

# Validation of Guinea

## Report on initial data collection and stakeholder consultation

## Abbreviations

ANAIM	Agence nationale d'aménagement des infrastructures minières
ANCG	Association Nationale des Communes de Guinée
BCRG	Banque centrale de la République de Guinée
BNE	Bureau national d'Expertise
BO	Beneficial ownership
CBG	Compagnie des Bauxites de Guinée
CBK	Compagnie de Bauxite de Kindia
CNSS	Caisse Nationale de Sécurité Sociale
CPDM	Centre de Promotion et de Développement Miniers
CSO	Civil society organisation
DNM	Direction Nationale des Mines
DNTCP	Direction nationale du Trésor et de la Comptabilité Publique
EIA	Environmental Impact Assessment
EPIC	Etablissement Public à Caractère Industriel et commercial
FIM	Fonds d'Investissement Minier
FODEL	Fonds de Développement Local
GNF	Franc Guinéen
INS	Institut National des Statistiques
MMG	Ministère des Mines et de la Géologie
MSG	Multi-stakeholder Group
NGO	Non-Governmental Organisation
NRGI	Natural Resource Governance Institute
ONIGEM	Ordre des Ingenieurs des. Géologues et Mines
OPIC	Overseas Private Investment Corporation
PSC	Production Sharing Contract
PWYP	Publish What You Pay
REFAMP	Réseau des Femmes africaines ministres et parlementaires
RTG	Radio-Télévision Guinéenne
SAG	Société Anglo Gold Ashanti de Guinée
SGP	Société Guinéenne des Pétroles
SMB	Société Minière de Boké
SOE	State-Owned Enterprises
SOGUIPAMI	Société Guinéenne du Patrimoine Minier
TOFE	Tableau des Opérations Financières de l'Etat
USD	US Dollar
WAGES	West-Africa Governance and Economic Sustainability in Extractive Areas

## Table of Contents

<b>Abbreviations .....</b>	<b>2</b>
<b>Executive Summary .....</b>	<b>5</b>
<b>Introduction .....</b>	<b>11</b>
<b>Part I – MSG Oversight.....</b>	<b>15</b>
<b>1. Oversight of the EITI process .....</b>	<b>15</b>
Government engagement in the EITI process (#1.1) .....	15
Industry engagement in the EITI process (#1.2) .....	17
Civil society engagement in the EITI process (#1.3) .....	19
MSG governance and functioning (#1.4) .....	23
Workplan (#1.5) .....	29
<b>Part II – EITI Disclosures .....</b>	<b>34</b>
<b>2. Award of contracts and licenses .....</b>	<b>34</b>
Legal framework (#2.1) .....	34
License allocations (#2.2) .....	36
License registers (#2.3) .....	40
Contract disclosures (#2.4) .....	41
Beneficial ownership disclosure (#2.5) .....	43
State participation (#2.6) .....	44
<b>3. Monitoring and production .....</b>	<b>53</b>
Overview of the extractive sector, including exploration activities (#3.1) .....	53
Production data (#3.2) .....	53
Export data (#3.3) .....	54
<b>4. Revenue collection .....</b>	<b>57</b>
Materiality (#4.1) .....	57
In-kind revenues (#4.2) .....	60
Barter and infrastructure transactions (#4.3) .....	61
Transport revenues (#4.4) .....	62
Transactions between SOEs and government (#4.5) .....	63
Subnational direct payments (#4.6) .....	65
Level of disaggregation (#4.7) .....	67
Data timeliness (#4.8) .....	68
Data quality (#4.9) .....	69
<b>5. Revenue management and distribution .....</b>	<b>76</b>
Distribution of revenues (#5.1) .....	76
Sub-national transfers (#5.2) .....	78
Additional information on revenue management and expenditures (#5.3) .....	79
<b>6. Social and economic spending .....</b>	<b>81</b>
Social expenditures (#6.1) .....	81
SOE quasi fiscal expenditures (#6.2) .....	82
Contribution of the extractive sector to the economy (#6.3) .....	84
<b>Part III – Outcomes and Impact .....</b>	<b>87</b>

<b>7. Outcomes and Impact</b> .....	<b>87</b>
Public debate (#7.1).....	87
Data Accessibility (#7.2).....	89
Lessons Learned and follow-up on recommendations (#7.3).....	90
Outcomes and impact of implementation (#7.4).....	92
<b>8. Impact analysis</b> .....	<b>95</b>

<b>Annexes</b> .....	<b>97</b>
----------------------	-----------

## Index of figures and tables

Figure 1– initial assessment card.....	9
Table 1 – Summary initial assessment table: MSG oversight.....	31
Table 2- Summary initial assessment table: Award of contracts and licenses.....	50
Table 3- Summary initial assessment table: Monitoring and production .....	55
Table 4- Summary initial assessment table: Revenue collection .....	73
Table 5 - Summary initial assessment table: Revenue management and distribution .....	80
Table 6- Summary initial assessment table: Social and economic spending .....	85
Table 7 - Summary initial assessment table: Outcomes and impact.....	93

## Executive Summary

While rich in natural resources, Guinea ranks 175 out of 189 in UNDP's human development index<sup>1</sup>, with an annual per capita income lower than USD 800<sup>2</sup>. Strengthening good governance, particularly in the mining sector, is a key component of Guinea's new economic and social development strategy for 2016-2020. In that context, the EITI Standard is of key relevance to Guinea, with implementation continuing amidst the democratic transition in 2010 and the Ebola epidemic in 2014.

Since 2010, the Government of Guinea has developed an ambitious reform agenda for the mining sector, with a revision of the mining code in 2011 and 2013, which now requires all mining license-holders to participate in EITI reporting and respect the EITI principles. Guinea's mining code includes strong requirements with regards to the mining industry's social and environmental obligations, and its contribution to local development. However, in the context of weak institutional capacity, implementation of these mining sector reforms has been a challenge. While the mining sector has been buoyant since 2016, driven by a rapid growth in the production of bauxite, social tensions in mining regions remain high because of environmental degradation and limited economic impact. The government of Guinea committed to implement the EITI in April 2005, and the Multi-Stakeholder Group (MSG) was formed in June 2006. Guinea was accepted as an EITI Candidate in September 2007 and declared compliant with the EITI Rules in July 2014.

On 25 October 2016, the Board agreed that Guinea's Validation under the 2016 EITI Standard would commence on 1 July 2018. This report presents the findings and initial assessment of the International Secretariat's data gathering and stakeholder consultations. The International Secretariat has followed the Validation Procedures and applied the Validation Guide in assessing Guinea's progress with the EITI Standard. The recommendations and suggested corrective actions identified through this Validation relate in particular to MSG governance, licence allocation, infrastructure provisions and barter arrangements, direct subnational payments, quasi-fiscal expenditures by state-owned enterprises, follow-up on recommendations, and evaluation of outcomes and impact of EITI implementation.

## Overall conclusions

The EITI has helped Guinea improve transparency and accountability in the extractive industries by providing timely and reliable information to the public, including civil society, media and communities living in mining areas. Guinea EITI has provided valuable information along the value chain, identifying gaps and opportunities for strengthening monitoring of social payments and subnational direct payments. The development of an exemplary contract transparency portal and reforms in the licensing system have been implemented in recent years. Implementation of the EITI has also contributed to strengthening the newly established Cour des Comptes' mandate in auditing revenues from the extractive sector. EITI reporting has grown more comprehensive over the years, expanding to the oil and gas sector and to state-owned enterprises. The EITI has become a channel for the government to communicate on on-going reforms. The number of articles quoting or referencing EITI data has grown over the past four years. EITI data is being used for budget revenue forecasts and to improve domestic resource mobilisation. The EITI is also used by the newly established Cour des Comptes in its audit of the mining sector and of public finance.

---

<sup>1</sup> Guinea country page, Human Development Index (2017), accessed [here](#)

<sup>2</sup> Guinea country page, World Bank data portal (2017), accessed [here](#)

There have been regular high-level government statements in support of the EITI and consistently strong government engagement on the MSG. Implementation of the EITI has contributed to making mining sector governance more consultative. Trust among stakeholders has gradually improved. Civil society has played an active role in the dissemination of EITI data. It has also used the EITI process to improve disclosures on subnational direct payments, an issue of particular concern in Guinea. Civil society has played an active role in supporting EITI implementation and in the dissemination activities. It has grown in capacity and confidence to influence the EITI process.

Although there is strong potential for the EITI to have a positive impact in the governance of Guinea's mining sector, the EITI's potential has yet to be fully realised. It appears that the MSG's sole function has been to provide oversight of the production of EITI Reports, focusing on compliance with the EITI Standard, rather than to address issues and inform reforms that are particularly relevant in Guinea.

The key challenges identified through this Validation include improving disclosures regarding direct subnational payments, licence allocation, and quasi-fiscal expenditures by state-owned enterprises. There is a lack of a clear and effective framework for follow-up on EITI recommendations and for the documentation of outcomes and impact of EITI implementation in Guinea. There is a need to update Guinea EITI's governance documents and practices to align them with the 2016 EITI Standard and meet stakeholder demands for effective representation. The industry constituency lacks clear procedures to choose and nominate its representatives to the MSG and to coordinate with companies that are not members of the MSG. While there have been improvements in civil society's coordination for their participation on the MSG, the code of conduct civil society adopted in 2017 has still not been made public.

With significant improvements in EITI reporting over the recent year, the time is right for Guinea EITI to shift the focus from financing EITI reports to supporting reforms to enable systematic and regular disclosure of EITI data through government systems. This will ensure better timeliness and cost effectiveness of EITI implementation in the longer term. As a starting point, a costed Guinea EITI work plan for 2019 and onwards could plan steps to mainstream EITI implementation in company and government systems within three to five years. While the Government of Guinea has been reliant on donor funding for the preparation of the EITI Reports, it will be necessary to raise funding to move towards regular and systematic disclosures through primary government and company information sources, leveraging Guinea's burgeoning open data and open government community.

There is also scope for Guinea EITI for strengthening linkages between the EITI and key reforms such as the implementation of the Local Economic Development Fund (FODEL). The suggested corrective actions and recommendations below are intended to support Guinean stakeholders in these endeavours.

## **Recommendations**

While the following report includes recommendations for specific improvements the MSG may wish to consider implementing, the following is a list of strategic recommendations that could help Guinea make even greater use of the EITI as an instrument to support reforms.

- 1) In accordance with requirement 1.4b, the MSG should update the 2012 Decree and Ministerial Order on MSG membership, and the June 2018 ToR to ensure that they align with the 2016 EITI Standard. The industry and civil society constituencies should develop, publish and implement procedures for an inclusive, fair, and transparent nomination of their representatives on the MSG. The MSG may also wish to consider options to broaden industry participation on the MSG. The MSG may wish to clarify the MSG governance framework, which is currently described over four different documents. It may wish in particular to combine the Ministerial Order on the composition of the MSG, the Internal Rules and the ToR into a single document.
- 2) In accordance with Requirement 2.2, Guinea should ensure that the detailed technical and financial criteria for both license awards and transfers be publicly accessible. In light of significant public concern over the legacy of non-trivial deviations from statutory licensing procedures, Guinea should ensure that its approach to publicly disclosing non-trivial deviations be commensurate with the number of licenses awarded and transferred in the year under review.
- 3) In accordance with Requirement 4.3, Guinea should assess the existence of any barter arrangements or infrastructure provisions during the scoping phase for its next EITI reporting cycle to ensure disclosure of any agreements, or sets of agreements involving the provision of goods and services (including loans, grants and infrastructure works), in full or partial exchange for oil, gas or mining exploration or production concessions or physical delivery of such commodities. Guinea should gain a full understanding of the terms of the relevant agreements and contracts, the parties involved, the resources that have been pledged by the state, the value of the balancing benefit stream (e.g. infrastructure works), and the materiality of these agreements relative to conventional contracts.
- 4) In accordance with Requirement 4.6, Guinea should ensure that information on extractives company direct payments to subnational governments, where material, be comprehensively disclosed and reconciled with each local government's receipts of these payments.
- 5) In accordance with Requirement 6.2, Guinea should 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 implementation, Guinea is strongly encouraged to consider the extent to which routine publication of SOEs' annual audited financial statements would help promote greater trust in the quality and comprehensiveness of public disclosures of quasi-fiscal expenditures.
- 6) In accordance with Requirement 7.3, the MSG should introduce a systematic and structured mechanism to track and follow up on recommendations, with a clear timeframe and clear responsibilities for following up. The MSG should also take a more proactive role in formulating its own recommendations. The MSG may also wish to include Validation, as a means of ensuring closer attention to implementation. The MSG may also wish to consider utilising the Supervisory Committee to follow-up on recommendations from past EITI Reports and Validation as a means of ensuring the sustainability and continued effectiveness of follow-up channels.
- 7) In accordance with requirement 7.4, the MSG should consider using the annual progress report to evaluate the impact of the EITI, beyond describing outputs and outcomes of workplan activities. The MSG should also undertake an impact assessment with a view to identify opportunities for increasing the impact of implementation in Guinea. Greater effort could also be made to canvass

the broader constituencies for input in assessing the outcomes and impact of EITI implementation through the annual progress report.

Figure 1– initial assessment card

EITI Requirements		LEVEL OF PROGRESS				
		No progress	Inadequate	Meaningful	Satisfactory	Beyond
Categories	Requirements					
MSG oversight	Government engagement (#1.1)				■	
	Industry engagement (#1.2)				■	
	Civil society engagement (#1.3)				■	
	MSG governance (#1.4)		■			
	Workplan (#1.5)				■	
Licenses and contracts	Legal framework (#2.1)				■	
	License allocations (#2.2)			■		
	License register (#2.3)				■	
	Policy on contract disclosure (#2.4)					■
	Beneficial ownership (#2.5)	■				
	State participation (#2.6)				■	
Monitoring production	Exploration data (#3.1)				■	
	Production data (#3.2)				■	
	Export data (#3.3)				■	
Revenue collection	Comprehensiveness (#4.1)				■	
	In-kind revenues (#4.2)	■				
	Barter agreements (#4.3)			■		
	Transportation revenues (#4.4)				■	
	SOE transactions (#4.5)				■	
	Direct subnational payments (#4.6)			■		
	Disaggregation (#4.7)				■	
	Data timeliness (#4.8)				■	
	Data quality (#4.9)				■	
Revenue allocation	Distribution of revenues (#5.1)				■	
	Subnational transfers (#5.2)	■				
	Revenue management and expenditures (#5.3)	■				
Socio-economic contribution	Mandatory social expenditures (#6.1.)				■	
	SOE quasi-fiscal expenditures (#6.2)			■		
	Economic contribution (#6.3)				■	
	Public debate (#7.1)				■	
	Data accessibility (#7.2)	■				
	Follow up on recommendations (#7.3)			■		
	Outcomes and impact of implementation (#7.4)			■		

*Legend to the assessment card*

	<b>No progress.</b> The country has made no progress in addressing the requirement. The broader objective of the requirement is in no way fulfilled.
	<b>Inadequate progress.</b> The country has made inadequate progress in meeting the requirement. Significant elements of the requirement are outstanding and the broader objective of the requirement is far from being fulfilled.
	<b>Meaningful progress.</b> The country has made progress in meeting the requirement. Significant elements of the requirement are being implemented and the broader objective of the requirement is being fulfilled.
	<b>Satisfactory progress.</b> All aspects of the requirement have been implemented and the broader objective of the requirement has been fulfilled.
	<b>Beyond.</b> The country has gone beyond the requirement.
	This requirement is only encouraged or recommended and should not be taken into account in assessing compliance.
	The MSG has demonstrated that this requirement is not applicable in the country.

## Introduction

### Brief recap of the sign-up phase

The government of Guinea committed to implement the EITI in April 2005. The Multi-Stakeholder Group (MSG) was formed in June 2006. The country was accepted as an EITI Candidate on 27 September 2007. Guinea was declared compliant with the EITI Rules in July 2014.

### Objectives for implementation and overall progress in implementing the workplan

The Guinea EITI Multi-Stakeholder Group (MSG) has approved a biannual workplan for 2007-2008, triannual workplans for 2008-2010, 2011-2013, 2014-2017, and updated its annual workplan for 2018. The overall objectives of the 2018 workplan are for Guinea to remain compliant with the EITI Standard, and to strengthen trust through transparency. The workplan notes that the EITI requires good governance, which will lead to sustainable development through investment and poverty reduction, in line with Guinea's 2016-2020 social and economic national development plan<sup>3</sup>. Guinea-EITI's strategic plan follows the EITI Standard's value chain and includes improving the legal and regulatory framework for licence allocation, monitoring of revenue distribution and expenditures and communicating the results of the EITI.

### History of EITI Reporting

Guinea has produced 12 EITI Reports covering fiscal years between 2005 and 2016. The first EITI Report, covering the mining sector, was published in 2007. The last EITI Report, covering 2016, was published in June 2018. It was Guinea's first EITI Report based on the 2016 Standard. Additional details on Guinea's EITI Reports are provided in Annex C.

### Summary of engagement by government, civil society and industry

There has been consistent high-level engagement by senior officials in EITI implementation since 2005. The current Chair of the MSG is the Secretary General of the Ministry of Mines and Geology, Saadou Nimaga, since 2016. The EITI Champion is Prime Minister Ibrahima Kassory Fofana. The Prime Minister chairs Guinea-EITI's Supervisory Council on an annual basis. The Ministers of Mines and Geology, of Finance and the Economy, and the Secretary General of the Ministry of Mines and Geology have taken part consistently in these meetings<sup>4</sup>. There have been regular high-level government statements in support of the EITI.

The same companies and organisations have represented the industry constituency since 2005, namely Compagnie des Bauxites de Guinée (CBG), Société Anglo Gold Ashanti de Guinée (SAG), Rusal/Compagnie des Bauxites de Kindia (CBK), and the Chamber of Mines. Mining companies are represented on the Supervisory Council with the Prime Minister through the Chamber of Mines.

