various institutions and debate instances related to extractive industries. To further improve the reliability of the production and export volume and values, the MSG accompanied the creation of inspectors<sup>7</sup> charged to check the volume of exports of mineral products, in order to increase the reliability of mining statistics and the taxes depending on these figures. The statistics on production and exports by the BSD align also with the same recommendation. Therefore, the Secretariat's assessment is that the corrective action has been addressed and that the objective of Requirement 7.3 is fully met.</p>	
<p><b>Review the outcomes and impact of EITI implementation (Requirement #7.4)</b></p>	<p>The MSG collects feedbacks from the dissemination and outreach activities and discuss them during follow-up meetings. The MSG also reviewed progress and outcomes of implementation in its annual progress reports over the past 3 years. Guinea's 2019 and 2020 EITI annual progress<sup>8 9</sup> report provided a summary of activities, an assessment of each corrective actions undertaken, an overview of responses to Validation and reconciliation recommendations, an assessment of progress in meeting workplan objectives and a narrative account of efforts to strengthen EITI implementation. Stakeholders consulted on and off from the MSG were satisfied with the level of inclusion in reviewing the impact of EITI implementation in Guinea. All were able to provide feedback on the EITI process and have their views reflected in the annual progress report. Although some follow-up on specific requirements such as the beneficial ownership roadmap or project-level reporting are lacking, the outcomes of EITI implementation and past Validation seem to represent the clear focus of MSG activities. There could be a clearer link between EITI activities and the results presented in the impact review documentation. The impact review of the EITI implementation, conducted by a consultant from the GIZ, has been discussed during an MSG meeting but is not available to the public. The Secretariat's assessment is that Guinea has addressed the corrective action and has fully met the objective of Requirement 7.4.</p>	<p><b>Fully Met</b></p>

<sup>6</sup> <https://www.itie-guinee.org/rapport-de-pcqv-guinee-sur-levaluation-des-exigences-gendre-de-la-norme-itie-2019/> (in French)

<sup>7</sup> <https://www.itie-guinee.org/arrete-portant-creation-attribution-composition-et-fonctionnement-des-bureaux-des-evaluateurs-de-quantites-et-quantites-des-produits-miniers/>

<sup>8</sup> <https://eiti.org/fr/node/11993>

<sup>9</sup> [https://eiti.org/files/documents/ptba\\_2021\\_approuve\\_par\\_le\\_cs\\_itie\\_-guinee.pdf](https://eiti.org/files/documents/ptba_2021_approuve_par_le_cs_itie_-guinee.pdf)

New corrective actions and recommendation
<ul style="list-style-type: none"> <li>• To strengthen implementation, Guinea is encouraged to ensure a more systematic approach to ensuring that all stakeholders are able to participate in reviewing the impact of EITI implementation, for instance through surveys or polls.</li> <li>• To strengthen implementation, Guinea could consider more clearly linking EITI work plan activities with the reforms in the extractive sector.</li> <li>• To strengthen implementation, Guinea is encouraged to work with government entities that systematically disclose EITI data, such as the BSD, to ensure publication of data in open formats.</li> </ul>

### 3. Stakeholder engagement

This component assesses EITI Requirements 1.1 to 1.4, which relate to the participation of constituencies and multi-stakeholder oversight throughout the EITI process.

#### Progress by requirement and corrective actions

The detailed assessment of progress in addressing each EITI Requirement or corrective action is available from the data collection templates referenced in annex to this report.

EITI Requirement / past corrective action	Summary of progress in addressing the EITI Requirement	Assessment
<b>Government engagement (Requirement #1.1)</b>	<p>There was consensus among stakeholders consulted that the government had continued to play a leading role on the MSG and in leading policy reforms related to EITI since the last Validation. Review of MSG meeting minutes and stakeholder consultations confirmed that government engagement in EITI implementation continued without impact from the political tensions of the past two years, including the controversial referendum on Constitutional provisions on presidential term limits in March 2020, national elections in October 2020 and the coup d'état in September 2021. There have continued to be high-level government statements of support for EITI throughout the period. The leader of the military junta Colonel Doumbaya delivered a <a href="#">speech</a> to mining investors on 16 September 2021 that confirmed the junta's commitment to the existing legal framework of the sector and reiterated support for the EITI's principles of transparency and good governance. Stakeholders consulted explained that the EITI in general and the EITI Guinea secretariat and MSG specifically had not faced specific challenges in their operations since the coup d'état, except for the temporary suspension of international aid since the coup. Despite political developments in 2020-2021, the Secretariat's assessment is that Requirement 1.1 remained fully met in the period since the last Validation.</p>	<b>Fully met</b>



<b>Industry engagement (Requirement #1.2)</b>	<p>The industry constituency appears to be fully and effectively engaged in the EITI process. With its 60 member companies, the Chamber of Mines appears representative of the structure of the mining sector in Guinea. However, of the 18 material mining companies in the 2018 EITI Report, two fifths (7) of companies are not members of the association even if all mining companies at the production phase are members including the three Chinese-owned companies (SMB-Winning, Henan Chine SA and Chinalco) and two Russian-owned companies owned by the Rusal Group. As follow-up on the corrective action from the last Validation, the constituency adopted its own <a href="#">ToR</a> to codify its engagement in the EITI. The Chamber of Mines has conducted ad hoc outreach to non-Chamber companies, including on EITI, although there has been no institutional framework for this outreach.</p> <p><a href="#">Decree D/2021/233/PRG/SGG</a> of 14 July 2021 re-establishing the EITI has created an enabling legal environment for company participation in Guinea’s EITI implementation, while the 2013 revisions to the 2011 Mining Code have made EITI reporting of audited figures mandatory for all mining licenses-holders. The companies are engaged in the EITI process, and all the material companies fulfil their EITI reporting requirement. There has consistently been attendance of three of the five industry MSG representatives at each meeting of the MSG, even if participation from two MSG members has been weaker. Companies have provided funding for EITI implementation in the past, although they have ceased doing so pending the formalisation of no conflict-of-interest rules, according to stakeholders consulted. Companies have contributed to EITI outreach and dissemination efforts in the mining regions, both by participating and in providing funding for activities. Some industry stakeholders consulted explained that they used EITI data for capacity building of their staff and for communications with their investors.</p>	<b>Fully met</b>
<b>Civil society engagement (Requirement #1.3)</b>	<p>Civil society is actively engaged in the EITI and codified its participation through the recently established civil society constituency called the “Coordination” committee. Civil society influences the scope of the EITI, uses EITI data for advocacy and analysis and actively participates in the MSG’s work. The assessment notes a potential breach of provision 2.1 of the EITI Protocol: participation of civil society, as well as the general objective of Requirement 1.3 that any actor engaged in the EITI process can express opinions without restraint, coercion or reprisal. Further details are provided in Annex A. In its comments on the draft assessment, the civil society members of the MSG insisted on the absence of restrictions or reprisals for citizens engaged in EITI related issues and topics. The eleven members of the college unanimously considered that the incidents noted above were not linked to the EITI in a separate set of comments on the draft assessment submitted in annex to the MSG comments. In light of these clarifications, the Secretariat’s assessment is that Guinea has fully met the objective of Requirement 1.3.</p>	<b>Fully Met</b>

<b>Multi-stakeholder group (Requirement #1.4)</b>	<p>The MSG appears to be functioning in an effective and equitable manner, in accordance with the MSG internal rules. The objective of having an independent MSG that can exercise active and meaningful oversight of all aspects of EITI implementation has been fulfilled. The MSG's <a href="#">internal rules</a> adopted in June 2021 and the Ministry of Mines and Geology <a href="#">document</a> codifying the structure of MSG membership on 9 September 2021 are both consistent with the constituency's own rules in the number and type of MSG member. A report published by PWYP<sup>10</sup> reviewed the implementation of gender aspects of the EITI Standard noted that gender considerations had yet to be included in constituency MSG nominations procedures but that each constituency was in the process of revising their guidelines to include these aspects. While the number of women on the MSG has grown by 50% between 2018 and 2021, it remains at 18% of the total, seven of 38 MSG members.</p> <p>Since the last Validation, the civil society and Industry constituencies have formalised their constituency coordination mechanisms and nominated their own representatives to the MSG in an entirely independent way following each constituency's own rules for the first time. Supported by an independent facilitator, civil society established a constituency "Coordination" committee, bringing together 36 member organisations working on extractive issues, of which around half were based in resource-rich regions according to stakeholders consulted. For the first time, the civil society constituency nominated its own representatives in an independent, transparent and open manner, based on a process following the constituency's new <a href="#">Code of Conduct</a> adopted in July 2020, which include clauses against conflict of interest and to boost youth and women representation. For the first time, the industry constituency appointed its own MSG representatives in an independent manner in February 2019, under the aegis of the Chamber of Mines. Stakeholder consultations confirmed that the second election of the 11 members to MSG in May 2021 were held in accordance with the constituency's <a href="#">ToR</a> formalised in June 2021. There is no evidence of communication by the Chamber of Mines to the broader constituency, aside from ad hoc outreach by the Chamber. There is limited evidence of coordination within each constituency on EITI issues in practice, and more could be done to ensure the accountability of MSG members to their broader constituencies.</p> <p>For most of the period under review, the MSG operated in accordance with <a href="#">Decree 2012/014/PRG/SGG</a> on 3 February 2012, which was revised in <a href="#">Decree D/2021/233/PRG/SGG</a> on 14 July 2021. Despite provision in the <a href="#">revised internal rules</a> agreed in June 2021 (similar to the previous rules), some MSG members consulted noted that they had not signed the EITI Code of Conduct. Stakeholder consultations did not highlight any particular deviations from the MSG's ToR in practice. Guinea EITI's governance documents do not provide specifically for</p>	<b>Fully met</b>
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<sup>10</sup> <https://www.itie-guinee.org/rapport-de-pcqvp-guinee-sur-levaluation-des-exigences-genre-de-la-norme-itie-2019/> (in French)

	<p>conflicts of interest or rules for their treatment of confidential information. With regards to conflict of interest however, the civil society constituency enacted a rule banning civil society stakeholders who were also civil servants to be MSG members, which resulted in the replacement of two MSG civil society members who launched political careers. The MSG continued to operate despite the difficult pandemic context, although some stakeholders consulted noted delays in delivering on various work plan activities and funding challenges in 2020-2021. Stakeholders consulted considered that the objective of an independent MSG with oversight of all aspects of EITI implementation that balances the three main constituencies' interests had been fulfilled as a result of follow-up on the corrective actions from the last Validation. Thus, the Secretariat's assessment is that Requirement 1.4 is fully met.</p>	
<b>New corrective actions and recommendation</b>		
<ul style="list-style-type: none"> <li>• To strengthen implementation, the government is encouraged to ensure that sufficient resources are secured for EITI implementation despite the temporarily suspension of development partner support.</li> <li>• To strengthen implementation, the industry constituency is encouraged to institutionalise outreach efforts to companies which are not members of the Chamber of Mines, supported by Guinea EITI and the government, potentially through 'open days' on EITI open to all companies.</li> <li>• To strengthen implementation, the MSG is encouraged to regularly monitor developments regarding civil society's ability to engage in all aspects of the EITI process and to organise awareness-raising sessions on the EITI protocol: Participation of civil society, with participation from the three constituencies. The government, in collaboration with the MSG, is encouraged to document the measures it undertakes to remove any obstacles to civil society participation in the EITI, should these arise in future. In accordance with the EITI protocol: Participation of civil society, civil society MSG members are encouraged to bring any ad hoc restrictions that could constitute a breach of the protocol to the attention of the MSG. The MSG is expected to document how it addresses these concerns.</li> <li>• To strengthen implementation, the MSG and each constituency should consider gender balance in their representation to progress towards gender parity. Members of the MSG are expected to abide by the EITI Association Code of Conduct, and the three constituencies are expected to abide equally to rules on conflict of interest and on the treatment of confidential information.</li> </ul>		

## 4. Transparency

This component assesses EITI Requirements 2 to 6, which are the requirements of the EITI Standard related to disclosure.

### Overview of the extractive sector (Requirements 3.1, 6.3)

#### Overview of progress in the module

A comprehensive overview of Guinea's extractive sector is provided in the 2018 EITI Report. Descriptions of the main companies operating in the country, deposits, as well as the main exploration projects are listed on the Ministry of Mines website, ensuring public access to an overview of the country's extractive sector and its potential.

Guinea has set up an online open data portal presenting the contribution of the extractive industries to the economy by year in a clear and accessible manner. The portal centralizes data on the sector's share of GDP, government revenues, exports, and employment. This allows the public to understand the contribution of the extractive sector to the national economy and the level of dependence on natural resources.

The Secretariat's assessment is that all aspects of Requirements 3.1 and 6.3 have been fully met.

#### Progress by requirement and corrective actions

The detailed assessment of progress in addressing each EITI Requirement or corrective action is available from the data collection templates referenced in annex to this report.

EITI Requirement / past corrective action	Summary of progress in addressing the EITI Requirement	Assessment
<b>Exploration (Requirement #3.1)</b>	There is no evidence of any backsliding since the previous Validation, in which Requirement 3.1 was assessed as "satisfactory progress". The Secretariat's assessment is that Requirement 3.1 continues to be fully met in Guinea. Since the last Validation, The <a href="#">Ministry of Mines website</a> also includes <a href="#">an overview</a> of the mining and petroleum potential but not of significant exploration activities, which remains disclosed through the EITI Report.	<b>Fully met</b>
<b>Contribution of the extractive sector to the economy (Requirement #6.3)</b>	There is no evidence of any backsliding since the previous Validation, in which Requirement 6.3 was assessed as "satisfactory progress". The Secretariat's assessment is that Requirement 6.3 continues to be fully met in Guinea. Guinea has fully complied with all aspects of this requirement by publishing the contribution of the extractive industries, in absolute and as a percentage of GDP, government revenue, exports, and employment, both in its 2018 EITI Report and on its open data portal. The government makes available information on the main regions where production is concentrated on the website of the Ministry of Mines and Geology.	<b>Fully met</b>

### New corrective actions and recommendation

- To strengthen implementation, Guinea is encouraged to ensure that there is systematic disclosure of significant exploration activities in the extractive sector of the country.
- To strengthen implementation, Guinea may wish to ensure regular publications of estimates of informal extractive activities on government portals, similarly to the production estimates published through the Ministry of Mines and Geology's quarterly publications.

## Legal environment and fiscal regime (Requirements 2.1, 2.4, 6.4)

### Overview of progress in the module

Guinea has begun systematically disclosing information on the legal framework for mining, as well as for the fledgling oil and gas sector. Since the last Validation, the Ministry of Mines and Geology publishes a [compendium](#) of laws and implementing regulations related to mining. The Secretariat's assessment is that Requirement 2.1 remains fully met, with scope to be upgraded to exceeded with more sources of systematic disclosures of information on on-going and planned reforms.

The issue of contract disclosure has been of public interest in Guinea since the 2013 reforms to the 2011 Mining Code. The country was an early pioneer internationally in disclosing all mining contracts in 2011. There are no active contracts in the oil and gas sector. The Ministry of Mines and Geology systematically discloses both exploration and production mining contracts on its [website](#) and through a searchable [Guinea Resource Contracts](#) database. However, Guinea's 2018 EITI Report notes that it has not been possible to consistently track the publication of all contracts and licenses (including annexes, amendments and riders), and therefore to establish a complete list of all contractual documents, to ensure their systematic disclosure. Stakeholders consulted, including from civil society, confirmed that there had not been any new mining contract award since the start of 2021, although there was less certainty about amendments. One stakeholder consulted considered that there was one contract amendment in the mining sector (one of the two amendments to the CBG contract) that had not yet been publicly disclosed, although its pre-dated January 2021. In its comments on the draft assessment, the MSG confirmed that post-2016 riders and amendments were properly attached to the contracts listed on the Department's website, which was confirmed by a review of the International Secretariat. It seems that all annexes to the contracts have also been published. For licenses, there does not appear to be a public comprehensive list of all active licenses (including annexes, amendments and riders) in the public domain, clearly indicating which are public and which are not, with links to each of the published documents. Stakeholders consulted explained that NRGi had helped the Ministry conduct a review of published contracts and identified certain contracts missing because they had not yet been published in the government's official gazette. There was consensus among stakeholders consulted that delay in the publication of the official gazette was a generalised challenge since the gazette had not been published in recent months. Civil society stakeholders consulted also highlighted their advocacy in 2019 that had led to the publication of annexes and amendments to key mining contracts involving companies such as SAG and SMB. It

was noted that the prospect of EITI Validation had been leveraged to ensure that the government publish the missing documents. In its comments on the draft assessment, the MSG transmitted an unpublished overview listing all active contracts, indicating their publication status. The review notes for each contract, amendments and riders the state of availability and the remaining gaps (such as formatting errors and typos) in the text of each document. The document lacks a reference or a link to the location of each specific contract, but all seem available at the [Guinea Resource Contracts database](#). This review does not seem to be available on the website of the Ministry or the EITI website. While the MSG's comments on the draft assessment state that all active extractive licenses have been published in the official gazette, there is no public overview of all active licenses, with reference to the specific location where the full text of each license document is publicly accessible. Thus, the MSG's review of practices in contract disclosures does not yet appear to have been matched for extractive licenses. In light of the additional documentation provided by the MSG of Guinea in its comments to the draft assessment, the Secretariat's assessment is that Requirement 2.4 is mostly met.

Guinea has made some efforts to disclose information on environmental impacts of the mining sector through its EITI reporting. The 2018 EITI Report provides an overview of statutory environmental management procedures with reference to the legal and regulatory framework but does not provide an overview of actual practice nor ongoing or planned legal, regulatory or administrative reforms. While environmental impact assessments and management plans are not publicly available online, government officials consulted explained that they were available upon request in physical format at the office of the *Bureau Guinéen d'Études et d'évaluation Environnementale* (BGEEE). The MSG has made some efforts at improving transparency by ensuring disclosure by four of the 25 material companies' disclosures of contributions to environmental rehabilitation funds. Industry stakeholders consulted confirmed that the vast majority of mining companies did not pay contributions to environmental rehabilitation funds. An industry representative noted that mining companies CBG and GAC developed an environmental protection mechanism in the Boké region, with four other bauxite producers subsequently joining, although this had not been described in Guinea's EITI reporting. While Guinea's efforts to extend the scope of EITI reporting to environmental impacts, the Secretariat's assessment is that the objective of a basis to assess the adequacy of the regulatory framework to manage the environmental impact of extractive industries is not yet fulfilled. Requirement 6.4 is therefore not assessed given that it is an encouraged aspect of the EITI Standard.

### Progress by requirement and corrective actions

The detailed assessment of progress in addressing each EITI Requirement or corrective action is available from the data collection templates referenced in the annex to this report.

EITI Requirement / past corrective action	Summary of progress in addressing the EITI Requirement	Assessment
<b>Legal framework and fiscal regime (Requirement #2.1)</b>	There is no evidence of any backsliding since the previous Validation, in which Requirement 2.1 was assessed as "satisfactory progress".	<b>Fully met</b>

<b>Contracts (Requirement #2.4)</b>	<p>The Secretariat's assessment is that Requirement 2.4 is mostly met in Guinea. The government's policy in favour of publishing the full text of both mining and petroleum contracts is described in the 2018 EITI Report. The full text of contracts is disclosed in both the mining and petroleum sectors, although Guinea's EITI reporting highlights the MSG's inability to confirm that all mining contracts have been published due to the lack of a publicly accessible list of all active contracts in the mining sector. However, the MSG has sent to the International Secretariat a document reviewing all active contracts, including riders and amendments, indicating their publication status, the state of availability and the remaining gaps in the text of each document. While the MSG's review does not specifically confirm the public disclosure of all contract annexes, a spot check by the International Secretariat confirmed that all contractual annexes appear to have been published. The document lacks a reference or a link to the location of the contract or license, but all seem available at the Guinea Resource Contracts database. This review does not seem to be publicly available on the website of the Ministry or the EITI website. While the MSG's comments on the draft assessment state that all active extractive licenses have been published in the official gazette (<i>Journal officiel</i>), it did not provide a comprehensive list of all active licenses with references to where each license is publicly accessible. An overview or a list of all active contracts <u>and licenses</u>, including exploration contracts, indicating which contracts and licenses are publicly available, and which are not, does not appear to be yet publicly available. All mining and petroleum contracts published to date relate to awards prior to 1 January 2021 and none of the mining and petroleum licenses appear to have yet been published. No new mining or petroleum contracts or licenses have been awarded or amended between 1 January and 31 September 2021.</p>	<b>Mostly met</b>
<b>Environmental impact (Requirement #6.4)</b>	<p>The Secretariat's assessment is that Guinea has addressed some encouraged aspects related to the environmental impact of the extractive industries, but that Requirement 6.4 should remain 'not assessed' given that the objective of the requirement is not yet exceeded. The 2018 EITI Report provides some information on the management and monitoring of the environmental impact of the extractive industries, including relevant legal provisions and administrative rules related to environmental management and monitoring of extractive investments in the country, but no information on actual practices such as adherence to environmental impact assessment requirements. The report does provide four of the 25 material companies' unilateral disclosures of their contributions to environmental rehabilitation funds and other types of environmental expenditures. While Guinea's EITI reporting has provided some information on regular environmental monitoring procedures related to the extractive industries, information on administrative and sanctioning processes of governments, as well as environmental</p>	<b>Not assessed</b>

	liabilities, environmental rehabilitation and remediation programs have yet to be comprehensively disclosed.	
<b>New corrective actions and recommendation</b>		
<ul style="list-style-type: none"> <li>• In accordance with Requirement 2.4.c.ii, Guinea should publish a comprehensive overview of all active extractive contracts and licenses (including annexes, amendments and riders), indicating which are publicly available and which are not. For all published contracts and licenses, it should include a reference or link to the location where the contract or license is published. If a contract or license awarded or amended after 1 January 2021 is not published, the legal or practical barriers should be publicly documented and explained and comprehensively resolved ahead of the second phase of Validation for Requirement 2.4 starting in January 2022.</li> <li>• To strengthen implementation, Guinea may wish to consider expanding its EITI disclosures to the rules and practices of environmental management and monitoring of extractive investments in accordance with Requirement 6.4.a, for instance to ensure that extractive companies' environmental impact assessments are publicly disclosed. Guinea could also consider disclosures on regular environmental monitoring procedures, administrative and sanctioning processes, as well as environmental liabilities, environmental rehabilitation, and remediation programmes in accordance with Requirement 6.4.b.</li> </ul>		

## Licenses and property rights (Requirements 2.2, 2.3)

### Overview of progress in the module

Guinea has undertaken significant reforms of its mining licensing procedures since the enactment of [implementing regulations](#) for the 2011 Mining Code in 2014. Licensing practices in the mining sector have garnered significant public attention<sup>11</sup> since the controversial award of mining rights for the world-class Simandou iron ore deposit to the Beny Steinmetz Group Resources (BSGR) in 2008.<sup>12</sup> While the previous Validation reviewed the initial period of implementation of the 2011 Mining Code in 2014, the period reviewed in this Validation covers the award of 123 mining licenses under this regulatory framework. There have not been any active licenses in the oil and gas sector since the last relinquishment in 2017.