Civil society has played an active role in promoting the EITI and encouraging a public debate on natural

---

<sup>3</sup> Guinea's 2016-2020 social and economic national development plan accessed [here](#) on 08/09/2018

<sup>4</sup> See minutes of Supervisory Council minutes for [2016](#) and [2017](#) accessed on 19/09/2018

resource governance. The Publish What You Pay (PWYP) coalition has traditionally been the most active civil society group on EITI-related matter, as well as independent NGO Action Mines.

### Key features of the extractive industry

Guinea has a subsoil rich in mineral resources. The main mining substances extracted are bauxite, approximately 40 billion tonnes; gold approximately 1,000 tonnes; and diamonds between 25 and 30 million carats<sup>5</sup>. The main geographical areas affected by mining activity are the northwest zone for bauxite; the northeast zone for gold and the southeast zone for diamonds. According to the World Bank, Guinea possesses large reserves of bauxite representing about one-third of total global resources. Production of bauxite is comparable to countries such as China, whose reserves are only 15% of Guinea's endowment. There is enormous scope for increasing the value derived by the country from these natural resources<sup>6</sup>. Currently, Guinea has the lowest alumina-to-bauxite production ratio of all major producing countries, exporting 95% of its bauxite in raw form. In January 2018, Guinea approved USD 2.8 billion Chinese bauxite and aluminium investments<sup>7</sup>. Guinea is not an oil and gas producer and offshore exploration activities were unable to determine the presence of hydrocarbons in the reserve.

Guinea is home to the world's largest known untapped deposit of highest quality iron ore in Simandou. This project has been marred by a legacy of corruption and mismanagement in the allocation of mining licences towards the end of the Lansana Conté regime in 2008. In a context of low iron-ore prices and limited infrastructures in Guinea, there have been recurring questions concerning the economic viability of the project.

The mining sector, particularly bauxite, contributed significantly to Guinea's recovery from the Ebola crisis in 2014 and 2015. Revenue mobilization improved to 15.4% of GDP in 2017 (up from 15% in 2016), because of higher mining revenues and direct tax revenues. Mining tax revenues were 2.9% of GDP (up from 2.2% in 2016), reflecting buoyant activity<sup>8</sup>. According to the World Bank, mining accounted for 35% of GDP and about 80% of exports in 2015.<sup>9</sup>

### Explanation of the Validation process

Validation is an essential feature of the EITI implementation process. It is intended to provide all stakeholders with an impartial assessment of whether EITI implementation in a country is consistent with the provisions of the EITI Standard. It also addresses the impact of the EITI, the implementation of activities encouraged by the EITI Standard, lessons learnt in EITI implementation, as well as any concerns stakeholders have expressed and recommendations for future implementation of the EITI.

The Validation process is outlined in chapter 4 of the EITI Standard<sup>10</sup>. It has four phases:

1. Preparation for Validation by the multi-stakeholder group (MSG)
2. Initial data collection and stakeholder consultation undertaken by the EITI International Secretariat.

<sup>5</sup> 2015 EITI Report, available [here](#)

<sup>6</sup> World Bank Guinea Country Partnership Framework – May 2018 – accessed [here](#) on 18/09/2018

<sup>7</sup> Guinea approves new Chinese bauxite investment, Reuters, January 2018, available [here](#)

<sup>8</sup> World Bank Guinea country overview, access [here](#) on 18/09/2018

<sup>9</sup> World Bank Guinea Country Partnership – May 2018 – accessed [here](#) on 18/09/2018

<sup>10</sup> See also <https://eiti.org/validation>.

3. Independent quality assurance by an independent Validator who reports directly the EITI Board
4. Board review.

The [Validation Guide](#) provides detailed guidance on assessing EITI Requirements, and more detailed [Validation procedures](#), including a standardised procedure for data collection and stakeholder consultation by the EITI International Secretariat and standardised terms of reference for the Validator. The Validation Guide includes a provision that: “Where the MSG wishes that validation pays particular attention to assessing certain objectives or activities in accordance with the MSG workplan, these should be outlined upon the request of the MSG”. The MSG did not request that specific issues be covered in Guinea’s Validation.

In accordance with the Validation procedures, the International Secretariat’s work on the initial data collection and stakeholder consultation was conducted in three phases:

### 1. Desk Review

Prior to visiting the country, the Secretariat conducted a detailed desk review of the available documentation relating to the country’s compliance with the EITI Standard, including but not limited to:

- The EITI workplan and other planning documents such as budgets and communication plans;
- The multi-stakeholder group’s Terms of Reference, and minutes from multi-stakeholder group meetings;
- EITI Reports, and supplementary information such as summary reports and scoping studies;
- Communication materials;
- Annual progress reports; and
- Any other information of relevance to Validation.
- In accordance with the Validation procedures, the Secretariat has not taken into account actions undertaken after the commencement of Validation.

### 2. Country visit

A country visit took place on 9-14 September 2018. All meetings took place in Conakry. The secretariat met with the multi-stakeholder group and its members, the Independent Administrator and other key stakeholders, including stakeholder groups that are represented on, but not directly participating in, the multi-stakeholder group. In addition to meeting with the MSG as a group, the Secretariat met with its constituent parts (government, companies and civil society) either individually or in constituency groups, with appropriate protocols to ensure that stakeholders can freely express their views and that requests for confidentiality are respected. The list of stakeholders consulted is outlined in Annex D.

### 3. Reporting on progress against requirements

This report provides the International Secretariat initial assessment of progress against requirements in accordance with the Validation Guide. It does not include an overall assessment.

The International Secretariat’s team comprised Dylan Gélard and Alex Gordy, who conducted stakeholder consultation and prepared the draft initial assessment, and Gisela Granado, Bady Baldé, Eddie Rich and Sam Bartlett, who provided support and quality assurance.



## Part I – MSG Oversight

### 1. Oversight of the EITI process

#### 1.1 Overview

This section relates to stakeholder engagement and the environment for implementation of EITI in country, the governance and functioning of the multi-stakeholder group (MSG), and the EITI workplan.

#### 1.2 Assessment

### Government engagement in the EITI process (#1.1)

#### Documentation of progress

*Public statement:* Representatives of the Government of Guinea have made regular public statements of support for EITI since 2005, including at the highest political levels. These have included public statements from Prime Minister Cellou Dalein Diallo in 2005<sup>11</sup>, Minister of Mines and Geology Mohamed Lamine Fofana in March 2011<sup>12</sup>, Prime Minister Mamady Youla in 2015<sup>13</sup> and in 2016.<sup>14</sup> President Alpha Condé highlighted the EITI’s role in transparency reforms in Guinea in a letter to French President François Hollande in the lead up to the Open Government Partnership Summit in December 2016.<sup>15</sup> More recently, Prime Minister Ibrahima Kassory Fofana highlighted the EITI’s role in his general policy speech on 28 June 2018.<sup>16</sup>

*Senior lead:* As per with the 2012 Decree establishing the EITI, the Chair of the Supervisory Committee and the EITI Champion is the Prime Minister of Guinea. The Supervisory Committee, Guinea EITI’s highest decision-making body, provides political oversight over the EITI process. The current EITI Champion is Prime Minister Ibrahima Kassory Fofana, since May 2018. His predecessors Madady Youla (2015 – 2018) and Mohamed Said Fofana (2010 – 2015) served as EITI champions before him. The 2012 Decree notes that Guinea EITI’s MSG is chaired by the Secretary General of the Ministry of Mines, with the Secretary General of the Ministry of Budget, as vice Chair. The current Chair of the MSG is Saadou Nimaga since July 2016. Preceding him in this role between September 2014 and June 2016 was Nava Touré, who also headed the Technical Committee for the Review of Mining Titles and Conventions, established in 2012. The position of MSG Chair is established through Decree 2012/014/PRG/SGG establishing the EITI. The Ministry of Budget’s Secretary General, Alpha Mohamed Kallo, is the Vice-Chair of the MSG since February 2016.

<sup>11</sup> Speech by Prime Minister Guinea 2005 accessed [here](#) on 19/09/2018

<sup>12</sup> Speech by Minister of Mines and Geology 2011 accessed [here](#) on 08/09/2017:

<sup>13</sup> Speech by Prime Minister 2015 accessed [here](#) on 08/09/2018

<sup>14</sup> EITI news article 2016 accessed [here](#) on 08/09/2018

<sup>15</sup> Lettre au Président François Hollande accessed [here](#) on 18/09/2018

<sup>16</sup> Discours de politique générale accessed [here](#) on 18/09/2018

**Active engagement:** There is evidence that Guinea EITI's Supervisory Council has met on an annual basis from 2014 to 2018. The Minister of Mines and Geology, Mr. Abdoulaye Magassouba, the Minister of Finance and the Economy, Mrs. Malado Kaba (Jan 2016 – May 2018) and the Secretary General of the Ministry of Mines and Geology, Saadou Nimaga have taken part consistently in these meetings<sup>17</sup>. Analysis of MSG meeting attendance over the period 2015 - March 2018 (see Annex B) shows that government representatives are actively engaged in the EITI process, particularly the Ministries of Mines and Geology, of Budget, of Justice, of Decentralization and Territorial Administration and the Central Bank of Guinea. There is no publicly-accessible evidence that senior government officials, other than members of the EITI Technical Secretariat, take part in outreach and dissemination activities. The government has taken steps to establish an enabling environment for EITI reporting, including through provisions of the 2013 amendments to the 2011 Mining Code that make EITI reporting mandatory for all mining companies.<sup>18</sup> The government has provided funding to EITI implementation, primarily for the operations of the Technical Secretariat. The 2017 Annual Progress Report showed that the Government covered 80% of implementation costs in 2017<sup>19</sup>, excluding the procurement of the Independent Administrator (IA) for the EITI Report. The government has not funded the production of the 11 EITI Reports published to date.

### Stakeholder views

There was consensus among stakeholders consulted that the government is actively engaged in EITI implementation and is represented on the MSG by the right individuals and structures. However, some development partners mentioned that the government's engagement on the MSG and objectives for EITI implementation could be strengthened in order to ensure the EITI acted a diagnostic tool for reforms. In the pre-Validation self-assessment survey completed by 31 civil society representatives, 67.7% considered that they had confidence in the senior government lead on EITI while 61.3% of participants found that the Chair of the MSG had the authority and freedom to coordinate EITI activities, albeit with some concerns over his ability to raise sufficient funds for implementation. Several stakeholders from government and civil society noted that Prime Minister Kassory Fofana had expressed strong support to the EITI since taking office in June 2018 and were hopeful that this would sustain government support to the EITI over the coming months. Government stakeholders consulted noted that the Prime Minister's office had directed the government's financial support for EITI to be disbursed in a timely manner. Some civil society stakeholders raised questions over whether the government's commitment to direct part of its limited funding to the EITI was genuine. They noted that the EITI process relied on limited resources and that it was often necessary to seek the President's support to overcome obstacles for the financing of the EITI. They also wondered whether lack of a concerted review of EITI outcomes and impact, as well as the absence of a structure to systematically follow up to recommendations, was not the sign of a lack of ambition for the EITI process.

### Initial assessment

The International Secretariat's initial assessment is that Guinea has made satisfactory progress in meeting this requirement. There are regular, public statements of support from the government, a senior individual has been appointed to lead on the implementation of the EITI and senior government officials are represented on the MSG. Government representatives appear to play an active role within the MSG and the Supervisory Council.

To strengthen EITI implementation, Guinea may wish to consider opportunities to strengthen linkages between the EITI process and on-going reform, to use the EITI as a diagnostic tool for more transparent and effective governance of the mining sector.

<sup>17</sup> Guinea EITI minutes of Supervisory Council minutes for [2016](#) and [2017](#) accessed on 19/09/2018

<sup>18</sup> Government of Guinea (2013) "revised 2011 Mining Code" accessed [here](#) on 08/09/2018

<sup>19</sup> Guinea EITI « Rapport annuel d'avancement 2017 » accessed [here](#) on 18/09/2018

## Industry engagement in the EITI process (#1.2)

### Documentation of progress

***Active engagement:*** Guinea's extractive industries have historically been dominated by mining of bauxite, gold, iron ore, and diamonds. There have also been speculative and limited oil and gas exploration activities in recent years, although without commercially-viable discoveries to date. Most of the mining industry is organised through the Chamber of Mines, established in 1997 and including more than 50 companies, including several sub-contractors, as members.<sup>20</sup> Industry representatives are actively engaged in the EITI process, with mining company members and the Chamber of Mines in line with Decree 2012-014-PRG-SGG.<sup>21</sup> In practice, the EITI Guinea website<sup>22</sup> lists four mining industry MSG members (CBG, SAG, CBK and the Chamber of Mines). Mining companies are represented on the EITI Supervisory Council through the Chamber of Mines.

There is evidence that the Chamber of Mines participated in the dissemination of EITI Reports, most recently during the meeting of ECOWAS Chambers of Mine in May 2018.<sup>23</sup> The Chamber of Mines also reported to its members on the completion of the 2016 EITI Report in April 2018<sup>24</sup> and its Executive Director has publicly highlighted the importance of EITI reporting to the media.<sup>25</sup> A review of MSG meeting attendance over the period 2015 - March 2018 (see Annex B) shows that, while the Ebola epidemic impacted industry participation in the MSG in 2015 and 2016, the constituency's engagement improved significantly in 2017, with industry representatives (aside from CBK/RUSAL) attending meetings regularly. Industry participation in EITI reporting improved markedly over the 2015-2016 EITI Reports. While 35 out of the 45 material companies submitted reporting templates for the 2015 EITI report, 30 of the 36 material companies reported in the 2016 EITI report. There is however no evidence suggesting that companies have contributed to improving the level of company reporting through outreach and peer consultations with non-reporting companies. Some companies have also provided financial support to the Technical Secretariat, such as SMB who provided USD 50 000 in 2017<sup>26</sup>. SAG and CBG also provided USD 10 000 for dissemination missions in 2018. An independent review of the MSG's governance conducted in 2016 noted that industry representation on the MSG was small, with only four industry representatives, compared to more than 10 representatives each from government and civil society. The review recommended that industry participation be strengthened by inviting two or three more representatives to the MSG.<sup>27</sup>

***Enabling environment:*** The government has issued executive Decrees and enacted legislative changes to support EITI implementation in Guinea. Article 122 of the 2011 Mining Code, amended in 2013, requires all mining license-holders to participate in EITI reporting and respect the EITI principles.<sup>28</sup> However, there is no evidence that this requirement has been implemented in practice given the lack of sanctions for non-reporting.

<sup>20</sup> Chambres des Mines de Guinée accessed [here](#) on 08/09/2018

<sup>21</sup> Guinea EITI Decree establishing EITI-Guinea 2012 accessed [here](#) on 08/09/2018

<sup>22</sup> Guinea-EITI MSG members website accessed [here](#) on 08/09/2018

<sup>23</sup> Chambre des Mines de Guinée (2018), « Plaidoyer de l'ITIE à la réunion de la Fédération des Chambres des Mines de la CEDEAO », accessed [here](#) on 18/09/2018

<sup>24</sup> Chambre des Mines des Guinée (2018), « Contribution du secteur extractif au développement de la Guinée », accessed [here](#) on 18/09/2018

<sup>25</sup> Media Guinée (2018) « Le douzième rapport ITIE publié à Conakry », accessed [here](#) on 18/09/2018

<sup>26</sup> Guinea EITI « Rapport annuel d'avancement 2017 », accessed [here](#) on 18/09/2018.

<sup>27</sup> Guinea EITI « Revue institutionnelle de l'ITIE Guinée » (2016), accessed [here](#) on 08/09/2018

<sup>28</sup> Government of Guinea 2011 Mining Code Guinea, revised in 2013, accessed [here](#) on 08/09/2018

## Stakeholder views

There was consensus that industry MSG members were actively engaged, except for the CBK representative who has been consistently absent of MSG meetings since 2005. Stakeholders confirmed that the broader mining industry's engagement was limited to contributing to EITI reporting. They agreed that more should be done to improve the broader industry constituency's engagement in the EITI process. Representatives of companies not directly represented on the MSG did not appear to be familiar with EITI Reports or the results of EITI implementation. Industry representatives on the MSG confirmed that they provided logistical support to dissemination activities in mining areas, and that local industry representatives and Chamber of Mines members took part in dissemination missions, communicating on the EITI in the media. Government stakeholders noted the Ministry of Mines was considering introducing stricter enforcement of legal provisions related to EITI in the 2011 Mining Code, including sanctions for non-reporting.

In its self-assessment, civil society expressed satisfaction with industry representation on the MSG. They noted that some companies were the cause of delays in data collection and reporting. They believed that the 2013 amendments to the 2011 Mining Code, along with the EITI Decree, created an enabling environment for company participation in EITI implementation. They noted that representation could be improved by including exploration companies and through better communication within their constituency. They encouraged industry representatives on the MSG to reach out to other EITI material companies, especially those that were new to Guinea or late in submitting reporting templates. Some representatives from civil society believed that the Chamber of Mines could play a more active role in coordinating industry participation on the MSG and promoting the EITI to non-reporting companies. They also noted that obtaining information about the activities of Chinese and Russian companies remained challenging.

## Initial assessment

The International Secretariat's initial assessment is that Guinea has made satisfactory progress in meeting this requirement. Mining companies and the Chamber of Mines on the MSG appear to be fully, actively and effectively engaged in the EITI process, both as providers of information and in the design, implementation, monitoring and evaluation of the EITI process. The Decree 2012-014-PRG-SGG establishing the EITI has created an enabling legal environment for EITI implementation in Guinea, while the 2013 revisions to the 2011 Mining Code have made EITI reporting of audited figures mandatory for all mining licenses-holders.

To strengthen implementation, the industry constituency is encouraged to enhance, systematise and formalise the coordination and communication between companies involved in EITI implementation beyond those directly represented on the MSG. The industry constituency is invited to consider whether a clear ToR or guidelines for the constituency would help structure its full and effective participation in EITI, and ensure a more meaningful engagement of industry on the MSG.