Guinea has continued to use EITI reporting as a means of clarifying the statutory licensing procedures in the mining sector since the last Validation. The annual EITI Report provides an overview of the procedure for awarding and transferring licenses, including technical and financial criteria assessed. While the 2018 EITI Report included some small inconsistencies with systematic disclosures on government websites (CPDM), the Secretariat understands that the same technical and financial criteria apply to transfers as to awards and that no weightings are

<sup>11</sup> See for instance <https://www.financialafrik.com/2021/08/24/guinee-ebomaf-beneficie-dun-permis-dexploitation-miniére-malgré-son-passif-enquête/>, <https://www.hrw.org/fr/report/2018/10/04/quels-benefices-en-tirons-nous/impact-de-l'exploitation-de-la-bauxite-sur-les> and [https://www.liberation.fr/planete/2020/10/11/en-guinee-le-filon-d-une-start-up-miniére-française-pour-eviter-l'impot\\_1802061/?redirected=1](https://www.liberation.fr/planete/2020/10/11/en-guinee-le-filon-d-une-start-up-miniére-française-pour-eviter-l'impot_1802061/?redirected=1)

<sup>12</sup> See <https://www.reuters.com/article/us-swiss-steinmetz-timeline-idUSKBN29R2AA>



applied to these criteria given that licenses are awarded on a first-come-first-served basis where all criteria must be fulfilled.

Guinea has focused on addressing the corrective action from the last Validation in recent years, which required the MSG to undertake a more robust assessment of the practice of licensing in the country with a view to identifying non-trivial deviations from statutory licensing procedures. The MSG constituted a working group to review licensing practices in 2018, albeit only in 2021 after the publication of the 2018 EITI Report. [Minutes](#) of a two-hour meeting in August 2021 between the working group and CPDM were published in October 2021, noting the finding that the sample of licenses had all been awarded according to statutory procedures, without providing a summary table listing the results of the diagnostic. While MSG members consulted expressed support for the diagnostic's findings, most also recognised that there was a legacy of allegations of improper licensing activity in Guinea. While the MSG's greater participation in the review of licensing activity is a notable improvement on the previous approach of relying on the IA's work in previous EITI Reports, the relatively small sample size (10%) of the diagnostic and the lack of a breakdown of the findings for each license award, is a concern as it does not provide sufficient assurances to the public that license allocation processes are followed in practice. Thus, the Secretariat's assessment is that Requirement 2.2 is mostly met, but with improvements since the last Validation.

Guinea continues to operate a modern [cadastral portal](#) for the mining sector. There have been no active licenses in oil and gas since 2017. The MSG has used the EITI reporting process to identify specific disclosure gaps – dates of application for mining licenses held by six mining companies – and to take steps to remediate. Officials consulted noted plans to address these gaps, noting they affected only a handful of older concessions granted before the 2011 Mining Code. The Secretariat's assessment is that Requirement 2.3 remains fully met, although not yet exceeded pending resolution of the gaps identified through Guinea's EITI reporting.

### Progress by requirement and corrective actions

The detailed assessment of progress in addressing each EITI Requirement or corrective action is available from the data collection templates referenced in the annex to this report.

EITI Requirement / past corrective action	Summary of progress in addressing the EITI Requirement	Assessment
<b>Contract and license allocations (Requirement #2.2)</b>	The Secretariat's assessment is that Requirement 2.2 is mostly met in Guinea. The 2018 EITI Report lists the 123 mining licenses awarded in 2018 and confirms the lack of new oil and gas license or contract awards as well as the lack of license and contract transfers in both the mining and petroleum sectors. None of the license awards in 2018 were conducted through competitive tender. The report provides an overview of the statutory procedure for awarding and transferring licenses in both mining and petroleum, including the specific technical and financial criteria assessed in mining license awards. The report confirms that the specific criteria assessed for oil and gas license awards are codified in the decree announcing the opening of specific oil and gas blocks. There	<b>Mostly met (with improvements since the last Validation)</b>

	<p>is an inconsistency between the EITI Report’s statement that no criteria are assessed for mining license transfers and a note by CPDM in 2018 that described a set of financial criteria assessed in mining license transfers. However, the Secretariat understands that the same technical and financial criteria are assessed for mining production license transfers as for awards, while mining exploration licenses cannot be transferred.</p> <p>The 2018 EITI Report’s statement that the IA was not able to assess non-trivial deviations from statutory procedures in the 123 mining license awards in 2018 is a concern. However, subsequent to the start of Validation, the MSG’s diagnostic report on mining license awards to a sample of seven companies in 2018 was published on the Guinea EITI website, confirming the lack of non-trivial deviations from statutory procedures. Guinea’s EITI reporting does not reference any additional commentary by the MSG on the efficiency of the current mining and petroleum licensing systems. However, the Secretariat’s assessment is that Guinea has not yet fulfilled the objective of providing a public overview of whether the statutory procedures for license awards and transfers are followed in practice given the cursory nature of the assessment of non-trivial deviations and the lack of detailed information on the MSG’s findings from its review of non-trivial deviations in mining licensing activities. Nevertheless, the MSG’s diagnostic of mining license awards has improved since the last Validation by ensuring proactive participation of MSG members.</p>	
<b>Register of licenses (Requirement #2.3)</b>	<p>There is no evidence of substantial backsliding since the previous Validation, in which Requirement 2.3 was assessed as “satisfactory progress”. The Secretariat’s assessment is that Requirement 2.3 continues to be fully met in Guinea. While the dates of application are not publicly disclosed for some of the licenses held by six material companies included in the scope of the 2018 EITI Report, the MSG has been transparent about this issue and is undertaking efforts to ensure that the missing dates of application are disclosed in future.</p>	<b>Fully met</b>
<b>New corrective actions and recommendation</b>		
<ul style="list-style-type: none"> <li>• In accordance with Requirement 2.2, Guinea should ensure public disclosure of information on awards and transfers of mining and petroleum licenses on an annual basis, including the technical and financial criteria assessed and a detailed annual assessment of non-trivial deviations from statutory procedures in license awards and transfers. Guinea may wish to include additional information on the allocation of licenses as part of the EITI disclosures, including for instance commentary on the efficiency and effectiveness of licensing procedures, and a description of procedures, actual practices and grounds for renewing, suspending or revoking an extractive contract or license.</li> <li>• To strengthen implementation, Guinea is encouraged to ensure that all information listed under Requirement 2.3.b, including dates of application, are systematically disclosed for all active licenses in the mining, oil and gas sectors, irrespective of the materiality of payments to government associated with each.</li> </ul>		

## Beneficial ownership (Requirement 2.5)

### Overview of progress in the module

Adherence to Requirement 2.5 on beneficial ownership is assessed in Validation as of 1 January 2020 as per the framework agreed by the Board in June 2019.<sup>13</sup> The assessment consists of a technical assessment focusing on initial criteria and an assessment of effectiveness.

#### *Technical assessment*

The technical assessment is included in the Transparency template, in the tab on Requirement 2.5.

The assessment shows that Guinea has made progress but not fully established a legal basis for the collection and disclosure of beneficial ownership information. The 2021 EITI Guinea Organizational Decree 233/PRG/SGG mentions the obligation for mining and petroleum companies to declare their beneficial owners, and the sanctions in case of non-compliance, but has not yet been translated into national legislation. A draft law was prepared in 2019 and remains under discussion, with the last MSG meeting on this topic in June 2021, although the draft legislation has been published online. The draft includes the definition of beneficial ownership and identifies the CPDM as the national agency responsible for establishing the registry. The Ministry of Mines and Geology has invited all extractive license-holding companies to disclose beneficial ownership data as part of data collection for the 2018 EITI Report, although there is no evidence of this data collection from non-reporting companies in the 2018 EITI Report. As a result, beneficial ownership reporting forms were only distributed to companies as part of the 2018 EITI reporting cycle and the collection of data do not yet appear to be institutionalized within government systems. There is no evidence that beneficial ownership data has yet been requested from any companies applying for extractive licenses since 1 January 2020. Public access to legal ownership data is contingent on the payment of a GNF 20 000 (EUR 30) fee per company record. The MSG has not yet published a list of companies holding extractive licenses in Guinea that are subsidiaries of companies publicly listed on foreign stock exchanges. References (links) to their statutory filings to their respective stock exchanges are not available, neither in the summary data nor the EITI Report.

#### *Assessment of effectiveness*

There have been delays in implementing the government's commitment to beneficial ownership transparency in practice. In the absence of reporting templates sent to extractive companies by the government, only the ones included in the scope of EITI reporting disclosed some information through the 2018 EITI Report. The section on beneficial ownership includes an overview of the submission of the material companies, but the MSG does not yet appear to have commented on these submissions or planned any activity or strategies to expand the data collection to the whole spectre of companies engaged in the extractive sector. There has not been any attempt to capture beneficial ownership data from license applicants, even though mining license awards is a topic of significant public interest given corruption allegations related to licensing activities in the past. Stakeholders consulted highlighted the case of a license attributed to the company *Alliance Minière Responsable* (AMR) in 2017, which is the subject of press allegations of tax

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<sup>13</sup> <https://eiti.org/document/assessing-implementation-of-eitis-beneficial-ownership-requirement>.

evasion<sup>14</sup>, but only disclosed its legal owners in the 2018 EITI Report. To date, only nine out of more than 450 license holders in Guinea submitted information on their beneficial owners. The lack of a publicly accessible review by the MSG of the comprehensiveness and reliability of beneficial ownership data collected and disclosed to date raises concerns about the prospects for fully addressing the provisions of Requirement 2.5 in the medium term. Several civil society stakeholders consulted expressed concerns over the lack of progress on establishing a legal and regulatory framework for public beneficial ownership disclosures since 2019, given delays in drafting implementing regulations related to beneficial ownership. These gaps support the Secretariat's assessment that Guinea has yet to achieve the objectives of Phase 1 of the Validation framework for beneficial ownership transparency and has partly met Requirement 2.5.

### Progress by requirement and corrective actions

The detailed assessment of progress in addressing each EITI Requirement or corrective action is available from the data collection templates referenced in the annex to this report.