## Civil society engagement in the EITI process (#1.3)<sup>29</sup>

### Documentation of progress

**Expression:** Freedom of expression and freedom of the press are enshrined in Article 7 of Guinea's 2010 constitution<sup>30</sup>. The US State Department notes however that the government has sometimes restricted press freedom<sup>31</sup>. Freedom House's Freedom in the World rankings have ranked Guinea as "partly free" in the 2014-2017 period<sup>32</sup>. None of the articles on the Guinea webpages of Human Rights Watch<sup>33</sup>, Freedom House<sup>34</sup> and Reporters Without Borders<sup>35</sup> related to extractive industries, good governance or transparency as of 1 July 2018. Guinea's media landscape started to liberalize after 2008, in an often politically unstable environment<sup>36</sup>. More than 41 private radio stations and a few private television stations compete with the public broadcaster, Radio Télévision Guinéenne (RTG). There is ample evidence of public criticism of the government's management of the mining sector, both in national<sup>37</sup> and international media. There is also evidence of civil society statements critical of aspects of Guinea's EITI implementation by MSG members<sup>38</sup> and by NGOs outside the MSG.<sup>39</sup> Radio station Espace FM holds regular debates and programmes on the issue of mining in Guinea, often with views critical of government or companies.<sup>40</sup>

**Operation:** Article 10 of Guinea's 2010 Constitution grants all citizens the right to form associations and societies to collectively exercise their political, economic, social and cultural rights.<sup>41</sup> The right of demonstration and of procession in the Constitution. The 2017 State Department Human Rights Report on Guinea notes that the government has restricted this right. It adds that the law bans any meeting that has an ethnic or racial character or any gathering "whose nature threatens national unity." The government requires 72-working-hour advance notification for public gatherings. Authorities may also hold event organizers criminally liable if violence or destruction of property occurs. Police use of excessive force to disperse demonstrators--often protesting poor public services--resulted in deaths and injuries<sup>42</sup>. Such incidents occurred during 2017 in the mining region of Boké, leading to the death of two

<sup>29</sup> The first Validation under the EITI Standard (Azerbaijan 2016) established precedent for the Validation of requirement 1.3. The CSO protocol "operationalises" requirement 1.3. Each part of the CSO protocol speaks to specific parts of Requirement 1.3:

2.1 of the CSO protocol is intended to assess provisions 1.3(d), 1.3(e)(i), 1.3(e)(iv).

2.2 of the CSO protocol is intended to assess provisions 1.3.(b) and 1.3.(c).

2.3 of the CSO protocol is intended to assess provision 1.3(e)(iii).

2.4 of the CSO protocol is intended to assess provisions 1.3.(a) and 1.3(e)(ii)

2.5 of the CSO protocol is intended to assess provision 1.3(d).

<sup>30</sup> Guinea's 2010 Constitution accessed [here](#) on 08/09/2018

<sup>31</sup> US State Department Human Right Report for Guinea (2017) accessed [here](#) on 18/09/2018

<sup>32</sup> Freedom House page on Guinea accessed [here](#) on 18/09/2018

<sup>33</sup> Human Rights Watch website page on Guinea accessed [here](#) on 18/09/2018

<sup>34</sup> Freedom House page on Guinea accessed [here](#) on 18/09/2018

<sup>35</sup> Reporters Without Borders page on Guinea access [here](#) on 18/09/2018

<sup>36</sup> Conakry le Mag (2015), « Le paysage médiatique guinéen : état des lieux, enjeux et défis », accessed [here](#) on 18/09/2018

<sup>37</sup> Guinée 360 (janvier 2018), « Economie : la bauxite peut-elle tenir ses promesses ? » accessed [here](#) on 18/09/2018 ; Guinée Conakry Info (), « Mines et communautés : un rapport accablant » accessed [here](#) on 18/08/2019 ; Une startup française à l'assaut des mines guinéennes » accessed [here](#) on 18/08/2018 ; Le consortium SMB va-t-il se retirer de Guinée accessed [here](#) on 18/08/2018

<sup>38</sup> Mosaïque Guinée (2018) « Transparence dans les industries extractives : entretien avec Alpha Abdoulaye Diallo sur l'évaluation de la Guinée accessed [here](#) on 18/09/2018 ; Guinée Matin (2017) « Gestion des revenus miniers, scandales de corruption gouvernance » accessed [here](#) on 18/09/2019.

<sup>39</sup> Action Mines (2015), « Rapport d'analyse du Rapport ITIE 2015 » accessed [here](#) on 18/09/2018

<sup>40</sup> Espace FM (2016), "Le DG de la société minière de Boké: notre projet est d'intégrer la communauté » accessed [here](#) on 18/09/2018

<sup>41</sup> Guinea's 2010 Constitution accessed [here](#) on 08/09/2018

<sup>42</sup> US State Department Human Right Report for Guinea 2017 accessed [here](#) on 18/09/2018

protesters<sup>43</sup>. This followed protest over living conditions and a perceived lack of economic contribution from mining activities in the region.

The legal framework for associations and NGOs in Guinea is regulated by the Law 2005/013/AN, enacted on 4 July 2005, which sets the rules and regulations for civil associations. The law facilitated the registration of CSOs by simplifying procedures and decentralising processing and approvals to Prefectures.<sup>44</sup> The 2017 State Department Human Rights Report on Guinea notes that requirements to obtain official recognition for public, social, cultural, religious, or political associations are not considered cumbersome, despite bureaucratic delays sometimes impeding registration.<sup>45</sup> With respect to the process for creating an NGO, a declaration should be made to the Ministry of the Territorial Administration and Decentralisation, indicating the objective of the Association and the location of the NGO's headquarters. The Minister of Territorial Administration and Decentralisation approves the application, which grants the association its legal status as a non-profit organisation. NGOs are required to submit annual activity reports and updates on their membership to the Ministry of Interior and Decentralisation. There are no barriers to NGOs working with international partners or accessing foreign funding and NGOs are exempt from tax, including on property, on vehicles and on personal effects of foreign NGO members. There is no evidence that civil society being restricted in accessing funding from international partners, with the World Bank, NRCI, UNDP, GIZ, the EU, and the UK Embassy have provided funding to NGOs for EITI-related activities. There is also no evidence of any legal, regulatory or administrative obstacles affecting the ability of civil society representatives to participate in the EITI process. Local civil society actors collaborate freely with international civil society actors such as NRCI.<sup>46</sup>

**Association:** According to the 2017 State Department Human Rights Report on Guinea, Guinean authorities generally respect constitutional guarantees of freedom of association. Statistics by the NGO Coordination Service (Service de Coordination des ONG) indicate that 700 NGOs were operational in Guinea in 2016. In 2015, a mapping of civil society in Guinea, noted that civil society, including the media, national and international NGOs, unions, professional networks as well as youth and women organisations, were engaged in almost all aspects of development, with each commune hosting at least three functioning NGOs<sup>47</sup>.

The National Council of Civil Society Organisations in Guinea (CNOSCG), one of the oldest and most representative CSO umbrella organisations, is represented on the Supervisory Committee and meets annually with the Prime Minister, Ministers and the Mining Chamber to discuss EITI implementation in Guinea<sup>48</sup>. CNOSCG is built around 80 thematic national networks<sup>49</sup>, and covers the whole territory of Guinea with 333 local NGOs councils and 8 regional councils.<sup>50</sup> The PWYP coalition in Guinea, launched in

<sup>43</sup> Le 360 (2017), "Le gouvernement durcit le ton contre les émeutes de Boké" accessed [here](#) on 18/09/2018 ; Reuters (2017), "Guinean forces kill one, wound several in riot in bauxite mining town" accessed [here](#) on 18/09/2018.

<sup>44</sup> CIVICUS (2011), "Guinean civil society between activity and impact" accessed [here](#) on 18/09/2018

<sup>45</sup> US State Department Human Right Report for Guinea 2017, opt. cit.

<sup>46</sup> NRCI website on Guinea, accessed [here](#) on 08/09/2018

<sup>47</sup> EU civil society mapping of Guinea accessed [here](#) on 08/09/2018

<sup>48</sup> CNOSCG website accessed [here](#) on 08/09/2018

<sup>49</sup> including trade unions, farmers, sustainable development, and youth.

<sup>50</sup> CNOSG's national bureau is made of 23 members, including 15 elected members representing the national networks and 8 representatives from the regional councils.

July 2006, has been particularly active in EITI implementation<sup>51</sup>. It has been particularly active in dissemination of EITI Reports, advocating for transparency of mining contracts, and lobbying for reforms in national legislation on extractives sector transparency. Three civil society MSG representatives are members of PWYP Guinea, namely Association Guinéenne pour la Transparence (AGT), Centre du Commerce International pour le Développement (CECIDE) and Réseau Afrique Jeunesse de Guinée (RAJ-GUI). The most active NGOs working on natural resource transparency governance Guinea is Action Mines<sup>52</sup>, which chose not to become a member of PWYP and not to be represented on the MSG. Priorities of PWYP and Action Mines include revenue transfers to local communities, monitoring implementation of legal obligations by companies, and environmental impact.

Decree 2012-014-PRG-SGG establishing the EITI Guinea notes that civil society consists of representatives from eight types of organisations.<sup>53</sup> Organisations represented on the MSG are in line with these categories.<sup>54</sup> Analysis of MSG meeting attendance reflects the consistent engagement of civil society, with most members or their alternates participating at all meetings of the MSG and technical working groups. Civil society organisations represented on the MSG and Action Mines adopted a code of conduct in April 2017 to provide a framework for the nomination process and participation of civil society representatives in the EITI process. While the draft code of conduct was shared with the International Secretariat in May 2018, there is no evidence that this code of conduct is publicly available, and it is unclear whether it is being implemented.

***Engagement:*** 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 data. There is also evidence that civil society groups outside of the MSG are also actively involved in EITI implementation. The civil society group Action Mines, not a member of the MSG, publish annual reports providing a critical analysis of EITI reporting with recommendations for strengthening implementation.<sup>55</sup> Action Mines also produced communications tools simplifying EITI data to a broader audience. Civil society plays a proactive role in EITI implementation, including by providing first drafts of the country's roadmap towards beneficial ownership transparency, following workshops in September 2016.<sup>56</sup> Similarly, both MSG and non-MSG actors were involved in Validation preparations and participated in a survey on EITI implementation in workshops in May 2018.<sup>57</sup>

CSOs have also actively contributed to EITI outreach and capacity building amongst civil society in relation to EITI. PWYP Guinea has established communication channels, including a frequently-used email list,

---

<sup>51</sup> PWYP website Guinea accessed [here](#) on 08/09/2018

<sup>52</sup> Action Mines website accessed [here](#) on 18/09/2018

<sup>53</sup> trade unions, the elected local government officials' association, local NGOs, the National Association of Accounting Experts, the Association of Lawyers, the Mining and Geological Engineers Association, Women's Associations and Youth Associations.

<sup>54</sup> Organisations represented on the MSG consist of the Network for Parliamentary Women and Ministers in Guinea (REFAMP), the CBG trade union, the Mining and Geological Engineers Association (ONIGEM), the National Association of Accounting Experts, the Association of Lawyers, the Guinean Association of Editors and Independent Press, the National Association for Guinean Local Communities (ANCG), and PWYP through the Centre for International Trade and Development (CECIDE), the African Youth Network of Guinea (RAJ-GUI), and the Guinean Transparency Association (AGT).

<sup>55</sup> Guinée Live (2015) « Un document de proposition pour l'amélioration des rapports ITIE » accessed [here](#) on 18/08/2019

<sup>56</sup> Guinée Economy (2016) Civil society workshop on Beneficial Ownership, accessed [here](#) on 08/09/2018

<sup>57</sup> Guinée Matin (2018) "Civil society pre-Validation workshop" accessed [here](#) on 08/09/2018:

with NGOs throughout the country, with civil society MSG members based in mining regions of Boké.<sup>58</sup> Action Mines has conducted evaluations of the EITI process<sup>59</sup> and engaged in several dissemination activities across Guinea between 2015 and 2017<sup>60</sup>. There is no evidence of any attempts to interfere in civil society's community outreach and research activities.

*Access to public decision-making:* Guinea's access to information legislation, adopted in 2010, was never promulgated, although the government plans to reintroduce the law in Parliament in 2018.<sup>61</sup> There do not appear to be any barriers to civil society using EITI information to contribute to public debate and influence policy-making. There is however ample evidence of civil society using the EITI process to promote public debate, notably activities conducted by the Publish What You Pay Coalition<sup>62</sup> and Action Mines<sup>63</sup>. Action Mines particularly prepared an advocacy report on behalf of communities affected by mining activities in 2016<sup>64</sup>.

## Stakeholder views

*Expression:* All stakeholders confirmed that civil society was able to engage freely and actively in public debate related to the EITI and express opinions without restraint, coercion or fear of reprisal. Some CSO representatives highlighted the statements in the press, radio and social media they had made in the context of social tensions in the mining region of Boké in 2017 as evidence of their freedom of expression. Several CSOs added that they saw their role as being the regulator of MSG discussions and that they were free to add issues to the agenda.

*Operation:* Some CSOs mentioned bureaucratic bottlenecks and delays to renew registration. This forced them to operate based on one-year renewals based on the receipt of their application for registration. They believed that these hurdles were mainly due to administrative inertia and difficulties with implementing the law. They indicated however that these did not impede on their ability to operate and to seek funding for their activities.

*Association:* Civil society Stakeholders confirmed that they were able to network, associate with each other and operate freely. They confirmed that they had agreed on a code of conduct for the participation of civil society organisations on the MSG in April 2017. While the code of conduct had initially been planned for members of the Publish What You Pay Coalition on the MSG, it had been broadened and endorsed by all civil society actors represented on the MSG, as well as Action Mines. They explained that the code included clear eligibility criteria, nominations procedures, as well as accountability and reporting procedures. They noted that there had been heated discussions regarding the implementation of the code, particularly term limits and timings of renewals of CSO membership of the MSG, but that the code of conduct would be implemented over the coming months. They confirmed that the code of conduct and the minutes of the civil society meetings leading to its adoption had not been made public.

<sup>58</sup> CECIDE (2017) "Engagement of local communities in natural resource governance" (2017) accessed [here](#) on 08/09/2018:

<sup>59</sup> Action Mines (2017) « Rapport d'évaluation sur la mise en œuvre de l'ITIE en Guinée » accessed [here](#) on 15/09/2018

<sup>60</sup> Action Mines (2018) « Activités de la société civile menées par Action Mines pour la mise en œuvre de l'ITIE » accessed [here](#) on 18/09/2018

<sup>61</sup> Aminata (2018) Vers la publication de la loi d'accès à l'information publique accessed [here](#) on 18/09/2018

<sup>62</sup> Ledjely.com (2017) « Siguiiri : les mines au cœur d'un atelier sur le contrôle citoyen » accessed [here](#) on 18/09/2018

<sup>63</sup> Action Mines (2018) Activités de la société civile menées par Action Mines pour la mise en œuvre de l'ITIE accessed [here](#) on 18/09/2018

<sup>64</sup> Action Mines (2016) « les voix des communautés riveraines des zones minières de Guinée » accessed [here](#) on 18/09/2018

**Engagement:** All CSO representatives on the MSG felt confident in their capacity and freedom to contribute to the design, implementation and monitoring of the EITI process. Stakeholders highlighted civil society's important contribution in disseminating EITI report at both national and subnational levels. They emphasised that it was necessary to build capacity of the press and CSOs to enable them to make use of EITI data, analyse contracts and investigate information to support their advocacy work. Stakeholders noted that civil society advocated strongly for the government to fund EITI implementation. They also mentioned the results of advocacy efforts to establish municipal receivers for subnational transfers.

**Access to decision making:** With regards to the EITI process, civil society stakeholders considered that they were able to add issues to the agenda of the MSG. They considered themselves as being the "regulators" of the EITI process. They explained for instance that the concerns they raised during their pre-Validation self-assessment were considered by the MSG. They also explained that they had been the drivers behind the preparation of the beneficial ownership roadmap. Beyond the EITI process, civil society stakeholders confirmed they held extensive consultations with mining communities around the country and took their views into account in their recommendations to the government, the parliament, and development partners. They noted that there were some public consultations for some new mining projects, but not for all.

## Initial assessment

The International Secretariat's initial assessment is that Guinea has made satisfactory progress in meeting this requirement. There are no suggestions of any legal, regulatory or practical barriers to civil society's ability to engage in EITI-related public debate, to operate freely, to communicate and cooperate with each other, to fully, actively and effectively engage on EITI-related matters or in relation to the EITI process. CSOs can speak freely on transparency and natural resource governance issues, as well as to ensure that the EITI contributes to public debate. In addition, civil society is fully, actively and effectively engaged in the design, implementation, monitoring and evaluation of the EITI process. Stakeholders are taking part in outreach and efforts to promote public debate, especially on regional level.

To strengthen implementation, the civil society constituency may wish to publish and implement the code of conduct it adopted in 2017, conduct a mapping of civil society actors working on EITI-related issues, and pursue its capacity building efforts targeting civil society and the press on the use of EITI data and other aspects such as contract analysis.

## MSG governance and functioning (#1.4)

### Documentation of progress

MSG governance and functioning of the EITI process in Guinea is outlined in four different sets of documents, including the Order 2858/MMG/SGG/2005 establishing the EITI<sup>65</sup>, which was subsequently updated in 2012 through Decree 2012/014/PRG/SGG<sup>66</sup>, the 2012 Ministerial Order on EITI MSG

<sup>65</sup> Guinea EITI (2005) EITI founding Decree (2005) accessed [here](#) on 08/09/2018

<sup>66</sup> Guinea EITI (2012) "Decree establishing EITI-Guinea" (2012) accessed [here](#) on 08/09/2018

membership<sup>67</sup>, in the MSG's Terms of Reference (ToR)<sup>68</sup>, which were updated in June 2018, and in the MSG's Internal Rules<sup>69</sup>, which were updated in April 2018.

*MSG composition and membership:* Article 5 of the 2012 Decree notes that the MSG is chaired by the Secretary General of the Ministry of Mines and Geology and is co-chaired by Secretary General of the Ministry of Budget. The 2012 Decree does not set a maximum number of MSG members. The Decree noted that the MSG includes representatives from the government (Prime Minister's Office, Ministry of Territorial Administration and Decentralisation, Central Bank, National Anti-corruption Agency, Ministry of Communication), republican institutions (National Assembly, Supreme Audit Institution/Cour des Comptes, Social and Economic Council industry (the Chamber of Mines and Mining Companies) and civil society (trade unions, association of local officials, private media, local NGOs, accountants, lawyers, mining engineers). A review of the governance of Guinea EITI in 2016 noted that the MSG's attributions as described in the 2012 Decree were aligned with the 2011 EITI Rules but were not updated in line with the transition to the EITI Standard either in 2013 or 2016.<sup>70</sup>

Article 2.2 of the 2018 MSG Terms of Reference (ToR) (p.4) and Article 3 of the Internal Rules (p.2) note that MSG has three ad-hoc working groups, covering statistics and audit, communications and capacity-building, and monitoring and evaluation. Article 2 of the 2012 Ministerial Order on the composition of the MSG and Article 5 of the 2018 MSG ToR indicates that representatives should be designated by their respective institutions or organisations (p.5). Civil society is expected to choose its representative from specific organisations or platforms (i.e. PWYP, Association of Local Officials, National Association of Accounting Experts, the Association of Lawyers, the Association of Mining and Geological Engineers) or from wider stakeholder groups (i.e. representatives of independent media, trade unions, women, and youth). Similarly, the Chamber of Mines and mining companies are expected to choose their representatives to the MSG (p.5). The ToR does not specify the number, nor the name of individual companies represented on the MSG. The MSG Chair and Vice-Chair are selected based on their respective positions within the Ministry of Mines and Geology and the Ministry of Budget.

Article 2.3 of the MSG's ToR indicate that MSG members will serve a term of three years, renewable once (p.4). Article 10 of the Internal Rules describe the procedures for replacing a MSG member (p.4). The replacement is undertaken based on proposals from the relevant organizations and is confirmed through decision by the MSG Chair. The replacement of MSG members is formalised through an Ordonnance from the Minister of Mines and Geology.

Despite the lack of evidence of renewal of MSG members in the 2015-2018 period, the 2012 Ministerial Order lists 24 MSG members<sup>71</sup>, while the list of MSG members as of 22 June 2018, indicates that the MSG is currently composed of 28 members. There is no publicly-available evidence to suggest consultations took place ahead of the nomination of current organizations to the MSG. Information on membership is available on the Guinea EITI website both for the Supervisory Council<sup>72</sup> and MSG<sup>73</sup>, along with relevant

<sup>67</sup> Guinea EITI (2012) "Arrêté portant sur la composition du Comité de Pilotage de l'ITIE" (2012) accessed [here](#) on 18/09/2018

<sup>68</sup> Guinea EITI (2018) "MSG Terms of Reference" (2018) accessed [here](#) on 08/09/2018

<sup>69</sup> Guinea EITI (2018) "Règlement intérieur des organes de l'ITIE Guinée" accessed [here](#) on 18/09/2018

<sup>70</sup> Guinea EITI (2016) « Revue institutionnelle de l'ITIE Guinée » accessed [here](#) on 18/09/2018

<sup>71</sup> Guinea EITI (2012) « Arrêté portant sur la composition du Comité de Pilotage de l'ITIE » accessed [here](#) on 18/09/2018

<sup>72</sup> Guinea EITI (2018) webpage on Supervisory Council accessed [here](#) on 08/09/2018

<sup>73</sup> Guinea EITI (2018) webpage on MSG accessed [here](#) on 08/09/2018

contact details. However, this information on MSG members was not up-to-date as of September 2018 and still identified the MSG Chair as Nava Touré, despite his replacement in June 2016. Neither the 2012 Decree, the 2012 Ministerial Order on MSG composition, the 2018 MSG ToR, nor the 2018 MSG Internal Rules describe the MSG nomination process, nor confirm each constituency's right to select its own representatives, clarify term limits or replacement procedures.

*Civil society representation:* Civil society groups currently represented on the MSG membership are in line with the 2012 Decree. Organisations currently represented on the MSG include the PWYP Coalition<sup>74</sup>, independent media (AGEPI), representatives of women (REFAMP), elected local government officials (ANCG), the National Association of Accounting Experts, the Association of Lawyers, the Mining and Geological Engineers Association (ONIGEM). Civil society MSG members appear operationally independent from government and companies. While a draft code of conduct was developed in 2017 to codify civil society nominations and replacement procedures, it had not been published as of the commencement of Validation (1 July 2018). Current civil society MSG representatives were nominated by their respective organisations following receipt of a letter from the executive secretary of the Technical Secretariat. A review of MSG membership since 2005 shows that there have been regular changes in civil society representatives, including three changes in 2018. The former president of the PWYP coalition, has served on the MSG for 13 years, while another from the trade union CNTG has served 8 years. Although the choice of representative to the MSG is determined by the organization, there is no evidence showing that civil society participated in the choice of organizations represented on the MSG. The current civil society representatives are in keeping with the 2012 Decree establishing the EITI.

*Industry representation:* Article 5 of Decree 2012-014-PRG-SGG establishing the Guinea EITI notes that industry should comprise mining companies and the Chamber of Mines. The 2012 Ministerial Order on the composition of the MSG notes that two company representatives (one from a company with a production licence and one in exploration licence) and one Chamber of Mines representative represent the industry constituency on the MSG.<sup>75</sup> Neither the decree, nor the 2012 Ministerial order, nor the ToR name individual companies that represent the industry constituency on the MSG. In practice, the EITI Guinea website<sup>76</sup> lists three mining companies (CBG, SAG, and CBK) and the Chamber of Mines as MSG members representing industry. While a review of MSG membership since 2005 show that the same companies have been represented on the MSG since inception, there is no publicly available evidence explaining why these four entities were chosen to be represented on the MSG in the first place. Representatives on the MSG are designated by their respective companies after receiving a letter from the Secretary General of the Ministry of Mines, Chair of the MSG. There is no evidence to suggest that the companies have attempted to codify and formalize the procedure for the selection of their MSG. A review of the MSG composition since 2005 show that three industry representatives from CBG, SAG and the Chamber of Mines became members of the MSG in 2017 or 2018, while the representative of CBK/RUSAL has been on the MSG since 2005.

*Government representation:* Article 5 of Decree 2012/014 notes that the MSG includes representatives from the Office of the Prime Minister, the Ministries of Budget, of Mines and Geology, of Territorial Administration and Decentralization, of Communications, the Central Bank, and the National Anti-

<sup>74</sup> AGT, CECID CNTG, RAJ-GUI, the PWYP coalition.

<sup>75</sup> Guinea EITI (2012 « Arrêté portant sur la composition du Comité de Pilotage de l'ITIE » accessed [here](#) on 18/09/2018

<sup>76</sup> Guinea EITI (2018) webpage on MSG members website accessed [here](#) on 08/09/2018

corruption Agency. It adds that it also includes representatives from republican institutions, including the National Assembly, the Supreme Audit Institution (Cour des Comptes) and the Economic and Social Council. Current government representatives on the MSG are mostly in line with the 2012 Decree, except for the Ministry of Justice, and SOGUIPAMI, which are listed as being represented on the MSG in a list of MSG members shared at the start of Validation (1 July 2018). Government representatives are appointed by letter, based on their position within their organisation, following a request by the Secretary General of the Ministry of Mines, Chair of the MSG, to the head of their respective institutions. A review of MSG membership since 2005 confirms that the same government entities have been represented on the MSG, with regular changes in the individuals representing these entities.

*Terms of reference:* The MSG's Internal Rules adopted in June 2018<sup>77</sup> and MSG ToR updated in April 2018<sup>78</sup> are clear and public. They were agreed drawing on consultations within the MSG in 2018. Articles 2 and 3 of the Internal Rules (pp.1-3) and Article 2 of the ToR (pp.2-4) specify the roles and responsibilities of the Supervisory Council, the MSG and MSG Commissions, with the ToR providing greater detail. According to the ToR, the objective of the EITI is to create a favourable environment for the good use of wealth from natural resources as an engine for economic growth, sustainable development and poverty reduction, is in keeping with national priorities for the sector (p.1).

*Internal governance and procedures:* Guinea EITI's governance documents do not provide specifically for conflicts of interest or rules for their treatment of confidential information. Article 18 of the Internal Rules (p.6) and article 4 of the ToR (p.5) however highlight that MSG members are bound by the EITI Code of Conduct<sup>79</sup>. The Internal Rules specify that the Supervisory Council meets once annually (p.3). They also note that observers, including development partners and resource persons, are welcome to participate to the meetings as observers. According to the Internal Rules (p.3) and MSG ToR (p.6), the MSG meets once per month and can be convened extraordinarily through convocation by two thirds of MSG members.

*Decision-making:* Article 2.1 of the ToR requires decision-making to be inclusive, with each MSG member being treated as a partner. Each MSG member has the right to propose a topic for discussion by the MSG (p.3). Article 2 of the MSG's ToR on roles, rights and responsibilities of the MSG requires decisions to be taken by consensus (p.2). Article 7 defines quorum as the attendance of at least two thirds of MSG members (p.5). In cases where consensus is not achieved, Article 7.1 explains that the MSG can vote by a show of hands with a qualified majority (half of MSG participants plus one vote). Article 8 of the Internal Rules adds that if an absolute majority is not attained in the first vote, a second vote can be taken. If votes are equal, the vote of the MSG Chair is to be counted twice (p.4).

*Record-keeping:* Article 7.3 of the MSG's ToR state that meeting minutes are drafted by the Technical Secretariat and published on the national EITI website once approved by the MSG (p.6). Article 9 of the internal procedures note that the timeline for the publication of minutes is two weeks (p.4). Articles 14-17 of the Internal Rules cover the financial management of the Guinea EITI.

*Capacity of the MSG:* Article 7 of the Internal Rules requires MSG members to have the capacity and availability to work on the MSG (p.4). Other criteria include having a teamwork mindset, outreach

<sup>77</sup> Guinea EITI (2018) "MSG Internal Procedures" 2018 accessed [here](#) on 08/09/2018

<sup>78</sup> Guinea EITI (2018) "MSG Terms of Referene" accessed [here](#) on 09/09/2018

<sup>79</sup> EITI international (2018) "Code of Conduct" accessed [here](#) on 18/09/2018

activities and communication with their sub-constituencies. According to the 2017 APR, the MSG undertook capacity-building workshops on beneficial ownership in September and December 2018 (pp.16-17).

*Per diems:* The MSG's ToR, updated in April 2018 and publicly available on the Guinea EITI website<sup>80</sup>, confirm that MSG member receive a per diem for their participation in MSG meetings. The ToR notes that allowances are determined by the joint Ministerial Order between the Minister of Mines and the Minister of Finance, which is publicly available on the Guinea EITI website.<sup>81</sup> The joint Ministerial Order refers to a band of compensation between USD 33 and USD 55 for MSG meetings and between USD 16 and US 33 for MSG commissions meetings. There is no evidence of the value of per diems paid for missions conducted by Technical Secretariat and MSG members outside of Conakry.

*Attendance:* Article 7 of the Internal Rules require MSG members to participate in meetings in person and actively, explaining their absence to the MSG Chair in the event of non-attendance (p.3). Analysis of MSG meeting attendance (in Annex B) shows that while the Ebola epidemics had a severe impact on MSG attendance in 2014-15, attendance improved significantly in 2016 and 2017, with quorums reached at all meetings.

*Technical Secretariat:* Article 5 of Decree 2012-014 defines the roles of the national, headed by Executive Secretary Mamadou Diaby, who was appointed by Presidential Decree.<sup>82</sup> The Executive Secretary is listed in the MSG's ToR as a member of the MSG. A review of MSG meeting minutes shows that Technical Secretariat staff intervene regularly in the MSG's discussion, albeit without clarity on the capacity in which they intervene in the meetings. The MSG's Internal Rules indicated that the Secretariat also includes a monitoring and evaluation specialist, a national consultant (certified accountant), and a procurement and communication specialist, and one support staff.

## Stakeholder views

*MSG membership:* Government representatives consulted noted that the initial composition of the MSG had been suggested by the Ministry of Mines in 2005, based on the organisations they considered most competent and relevant to the EITI. They added that the MSG had been renewed gradually over time since 2005, rather than as part of coordinated renewals of membership. They noted that there were now 30 former members of the MSG, five of which have later become ministers. The Technical Secretariat noted that the same companies had been represented on the MSG since 2005 and that these companies had been chosen as they were the largest contributors to government revenues. Industry representatives confirmed that the nomination of industry representatives was not coordinated by the Chamber of Mines. Rather, they explained that each individual company and the Chamber were contacted directly by the Chair of the MSG to designate their representatives. They explained that the choice of companies represented on the MSG made in 2005 had been dictated by the government, but that they would have preferred the Chamber of Mines to oversee designating representatives. The Technical Secretariat added that the three companies represented on the MSG had been chosen in 2005 as they were the largest contributor to the government in terms of revenue. Industry stakeholders unanimously agreed that the

<sup>80</sup> Guinea EITI (2018) « Termes de référence du GMP ITIE Guinée », accessed [here](#) on 18/09/2019

<sup>81</sup> Guinea EITI (2016) « Arrêté conjoint fixant les primes des sessions », accessed [here](#) on 18/09/2019

<sup>82</sup> Guinea EITI "Decree nominating National Coordinator 2011" accessed [here](#) on 18/09/2018

industry constituency should define its own nominations procedures to align them with the EITI Standard and operate as a constituency. They called for updates to EITI Guinea's governance document to ensure that they were fully aligned to the EITI requirement that each constituency hold sole responsibility for appointing its own MSG representatives.

Civil society stakeholders acknowledged the need for MSG members to be accountable to their constituency. They noted that a code of conduct had been developed in 2017. They added that while the Code of Conduct had initially intended to cover PWYP coalition, it had been broadened and endorsed by other civil society organisations represented on the MSG, as well as Action Mines. They mentioned that implementation of the code of conduct would likely be delayed, as certain MSG members had insisted to serve another 3-year mandate as a condition to endorse the Code of Conduct. Civil society stakeholders agreed that civil society engagement had significantly improved over the past two years and that there were good communication channels between CSOs represented on the MSG and the broader constituency. While civil society representatives consulted agreed that CSOs on the MSG were operationally independent from government and companies, they noted that it was not uncommon for civil society leaders to be public servant in Guinea. Some CSO representatives noted that civil society organizations were sometimes doing paid consultancy work for the government, but none of the CSOs consulted considered that this had an impact on their independence from government. They explained that the Code of Conduct addressed this issue and provided clear guidelines on CSOs receiving funding from government. One CSO lamented that it was impossible for CSOs to be informed on the MSG's work, unless they themselves were members of the MSG.

*Internal governance:* All stakeholders confirmed that decisions were usually taken by consensus, although there had been incidents of decisions being taken by vote. When there was no consensus, decisions are postponed until a satisfactory solution is found. Government and civil society stakeholders confirmed that the MSG had sometimes used its voting procedure by simple majority, including in 2015 to approve the 2016 annual workplan and budget, and in April 2018 when the MSG agreed to change the materiality threshold in the 2017 EITI Report. However, none of the MSG members consulted considered that any MSG decisions had ever been taken against the wishes of one constituency. All stakeholders consulted confirmed that meetings were scheduled sufficiently in advance and that they received agenda and documents ahead of time. The Secretariat followed up individually with each MSG members a day before the meeting. MSG members received minutes following each meeting. They consider they have enough time to review the documents. A CSO noted that the filming and broadcasting of summaries of MSG meetings did not create the conditions for an open exchange of views, as it encouraged MSG members to be consensual and self-congratulatory.

All stakeholders consulted considered that the MSG's practice of per diems was sufficiently clear and transparent, and that this practice did not create any conflict of interest. Industry representatives confirmed that company representatives received per diems.

## Initial assessment

The International Secretariat's initial assessment is that Guinea has made inadequate progress towards meeting this requirement. The statutory rules for the MSG's structure and membership are not clear and the lack of codification of nominations procedures and coordination mechanism for each constituency are a concern (*see Requirements 1.2 and 1.3*). The Decree establishing the EITI, the MSG's ToR, the Ministerial Order on the Composition of the MSG, and the Internal Rules are outdated and are not in line with

Requirement 1.4.b. The nominations procedures for industry and civil society are not publicly codified. Meetings are convened with sufficient warning and MSG members generally appear to have sufficient time to review documents ahead of meetings. Attendance of the large majority of MSG members is consistent. The MSG's per diem policy is publicly available on the Guinea EITI website.

In accordance with requirement 1.4.b, the MSG should update the 2012 Decree and Ministerial Order on MSG membership, and the June 2018 ToR to ensure that they align with the 2016 EITI Standard. The industry and civil society constituencies should develop, publish and implement procedures for an inclusive, fair, and transparent nomination of their representatives on the MSG. The MSG may also wish to consider options to broaden industry participation on the MSG. The MSG may wish to clarify the MSG governance framework, which is currently described over four different documents. It may wish to combine the Ministerial Order on the composition of the MSG, the Internal Rules and the ToR into a single document.

## Workplan (#1.5)

### Documentation of progress

The MSG approved its 2018 workplan in January 2018. There is no publicly-accessible evidence that stakeholders beyond the MSG were consulted in the development of this workplan. A review of the MSG minutes since 2015 confirms that the MSG updated the workplan on an annual basis.

*Publicly accessible workplan:* The successive Guinea EITI workplans have consistently been published on the EITI Guinea website.<sup>83</sup>

*Objective for implementation:* The overall objective of the 2018 EITI workplan are for Guinea to remain compliant with the EITI Standard, to strengthen trust through transparency. It notes that the EITI requires good governance, which will lead to sustainable development through investment and poverty reduction, in line with Guinea's 2016-2020 social and economic national development plan (p.4)<sup>84</sup>. EITI-Guinea's strategic plan follows the EITI Standard's value chain and include improving the legal and regulatory framework for licence allocation, monitoring of revenue distribution and expenditures and communicating the results of the EITI (p.9).

*Measurable and time-bound activities:* The 2018 EITI workplan is delineated into clear, measurable activities. However, the timeline for each activity throughout the year is not indicated in the document.