EITI Requirement / past corrective action	Summary of progress in addressing the EITI Requirement	Assessment
Beneficial ownership (Requirement #2.5)	Guinea has partly met the requirement's objective of enabling the public to know who ultimately owns and controls the companies operating in the country's extractive industries and to help deter improper practices in the management of extractive resources. Several aspects of the initial criteria for Validation of Requirement 2.5 have not yet been addressed in Guinea, including finalizing the legal framework and establishing reporting practices for beneficial ownership disclosures. A draft law has been prepared in 2019 but remains in discussion. Nonetheless, the draft legislation has been published. <sup>15</sup> The project includes the definition of beneficial ownership and identify the CPDM as the national agency responsible for setting up the register. In the absence of a firmly established legal framework or reporting practices enshrined in law, the Ministry of Mines and Geology has invited all extractive companies to declare the identity of their beneficial owners as part of the 2018 EITI Report data collection. Reporting forms prepared by EITI Guinea have been sent to all extractive sector licensees. No additional support to encourage them to disclose this data is documented, and companies applying for a license since 1 January 2020 do not appear to have been solicited. Based on the beneficial ownership section in the 2018 EITI Report, of the 25 extractive licensees with significant revenues, only 9 submitted information on their beneficial ownership. Section 4.7.2.2 of the 2018 EITI Report (dedicated to Requirement 2.5.c.) provides an assessment of the completeness and reliability of beneficial ownership disclosures, although it remains limited to the material companies' submission. Information on legal owners can be accessed through the <a href="#">portal of the OHADA Commercial Register</a> . The 2018 EITI Report questions the exhaustivity of	Partly Met

<sup>14</sup> [https://www.liberation.fr/planete/2020/10/11/en-guinee-le-filon-d-une-start-up-mini-ere-francaise-pour-eviter-l-impot\\_1802061/](https://www.liberation.fr/planete/2020/10/11/en-guinee-le-filon-d-une-start-up-mini-ere-francaise-pour-eviter-l-impot_1802061/)

<sup>15</sup> Published on the website of Guinea EITI: <https://www.itiedoc-guinee.org/document-archive/avant-projet-de-loi-sur-la-propriete-effective-nov-2019-en-cours-de-finalisation/>

	<p>the OHADA register for Guinea, and the cost of information on legal owners (GNF 20000 / EUR 30 per company) could be considered a constrain. Guinea EITI has published on its website a list of legal owners for more than 80% of the extractive licenses existing in Guinea. Regarding requirement 2.5.f.iii, links to the stock exchange filings of the extractive companies in Guinea that are wholly owned subsidiaries of publicly listed companies have not been disclosed through the 2018 summary data file or on the national EITI website (only general links to the company websites). None of stakeholders consulted commented on the progress on Beneficial Ownership disclosures, asides for noting the slow progress since 2019. It is therefore the view of the Secretariat that Guinea has partly met the objective of Requirement 2.5.</p>	
<b>New corrective actions and recommendation</b>		
<ul style="list-style-type: none"> <li>In accordance with Requirement 2.5 by January 2022, Guinea is required to disclose the beneficial owners of all companies holding or applying for extractive licenses. To achieve this target, Guinea should request all license holders to disclose beneficial ownership information and to require all applicants of extractive licenses to disclose their beneficial owners. An assessment of the comprehensiveness and reliability of this information should be undertaken by the MSG. The government should consider the feasibility of establishing a public register of beneficial owners. Guinea is encouraged to agree priorities for beneficial ownership disclosures and, based on these priorities, plan efforts to obtain this data. For example, Guinea may prioritise disclosures by certain types of companies, companies holding a certain type of license or producing a certain commodity due to risks related to corruption, tax evasion or circumventing provisions for local participation. These priorities should guide outreach efforts to companies and provide them guidance. It is recommended that disclosures are published in open data format, comparable and easy to analyse. Guinea may wish to expand beneficial ownership disclosures to other segments of the upstream extractive value chain, for instance through collection and disclosure of beneficial ownership information from extractive-sector service providers, to enable monitoring of adherence to local content provisions and to manage corruption and tax evasion risks.</li> </ul>		

## State participation (Requirements 2.6, 4.2, 4.5, 6.2)

### Overview of progress in the module

State participation in the extractive sector is adequately described in the 2018 EITI Report. It includes a list of upstream State participations in 2018 and provides an overview of the statutory rules and relationships between state enterprises (SOGUIPAMI, ANAIM and ONAP) and the government in the mining, oil and gas sectors. The report also provides an overview of the terms attached to the state participation in the mining, oil and gas sectors, and document the changes of ownership in 2018, albeit only in mining, as there are currently no active projects in the oil and gas sector. The two SOEs in the mining sector play different roles. SOGUIPAMI is now in charge of the portfolio of state participations in the extractive industries and has also taken itself some minor participations in exploration projects. ANAIM manages the state-owned infrastructures such as the port of Kamsar. Stakeholders consulted considered that the level of progress for this requirement has been maintained since the previous Validation.

On the sale of the state's in-kind revenues, there continues to be no evidence that the government collects revenues in kind from the extractive industries in Guinea, similarly to the period reviewed by the previous Validation. Nevertheless, the 2018 EITI Report describes the role of SOGUIPAMI as responsible for the marketing of a share of CBG's bauxite production, purchased as a state option on a part of the production up to its participation in the business<sup>16</sup>. The volumes of bauxite sold by SOGUIPAMI to DADCO in 2018 on behalf of CBG are provided, as well as the value of the SOE's sale commission. Stakeholders from SOEs consulted highlighted that this practice and the transactions associated to it were expected to grow significantly in the future reporting years, as the SOGUIPAMI has expanded its marketing role to several producing companies.

On the transactions related to state-owned enterprises, the Secretariat's assessment is that Requirement 4.5 is fully met in Guinea. The total revenues of state-owned enterprises are disclosed, disaggregated by revenue stream, and amount to GNF 286,91 billion. Each revenue flow and the corresponding agreement is described in detail (pp.67-78). The 2018 EITI Report clarifies that the two state-owned enterprises in the sector, SOGUIPAMI and ANAIM, did not make any dividends payments to the state in 2018, and did not receive funds from the State. The State received a USD 25 million loan from the ANAIM in 2015. After a meeting held between the State, the ANAIM and a private extractive company, the CBG (49% State-owned), it has been decided that the CBG would reimburse the debt instead of the State. As a compensation, the CBG has been able to deduct the amount of reimbursement from its corporate income tax each year. In 2018, USD 6 169 193 has been deducted from the payment of the CBG to the State, but according to the EITI Report, USD 11 427 776 are still due to the ANAIM from the CBG. Stakeholders consulted highlighted the value of EITI Reporting to clarify the complex relationship in practice between the State, the SOEs and mining companies, and to demonstrate the full contribution of private and state-owned extractive companies to the country. It is the view of the International Secretariat that Guinea has fully met the objective of the requirement 4.5.

Regarding quasi-fiscal expenditures, the 2018 EITI Report describes several transactions identified as quasi-fiscal expenditures from one of the materials SOEs, ANAIM. These includes funding of local logistic projects in the mining region of Boké, covering of costs of the local hospital (called "Hôpital ANAIM"), compensation for the expropriation of the population living near the mining project of CBG, and the financing of the construction of a police station and a hospital in the region of Boké. Together, these 5 expense flows amount to GNF 21 264 833 837. Each expense is disaggregated by nature of expenditures and date. The EITI Report states that the quasi-fiscal expenditures data comes from a request from the IA, disclosed in ANAIM reporting templates, and therefore is subject to the same quality assurances than the rest of the fiscal figures. In the absence of concerns on the reliability of the data from stakeholders consulted, the Secretariat's assessment that Guinea has provided a comprehensive review of all quasi-expenditures undertaken by extractive SOEs and that Requirement 6.2 is fully met.

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<sup>16</sup> The state, or SOGUIPAMI acting on its behalf, reserves the right to purchase and market a quantity of the production of the license holder in proportion to its participation, for any price offered which is greater than the current market price. For more details, see Article 138-1 of the [Mining Code](#).

### Progress by requirement and corrective actions

The detailed assessment of progress in addressing each EITI Requirement or corrective action is available from the data collection templates referenced in the annex to this report.

EITI Requirement / past corrective action	Summary of progress in addressing the EITI Requirement	Assessment
<b>State participation (Requirement #2.6)</b>	There is no evidence of back-sliding since the previous Validation, in which Requirement 2.6 was assessed as “Satisfactory Progress”.	<b>Fully Met</b>
<b>Sale of the state’s in-kind revenues (Requirement #4.2)</b>	There is no evidence of back-sliding since the previous Validation, in which Requirement 4.2 was assessed as “Not applicable”.	<b>Not applicable</b>
<b>Transactions related to state-owned enterprises (Requirement #4.5)</b>	There is no evidence of back-sliding since the previous Validation, in which Requirement 4.5 was assessed as “Satisfactory Progress”.	<b>Fully Met</b>
<b>Quasi-fiscal expenditures (Requirement #6.2)</b>	<p>The Secretariat’s assessment is that Guinea has fully met the objective of the requirement. The 2018 EITI Report identifies several types of expenses covered by ANAIM, including the provision of non-commercial services (social services), financing of public infrastructure, public debt services, and subsidies in the form of the sale of products at a loss or at prices below market prices.</p> <p>All these transactions are detailed in the 2018 EITI Report, broken down by type of work, for a total of GNF 21.264 billion. The other state-owned enterprises operating in the sector, SOGUIPAMI, claims to have made no quasi-fiscal expenditure for 2018, although the justification for reaching such a conclusion is absent. Stakeholders consulted confirmed that the SOGUIPAMI did not undertake any quasi-fiscal expenditures for the year under review.</p>	<b>Fully Met</b>
<b>New corrective actions and recommendations</b>		
<ul style="list-style-type: none"> <li>• To strengthen implementation, Guinea is strongly encouraged to consider the extent to which routine publication of SOEs’ status and annual audited financial statements would clarify the rules and practices of state ownership.</li> <li>• To strengthen implementation, Guinea is encouraged to undertake a comprehensive review of all expenditures undertaken by extractives SOEs that could be considered quasi-fiscal and develop a reporting process with a view to achieving a level of transparency on all types of quasi-fiscal activities linked to extractives revenues commensurate with other payments and revenue streams. To strengthen transparency regarding this type of transaction, Guinea could agree to a review of documents other than SOEs’ audited financial statements, such as procurement plans, in order to ensure a comprehensive overview of possible quasi-fiscal expenditures in the extractive sector.</li> </ul>		

## Production and exports (Requirements 3.2, 3.3)

### Overview of progress in the module

Production and export data, including some data on artisanal mining, are published in the 2018 EITI Report and systematically disclosed through the quarterly statistical bulletins of the Bureau de Stratégie et Développement (BSD) of the Ministry of Mines and Geology, and through the Guinea EITI open data portal.

This routine publication is an innovation since the previous validation. Stakeholder consultations indicated that the quarterly statistical bulletins published by the BSD since 2018 are considered by stakeholders in all three constituencies to be a key source of information and real progress in the publication of timely and accessible data. For example, a civil society representative has used the data from the bulletins to comment on the insufficient economic benefits despite an increase in bauxite production over the recent years. The Secretariat's assessment is that this publication ensures public understanding of mining production levels and is a good basis for addressing production and exportation related issues in the sector. Production and export volumes are disaggregated by commodity on the open data portal, and by company in both the BSD bulletins and the 2018 EITI Report, which also specifies the region. The 2018 EITI Report provides these data disaggregated by ore, company, region, buyer, and destination country. Production values are not covered by the BSD statistical bulletins.

### Progress by requirement and corrective actions

The detailed assessment of progress in addressing each EITI Requirement or corrective action is available from the data collection templates referenced in the annex to this report.

EITI Requirement / past corrective action	Summary of progress in addressing the EITI Requirement	Assessment
<b>Production (Requirement #3.2)</b>	There is no evidence of any backsliding since the previous Validation, in which Requirement 3.2 was assessed as “satisfactory progress”. The Secretariat's assessment is that Requirement 3.2 continues to be fully met in Guinea. Guinea has addressed all aspects of this requirement: Mining production data is disclosed comprehensively in the 2018 EITI Report, by volume and value, disaggregated by commodity, by region and by company. The quarterly statistical bulletins of the Bureau of Strategy and Development (BSD) provide a routine publication of this data in the same level of disaggregation and allow an understanding of the evolution of the production level for each commodity. Production data is also available on the EITI Guinea <a href="#">open data portal</a> , disaggregated by commodity, and in some cases by company. Granite and limestone production data are not disaggregated to the required level.	<b>Fully met</b>
<b>Exports (Requirement #3.3)</b>	There is no evidence of any backsliding since the previous Validation, in which Requirement 3.3 was assessed as “satisfactory progress”. The Secretariat's assessment is that Requirement 3. continues to be fully met in	<b>Fully met</b>



	Guinea. Data related to mining exports are published comprehensively in the 2018 EITI Report, disaggregated by commodity and company, but also by region and destination. Export volumes are also available in the quarterly statistical bulletins of the BSD, by commodity and by company – including for the artisanal and small-scale mining sector - and on the EITI Guinea open data portal, in a lower level of detail.	
<b>New corrective actions and recommendation</b>		
<ul style="list-style-type: none"> <li>• To strengthen implementation, Guinea is encouraged to disclose through the quarterly bulletins production values disaggregated by region, company or project, and to include sources and the methods for calculating production volumes and values (3.2).</li> <li>• To strengthen implementation, Guinea is encouraged to disclose in the quarterly bulletins export values disaggregated by region, company or project, and to include sources and the methods for calculating export volumes and values (3.3).</li> </ul>		

## Revenue collection (Requirements 4.1, 4.3, 4.4, 4.7, 4.8, 4.9)

### Overview of progress in the module

The 2018 EITI Report provides comprehensive disclosure of government revenues from the extractive sector, as well as an assessment of the comprehensiveness and reliability of these disclosures. Material government entities, revenue streams and companies are clearly identified, and the materiality thresholds discussions are documented in the EITI Report. All reporting entities have provided their reporting templates, and full government disclosure (including non-material revenues) is provided, disaggregated by revenue stream, company and government agency. Audited financial statements are publicly available for 40% of the material companies (10 out of 25). Several stakeholders highlighted concerns for tax incentives in Guinea. The production, notably of bauxite, has increased the past years but revenues from the extractive sector stagnated. While the EITI provides the basis for detailed public understanding of the contribution of the extractive industries to government revenues, it could go further in the analysis and the impact on government revenues of tax incentives and ancient clauses in the oldest contracts signed in Guinea.

On barter agreements and infrastructure provisions, Guinea has gone beyond the scope of EITI reporting by disclosing the terms of framework agreement signed between Guinea and China in 2017. This agreement does not consist in any physical exchange of goods or licenses against financing but can be considered nevertheless as a “resource backed loan”, given that the revenues pledged to reimburse the loan are directly derived from the extractive sector. The 20-year agreement consists in the development of various infrastructure projects for a total value of USD 20 billion. In 2018, the infrastructure works pledged amounted to more than EUR 500 million. The reimbursement of the loan will use the taxes paid by three Chinese mining companies, CHALCO, HENAN DE CHINE, and SPIC. Stakeholders consulted explained that the taxes paid will not be transferred to the treasury but directly to an escrow account overseen by the Central Bank of Guinea, which will inform the Treasury and the custom and tax departments

that the three Chinese companies have paid the taxes the agency are supposed to collect. In response to significant public demand, and after consultation with the Ministry of Mines and Geology, the MSG published an explanatory note revealing key features of the agreement signed between Guinea and China, such as the nature of the projects, their value, the interest rate, and repayment modalities of the loan, among others. Reimbursements will start in the future reporting cycles, and there is a large demand from the public and the development partners for a closer coverage of this infrastructure deal. MSG stakeholders consulted insisted that this transaction did not constitute a barter, but rather a cooperation agreement between two sovereign countries. The licenses of the three Chinese companies had been awarded in 2018 according to standard procedures, and no physical exchange of commodities was involved in the agreement. Albeit the licenses have been attributed the year following the signature of the framework agreement, stakeholders did not consider that the licenses award was a condition sine qua non. It is therefore the view of the International Secretariat that the definition of barter-type agreement as described in the requirement 4.3 of the 2019 EITI Standard does not apply to the framework agreement. Nevertheless, given the nature and the magnitude of the infrastructure deal, its strategic relevance for Guinea and the work undertaken by the MSG to bring information to the public, the Secretariat's assessment is that Guinea has fully met the objective of Requirement 4.3 to enable public understanding of infrastructure provisions and barter-type arrangements, which provide a significant share of government benefits from an extractive project, that is commensurate with other cash-based company payments and government revenues from oil, gas and mining, as a basis for comparability to conventional agreements.

Transportation revenues related to extractive commodities exist and were material in Guinea in the period under review (2018). The 2018 EITI Report discloses the revenues collected by one of the SOEs in the mining sector, ANAIM, for the third-party use of bauxite transport infrastructure. The volume, tariff and date of each transaction is provided by the EITI Report. ANAIM also collects a second revenue flow from mineral transportation, namely shipping royalties for boats using the port infrastructures. The name of the company owning the boats, the date of the payment and the tariff of 0,15 USD per tonne of bauxite are also disclosed in the EITI Report. No stakeholders consulted expressed any concerns on the reliability or on another issue tied to these operations.

The 2018 EITI Report describes the MSG's definition of project and presents reconciled financial data disaggregated by government entity, revenue stream, and company. For the purposes of project-level reporting, [a list detailing the methodology](#) used to select the revenues being levied and reported by project is available on the national EITI website. There is evidence of four extractive companies. Some revenue data disaggregated by project has been available on the Guinean page of the [resource project portal](#), and only four categories of payment are disclosed, taxes, bonus, fees and payments for infrastructures. The project-disaggregated data available in the 2018 EITI Report is slightly more comprehensive, but only five of the twenty-five material companies reported their payment per project, which represents 20% of the total revenues disclosed. All five companies seem to operate only one project each, which turns the project reporting of all the revenues paid by the companies de facto. One company who reported its payments for the Dian-dian project, the COBAD, seems to operate four licenses according to the mining cadastre of Guinea. Given the geographic proximity of these licenses, they could be considered intertwined and forming one single project, but it does not seem that the MSG or the

IA have considered this issue. The third recommendation of the 2018 EITI Report suggests conducting a feasibility study to identify the obstacles to project-level reporting for companies. Therefore, the data disclosed in the 2018 EITI Report does not indicate that Guinea comprehensively reports data per project, in line with its application of Requirement 4.7. The stagnation of revenues from extractive activities despite the increase in production during recent years has been highlighted multiple times by stakeholders, a question on which project-level reporting could bring answers to.

Guinea's 2018 EITI Report provides an annual review of routine government and company audit and assurance rules and practices, including providing a detailed review of the completion of audits for each company included in the scope of reporting (see section 4.9.9 of the 2018 EITI Report), albeit without specific guidance on accessing audited financial statements of material companies. The audited financial statements of ANAIM have been published on the Guinea EITI website. The MSG has taken appropriate measures to ensure the reliability of EITI disclosures of company payments and government revenues from the extractive sector. 11 of the 25 reporting companies and three of the eight government entities had a "weak" or "middle" evaluation of the reliability of their data. The eleven non-complying companies accounted for 11,63% of reconciled financial data, while the three non-complying government entities accounted for 1,13%, which the IA did not consider was sufficient to affect the overall reliability of the financial data. The 2018 EITI Report includes a clear statement from the Independent Administrator on the comprehensiveness and reliability of the reconciled financial data in the report. Stakeholders from both civil society and governments highlighted that Chinese-owned companies were reluctant to provide the required documentation and were in general more difficult to reach. Therefore, the broader objective of ensuring a basis for stakeholders to assess the reliability and comprehensiveness of the financial data on payments and revenues in the 2018 EITI Report has been achieved in accordance with Requirement 4.9 and the Terms of Reference of the IA.

### Progress by requirement and corrective actions

The detailed assessment of progress in addressing each EITI Requirement or corrective action is available from the data collection templates referenced in the annex to this report.

EITI Requirement / past corrective action	Summary of progress in addressing the EITI Requirement	Assessment
<b>Comprehensive disclosure of taxes and revenues (Requirement #4.1)</b>	The Secretariat's assessment is that Guinea has fulfilled the requirement's objective of ensuring comprehensive disclosures of company payments and government revenues from the extractive industries as the basis for a detailed public understanding of the contribution of the Extractive industries to government revenues. There is no evidence of back-sliding since the previous Validation, in which Requirement 4.1 was assessed as "satisfactory progress".	<b>Fully Met</b>
<b>Infrastructure provisions and</b>	The Secretariat's assessment concludes that Guinea has fully met the objective of Requirement 4.3. The infrastructure agreements and renting of mining infrastructure in the Kansar complex contracted by the two state-owned companies in the mining sector (ANAIM and SOGUIPAMI) are	<b>Fully Met</b>

<b>barter arrangements (Requirement #4.3)</b>	described in detail in the 2018 EITI report. The view of the International Secretariat is that these agreements do not consist in barter of infrastructure provisions according to the definition of the requirement 4.3. Regarding the “accord cadre” signed between China and Guinea for a total amount of USD 20 billion, the MSG included an explanatory note in the EITI report and on its website providing key elements previously not available to the public, such as the value of infrastructures built each year, interest rates of the loan, nature of the projects.	
<b>Transportation revenues (Requirement #4.4)</b>	The Secretariat’s assessment concludes that Guinea has fully met the objective of Requirement 4.4. The MSG has included revenues from the transport commodities in the scope of the reporting for the 2018 fiscal year, and the payments for the use of infrastructure paid to ANAIM are presented in the 2018 EITI Report, without being reconciled. Additional information on the terms of transport, including the tariffs and the volume/value transported, is also provided p.67 of the 2018 EITI Report. There is no evidence of back-sliding since the previous Validation, in which Requirement 4.4 was assessed as “satisfactory progress”.	<b>Fully Met</b>
<b>Level of disaggregation (Requirement #4.7)</b>	The Secretariat’s assessment is that Guinea has mostly met the objective of requirement 4.7. Financial data is adequately disaggregated in the EITI Report per government agency, company and revenue stream. On project-level reporting, the MSG has approved a clear definition of project in the country, in line with the 2019 EITI standard. On the methodology aspect, the MSG has designed an overview of individual revenue streams that should be reported by project, and the government agency responsible for the collection of the revenue flow. However, the actual practice of disclosure in 2018 only includes five material companies, which reported all their payments for their respective unique project, not disaggregated by revenue stream. Although licenses substantially interconnected or overarching seem to exist in Guinea (ref. four licenses of COBAD in the license register of Guinea), there does not seem to have been any discussion from the MSG if it should be considered as one single project. There are no traces of outreach from the MSG towards government agencies responsible for the collection of the identified revenue streams, nor any challenges that government institutions currently face to disclose revenues disaggregated by project.	<b>Mostly Met</b>
<b>Data timeliness (Requirement #4.8)</b>	The Secretariat’s assessment is that Guinea has fully met the objective of this requirement in producing 2018 EITI Report within two years of the end of the calendar year covered and given the MSG’s approval of the reporting period. There is no evidence of back-sliding since the previous Validation, in which Requirement 4.8 was assessed as “satisfactory progress”.	<b>Fully Met</b>
<b>Data quality and assurance (Requirement #4.9)</b>	The Secretariat’s assessment is that Guinea has fully met the objective of Requirement 4.9. There is no evidence of back-sliding since the previous Validation, in which Requirement 4.9 was assessed as “satisfactory progress”.	<b>Fully Met</b>
<b>New corrective actions and recommendation</b>		

- To strengthen implementation, Guinea could consider systematizing the digital reporting of extractive companies' payments through its new Fusion platform, in order to move toward systematic and comprehensive disclosure of extractive revenues.
- To strengthen implementation, Guinea is encouraged to pursue its use of EITI reporting as a tool for monitoring implementation of the framework agreement between China and Guinea.
- In accordance with Requirement 4.7, Guinea should continue to improve its disclosures of government extractive revenues by project (license, contract and concession). Guinea should ensure that any substantially interconnected agreements or overarching agreements are publicly identified, and that relevant data for each company is sufficiently linked to individual projects. To further improve on government systems, and their ability to monitor payments on a per-project basis, the MSG is encouraged to engage government agencies responsible for their collection. This could include exploring whether any changes are needed in laws or in statutory instruments and regulations, while ensuring such changes are cost-effective.
- To strengthen implementation, Guinea may wish to follow-up with companies regularly failing to provide the required quality assurances, in order to reinforce the reliability of the data presented by the EITI.