*MSG capacity constraints:* The 2018 workplan included activities aimed at addressing capacity constraints of MSG members, including workshops on specific topics such as beneficial ownership. Objective 8 of the workplan aims to raise awareness of government agencies and companies as well training for the MSG (p.12).

*Scope of EITI reporting:* The 2018 EITI workplan includes activities related to agreeing the scope of EITI reporting annually, as a product of consultations with respective constituencies. Activity 3 ("Produce and publish EITI Reports") includes the support of a national consultant to conduct scoping activities and training workshop on filling out reporting templates with companies and governments (p.9). The workplan also highlights the ambition of the EITI MSG to expand the scope of EITI reporting to sub-contractors (p.12).

<sup>83</sup> 2018 EITI Guinea workplan accessed [here](#) on 08/09/2018

<sup>84</sup> Guinea's 2016-2020 social and economic national development plan accessed [here](#) on 08/09/2018

*Legal or regulatory obstacles:* The 2018 EITI workplan includes activities related to legislative reforms linked to beneficial ownership disclosure, including drafting of EITI legislation and aware raising of government decision-making bodies such as the National Assembly.

*Follow-up on EITI recommendations:* The 2018 EITI workplan includes activities to engage companies (p.7) and raise funding for the EITI (p.9) as per the recommendations of the 2015 EITI Report. It is unclear whether any activities aimed to equip government revenue collection agencies with online data systems.

*Costings and funding sources:* The annual Guinea EITI workplan provides clear costings for each activity and the split in general funding for workplan activities, although the detailed source of funding for each activity is not provided. The EITI workplan is also separated into activities for which funding has been identified (pp. 9) and items for which the MSG is still seeking funding (p.12).

## Stakeholder views

All stakeholders consulted were satisfied with the MSG's oversight and input in the preparation of EITI workplans. They considered that they had the opportunity to provide comments and propose changes to the workplan, which was first elaborated by the Technical Secretariat and circulated to the MSG ad-hoc working group on the workplan. It was then submitted to the MSG for approval, before being endorsed by the supervisory council. Government stakeholders noted that civil society were taken into account. Civil society stakeholders noted that they consulted broadly on the workplan to seek inputs. Government stakeholders confirmed that there had been serious discussions on the annual workplan and that the MSG had to resort to voting to approve the 2016 workplan, given the lack of consensus on the MSG. Some civil society stakeholders believed that the workplan not realistic, with too much emphasis on activities and not enough explanation of the rationale and objectives of EITI implementation in Guinea. Mining companies not represented on the MSG noted that they were not consulted on the workplan.

## Initial assessment

The International Secretariat's initial assessment is that Guinea has made satisfactory progress towards meeting this requirement. The 2018 Guinea EITI workplan is publicly accessible, produced in a timely manner and updated annually, with objectives aligned with national priorities. The workplan also includes specific activities to follow up on recommendations from EITI reporting. While the civil society constituency has consulted CSOs that are not represented on the MSG for the preparation of the annual workplan, there was no evidence to show that government and industry consulted more broadly.

To strengthen implementation, the MSG may wish to publish more regular updates on its workplan execution to reflect the detail with which the MSG and the Technical Secretariat track implementation. This could further support the MSG's efforts to reach out to prospective donors to support specific workplan activities. Mining companies and the Chamber of Mines may wish to consult the broader industry constituency on the workplan. The MSG may wish to integrate in the workplan some specific activities to mainstream EITI implementation in company and government systems within 3-5 years, in line with recommendations made by the EITI Board in February 2018.<sup>85</sup>

---

<sup>85</sup> EITI, Board decision 2018-8/BM-39/BP-39-4-A on systematic disclosures (February 2018), accessed [here](#) in November 2018

**Table 1 – Summary initial assessment table: MSG oversight**

EITI provisions	Summary of main findings	International Secretariat's initial assessment of progress with the EITI provisions
Government oversight of the EITI process (#1.1)	There are regular, public statements of support from the government, a senior individual has been appointed to lead on the implementation of the EITI and senior government officials are represented on the MSG. Government representatives appear to play an active role within the MSG and the Supervisory Council.	Satisfactory progress
Company engagement (#1.2)	Mining companies and the Chamber of Mines on the MSG appear to be fully, actively and effectively engaged in the EITI process, both as providers of information and in the design, implementation, monitoring and evaluation of the EITI process. Decree 2012-014-PRG-SGG establishing the EITI has created an enabling legal environment for EITI implementation in Guinea, while the 2013 revisions to the 2011 Mining Code have made EITI reporting of audited figures mandatory for all mining licenses-holders.	Satisfactory progress
Civil society engagement (#1.3)	There are no suggestions of any legal, regulatory or practical barriers to civil society's ability to engage in EITI-related public debate, to operate freely, to communicate and cooperate with each other, to fully, actively and effectively engage on EITI-related matters or in relation to the EITI process. CSOs can speak freely on transparency and natural resource governance issues, as well as to ensure that the EITI contributes to public debate. In addition, civil society is fully, actively and effectively engaged in the design, implementation, monitoring and evaluation of the EITI process. Stakeholders are taking part in outreach and efforts to promote public debate, especially on regional level.	Satisfactory progress

MSG governance and functioning (#1.4)	<p>The statutory rules for the MSG's structure and membership are not clear and the lack of codification of nominations procedures and coordination mechanism for each constituency are a concern (<i>see Requirements 1.2 and 1.3</i>). The Decree establishing the EITI, the MSG's ToR, the Ministerial Order on the Composition of the MSG, and the Internal Rules are outdated and are not in line with Requirement 1.4.b. The nominations procedures for industry and civil society are not publicly codified. Meetings are convened with sufficient warning and MSG members generally appear to have sufficient time to review documents ahead of meetings. Attendance of the large majority of MSG members is consistent. The MSG's per diem policy is publicly available on the EITI-Guinea website.</p>	Inadequate progress
Workplan (#1.5)	<p>The 2018 Guinea EITI workplan is publicly accessible, produced in a timely manner and updated annually, with objectives aligned with national priorities. The workplan also includes specific activities to follow up on recommendations from EITI reporting. The three constituencies have consulted their broader stakeholder groups in preparing annual workplans since 2013. Delays in workplan implementation appear reasonable given funding constraints.</p>	Satisfactory progress
<p>Secretariat's recommendations:</p> <ol style="list-style-type: none"> <li>1. To strengthen EITI implementation, Guinea may wish to consider opportunities to strengthen linkages between the EITI process and on-going reform, to use the EITI as a diagnostic tool for more transparent and effective governance of the mining sector.</li> <li>2. To strengthen implementation, the industry constituency is encouraged to enhance, systematise and formalise the coordination and communication between companies involved in EITI implementation beyond those directly represented on the MSG. The industry constituency is invited to consider whether a clear ToR or guidelines for the constituency would help structure its full and effective participation in EITI, and ensure a more meaningful engagement of industry on the MSG.</li> <li>3. To strengthen implementation, the civil society constituency may wish to publish and implement the code of conduct it adopted in 2017, conduct a mapping of civil society actors working on EITI-related issues, and pursue its capacity building efforts targeting civil society and the press on the use of EITI data and other aspects such as contract analysis.</li> </ol>		

4. In accordance with requirement 1.4b, the MSG should update the 2012 Decree and Ministerial Order on MSG membership, and the June 2018 ToR to ensure that they align with the 2016 EITI Standard. The industry and civil society constituencies should develop, publish and implement procedures for an inclusive, fair, and transparent nomination of their representatives on the MSG. The MSG may also wish to consider options to broaden industry participation on the MSG. The MSG may wish to clarify the MSG governance framework, which is currently described over four different documents. It may wish to combine the Ministerial Order on the composition of the MSG, the Internal Rules and the ToR into a single document.
5. To strengthen implementation, the MSG may wish to publish more regular updates of its workplan execution to reflect the detail with which the MSG and secretariat track implementation. This could further support the MSG's efforts to reach out to prospective donors to support specific workplan activities. The MSG may wish to integrate in the workplan some specific activities to mainstream EITI implementation in company and government systems within 3-5 years, in line with recommendations made by the EITI Board in February 2018.<sup>86</sup>

---

<sup>86</sup> EITI, Board decision 2018-8/BM-39/BP-39-4-A on systematic disclosures (February 2018), accessed [here](#) in November 2018

## Part II – EITI Disclosures

### 2. Award of contracts and licenses

#### 2.1 Overview

This section provides details on the implementation of the EITI requirements related to the legal framework for the extractive sector, licensing activities, contracts, beneficial ownership and state participation.

#### 2.2 Assessment

##### Legal framework (#2.1)

##### Documentation of progress

***Legal framework:*** The report provides an overview of the strategic policy framework (p.33) and of the main laws and regulations (pp.34-35) in the mining sector. It provides an overview of the legal framework for oil and gas, including the Petroleum Code, its implementing Decree and the template Production-Sharing Contract (PSC) (p.77). Local content provisions of the Mining Code (p.71) and of the Petroleum Code (p.84) are described. The Ministry of Mines and Geology publishes the Mining Code, Petroleum Code and the Decree establishing the SOE, SOGUIPAMI on its website.<sup>87</sup>

***Government agencies' roles:*** The report provides an overview of the roles and responsibilities of the ten government entities with jurisdiction over the mining sector (pp.35-38) and the two relevant entities in the oil and gas sector (p.78).

***Fiscal regime:*** The report provides an overview of the fiscal regime for mining (pp.38-42) and for oil and gas (pp.78-79), including relevant laws and regulations and applicable rates. While the report only refers to fiscal stability clauses in mining contracts (p.43) without describing the stabilised fiscal terms of contracts concluded prior to the 2011 Mining Code, the Guinea EITI website published the April 2016 review of mining contracts prior to 2011<sup>88</sup>, in July 2018. This review describes the different fiscal terms of contracts awarded prior to 2011.

***Degree of fiscal devolution:*** The report provides an overview of the level of fiscal decentralisation of extractives revenues (p.86), describing statutory subnational transfers of six types<sup>89</sup> of mining payments, albeit not implemented in practice given the lack of implementing Ministerial Order to date (p.73), and confirming the lack of subnational transfers linked to oil and gas revenues (p.83). The report also describes two types of direct subnational payments in the mining sector, consisting of land tax and contributions to local economic development (pp.27,69).

<sup>87</sup> Ministry of Mines and Geology website Legal framework accessed [here](#) on 08/09/2018

<sup>88</sup> Comité Technique de Revue des Titres et Conventions Miniers (April 2016), 'Bilan de la revue des titres et conventions miniers', accessed [here](#) in September 2018.

<sup>89</sup> Droits fixes; taxe sur l'extraction des substances minières autre que les Métaux précieux ; taxe sur la production industrielle ou semi-industrielle des Métaux précieux; taxe sur les Substances de carrières; taxe à l'exportation sur les substances minières autres que sur les substances précieuses; taxe à l'exportation sur la production artisanale d'or.

*Reforms:* The report provides an overview of key developments in the mining sector in 2016, including publication of Ministerial Orders implementing the Mining Code (p.75), review of mining contracts and mining license awards (p.76) and efforts to formalise artisanal gold and diamond mining (p.76). An overview of recent reforms (in 2014 and 2015) in the oil and gas sector is provided (p.84). The Ministry of Mines also includes information on reforms on its website.<sup>90</sup> However, this information is outdated and only covers the period 2010 -2015.

## Stakeholder views

Stakeholders consulted did not express any views about the 2016 EITI Report's coverage of the legal environment and fiscal framework for the extractives. The civil society constituency's pre-Validation self-assessment in May 2018 expressed satisfaction at the 2016 EITI Report's coverage of these issues.<sup>91</sup> However, during consultations, several CSOs highlighted the fragmented nature of the fiscal regime for mining, given the preponderance of stabilisation clauses in mining contracts concluded prior to the 2013 amendments to the Mining Code. This had in effect created over a dozen distinct sets of fiscal terms in the mining sector, depending on when the contract had been concluded. The IA explained that the stabilisation clauses did not represent different fiscal regimes as such and considered that the 2016 EITI Report's reference to stabilisation clauses was sufficient. The IMF's first review of Guinea's Extended Credit Facility in July 2018 analysed the impact of fragmented fiscal regimes on government mining revenues.<sup>92</sup> The IMF review highlighted both the grandfathering of mining companies operating before 2013 (CBG, CBK, SAG, SMD) from the application of the new mining code, as well as the granting of "extensive exonerations" for several new mining companies.<sup>93</sup> As an example, the IMF review highlighted that CBG was the only bauxite mining company to pay corporate income tax in 2018 and noted that four companies expected to commence production in 2018-20 had received corporate income tax exemptions for periods of between five and 25 years.<sup>94</sup> Several journalists highlighted the lack of sufficient public awareness over the specific terms of mining projects, noting the COBAD and CBK contracts as examples, which had caused misunderstandings with communities expecting higher revenues and benefits.

There were significant differences of opinion between different stakeholders consulted over deviations from statutory legal provisions in practice however. While most government and company representatives consulted considered that laws were strictly implemented in practice, several CSOs and development partners highlighted notable deviations in practice. Examples provided included the lack of systematic publication of Environmental Impact Assessments (EIAs) in practice, in contrast to statutory requirements, as well as the apparent lack of correlation between mining license-holders and payment of extractives impositions such as land tax. Several CSOs and development partners called for greater transparency and oversight of government entities with jurisdiction over extractive industry management, such as the Centre for Mining Promotion and Development (CPDM).

<sup>90</sup> Ministry of Mines and Geology website Reforms accessed [here](#) on 17/09/2018

<sup>91</sup> Civil Society (May 2018), Pre-Validation self-assessment, unpublished, provided by a civil society organization, p.21.

<sup>92</sup> IMF (July 2018), 'Guinea: First review of the arrangement under the three-year extended credit facility – staff report', accessed [here](#) in September 2018.

<sup>93</sup> Ibid, pp.15,39.

<sup>94</sup> Ibid, p.39.

## Initial assessment

The International Secretariat's initial assessment is that Guinea has made satisfactory progress in meeting this requirement. The 2016 EITI Report provides an overview of relevant laws and regulations, government entities and fiscal terms, including the degree of fiscal devolution, in the mining, oil and gas sectors as well as brief commentary on current reforms.

To strengthen implementation, Guinea is encouraged to consider means of improving the public accessibility of information on key laws, fiscal terms, roles of relevant government entities and ongoing reforms through routine publications on government and company websites.

## License allocations (#2.2)

### Documentation of progress

Awards/transfers: In *oil and gas*, the 2016 EITI Report confirms the lack of awards of oil and gas licenses or transfers of participating interests in oil and gas licenses in 2016 (p.80).

In *mining*, the report confirms the award of 144 new mining licenses<sup>95</sup> and the lack of any transfers of mining licenses in 2016 (p.51). While the report also describes the conclusion of 'partnership agreements' with SOGUIPAMI on seven mining licenses in the Boffa-Télimélé-Sangarédi triangle (p.66), the SOGUIPAMI 2016 annual report included in reference in the 2016 EITI Report clarifies that these licenses were not awarded to SOGUIPAMI in 2016.<sup>96</sup>

Award/transfer process: In *oil and gas*, the report describes the process for awarding and transferring PSCs through competitive tender, with links to further information (pp.79-80).

In *mining*, the report describes the three types of mining licenses, alongside five types of other authorisations and prospecting permits (pp.42-44). Overviews are provided for awarding (pp.46-47), renewing and transferring (pp.48-49,52) each type of mining license. The report confirms that transfers of mining exploration licenses is forbidden (p.48).

Technical and financial criteria: In *oil and gas*, the report refers to "technical" and "financial" criteria assessed in PSC awards, albeit without defining these further aside from references to "levels of competency, experience and other factors required of companies seeking to assume the role of operators" (p.80).

In *mining*, the report refers to "technical and financial criteria" assessed in exploration license applications and "technical evaluation" in the case of production licenses and mining conventions (pp.46-47,49). The report clarifies that the law and regulations do not detail the criteria assessed during the assessment of technical and financial criteria (p.49) but provides a list of technical and financial criteria

<sup>95</sup> Including 86 Industrial Exploration Licenses, 27 Reconnaissance Authorisations, 11 Semi-Industrial Exploration Licenses, nine Temporary Quarrying Materials Production Authorisations, six Permanent Quarrying Materials Production Authorisations, three Industrial Mining Production Licenses, one Quarrying Exploration Authorisation and one Mining Concession.

<sup>96</sup> SOGUIPAMI (2017), 'Rapport de Gestion 2016', accessed [here](#) in September 2018, pp.12-22.

assessed in practice for both exploration and production licenses, based on a review of assessment cards used by the Technical Licensing Committee (pp.49-50). In addition, the report describes reforms of the license allocation procedures through Ministerial Order A/2016/5002/MMG/SGG on 1 September 2016 and lists the specific technical and financial criteria defined in this reform (p.50).

While the report refers to the assessment of technical and financial capacity of assignees in the process of transferring mining licenses (p.52), these are not described in more detail and it is unclear whether these are the same criteria as those assessed for mining license awards. A note on the transfer of mining licences procedure by CPDM, describing detailed technical and financial criteria, was subsequently published on the Guinea EITI website after the start of Validation, in September 2018.<sup>97</sup>

License awardee information: While the report refers to 144 license awards in 2016 (p.51), it does not provide a clear list of the 144 licenses awarded. Nonetheless, the copy of the mining and quarrying cadastre in Annex 11 (pp.171-182) provides the dates of award for all licenses, from which it is possible to identify the names of licenses and license-holders for awards in 2016. The report also identifies 17 companies that received licenses in 2016 but that had not made any payments for Fixed Duties ('Droits Fixes') in 2016 (p.131), albeit only providing the names of license-holders and not the specific licenses concerned.

Non-trivial deviations: The report explains that the IA was not able to provide a clear assessment of conformity with the new (post-September 2016) statutory procedures given the lack of "certain elements" from the license assessment dossiers (p.51), including late nominations to the oversight committee. However, the report provides the IA's assessment of the procedures followed for the award of two exploration licenses and two production licenses (all awarded under the new rules post September 2016). It is confirmed that this sampling was selected at random and approved by the MSG on 26 April 2018 (p.51). Based on the review of procedures followed for each of the four licenses, a few sections are marked as "non-applicable" (p.51). On this basis, the IA describes deviations from the statutory procedures for awarding licenses post September 2016 (p.52). There is no indication that the IA or MSG reviewed deviations in the award of licenses prior to September 2016 however.