## Revenue management (Requirements 5.1, 5.3)

### Overview of progress in the module

Guinea EITI disclosures on its website and through reports on the websites of SOEs ANAIM and SOGUIPAMI continue to provide access to comprehensive information on government extractive revenues that are not recorded in the national budget as well as information on revenue management and expenditures. The Secretariat's assessment is that Requirement 5.1 remains fully met in the period under review. The majority of information remains disclosed only through the EITI Report, not systematically through government systems.

### Progress by requirement and corrective actions

The detailed assessment of progress in addressing each EITI Requirement or corrective action is available from the data collection templates referenced in the annex to this report.

EITI Requirement / past corrective action	Summary of progress in addressing the EITI Requirement	Assessment
<b>Distribution of extractive industry revenues (Requirement #5.1)</b>	There is no evidence of any backsliding since the previous Validation, in which Requirement 5.1 was assessed as "satisfactory progress".	<b>Fully met</b>
<b>Revenue management and expenditures (Requirement #5.3)</b>	There is no evidence of any backsliding since the previous Validation, in which Requirement 5.3 was assessed as "not assessed". The 2018 EITI Report provides information on earmarked extractive revenues and the budget and audit procedures but does not provide additional information on production and commodity price assumptions and revenue sustainability, resource	<b>Not assessed</b>

	dependence, and revenue forecasting, which would be required for an assessment of 'exceeded'.	
<b>New corrective actions and recommendation</b>		
<ul style="list-style-type: none"> <li>To strengthen implementation, Guinea is encouraged to use its EITI reporting to align with national and international revenue classification systems in accordance with Requirement 5.3.b to insure the inter-operability of its EITI open data efforts.</li> <li>To strengthen implementation, Guinea may wish to use its EITI implementation to ensure timely information from the government that will further public understanding and debate around issues of revenue sustainability and resource dependence. This may include the assumptions underpinning forthcoming years in the budget cycle and relating to projected production, commodity prices and revenue forecasts arising from the extractive industries and the proportion of future fiscal revenues expected to come from the extractive sector in accordance with Requirement 5.3.c.</li> </ul>		

## Subnational contribution (Requirements 4.6, 5.2, 6.1)

### Overview of progress in the module

The 2013 reforms to the 2011 Mining Code introduced fiscal mechanisms to ensure subnational revenues from the mining sector, including direct subnational payments, local development contributions (with the creation of the FODEL development fund in 2019) and subnational transfers. The sole direct subnational payment made by mining companies consists of payments of land tax (*redevance superficière*), which is levied by each local government at a pro rata rate in accordance with the share of the license in each locality. The majority (90%) of this payment is collected by local governments within the perimeter of the license, who are required to allocate the majority of these revenues (85%) to capital expenditures, while the remainder (10%) is to the prefecture's Treasury. In the absence of subnational transfers being effective, the only mining revenue received by local governments in 2018 consisted of land tax. While some level of transparency in these direct subnational payments is ensured by the requirement for companies to report receipts of their land tax payments to the national government (CPDM), there is no mechanism for local government reporting of their direct subnational revenues. Guinea has used its EITI reporting to establish this mechanism for local government reporting of land tax revenues since the 2014 EITI Report. In the 2018 EITI Report, the MSG included a total of 14 local governments in the scope of reconciliation, based on the location of operations of material companies. This determination of the scope of reporting based on clear materiality grounds represents an improvement on EITI reporting reviewed in the last Validation. However, weaknesses in local government reporting mean that only around 60% (GNF 3.5 billion out of GNF 5.6 billion) of the value of direct subnational payments reported by material companies were reconciled with local government receipts. Nonetheless, the reconciliation results are presented to required levels of disaggregation. This low reconciliation coverage implies that the objective of strengthening public oversight of subnational governments' management of their internally generated extractive revenues is not yet fulfilled. Thus, the Secretariat's assessment is that Requirement 4.6 is mostly met, albeit with improvements since the last Validation.

The subnational transfers of mining revenues established in the 2013 revision to the 2011 Mining Code only became effective upon the enactment of implementing regulations at the end of 2018. This means that it was not possible to calculate the share of subnational mining transfers that should have been received by each beneficiary local government in 2018. Thus, the Secretariat's assessment is that Requirement 5.2 remained non applicable in the period under review (2018), even if it is expected to become applicable in EITI reporting covering 2019 onwards.

Guinea has continued to ensure comprehensive disclosure of mandatory social expenditures through its EITI Reports since the last Validation, with the 2018 EITI Report providing detailed information on one company's (CBG) mandatory social expenditures and nine companies' voluntary social expenditures. While the latest EITI Report describes environmental taxes that mining companies are required to pay to government, it demonstrates that these revenues were not considered material in 2018. These environmental taxes consist of pollution and waste management taxes. Government and industry representatives consulted confirmed that very few mining companies fulfilled their environmental payment obligations to government. Industry stakeholders consulted explained that some mining companies had paid environmental taxes in the past (in the 2009-2010 period) but that the mismanagement of these government revenues had created mistrust by companies and led to the eventual reimbursement of these funds to the companies concerned. Stakeholders consulted broadly considered the objective of public understanding of extractive companies' social and environmental contributions to have been fulfilled. Thus, the Secretariat's assessment is that Requirement 6.1 remains fully met.

### Progress by requirement and corrective actions

The detailed assessment of progress in addressing each EITI Requirement or corrective action is available from the data collection templates referenced in the annex to this report.

EITI Requirement / past corrective action	Summary of progress in addressing the EITI Requirement	Assessment
<b>Subnational payments (Requirement #4.6)</b>	The Secretariat's assessment is that Requirement 4.6 remains mostly met in Guinea, albeit with considerable improvements over the previous Validation. The 2018 EITI Report contains a reconciliation of extractive company payments directly to subnational governments, in the form of the land tax ( <i>'redevance superficiare'</i> ) defined in the Mining Code. Companies making material payments to the national government were selected to disclose their subnational direct payments, and the local government beneficiaries of those payments were selected for the reconciliation. However, a significant share (40%) of companies' disclosures of subnational payments could not be reconciled with local government receipts given weaknesses in government reporting. The level of detail in the disclosures has nevertheless improved since the last Validation.	<b>Mostly met (with improvements since the last Validation)</b>
<b>Subnational transfers (Requirement #5.2)</b>	The Secretariat's assessment is that Requirement 5.2 remains not applicable in Guinea in the period under review (2018), given the enactment of implementing regulations for statutory subnational transfers of mining revenues only at the end of 2018. However, Requirement 4.6 is expected to	<b>Not applicable</b>

	apply for all EITI reporting starting 2019 given the implementation of the subnational transfer provisions of the law.	
<b>Social and environmental expenditures (Requirement #6.1)</b>	There is no evidence of any backsliding on social expenditure disclosures since the previous Validation, in which Requirement 6.1 was assessed as “satisfactory progress”. The Secretariat’s assessment in this Validation is that Requirement 6.1 remains fully met in Guinea, with no indication of material payments to government related to the environment in the period under review. Company contributions to environmental rehabilitation funds are covered under Requirement 6.4.	<b>Fully met</b>
<b>New corrective actions and recommendation</b>		
<ul style="list-style-type: none"> <li>• In accordance with Requirement 4.6, Guinea is required to ensure that, where material, extractive company payments to subnational government entities and the receipt of these payments are publicly disclosed. Guinea EITI is required to agree a procedure to address data quality and assurance of information on subnational payments, in accordance with Requirement 4.9.</li> <li>• To strengthen implementation, Guinea is strongly encouraged to publish comprehensive information on subnational transfers of extractive revenues in accordance with Requirement 5.2 for all disclosures covering 2019 onwards.</li> <li>• To strengthen implementation, Guinea may wish to work with extractive companies to systematically disclose mandatory and voluntary social expenditures through routine company disclosures. Guinea is encouraged to reassess the scope of social expenditures and environmental payments to government on an annual basis to ensure adequate coverage considering stakeholder interest.</li> </ul>		



## Background

### Overview of the extractive industries

An overview of the extractive industries is accessible on the [country page](#) of the EITI website for Guinea.

### History of EITI implementation

The history of implementation is accessible on the [country page](#) of the EITI website for Guinea.

### Explanation of the Validation process

An overview of the Validation process is available on the EITI website.<sup>17</sup> The [Validation Guide](#) provides detailed guidance on assessing EITI Requirements, while the more detailed [Validation procedure](#) include a standardised procedure for undertaking Validation by the EITI International Secretariat.

The International Secretariat's country implementation support team includes Christina Berger and Clémence Contensou, while the Validation team was comprised of Hugo Paret, Alex Gordy and Maylis Labusquière.

### Confidentiality

The detailed data collection and assessment templates are publicly accessible, on the internal Validation Committee page [here](#).

The practice in attribution of stakeholder comments in EITI Validation reports is by constituency, without naming the stakeholder or its organisation. Where requested, the confidentiality of stakeholders' identities is respected, and comments are not attributed by constituency.

### Timeline of Validation

The Validation of Guinea commenced on 1 July 2021. A public call for stakeholder views was issued on 1 June 2021. Stakeholder consultations were held virtually on 11-28 October 2021. The draft Validation report was finalised on 14 December. Following comments from the MSG expected on 12 January 2022, the Validation report will be finalised for consideration by the EITI Board.