The report notes that the technical committee for review of securities and mining conventions (CTRTCM) undertook a review of all 19 mining projects, titles and agreements in April 2016 (p.53). While the report notes that the government has committed to publish the final report on the MMG website, it highlights that the review had not yet been published as of the date of publication of the EITI Report. However, the EITI Guinea website published the review of mining contracts in July 2018, which highlighted deviations in the allocation of contracts prior to 2013.<sup>98</sup>

Comprehensiveness: The comprehensiveness of the review of license award practices in the 2016 EITI Report covers only a selection of licenses awarded in 2016, not in previous years. However, Annex 11 of the Report lists all valid licenses awarded in Guinea in 2016 and in previous years (pp.172-180).

---

<sup>97</sup> Note technique sur la cession des permis d'exploitation et des concessions minières accessed [here](#) on 18/09/2017

<sup>98</sup> Comité Technique de Revue des Titres et Conventions Miniers (April 2016), 'Bilan de la revue des titres et conventions minières', accessed [here](#) in September 2018.

***Bidding process:*** While the report describes procedures for the competitive tender of areas previously prospected where deposits have been identified, it confirms that all mining licenses awarded in 2016 were granted on a 'first come first served' basis (p.47).

***Commentary on efficiency:*** The report briefly describes reforms under the World Bank's Mining Sector Governance Support Project (PAGSEM), implementing a new cadastral procedure to improve the transparency and efficiency of the license allocation process from 1 September 2016 (pp.44,50). The government's review of mining licenses and contracts awarded prior to 2010 is described, albeit with reference to the lack of publication of the final audit report to date (pp.52-53) and related recommendations urging the government to disclose the report (p.134).

## Stakeholder views

***Awards and transfers:*** All stakeholders consulted, including from civil society, confirmed that the 144 mining license awards cited in the 2016 EITI Report represented a comprehensive list of license awards in the year under review, and confirmed the lack of mining license transfers in 2016. With regards to the seven licenses on which partnership agreements had been concluded in 2016, the IA and several government representatives confirmed that these did not represent license awards but rather strategic promotional agreements. Rather, they explained that these licenses had subsequently been awarded in 2017 and would be covered in the 2017 EITI Report. While all stakeholders consulted confirmed the lack of oil and gas license awards and transfers in 2016, several journalists consulted expressed concern over the alleged lack of public information on oil and gas license awards by ONAP.

***Process, including criteria:*** All stakeholders consulted expressed satisfaction at the coverage of mining license award procedures in the EITI Report, including technical and financial criteria assessed. Several government entities highlighted the specific criteria defined in the new award procedures enacted in September 2016, including the financial requirement to place USD 2000 per sq. km in escrow for each license.

There were differences of opinion between various stakeholders consulted with regards to the specific technical and financial criteria assessed in mining license transfer applications lodged with the CPDM. There was consensus that it was not possible to transfer mining exploration licenses, as confirmed in the EITI Report. However, while, in terms of transfers of mining production licenses, some government officials considered that the same technical and financial criteria applied to transfers as to awards, while others expressed uncertainty over whether this was the case. The IA explained that the same criteria should theoretically apply to awards and transfers but noted the lack of clarity in the implementing regulations related to the Mining Code. The IA noted that its understanding, based on consultations with the Ministry of Mines and Geology, was that the same criteria applied to both awards and transfers, but that it was not possible to verify the practice given the lack of transfers in the year under review. Nonetheless, several CSOs and development partners called for greater clarity on the detailed process for transferring mining production licenses.

***Deviations:*** There was considerable debate during consultations over the existence of non-trivial deviations from statutory procedures under the new system post-September 2016. While most stakeholders conceded that there had been deviations from statutory procedures under the former system, given the lack of clarity on specific statutory procedures followed and criteria assessed, there was

no agreement on the existence of deviations under the new system despite findings from the sampling of four license awards in the 2016 EITI Report. Several CSOs and development partners expressed significant concerns over deviations under the new system, several government and industry representatives stated categorically that there were no deviations since September 2016. Civil society's pre-Validation self-assessment in May 2018 expressed concern over such deviations.<sup>99</sup> Examples of alleged deviations cited by CSOs included both license awards prior to 2016, such as the award of a mining license to AMR in 2015, and under the new system, such as the license award to Hopewell in 2017. However, none of the stakeholders consulted cited a specific license award in 2016 as being of specific concern. One journalist consulted considered that the CPDM did not provide sufficient public information on the process for awarding specific mining licenses, which did not provide for sufficient public oversight of the award process.

While several stakeholders consulted from all constituencies expressed satisfaction at the general sampling approach adopted for verifying non-trivial deviations, there were differing opinions over the sample size. The MSG and the IA confirmed that the MSG had approved the selection of the four licenses reviewed, although several CSOs and industry representatives considered that the selection of four licenses out of 144 awards was too narrow to be representative, representing only 3% of license awards in 2016. The IA noted that the selection of four license awards under the new system (rather than pre-September 2016) was coincidental since the selection was based on the types of licenses awarded rather than the date of award. While the MSG had been invited to propose specific licenses to review, the IA noted that it had proposed the selection to the MSG given the lack of proposals from the MSG itself. However, secretariat staff explained that license awards under the new system had been selected to test the robustness of the new procedures implemented in September 2016. Nonetheless, several CSO and industry representatives expressed dissatisfaction at the small sample size. In terms of the aspects of the licensing procedure marked as "not applicable" in the EITI Report, the IA considered that these did not represent deviations but rather aspects that could not be complied with given the lack of implementing regulations establishing the National Mining Commission, which were only enacted in 2017.

### Initial assessment

The International Secretariat's initial assessment is that Guinea has made meaningful progress towards meeting this requirement. The 2016 EITI Report highlights the mining licenses awarded and confirms the lack of oil and gas license awards or transfers of interests in mining, oil and gas licenses in 2016. Descriptions are provided of the general statutory procedures for awarding and transferring such licenses, including technical and financial criteria assessed in practice for license awards. While it could be argued that the lack of description of technical and financial criteria for mining license transfers was not material given the lack of transfers in 2016 (and the subsequent publication of criteria subsequent to the start of Validation), significant stakeholder interest in the process for transferring licenses warrants a more detailed description of the criteria assessed in applications for mining production license transfers. Through a (small) random sample, the IA highlights deviations from the statutory procedures for mining license awards in practice and documents recent and ongoing reforms of the government's licensing procedures. Although 2016 was a year of transition to the new license allocation procedures and the approach to assessing non-trivial deviations from statutory procedures for license awards is exemplary, significant concerns from industry and civil society stakeholders over the small sample size of license

---

<sup>99</sup> Civil Society (May 2018), Pre-Validation self-assessment, pp.21-22.

awards reviewed leads the International Secretariat to conclude that the broader objective of transparency in license allocations and transfers is not yet achieved, despite significant aspects of the requirement being met.

In accordance with Requirement 2.2, Guinea should ensure that the detailed technical and financial criteria for both license awards and transfers be publicly accessible. In light of significant public concern over the legacy of non-trivial deviations from statutory licensing procedures, Guinea should ensure that its approach to publicly disclosing non-trivial deviations be commensurate with the number of licenses awarded and transferred in the year under review.

## License registers (#2.3)

### Documentation of progress

In *oil and gas*, the report notes that a license register is accessible upon request from the Ministry of Hydrocarbons or ONAP, with information including license-holder name, license duration, and area covered by the license (p.79). A link<sup>100</sup> is provided to maps of the oil and gas blocks in Guinea (p.79). The report notes that there is only one exploration license left, with the company Hyperdynamics (pp.80-81).

In *mining*, the report provides a brief description of reforms under the *Projet d'Appui à la Gouvernance dans le Secteur Minier (PAGSEM)*, which resulted in a sanitisation of the mining cadastre (p.44). The report provides a link<sup>101</sup> to the online mining cadastral portal and confirms that all information listed under Requirement 2.3.b is accessible for all licenses, i.e. license-holder name, license coordinates, dates of application, award and expiry as well as the commodity(ies) covered (p.44). The report confirms a total of 280 mining licenses<sup>102</sup> and authorisations active at the end 2016 (p.45) and includes a copy of the mining cadastre in Annex 11 (pp.171-182), including all information aside from dates of application and license coordinates. Maps of active licenses are provided for bauxite (p.225), iron ore (p.226), gold (p.227), diamond (p.228) and oil and gas (p.229). The report highlights apparent gaps in the mining cadastre, noting that six companies making license and royalty payments in 2016 did not appear to hold any active licenses and that 17 companies that received mining licenses in 2016 had not made any payments of Droits Fixes in 2016 (p.131).

### Stakeholder views

With regards to oil and gas, several government representatives confirmed that information on licenses was available upon request from ONAP, although several journalists cast doubt on the public accessibility of license information in the oil and gas sector. There was consensus among all stakeholders consulted that the oil and gas company operating in 2016 was not considered a material company for EITI reporting purposes however.

---

<sup>100</sup> <http://mines.gov.gn/ressources/petrole/>

<sup>101</sup> <http://guinee.cadastreminier.org/fr/>

<sup>102</sup> including 250 mining licenses and contracts.

With regards to mining, there was consensus among stakeholders consulted that all information listed under Requirement 2.3.b was accessible for all mining licenses through the online mining cadastre portal, although none of the CSOs consulted had verified that this data was available for licenses held by material companies in the 2016 EITI Report. One CSO cast doubt on the regularity of cadastre updates, although several government officials stated that the cadastre was updated in near-real time for all license awards and transfers. Civil society's pre-Validation self-assessment indicated that the constituency was satisfied with government's disclosures of the license register.<sup>103</sup>

### Initial assessment

The International Secretariat's initial assessment is that Guinea has made satisfactory progress towards meeting this requirement. The 2016 EITI Report provides, for all mining licenses active at the end of 2016, the names of license-holders, dates of award and expiry as well as the commodity(ies) covered. Guinea's online mining cadastre portal provides access to all information per Requirement 2.3 for mining licenses. Despite differing opinions over the public accessibility of license information in the oil and gas sector, no oil and gas license was held by material companies in the 2016 EITI Report.

To strengthen implementation, Guinea may wish to integrate information on oil and gas licenses into its existing public mining cadastral system, with a view to ensuring timely and comprehensive disclosures of data including coordinates and dates of application.

## Contract disclosures (#2.4)

### Documentation of progress

***Government policy:*** In *oil and gas*, the report confirms that PSCs are required to be published under Article 21 of the Petroleum Code (p.80), and highlights ways in which the Petroleum Code exceeds expectations with requirements to publish all contract amendments, EIAs and state associations and concessions (p.81). It is noted that PSCs are concluded based on a template PSC, approved by Decree of the Office of the President (pp.77,80). In *mining*, the report confirms that mining contracts are concluded in line with the template contract approved by Decree D/2014/015/PRG/SGG (p.44). It describes provisions of the 2011 Mining Code (Article 30-IV) that acts related to the awards, prolongation, renewal, transfer, amendment, withdrawal or renunciation of a production license must be published in the Official Gazette (Journal Officiel) and on the Ministry of Mines' website (p.72).

***Actual practice:*** In *oil and gas*, the report provides a link<sup>104</sup> to a page on the ONAP website where all PSCs are accessible (p.80). The ONAP website provides access to two PSCs (including the third amendment to the Hyperdynamics PSC).

In *mining*, the report describes the Guinée Resource Contracts website (link<sup>105</sup> included) launched in February 2013 with all active mining contracts, including relevant amendments (p.72). Comments are included on the accessibility of the 101 contracts published on this website (p.72). The report confirms that contracts concluded by ANAIM are not publicly-accessible (p.60) and includes relevant recommendations.

<sup>103</sup> Civil Society (May 2018), Pre-Validation self-assessment, p.23.

<sup>104</sup> ONAP website, accessed [here](#) in September 2018.

<sup>105</sup> Guinea Resource Contracts website, accessed [here](#) in September 2018.

## Stakeholder views

There was consensus among stakeholders consulted, and in civil society's pre-Validation self-assessment<sup>106</sup>, that the 2016 EITI Report adequately reflected the government's pro-disclosure policy. A senior government official noted the benefits of EITI implementation in convincing extractives companies to agree to disclosure of their operating contracts.

There were however differences of opinion over whether all mining, oil and gas contracts, including their annexes and amendments, had been published. All government officials consulted considered that all contracts, including annexes and amendments, had systematically been disclosed, pointing to the establishment of a committee within the MMG to oversee publication of contracts as soon as they were ratified. However, several CSOs and journalists considered that certain contract amendments had yet to be published, citing amendments to the CBK and SMB contracts that had yet to be published. Industry representatives consulted did not express any particular views on the issue other than noting their lack of opposition to contract disclosure. None of the stakeholders consulted were aware of any independent review of published contracts to confirm whether all contracts and amendments had been published. The IA confirmed that it had not cross-referenced the number of published contracts to determine whether all contracts had been disclosed. One CSO noted that proactive lobbying by civil society was required to ensure systematic publication of contracts, noting that the last update (at the time of consultations) of Guinea's Resource Contracts portal had taken place in February 2018. While praising Guinea's pro-disclosure policy, NRGI called for systematic publication of all mining contracts and amendments in February 2017, noting that "a one-time contract disclosure does not count as transparency".<sup>107</sup>

## Initial assessment

The International Secretariat's initial assessment is that Guinea has made satisfactory progress towards meeting this requirement. The 2016 EITI Report documents the government's pro-disclosure policy and actual contract disclosure practice. While a more systematic review of contract disclosure practice would help clarify the existence of any gaps in the government's disclosures of contracts and relevant amendments to date, the Secretariat's view is that Guinea has gone beyond the minimum requirements by making contracts public as encouraged by the EITI Standard.

To strengthen implementation, Guinea is encouraged to undertake a systematic review of contracts and relevant amendments published to date, with a view to clarifying any gaps in public accessibility to all aspects of mining, oil and gas contracts.

---

<sup>106</sup> Civil Society (May 2018), Pre-Validation self-assessment, p.24.

<sup>107</sup> EITI (February 2017), 'Converting promise to prosperity in Guinea's mining sector', accessed [here](#) in September 2018.

## Beneficial ownership disclosure (#2.5)

### Documentation of progress

***Government policy:*** While the report does not explicitly clarify the government's beneficial ownership (BO) transparency policy, its reference to a draft bill requiring disclosure of beneficial ownership of all companies (p.91) implies a pro-disclosure government policy for all companies active in Guinea. However, Article 153 of the 2013 amendments to the Mining Code includes requirements to disclose the identity of individuals ultimately controlling more than 5% of mining companies.<sup>108</sup>

An overview of existing legal provisions related to beneficial ownership and the concept of 'control' is provided (p.90), together with the MSG's agreed definition of beneficial ownership for EITI reporting purposes (p.91).

In terms of reforms, the report notes the publication of the three-year beneficial ownership roadmap in December 2016, including an overview of the roadmap (pp.90-91) and of follow-up in the establishment of a dedicated MSG working group (p.75). The EITI Report notes that a draft law on the rules of identifying real owners and disclosure of information on the real ownership of businesses has been developed (pp.91). The draft legislation was to be submitted to the MSG for discussion and validation before transmission to the Council of Ministers and the National Assembly.

***Actual practice:*** The report provides a summary table classifying the companies which provided comprehensive BO data, incomplete BO data, no BO data, SOEs and publicly listed companies (pp.92). The Report confirms that all material companies were requested to disclose details of their BO (p.91) and provides details of the agreed quality assurances<sup>109</sup> (p.22) and an overview of responses by reporting companies (pp.92-93). Of the 30 reporting companies, two provided full details of their beneficial ownership and six provided incomplete beneficial ownership details (pp.92-93). The detailed results of reporting of legal and beneficial ownership are provided in Annex 2 (pp.141-143).

***Legal owners:*** The legal ownership details of 16 of the 36 material companies are provided based on company reporting in Annex 2 (pp.141-143). There is no evidence of a publicly-available companies register accessible online.

### Stakeholder views

All stakeholders consulted confirmed the government's policy in support of beneficial ownership disclosure in the extractives sector. Several MSG members from civil society and government highlighted the draft beneficial ownership transparency legislation that had been prepared, although several CSOs expressed concern at the slow pace of deliberations on this draft legislation. With regards to actual disclosure practice, the MSG highlighted that beneficial ownership reporting had been piloted in the 2016 EITI Report, even if several CSOs expressed concern over the relatively low rate of responses. Secretariat staff considered that reporting for 2016 was a significant achievement given that this was the first

<sup>108</sup> Code Minier 2011 amendé (2013), accessed [here](#) in September 2018.

<sup>109</sup> quality assurances agreed by the MSG for BO reporting consisted of a signature attesting to the reliability of the information from high-level company management or representative.

attempt at beneficial ownership disclosure in Guinea to date. While industry representatives consulted did not explain the reasons for the lack of disclosures by several material companies, several company officials noted unspecified challenges related to identifying their ultimate beneficial owners. Another industry representative questioned the value of beneficial ownership disclosure given his perception of widespread public knowledge about the ultimate ownership of mining companies operating in Guinea. Several journalists consulted highlighted the practice of using nominee shareholders for their investments. In their May 2018 pre-Validation self-assessment, civil society expressed dissatisfaction with current disclosures on beneficial ownership, with recommendations to companies and government on the creation of a public beneficial ownership register and agreement on a clear definition of politically-exposed persons.

There were differing opinions about the public accessibility of legal ownership information in Guinea. While several government officials considered that information on shareholders of mining companies was accessible upon request from the Commercial Register ('Registre du commerce') or the CPDM, several CSOs and journalists stated categorically that they did not have access to legal ownership information.

### Initial assessment

Implementing countries are not yet required to address beneficial ownership and progress with this requirement does not yet have any implications for a country's EITI status. The Government of Guinea has enshrined its policy on beneficial ownership disclosure for mining companies in national legislation and the 2016 EITI Report provides the names of legal owners and their level of ownership for around half of the material companies.