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<sup>17</sup> See <https://eiti.org/validation>

## Resources

- Validation data collection file – [Stakeholder engagement](#)
- Validation data collection file – [Transparency](#)
- Validation data collection file – [Outcomes and impact](#)

## Annex A: Assessment of Requirement 1.3 on civil society engagement

### Methodology

Due to concerns expressed by stakeholders related to the enabling environment for civil society engagement in the EITI, the International Secretariat's Validation team has conducted a detailed assessment of the Guinea's adherence to the EITI Protocol: Participation of civil society.<sup>18</sup>

The assessment follows the Validation Guide, which defines guiding questions and related evidence that should be considered in cases where there are concerns about potential breaches of the civil society protocol.<sup>19</sup> For contextual purposes, the Validation provides an overview of the broader enabling environment for civil society participation in the Guinean extractive sector. The assessment seeks to establish whether legal or practical restrictions related to the broader enabling environment have in practice restricted civil society engagement in the EITI in the period under review. It focuses on the areas where there are concerns regarding adherence with the civil society protocol. The assessment draws on the information provided in the Stakeholder engagement file, and stakeholder consultations in October 2021.

### Overview of broader environment for civil society engagement

Freedoms of expression, of media and of association as well as the right to demonstrate are guaranteed in both the old constitution and the new constitution of 2020. The landscape of civil society organisations is diversified with several hundred organisations working on all aspects of development, from the local to the national level. However, Freedom House describes civil society organisations as “weak, ethnically divided, and subject to periodic harassment and intimidation”.<sup>20</sup> After the liberalisation of the media since 2008, private media continue to proliferate with numerous private radio stations with large audiences competing with public media. International rankings indicate that civic space continued to be assessed as constrained since the last Validation in terms of enforcement of the law for both civil society and media. Freedom House's Freedom in the World ranks the country as “partly free”<sup>21</sup>, while Civicus' categorises civic space as “repressed”.<sup>22</sup>

Some international rankings have downgraded the country considering the repression of journalists and civil society organisations engaged on human rights and governance issues during the period of political tension between October 2019 and February 2021. This period was marked by political violence starting in October 2019 with political protests against the proposed revision to the country's Constitution to allow for a third presidential mandate. The referendum on a constitutional reform was opposed by a broad-based coalition of civil society and opposition

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<sup>18</sup> <https://eiti.org/document/eiti-protocol-participation-of-civil-society>.

<sup>19</sup> <https://eiti.org/document/2021-eiti-validation-guide>.

<sup>20</sup> Freedom House, Freedom in the World 2021, Guinea Webpage:

<https://freedomhouse.org/country/guinea/freedom-world/2021>

<sup>21</sup> Freedom House, Guinea webpage: <https://freedomhouse.org/country/guinea/freedom-world/2021> (consulted on 30 October 2021)

<sup>22</sup> Civicus, Monitor tracking civic space, Guinea webpage: <https://monitor.civicus.org/country/guinea/> (consulted on 30 October)

political parties, the *National Front for the Defence of the Constitution* (*Front national pour la défense de la Constitution*, FNDC), which organised countrywide demonstrations against the proposed reform despite a ban on demonstrations imposed from 2018 to 2021. According to Human Rights Watch, in the lead-up to the March referendum and the October presidential poll, Guinean security forces used excessive and sometimes lethal force to suppress demonstrations that were at times violent, with at least 23 people allegedly killed by security forces. The government also arbitrarily arrested and detained <sup>23</sup> leaders and members of the FNDC. Amnesty International criticised the arrest of 400 people after the announcement of the October 2020 election results.<sup>24</sup>

None of the stakeholders consulted said that any CSO engaged in the EITI Guinea, both on and off the MSG, had been affected by any new restrictions since the last Validation. However, new restrictions on civil society since 2018 appear to have particularly affected organisations working on human rights, governance as well as political protesters against the referendum and elections. Guinea has been gradually downgraded in the CSO Sustainability Index since 2019<sup>25</sup> as well as in the 2021 Freedom in the World<sup>26</sup> in regard to abusive enforcement of existing laws for civil society, such as restrictions of rights to demonstrate, arbitrary arrests, censorship, and the use of excessive force by law enforcement. The CSO Sustainability Index and the State Department's 2019 Report on Guinea mention delays or threats to suspend the accreditations of some organisation in retaliation of engaging in political protest.<sup>27</sup> Stakeholders consulted described a climate of division, suspicion and polarised political debate within civil society during the referendum and election period of October 2019 to February 2021. Internet was suspended three days around the constitutional referendum vote in March 2020, while all cell phone data, international calling, and various social media sites were blocked in the post-electoral period (23 October 2020).<sup>28</sup>

According to Freedom House<sup>29</sup>, the freedom and independence of media slightly improved in the country starting from 2018, despite a legislative framework considered by Freedom House as contributing to self-censorship among journalists. In July 2020, the media industry regulator, the High Authority of Communication (HAC), was restructured with the head of the authority being appointed by the President of the Republic. During the period under review, there were instances of intimidation by the government against journalists that were related to the protests against the constitutional referendum and the elections, including two international journalists arrested and

<sup>23</sup> HRW, World Report 2021, Guinea chapter, <https://www.hrw.org/world-report/2021/country-chapters/guinea> (consulted on 19 October 2021)

<sup>24</sup> Amnesty International, Guinea: Deaths in detention and prison sentence for opposition members, 2 February 2021: <https://www.amnesty.org/en/latest/news/2021/02/guinea-deaths-in-detention-and-prison-sentence/> (consulted in October 2021)

<sup>25</sup> Downgraded from 5.2 in 2018 to 5.3 in 2019, see 2019 Civil Society Sustainability Index for Guinea, published in December 2020 and consulted on 5 October 2021: <https://storage.googleapis.com/cso-si-dashboard.appspot.com/Reports/CSOSI-Guinea-2019.pdf>

<sup>26</sup>Freedom House, Freedom in the World 2021, Guinea Webpage: <https://freedomhouse.org/country/guinea/freedom-world/2021>

<sup>27</sup> US State Department, Human Rights Report on Guinea for 2019, <https://www.state.gov/wp-content/uploads/2020/02/GUINEA-2019-HUMAN-RIGHTS-REPORT.pdf> (consulted on 29 October)

<sup>28</sup> <https://www.state.gov/wp-content/uploads/2021/03/GUINEA-2020-HUMAN-RIGHTS-REPORT.pdf> consulted on 30 October 2021

<sup>29</sup> Freedom House, Freedom in the World 2019, Guinea Webpage: <https://freedomhouse.org/country/guinea/freedom-world/2019>

deported from the country. There is no evidence of any relation to mining sector governance. Only for 2019, the State Department Human Rights Report on Guinea<sup>30</sup> reports seven instances of journalists arrested for what they alleged to be harassment for criticizing the government. The 2020 State Department Human Rights Report on Guinea<sup>31</sup> reports serious restrictions on free expression and the press, including violence, threats of violence, unjustified arrests, censorship. Reporters without borders describe other government reprisals, such as suspension of media by the HAC for a specific period, suspension of accreditations, legal complaints<sup>32</sup>. However, most stakeholders consulted considered that political tensions have declined since March 2021, despite the coup d'état in September 2021, which had broadly been peaceful.

### Expression

There have been no new legal, regulatory, administrative or practical barriers to freedom of expression on EITI-related or broader natural resource governance issues since the first Validation. There is ample evidence of public criticism of the government's general management of the mining sector, and of company policies and practises, both in civil society reports and media coverage. This appears to have remained the case in the period since the coup d'état in September 2021. The media coverage is robust and diversified since the liberalisation of the media, including in national radio, community radio and online media. Some national radio stations with large audiences have weekly call-in programs dedicated to the mining sector or public financial management issues (e.g. Espace FM, FIMGuinée). Based on stakeholder consultations and available documentation, there do not appear to be topics within the EITI Standard that civil society were restricted to express their views on. There was consensus among civil society stakeholders consulted who were involved in EITI implementation that there were no constraints on their freedom of expression, except for one MSG member who considered that there was reluctance among MSG members to express opinions in public or in MSG meetings on the license award practices involving one mining company (AMR) that was considered to be closely aligned with the Presidency of Alpha Condé. There is limited evidence of public civil society statements or reports that are critical of Guinea's EITI implementation, except for the PWYP Guinea assessment of the implementation of EITI Requirements related to gender.<sup>33</sup> Two development partners confirmed that, in the [October 2019-February 2021 period](#), issues related to mining license awards became seen as more sensitive to discuss in public and that raising concerns about mining licensing practices related to specific companies like AMR raised the risk of one being [perceived as a member of the political opposition](#). However, MSG members consulted considered that the political tensions in this period had not affected public debate on licensing activities in the mining sector. While there is evidence of media investigations into allegations of tax avoidance by the mining company AMR operating in Guinea<sup>34</sup>, there is no evidence of this issue being discussed by the MSG. There have been two complaints filed with France's National Financial Prosecutor's Office (PNF) related to allegations of corruption, influence peddling and money laundering related to the lease of a mining license from SMB to

<sup>30</sup> US State Department, Human Rights Report on Guinea for 2019 (p. 10): <https://www.state.gov/wp-content/uploads/2020/02/GUINEA-2019-HUMAN-RIGHTS-REPORT.pdf> (consulted on 29 October)

<sup>31</sup> US State Department, Human Rights Report on Guinea for 2020 (p. 1): <https://www.state.gov/wp-content/uploads/2021/03/GUINEA-2020-HUMAN-RIGHTS-REPORT.pdf> consulted on 30 October 2021

<sup>32</sup> Reporters without borders webpage on Guinea: <https://rsf.org/fr/guinee>

<sup>33</sup> PCQVP Guinée, Rapport d'évaluation de la mise en oeuvre des exigences de la Norme ITIE 2019 relatives au genre, juillet 2021: <http://pcqvpguinee.org/actualitesSelected.php?%20article=24>

<sup>34</sup> Libération, « En Guinée, le filon d'une start up minière française pour éviter l'impôt », 11 October 2020.

AMR involving then President Alpha Condé, his son Mohamed Condé and Defence Minister Mohamed Diané, with one filed by the political opposition in August 2020<sup>35</sup> and the other by coalitions of French and Guinean CSOs.<sup>36</sup> One development partner expressed surprise that the media investigations had not further spurred public debate in Guinea, including within the MSG, although he considered that this could be explained by a lack of capacity and expertise on the issues rather than an indication of self-censorship by civil society engaged in the EITI process.

There are two incidents that raise concern over possible retribution for expression on natural resource governance, one of which involves a journalist that was using data from Guinea's EITI Reports. In one instance, a Guinean journalist<sup>37</sup> who had published stories on the AMR story in the French press<sup>38</sup> described his office's burglary in December 2020, with only computer equipment taken, and considered it as intimidation to cease investigations on the issue. There is no evidence that the journalist was involved in EITI implementation nor participating in any EITI events, nor that a government official perpetrated the attack. In a second instance, another Guinean journalist described a physical aggression on 26 December 2018, which he believed was committed by the security forces to intimidate him for publishing an article on revenues from a mining company collected by customs but not transferred to the Treasury, drawing on disclosures in Guinea's 2014 EITI Report.<sup>39</sup> There is no public evidence of security forces' involvement in the attack. Following publication of the article, the then-Director of Customs filed a complaint against him for defamation, which was subsequently withdrawn following mediation by an MSG member from the media. The journalist was also researching a story on artisanal gold at the time.<sup>40</sup> One month prior, he had also published an investigation alleging embezzlement of mining companies' local tax payments by decentralised branches of the tax authority. He alleges having received several threats and inducements from high-level government officials to stop various investigations. The journalist was treated overseas after his attack and given political refugee status in France. The NGO for which the journalist worked from 2014 to 2018 acknowledged the physical aggression, although it remains unclear whether this was in reprisal for investigations undertaken in his personal activity rather than for activities that he undertook on behalf of the NGO for which he worked. In consultations for this Validation, the civil society constituency engaged in EITI Guinea considered that this isolated incident could not be attributed to the journalist's activities on the mining sector and the implementation of the EITI in the country. The MSG and CSOs' comments on the draft Validation report stated categorically that there have been no constraints on any part of civil society's engagement in all aspects of the EITI process.