To strengthen implementation, Guinea is encouraged to pilot beneficial ownership reporting both in the forthcoming EITI Report and through existing government systems (corporate register or mining cadastre) in order to increase awareness of beneficial ownership transparency and pilot beneficial ownership definitions and thresholds. Guinea may also wish to conduct broader outreach to the companies on the objectives of beneficial ownership transparency, as well as hold conversations with government agencies on how to make such disclosures mandatory.

## State participation (#2.6)

### Documentation of progress

**Materiality:** The 2016 EITI Report lists three entities - ANAIM, SOGUIPAMI and ONAP - as state-owned enterprises (SOEs) for EITI reporting purposes (pp.12-13,59,81). It clarifies that the three SOEs collected some 9.07% of government extractives revenues in 2016 (p.12), of which they remitted to the national budget the equivalent of 1.9% (GNF 56.1bn) of total government extractives revenues (pp.12,13).

In *oil and gas*, the report confirms the state's statutory entitlement to 10% interest in oil and gas PSCs, although it notes that the state holds no interest in the only PSC active in 2016 (p.81). However, the report covers ONAP as a SOE, 100% owned by the government as an EPIC (pp.81-83).

In *mining*, the report confirms that there were two SOEs in the mining sector in 2016, ANAIM and SOGUIPAMI (p.59). It justifies the MSG's decision of not considering CBG as a SOE for EITI reporting

purposes, given the state's minority interest and the fact CBG is not governed by the December 2016 law<sup>110</sup> related to SOEs' financial governance (p.57). Despite not being a primary stakeholder in extractives activities (e.g. holding licenses or interests in license-holding companies), ANAIM was included as a SOE given its dominant engagement in the provision of mining infrastructure in Guinea (pp.56-57).

*Financial relationship with government:* The report describes reforms of SOEs' governance under Law L/2016/075/AN of 30 December 2016, which enacted new requirements covering their financial governance and financial relations with government (p.58), consistent with the general Companies Law and requiring SOEs' financial statements to be audited externally (p.59). The report confirms that each SOE's Board of Directors determines the level of dividends, which are paid to the Treasury alongside all other payments common to all companies (p.59). The report explains that SOEs (EPA) receive a subsidy from the state, clearly segregated between subsidies covering operating costs and transfers to cover investments/capital expenditures, while public companies do not (p.59).

*SOGUIPAMI:* The report provides a detailed description of SOGUIPAMI, established as a SOE wholly-owned by the state in August 2011<sup>111</sup>, with financial autonomy from the state (pp.64-68). The report describes SOGUIPAMI's role in managing state participations in mining companies<sup>112</sup>, including its representation on the Boards of Directors of the 11 companies in which the state holds interests (pp.37,65), but explains that dividends resulting from the state's interest in each company are transferred directly to the Treasury (p.56). In contrast, for the interests held in three companies directly by SOGUIPAMI, the report confirms that the SOE is entitled to collect the dividends directly (p.67).

Given that state participation in mining companies is capped at 35%, the report explains that the state's minority interests in mining companies does not allow it to influence company policy in terms of dividends or investment<sup>113</sup> (p.55). The 2011 Mining Code provides for the state (or any entity acting in its name) to acquire a share of production from the mining company (up to its equity interest) at a price above the current market price provided consistency with existing mineral sales agreements in force (p.55). While confirming the lack of in-kind revenues<sup>114</sup> in Guinea (p.26), the report describes SOGUIPAMI's role as the marketer of the state's share of production, collected as the state's option on a share of production up to its own interest in the company (pp.37,65). The report explains that SOGUIPAMI sold 300m tons of bauxite to the company DADCO in 2016 on behalf of CBG, from which it collected a commission of GNF 13.9bn (p.65). A link<sup>115</sup> is provided to further information in SOGUIPAMI's 2016 annual report (p.65).

The report also describes SOGUIPAMI's marketing of geological data with the company SMB (p.66). It explains the agreement for SOGUIPAMI's support of SMB's bauxite exploration and production work on the Malapouya license, with SOGUIPAMI receiving USD 0.5 per ton produced in compensation for the transfer of the Malapouya exploration license from SOGUIPAMI to SMB (p.66). The report describes the November 2016 agreement for a USD 5m loan from the SMB-WAP consortium to fund geophysical

<sup>110</sup> Law L/2016/075/AN of 30 December 2016.

<sup>111</sup> through Decree D/2011/218/PRG/SGG of 11 August 2011, applying Article 29 of Law L/2011/005/CNT of 11 August 2011.

<sup>112</sup> in line with Decree D/2015/016/PRG/SGG.

<sup>113</sup> However, Article 150-I of the 2011 Mining Code requires mining production companies to sign a shareholder agreement defining the specific decisions that cannot be taken without explicit approval by the state.

<sup>114</sup> i.e. collected by the SOE as a fiscal agent.

<sup>115</sup> SOGUIPAMI (2017), 'Rapport de Gestion 2016', accessed [here](#) in September 2018.

research. The USD 5m loan was paid as an advance to pay the contractor AMTEC, to be reimbursed by SOGUIPAMI paying SMB USD 0.3 per ton extracted from the Malapouyah bloc. The geophysical data is then expected to be sold by SOGUIPAMI (p.66). The report provides the volumes of bauxite extracted from Malapouyah, the value of the USD 0.5 per ton and USD 0.3 per ton levies and the value of outstanding collections by SOGUIPAMI in December 2016 (collected in 2017) (p.66).

The report describes royalties paid for SOGUIPAMI's technical and administrative support and collected by the SOE, including a review of royalty rates and a link<sup>116</sup> to comprehensive information (p.67), although it clarifies that SOGUIPAMI only started collecting these royalties in 2017 (p.68).

The report confirms that SOGUIPAMI received a GNF 500m subsidy from the state budget in 2016 (p.66). In addition, the SOGUIPAMI drew down on all but GNF 916 627 284 of the GNF 3 975 779 714 of un-disbursed investment subsidy carried over from previous years, as of end-2016 (p.66). Aside from these subsidies, the report confirms that SOGUIPAMI did not receive any other financing or loan guarantee from the state in 2016 (p.66). Given that SOGUIPAMI was not profitable until 2017, the report confirms the lack of dividends to the state in 2016 (p.67). The report describes the audit requirements for SOGUIPAMI, including external audit in line with OHADA standards and oversight by the Cour des Comptes, and provides a link<sup>117</sup> to the page of SOGUIPAMI website where the annual report is accessible (p.68).

ANAIM: The report provides a detailed description of ANAIM, a wholly government owned limited-liability company with responsibility for all mining-related infrastructure<sup>118</sup> (pp.37,59-64), including a link towards descriptions of ANAIM's agreements (although not the agreements themselves) on its website (p.60). The report explains that rail infrastructure owned and operated by ANAIM is made available for priority use by CBG, which is required to pay an annual rental fee to ANAIM at a rate determined by the two parties (p.56). The value of rental fees paid in 2016 by CBG to ANAIM is provided (p.57).

The report notes that ANAIM did not receive any subsidy, nor other forms of funding or loan guarantees, from the state in 2016 (p.63). It confirms that ANAIM paid an advance on dividends to the Treasury in 2016, but that the 2018 AGM that agreed on 2016 dividends resulted in no payments being paid for 2016 (p.64). The report explains that ANAIM was audited by an external auditor from 2017 onwards, but that its financial statements for 2016 were prepared only by an internal auditor and were not made public, despite being overseen by the Cour des Comptes (p.64). The report states that ANAIM did not report to the IA its expenditures on mining infrastructure projects in 2016, including expanding capacity on the Sangarédi – Kamsar railway for third-party<sup>119</sup> use as part of the multi-user agreement (p.61).

ONAP: The report describes ONAP as an EPIC (Etablissement Public à Caractère Industriel et commercial) that is 100% owned by the government, whose only interest is 7% interest (unchanged in 2016) in the downstream company Société Guinéenne des Pétroles (SGP) (p.81). The report provides a description of the ONAP's attributions and mandates, including its financial relations with the state both by regulations and in practice in 2016 (pp.82-83). The report explains that ONAP collects GNF 20 per L of fuel sold domestically, directly from fuel retail companies, in order to fund its operating expenses in line with

<sup>116</sup> SOGUIPAMI (August 2017), 'Projets miniers en partenariat avec la SOGUIPAMI', accessed [here](#) in September 2018.

<sup>117</sup> SOGUIPAMI website, 'Rapports commissaires aux comptes' webpage, accessed [here](#) in September 2018.

<sup>118</sup> in line with Decree D/2016/163/PRG/SGG.

<sup>119</sup> by CBG, GAC et COBAD.

Ministerial Order 6130/MEF/MB/SGG/2016 (pp.18,83). The report confirms that ONAP retained all earnings in 2016 (p.82) and did not receive any funding from government in 2016 (p.83).

Government ownership: The report confirms that the government holds 100% of ANAIM, SOGUIPAMI and ONAP (pp.37,59,64,82) and that neither ANAIM (p.63) nor ONAP have any subsidiaries or hold any direct or indirect interests in extractives companies aside from ONAP's 7% interest in the downstream company SGP (p.81).

In terms of equity in extractives companies held by SOGUIPAMI, the report describes two categories. The first, whereby the State is entitled<sup>120</sup> to a free-carry 15% interest in all companies holding a mining production license, is described (p.55) alongside a list of SOGUIPAMI's interests and share of ownership in 11<sup>121</sup> mining companies (p.56). The report describes the terms associated with this free-carry equity, including all rights afforded to normal shareholders other than the ability to sell the equity, use it as collateral or hypothecate it (p.55). The report also describes the state's one-off option to acquire up to a total of 35% in mining companies with the additional equity purchased on commercial terms, with no special constraints on this additional commercially-acquired equity (p.55). With regards to the terms associated with SOGUIPAMI's 49% interest in CBG, the report explains that the state is entitled to a "global tax" of 65% of net taxable profits, without entitlement to any dividends (p.56). The second type of equity held by SOGUIPAMI is held directly in three mining companies listed in the report (p.67), with revenues accruing to the SOE rather than the Treasury. The terms associated with SOGUIPAMI's equity in each of the three companies are described in the footnotes (p.67).

The report also describes the seven mining licenses on which SOGUIPAMI concluded partnership agreements in 2016, in the Boffa-Télimélé-Sangarédi triangle abandoned by BHP Billiton. It explains that the seven licenses were awarded to SOGUIPAMI following an unsuccessful tender in 2014, with partnership agreements concluded in 2016. The report refers to pp.12-22 of the SOGUIPAMI 2016 annual report (link<sup>122</sup> included) for further information (p.66). The SOGUIPAMI 2016 report provides details of the terms associated with SOGUIPAMI's partnership on the seven licenses.

Ownership changes: The report indicates SOGUIPAMI's ownership level in the 11 companies in which it holds interests on behalf of the state and the three companies in which it holds direct equity, for both the start and end of 2016 (pp.56,67), implying a lack of change in state participation in these companies in the year under review. There is no additional comment on whether there was any change in state ownership of any of the three SOEs, although the description of each implies that there was none. However, the report describes (and links to further information) SOGUIPAMI's conclusion of partnership agreements on seven mining licenses in 2016, cited above (p.66).

The report describes the change in statutes of ANAIM in June 2016, which transformed the SOE from a public establishment with a commercial and industrial character (EPIC) into a single-shareholder limited-liability company (Société anonyme unipersonnelle) (p.59).

<sup>120</sup> in line with Article 150 of the 2011 Mining Code.

<sup>121</sup> although it is stated that SOGUIPAMI's interest in one company (Société de Bauxite de Kindia) was not yet effective at the end of 2016.

<sup>122</sup> SOGUIPAMI (2017), 'Rapport de Gestion 2016', accessed [here](#) in September 2018, pp.12-22.

*Loans and guarantees:* The report confirms the lack of loans or guarantees from the state to ANAIM (p.63), SOGUIPAMI (p.66) and ONAP (p.83) in 2016. However, it describes two types of loans and guarantees. The first, relevant, agreement consists of a USD 5m loan from the private SMB-WAP consortium in November 2016 to fund the state's share of geophysical research, reimbursed by a USD 0.3 per ton levy paid by SOGUIPAMI on production from the Malapouyah bloc. The geophysical data is then expected to be sold by SOGUIPAMI (p.66). The report provides the volumes of bauxite extracted from Malapouyah, the value of the USD 0.5 per ton levies and the value of outstanding collections by SOGUIPAMI in December 2016 (p.66). The second, less relevant, agreement consists of a USD 25m loan from ANAIM to the State Budget in September 2015, without interest rate charged. In May 2016, CBG agreed to reimburse the USD 25m loan to ANAIM on behalf of the state (starting in 2017), as a pre-payment of Corporate Income Tax in 2016-18 (p.64). The value of CBG's CIT deductions is provided for each of the three years in the 2016-18 period (p.64). There do not appear to be any sovereign guarantees on either of these loan agreements.

### Stakeholder views

*Materiality and ownership:* With regards to the selection of the three SOEs as material for EITI reporting, the IA and MSG confirmed that the MSG had agreed to cover all three, including ANAIM in light of its provision of infrastructure for mining companies and despite the fact it does not hold any extractives licenses. None of the stakeholders consulted expressed any doubt over the comprehensiveness of the 2016 EITI Report's listing of SOE subsidiaries, joint ventures, partnership agreements and equity interests. Civil society's May 2018 pre-Validation self-assessment expressed satisfaction about disclosures on state participation in the 2016 EITI Report. Several government officials confirmed the change in ANAIM's statutes in June 2016 and confirmed the lack of financial considerations related to the statute change, noting that no independent valuation of ANAIM was involved. Several government officials confirmed that the partnership agreements concluded with SOGUIPAMI on seven mining licenses in 2016 did not represent awards and confirmed that SOGUIPAMI's 2016 annual report described the terms of the agreements in detail.

With regards to SOGUIPAMI's equity interests in three mining companies at the exploration stage, a government official explained that the equity interest would be held by SOGUIPAMI on behalf of the state when they reached the production stage, in a similar manner to the 11 other equity interests in production license-holders. The official confirmed the lack of change in SOGUIPAMI interests in 2016.

*Financial relations:* A government official explained that, as limited-liability companies, both SOGUIPAMI and ANAIM (since June 2016) were allowed to determine their own dividend policy, reinvest in their operations and seek third-party funding, in line with OHADA rules. While none of the stakeholders consulted raised any concerns over the accuracy and comprehensiveness of the 2016 EITI Report's coverage of the financial relations between the three SOEs and the state in practice in 2016, a journalist raised concerns over the level of retained earnings by ANAIM and considered that the SOE's financial management was opaque in the absence of publicly-accessible audited financial statements.

With regards to the EITI Report's statement that ANAIM had not reported the detail of its expenditures on expanding capacity on the Sangarédi – Kamsar railway (p.61), a government official explained that this was incorrect given that ANAIM had not undertaken any such expenditures itself in 2016.

Several CSOs called for greater financial transparency from ANAIM and ONAP, expressing significant doubts over the accuracy of the two SOEs' EITI reporting in the absence of audited financial statements. The CSOs called for greater clarity on ANAIM's spending, particularly in relation to their quasi-fiscal expenditures (*see Requirement 6.2*). A development partner noted the publication of a Ministry of Economy and Finance report on the performance of SOEs in November 2017<sup>123</sup>, published on the MEF website.<sup>124</sup>

*Loans and guarantees*: There was consensus among all stakeholders consulted that there were no outstanding loans or guarantees from the state or SOEs to any companies operating in the mining, oil and gas sectors in 2016. All stakeholders who expressed a view on the matter confirmed that the two loan arrangements described in the 2016 EITI Report did not involve a sovereign guarantee.

### Initial assessment

The International Secretariat's initial assessment is that Guinea has made satisfactory progress in meeting this requirement. The 2016 EITI Report covers state participation in the upstream mining, oil and gas sectors, lists upstream state participations in 2016 and provides an overview of the financial relations, statutory and in practice, between SOEs and the government in the mining, oil and sectors. The report provides an overview of terms associated with state interests in the mining, oil and gas sectors. While the 2016 EITI Report describes loan agreements involving extractives SOEs, these do not represent loans or guarantees from the state or SOEs to companies operating in the mining, oil and gas sectors.

To strengthen implementation, Guinea is encouraged to consider the extent to which routine publication of extractives SOEs' audited financial statements would help establish greater public trust and accountability in the financial relations between SOEs and the state. Guinea may wish to consider the extent to which enhanced routine disclosures of their financial management would facilitate compliance with the terms of its 2017 IMF extended credit facility, which requires a high degree of transparency in SOE management. Guinea's extractives SOEs are invited to consider joining the EITI's targeted effort to improve SOE transparency and support the mainstreaming of EITI disclosures in SOE reporting, agreed at the EITI Board's 41<sup>st</sup> meeting in Dakar.<sup>125</sup>

---

<sup>123</sup> IMF (June 2018), 'République de Guinée: Rapport sur la performance de la gestion des finances publiques', accessed [here](#) in September 2018, p.61.

<sup>124</sup> Ministère de l'Economie et des Finances (November 2017), 'Rapport financier des entreprises en portefeuille', accessed [here](#) in September 2018.

<sup>125</sup> See EITI Board Decision 2018-52/BM-41/41-4-A, accessed [here](#) in November 2018.