<sup>35</sup>Challenges [https://www.challenges.fr/monde/plainte-en-france-contre-le-president-guineen-conde-l-alliance-mini-ere-responsable-dement\\_721978](https://www.challenges.fr/monde/plainte-en-france-contre-le-president-guineen-conde-l-alliance-mini-ere-responsable-dement_721978) (consulted on 28 October 2021)

<sup>36</sup> Tournons la Page, Guinée : TLP et la PCUD demandent l'ouverture d'une enquête par le Parquet National Financier concernant les activités minières d'AMR, 12 November 2020: <https://tournonslapage.org/fr/actualites/guinee-tlp-et-la-pcud-demandent-l%27ouverture-d%27une-enquete-par-le-parquet-national-financier-concernant-les-activites-mini-eres-damr>

<sup>37</sup> Former member of the MSG until 27 February 2018

<sup>38</sup> Libération, « En Guinée, le filon d'une start up minière française pour éviter l'impôt », 11 October 2020.

<sup>39</sup> Guinée 360, "Secteur minier: disparition de 191 millions 864 mille GNF entre la Douane et le Trésor public", 10 December 2018: <https://www.guinee360.com/10/12/2018/secteur-minier-disparition-de-191-milliards-864-millions-de-gnf-entre-la-douane-et-le-tresor-public/>

<sup>40</sup> AfriqueVision, « Guinée/Enquête : l'exploitation de l'or maquillée de fraude », 19 août 2019 : <https://www.afriquevision.info/guinee-enquete-l-exploitation-de-lor-maquillee-de-fraudes/>

## Operation

There has been no evolution in civil society's capacity to operate, including for their registration, freedom of movement, right to assembly or access to financing since the last Validation. There is no evidence of any new legal, regulatory, administrative or practical barriers to civil society's ability to freely operate in relation to EITI, including registration, fundraising and operations. Some civil society stakeholders engaged in EITI noted administrative delays when renewing their accreditation, although the situation was swiftly resolved. Evidence suggests that all 36 organisations of the civil society constituency are duly registered with central or regional authorities. Some stakeholders described the way in which EITI had helped expand their space, such as when one civil society activist faced administrative delays in holding an event that required the intervention of the PWYP Guinea chair with government to resolve.<sup>41</sup> In another case reported in consultation, a civil society organisation member of the Guinea EITI MSG ensured the release of a group of young students and journalists arrested (for one day) by the military upon their visit to the Gaoul (Kounsitel) gold mining region in May 2021. Civil society organisations engaged in the EITI process appear to have regularly received grants from development partners, including from foreign sources, for their advocacy activity (NRGI, OSIWA, French Development aid agency), for accountability projects or budget monitoring in mining regions (GIZ) and in financial and technical assistance for setting up and coordinating the civil society constituency (NRGI). While the international aid to the Guinean government has been suspended since the coup d'état in September 2021, there is no evidence of any interruption of development assistance or foreign funding for civil society organisations.

## Association

There are no new legal or practical restrictions in place that may affect civil society's ability to communicate with each other, either domestically or internationally, in the period under review. No change in the legal framework or in practical restrictions has been observed since the coup d'état in September 2021. In practice, the civil society constituency adopted its [Code of Conduct](#) in July 2020 and renewed its MSG membership entirely independently in mid-2020 (See Requirement 1.4). While there is no documentary evidence available of MSG members reporting back to the constituency regularly, some stakeholders consulted highlighted frequent exchanges on EITI between CSOs on social media. A development partner explained that the constituency's coordination committee was currently fundraising to build its capacity.

## Engagement

The period under review witnessed the establishment of a functioning civil society constituency, with MSG members selected with support from an independent facilitator. The constituency labelled the "Coordination" committee – includes 36 members focused on extractive issues, of which around half are based in extractive regions according to stakeholders consulted. The election process for civil society representatives appears to have been open, transparent and independent of external influence, following the rules of the July 2020 code of conduct.

Civil society is actively involved in the design, implementation, monitoring and evaluation of the EITI through its participation in MSG meetings, and through dissemination and analysis of EITI

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<sup>41</sup> The public forum on mines and gender organised by the "Plateforme des femmes" finally took place on 24 and 25 February 2021 in the prefecture of Siguiiri: the central authorities reminded the local government authority – Préfet – that no mission order signed by central authorities was required for a CSO to organise such event.

data. The analysis of MSG meeting attendance reflects the consistent engagement of civil society, with most members or their alternates participating in all MSG meetings and working groups. Analysis of MSG meeting minutes reveals that civil society have made comments and input to the development of EITI Reports and most other debates. There is evidence of civil society active engagement on issues of priority for public debate in Guinea, including on licensing in the mining sector and the framework agreement with China. Consultations indicated that civil society MSG members had been among the most active in fundraising for the EITI. The CSO Action Mines organised its own dissemination of 2018 EITI Report in March 2021<sup>42</sup>, and produced communications tools simplifying EITI data tailored to local audience with relevant figures of companies' local contributions. They disseminated the 2016-2017 EITI Report in the region of Boké in December 2019 and with PWYP in Conakry.<sup>43</sup> There does not appear to have been any change in civil society engagement in EITI implementation since the coup d'état in September 2021.

### Access to public decision-making

There is evidence of civil society stakeholders involved in the EITI have had access to government officials including at a high level through the EITI process. This access has been used for various advocacy activities, although two stakeholders raised concern that civil society advocacy at MSG meetings had been somewhat less active in this period compared to earlier years. Some stakeholders raised concern that some information required by EITI that used to be publicly available now had restrictions, such as SOGUIPAMI that had made its financial statements restricted to upon request (see *Requirement 2.6*).

Civil society has organised several workshops with authorities<sup>44</sup> and local communities<sup>45</sup> regarding the implementation of the Mining Code. PWYP Guinea built local monitoring<sup>46</sup> of mining companies' adherence to their contractual obligations with investigations lead by local CSOs on eight different mining sites.<sup>47</sup> Some civil society organisations, including CECIDE that is a member of the MSG, attempted collective legal action against the International Finance Corp.<sup>48</sup>

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<sup>42</sup> <https://actionminesguinee.org/itie-guinee-action-mines-vulgarise-le-rapport-itie-2018-dans-les-localites-minieres/>

<sup>43</sup> <https://www.actionminesguinee.org/boke-action-mines-guinee-divulgue-les-donnees-des-rapports-itie-2016-2017/> and <https://www.actionminesguinee.org/boke-conakry-action-mines-et-pcqvp-guinee-divulguent-les-donnees-des-rapports-itie-2016-2017/>

<sup>44</sup> PCQVP, advocacy workshop in relation to implementation rulings of the article 144 of the Mining Code for environment rehabilitation fund:

<http://pcqvpguinee.org/actualitesSelected.php?%20article=16>

<sup>45</sup> PCQVP workshop to train local communities on FODEL:

<http://pcqvpguinee.org/actualitesSelected.php?%20article=11>

<sup>46</sup> PCQVP training of local communities to monitor legal obligation of the company Savcamco :

<http://pcqvpguinee.org/actualitesSelected.php?%20article=21>

<sup>47</sup> PCQVP Guinée, Les compagnies minières respectent-elles les obligations légales ? 3 ans d'enquête de la société civile sur le respect du code minier guinéen !, December 2018 :

<https://france.aide-et-action.org/expertise/publications-documentation/les-compagnies-minieres-respectent-elles-les-obligations-legales/>

<sup>48</sup> [https://www.inclusivedevelopment.net/ifc-campaigns/thirteen-guinean-villages-lodge-complaint-against-world-bank-for-financing-destructive-bauxite-mine/?\\_cf\\_chl\\_jschl\\_tk=\\_\\_pmd\\_4VYrbsQwUz1Fd4vK9Lwy7sLiFASZnuEZ0XX1Hn9a2pw-1635457053-0-gqNtZGzNArucnBszQII](https://www.inclusivedevelopment.net/ifc-campaigns/thirteen-guinean-villages-lodge-complaint-against-world-bank-for-financing-destructive-bauxite-mine/?_cf_chl_jschl_tk=__pmd_4VYrbsQwUz1Fd4vK9Lwy7sLiFASZnuEZ0XX1Hn9a2pw-1635457053-0-gqNtZGzNArucnBszQII)



for lending to mining company CBG in violation of performance standards on land compensation and pollution.<sup>49</sup>

### Assessment

Civil society is actively engaged in the EITI and has formalised its participation through the establishment of a formal civil society constituency in the period under review. Civil society influences the scope of the EITI, uses EITI data for advocacy and analysis and actively participates in the MSG's work. Some CSOs have continued efforts to engage local organisations and mining communities, through the use of EITI data to foster accountability in mining regions. The broader environment for civil society expression in Guinea appears to have been restricted during the electoral political violence from October 2019 to February 2021. International rankings of civic space highlight a rise in restrictions to freedoms of expression and of assembly in the case of political opponents, some civil society organisations and media in this period. The assessment of adherence to the civil society protocol requires a judgement call on the impact of broader civic space restrictions during a specific period of political tension on civil society's ability to engage in EITI.

Evidence and stakeholder consultations suggest that civil society representatives on the MSG can express themselves freely on topics covered by the EITI, which was confirmed in the MSG's submission for Validation and consultation with civil society MSG members. While a small minority stakeholders consulted alleged that there was self-censorship on the MSG regarding one politically connected mining company, the Secretariat considers that lack of MSG discussion of the issue to date represents only circumstantial evidence of potential self-censorship. Only a small minority of stakeholders consulted raised concern on this very specific issue. Two incidents related to alleged potential intimidation or retributions for critical expression on extractive industry governance were identified in the period 2019-2020, one of which involved a stakeholder that had previously been involved in EITI implementation who had been using EITI data. However, there is no clear evidence that the attack against this journalist was related to his critical public expressions on extractive industry governance, nor that the government was the perpetrator of the attack. Comments on the draft assessment from the MSG and civil society argue categorically that there have been no constraints on civil society's engagement in all aspects of the EITI process in the period under review. Thus, the Secretariat's assessment is that Requirement 1.3 remains 'fully met' and that there have been no demonstrable breaches of the EITI protocol: Participation of civil society in the period under review.

To strengthen implementation, the MSG is encouraged to regularly monitor developments regarding civil society's ability to engage in all aspects of the EITI process and to organise awareness-raising sessions on the EITI protocol: Participation of civil society, with participation from the three constituencies. The government, in collaboration with the MSG, is encouraged to document the measures it undertakes to remove any obstacles to civil society participation in the EITI, should these arise in future. In accordance with the EITI protocol: Participation of civil society, civil society MSG members are encouraged to bring any ad hoc restrictions that could constitute a breach of the protocol to the attention of the MSG. The MSG is expected to document how it addresses these concerns.

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<sup>49</sup> <https://www.hrw.org/news/2019/03/11/complaint-filed-against-bauxite-mining-company-guinea>