**Table 2- Summary initial assessment table: Award of contracts and licenses**

EITI provisions	Summary of main findings	International Secretariat's initial assessment of progress with the EITI provisions
Legal framework (#2.1)	The 2016 EITI Report provides an overview of relevant laws and regulations, government entities and fiscal terms, including the degree of fiscal devolution, in the mining, oil and gas sectors as well as brief commentary on current reforms.	Satisfactory progress
License allocations (#2.2)	The 2016 EITI Report highlights the mining licenses awarded and confirms the lack of oil and gas license awards or transfers of interests in mining, oil and gas licenses in 2016. Descriptions are provided of the general statutory procedures for awarding and transferring such licenses, including technical and financial criteria assessed in practice for license awards. While it could be argued that the lack of description of technical and financial criteria for mining license transfers was not material given the lack of transfers in 2016, significant stakeholder interest in the process for transferring licenses warrants a more detailed description of the criteria assessed in applications for mining production license transfers. Through a (small) random sample, the IA highlights deviations from the statutory procedures for mining license awards in practice and documents recent and ongoing reforms of the government's licensing procedures. While the approach to assessing non-trivial deviations from statutory procedures for license awards is exemplary, significant concerns from industry and civil society stakeholders over the small sample size of license awards reviewed leads the International Secretariat to conclude that the broader objective of transparency in license allocations and transfers is not yet achieved, despite significant aspects of the requirement being met.	Meaningful progress
License registers (#2.3)	The 2016 EITI Report provides, for all mining licenses active at the end of 2016, the names of license-holders, dates of award and expiry	Satisfactory progress

	as well as the commodity(ies) covered. Guinea's online mining cadastre portal provides access to all information per Requirement 2.3 for mining licenses. Despite differing opinions over the public accessibility of license information in the oil and gas sector, no oil and gas license was held by material companies in the 2016 EITI Report.	
Contract disclosures (#2.4)	The 2016 EITI Report documents the government's pro-disclosure policy and actual contract disclosure practice. While a more systematic review of contract disclosure practice would help clarify the existence of any gaps in the government's disclosures of contracts and relevant amendments to date, the Secretariat's view is that Guinea has gone beyond the minimum requirements by making contracts public as encouraged by the EITI Standard.	Satisfactory progress (Beyond)
Beneficial ownership disclosure (#2.5)	The Government of Guinea has enshrined its policy on beneficial ownership disclosure for mining companies in national legislation and the 2016 EITI Report provides the names of legal owners and their level of ownership for around half of the material companies.	
State-participation (#2.6)	The 2016 EITI Report covers state participation in the upstream mining, oil and gas sectors, lists upstream state participations in 2016 and provides an overview of the financial relations, statutory and in practice, between SOEs and the government in the mining, oil and sectors. The report provides an overview of terms associated with state interests in the mining, oil and gas sectors. While the 2016 EITI Report describes loan agreements involving extractives SOEs, these do not represent loans or guarantees from the state or SOEs to companies operating in the mining, oil and gas sectors.	Satisfactory progress
<p>Secretariat's recommendations:</p> <ol style="list-style-type: none"> <li>1. To strengthen implementation, Guinea is encouraged to consider means of improving the public accessibility of information on key laws, fiscal terms, roles of relevant government entities and ongoing reforms through routine publications on government and company websites.</li> <li>2. In accordance with Requirement 2.2, Guinea should ensure that the detailed technical and financial criteria for both license awards and transfers be publicly accessible. In light of significant public concern over the legacy of non-trivial deviations from statutory licensing</li> </ol>		

procedures, Guinea should ensure that its approach to publicly disclosing non-trivial deviations be commensurate with the number of licenses awarded and transferred in the year under review.

3. To strengthen implementation, Guinea may wish to integrate information on oil and gas licenses into its existing public mining cadastral system, with a view to ensuring timely and comprehensive disclosures of data including coordinates and dates of application.
4. To strengthen implementation, Guinea is encouraged to undertake a systematic review of contracts and relevant amendments published to date, with a view to clarifying any gaps in public accessibility to all aspects of mining, oil and gas contracts.
5. To strengthen implementation, Guinea is encouraged to pilot beneficial ownership reporting both in the forthcoming EITI Report and through existing government systems (corporate register or mining cadastre) in order to increase awareness of beneficial ownership transparency and pilot beneficial ownership definitions and thresholds. Guinea may also wish to conduct broader outreach to the companies on the objectives of beneficial ownership transparency, as well as hold conversations with government agencies on how to make such disclosures mandatory.
6. To strengthen implementation, Guinea is encouraged to consider the extent to which routine publication of extractives SOEs' audited financial statements would help establish greater public trust and accountability in the financial relations between SOEs and the state. Guinea may wish to consider the extent to which enhanced routine disclosures of their financial management would facilitate compliance with the terms of its 2017 IMF extended credit facility, which requires a high degree of transparency in SOE management. Guinea's extractives SOEs are invited to consider joining the EITI's targeted effort to improve SOE transparency and support the mainstreaming of EITI disclosures in SOE reporting, agreed at the EITI Board's 41<sup>st</sup> meeting in Dakar.

## 3. Monitoring and production

### 3.1 Overview

This section provides details on the implementation of the EITI requirements related to exploration, production and exports.

### 3.2 Assessment

#### Overview of the extractive sector, including exploration activities (#3.1)

##### Documentation of progress

The 2016 EITI Report provides an overview of the mining sector (pp.30-33), including significant exploration activities (pp.53-54), key developments in the mining sector in 2016 (p.75), and the construction of a National Geological Laboratory (p.76). The report also provides an overview of the oil and gas sector (p.77), including an overview of exploration activities (p.83). Maps of active licenses are provided for bauxite (p.225), iron ore (p.226), gold (p.227), diamond (p.228) and oil and gas (p.229).

The report describes efforts to formalise artisanal gold and diamond mining, including the results of a diagnostic study by the Ministry of Mines and Geology (p.76). Key figures are provided as estimates of mining population, average annual revenues, production and foregone government revenues due to the informal nature of production (p.76). The EITI Report includes information on bauxite, iron, gold and diamonds reserves (pp.30). The Ministry of Mines discloses some information including the location of key deposits on its website.<sup>126</sup>

##### Stakeholder views

Stakeholders consulted did not express any particular views on the 2016 EITI Report's coverage of the extractive industries, including significant exploration activities.

##### Initial assessment

The International Secretariat's initial assessment is that Guinea has made satisfactory progress in meeting this requirement. The 2016 EITI Report provides an overview of the extractive industries, including significant exploration activities and informal mining.

#### Production data (#3.2)

##### Documentation of progress

The 2016 EITI Report confirms the lack of *oil and gas* production (p.77). In *mining*, the report provides the volumes and values of 2016 production for the seven minerals produced in 2016 (pp.14,31,32-33). A

---

<sup>126</sup> Ministry of Mines and Geology website, 'Mining Potential' webpage, accessed [here](#) in September 2018.

breakdown of industrial production by key producing regions is provided (p.15) alongside additional information on the location of the main production sites (pp.31-32). The results of reconciliation of five companies' 2016 production volumes are presented (p.118), alongside the detail of volumes and values in Annex 6 (pp.150-151).

The report includes a recommendation to enhance the reliability of official production figures (pp.133-134). The report explains that industrial and semi-industrial production volumes were sourced from material companies' reporting, while artisanal production volumes were sourced from export data reported by relevant government entities (BNE and BCRG). Production values were calculated using average commodity prices reported by material companies, aside from bauxite prices sourced from the National Statistics Institute (INS) (p.14).

### Stakeholder views

While stakeholders consulted did not express any particular views on the 2016 EITI Report's coverage of mining production data, several government and civil society representatives expressed significant concern over the reliability of official government statistics on production, given their reliance on self-reporting by companies. A senior government official raised concerns over the impact of potential under-estimation of company production volumes on calculations of fiscal liabilities. One CSO expressed more confidence in the reporting of bauxite production data than in gold production data. Civil society's May 2018 pre-Validation self-assessment included calls for further information on the methods for calculating bauxite production values<sup>127</sup>, which was provided in the final version of the 2016 EITI Report. One CSO noted that the Mining Code provided clear formula for calculating production values, based on a discount on London Metals Exchange (LME) prices.

### Initial assessment

The International Secretariat's initial assessment is that Guinea has made satisfactory progress towards meeting this requirement. The 2016 EITI Report provides production volumes and values for all commodities (minerals) produced in the year under review.

To strengthen implementation, Guinea may wish to consider the extent to which EITI reporting of mineral production data could provide an annual diagnostic of production volumes and valuation methods, with a view to addressing public concerns over the accuracy of official production data.

### Export data (#3.3)

#### Documentation of progress

The 2016 EITI Report provides the volumes and values of 2016 exports for the three minerals exported in 2016 (pp.15,32-33). The results of reconciliation of five companies' reporting of their 2016 export volumes are presented (p.118), alongside the detail of companies' reporting of their export volumes and values in Annex 7 (pp.152-153). The report highlights significant discrepancies between figures from DGD

---

<sup>127</sup> Civil Society (May 2018), Pre-Validation self-assessment, p.29.

and SMB for bauxite exports, which the IA could not explain (p.125).

Production data is provided based on material companies reporting for bauxite and gold, and on government (Customs Department - DGD) reporting for diamonds (p.15). The report provides additional detail based on the Customs Department's reporting on the breakdown of mineral exports in 2016, disaggregating exports by company and by export destination (pp.125-128).

### Stakeholder views

Stakeholders consulted did not express any particular views on the 2016 EITI Report's coverage of mineral exports. While civil society's pre-Validation self-assessment called for further information on exports broken down by region in future EITI reporting, none of the CSOs consulted raised this issue as one warranting an assessment of less than "satisfactory progress" in terms of export data.

### Initial assessment

The International Secretariat's initial assessment is that Guinea has made satisfactory progress in meeting this requirement. The 2016 EITI Report provides export volumes and values for the three (mineral) commodities exported from Guinea in the year under review.

To strengthen implementation, Guinea may wish to consider the extent to which EITI reporting of mineral export data could provide an annual diagnostic of export volumes and valuation methods.

**Table 3- Summary initial assessment table: Monitoring and production**

EITI provisions	Summary of main findings	International Secretariat's initial assessment of progress with the EITI provisions
Overview of the extractive sector, including exploration activities (#3.1)	The 2016 EITI Report provides an overview of the extractive industries, including significant exploration activities and informal mining.	Satisfactory progress
Production data (#3.2)	The 2016 EITI Report provides production volumes and values for all commodities (minerals) produced in the year under review.	Satisfactory progress
Export data (#3.3)	The 2016 EITI Report provides export volumes and values for the three (mineral) commodities exported from Guinea in the year under review.	Satisfactory progress

**Secretariat's recommendations:**

1. To strengthen implementation, Guinea may wish to consider the extent to which EITI reporting of mineral production data could provide an annual diagnostic of production volumes and valuation methods, with a view to addressing public concerns over the accuracy of official production data.
2. To strengthen implementation, Guinea may wish to consider the extent to which EITI reporting of mineral export data could provide an annual diagnostic of export volumes and valuation methods.

## 4. Revenue collection

### 4.1 Overview

This section provides details on the implementation of the EITI requirements related to revenue transparency, including the comprehensiveness, quality and level of detail disclosed. It also considers compliance with the EITI Requirements related to procedures for producing EITI Reports.

### 4.2 Assessment

## Materiality (#4.1)

### Documentation of progress

*Materiality threshold for revenue streams:* The 2016 EITI Report confirms that the MSG adopted a materiality threshold of zero for selecting revenue streams for reconciliation and provides the rationale for adopting this threshold, including options considered (pp.16,21,24-25).

The report lists the 37 types of material revenue flows (alongside two types of “other significant payments”) included in the scope of reconciliation (pp.26-27). The analysis of government extractives revenues per stream (p.121) indicates that the 12 revenue flows that accounted (each) for more than 1% of extractives revenues in 2016<sup>128</sup> accounted for 96.1% of total government extractives revenues.

*Descriptions of material revenue streams:* Annex 12 presents descriptions of each material revenue flow (pp.183-187). Given the MSG’s materiality threshold of zero for selecting revenue streams for reconciliation (p.16), all flows listed under Requirement 4.1.b have been included.

*Materiality threshold for companies:* The report describes the MSG’s materiality threshold for selecting companies, which was set at total payments to government of more than GNF 700m (USD 75,880<sup>129</sup>) for mining companies and mineral buying houses (gold and diamonds) and zero for SOEs (pp.15,24-25). In addition, the MSG agreed to include all other extractives companies that had been included in the scope of reporting in the five past years (pp.15,24-25).

The report notes that there is only one oil and gas company active in Guinea, but that ONAP unilaterally reported revenues from the company (p.29). The oil and gas company was excluded from the scope of reporting without prior assessment of the materiality of its payments given the lack of information during the scoping phase, although the report notes that total payments from the company were reported by ONAP as GNF 800m, i.e. 0.02% of total extractives revenues in 2016 (p.29).

The report provides background on the rationale for adopting these thresholds and options considered

<sup>128</sup> Impôt sur les sociétés; Taxe Spéciale sur les Produits Miniers (TSPM); Droits de douanes (Droits, TVA, etc.); Taxe sur la production et l’exportation industrielle et semi-industrielle de métaux précieux (OR et autres); Retenues à la Source; Taxe à l’extraction des substances minières; Droits fixes; Retenues sur les salaires (Taxes sur salaires); Taxes à l’exportation des substances minières autres que les substances précieuses (Bauxite, fer, etc.); Amendes et pénalités fiscales; Versement forfaitaire sur les salaires; Dividendes.

<sup>129</sup> This conversion is based on the average 2016 exchange rate of USD 1: GNF 9225 provided in the 2016 EITI Report (pp.12,23).

(pp.24-25). The report explains that while the MSG initially decided to include mining sub-contractors in the scope of reporting, adopting the same materiality threshold as for the selection of mining companies, it subsequently decided to exclude these at its 28 April 2018 meeting (subsequent to data collection) given the low response rate from contractors (pp.24-25).

*Material companies and reporting:* The report lists the 36 material companies (pp.15-16,27-29,139-140) and confirms that all but six material companies<sup>130</sup> submitted reporting templates (p.18). The six non-reporting companies are named (pp.18,141-143), alongside the value of total payments from each of the six (in absolute and relative terms) (p.18). The combined value of payments from the six non-reporting companies accounted for 0.38% of total government extractives revenues, categorised by the IA as “insignificant” (p.18).

*Material government entities:* The report lists the ten government entities<sup>131</sup> included in the scope of reporting alongside the three SOEs (pp.16-17), although two of the SOEs<sup>132</sup> are listed both as extractives companies and as government entities (pp.15-17).

*Government reporting:* The report confirms that all material government entities submitted completed reporting templates (p.18). While the results of reconciliation indicate that ONAP did not report any payments to government (p.99), the report clarifies that ONAP retained all earnings in 2016 (p.82).

*Discrepancies:* The report states that the MSG set a materiality threshold for investigating discrepancies of GNF 90m (USD 10k) (p.22), as well as a broader threshold of 0.8% of total extractives revenues for assessing the materiality of final net unreconciled discrepancies (p.17). The report presents the value of final net unreconciled discrepancies in aggregate, below the 0.8% threshold considered by the IA in confirming the comprehensiveness and reliability of reconciled data (p.17). The report presents the results of reconciliation disaggregated by company (pp.95-97), by revenue stream (pp.97-99), and by company, revenue stream and collecting government entity in the reporting templates in Annex 13 (pp.189-224). The report presents the detail of adjustments and reasons for discrepancies (pp.100-105). The detail of final unreconciled discrepancies is presented by company (pp.106-109) and by revenue stream (pp.110-115).

*Full government disclosure:* The report presents the government’s full unilateral disclosure of revenues received from non-material companies, including mining sub-contractors (pp.123-124), as confirmed earlier in the report (pp.16,25). The report also presents the results of four companies’ reporting of ‘other significant payments’ (p.122).

---

<sup>130</sup> three diamond buying houses and three mining exploration companies.

<sup>131</sup> Direction Nationale du Trésor et de Comptabilité Publique (DNTCP); Direction Nationale des Impôts (DNI); Direction Générale des Douanes (DGD); Caisse Nationale de Sécurité Sociale (CNSS); Centre de Promotion et de Développement Miniers (CPDM); Direction Nationale et Préfectorale des Mines (DNM/DPM); Fonds d'Investissement Minier (FIM); Bureau National d'Expertise (BNE); Banque Centrale de la République de Guinée (BCRG); Collectivités locales / Préfectures.

<sup>132</sup> Société Guinéenne du Patrimoine Minier (SOGUIPAMI) and Office National Des Pétroles (ONAP).

## Stakeholder views

*Comprehensiveness:* The MSG considered the 2016 EITI Report to be comprehensive of all significant extractives revenues in the year under review. In its May 2018 pre-Validation self-assessment, civil society expressed satisfaction about the scope of reporting, including the MSG's materiality decisions and the level of reporting by both government and companies.<sup>133</sup> During consultations, it appeared that none of the constituencies, including MSG members, were aware of the possibility of setting a materiality threshold for the selection of revenue streams for reconciliation, despite the 2016 EITI Report's clear confirmation of a materiality threshold of zero for the selection of revenue streams. Rather, the MSG's attention was entirely dedicated to materiality decisions related to the selection of companies for reporting. Separately, secretariat staff and several CSOs noted that the MSG had agreed to raise the materiality threshold for selecting companies in the 2017 EITI Report had been raised to GNF 2bn at the MSG's early September 2018 meeting. These stakeholders explained that CSOs' initial objections to the raising of the materiality threshold had been addressed with a plan to unilaterally disclose government revenues collected from companies below the materiality threshold.

With regards to the exclusion of the oil and gas sector from the scope of reconciliation in 2016, the IA explained that this was based on the materiality threshold of GNF 700m for the selection of material companies. Indeed, while the final revenues disclosed by ONAP in the 2016 EITI Report indicated that it had collected more than GNF 700m from the sole oil and gas company (Hyperdynamics), the IA explained that the revenue data from ONAP it collected during the inception phase had indicated total payments below the materiality threshold. Regardless of the additional oil and gas revenues identified during data collection from ONAP, the IA considered that the exclusion of oil and gas revenues from the scope of reconciliation had not significantly affected the comprehensiveness of the EITI Report.

*Reporting omissions:* A government official and the IA confirmed that ONAP had fully participated in EITI reporting for 2016, clarifying that the lack of disclosures of ONAP payments to government was due to the lack of such payments/transfers, rather than a reporting omission.

With regards to the six material mining companies that did not report in the 2016 EITI Report, the MSG explained that three of these had closed their Guinea operations since 2016 and no longer had a physical presence in the country. While secretariat staff explained that the Secretary General of the MMG had sent a letter to the headquarters of the three companies requesting their participation in the 2016 EITI Report, they explained that these letters had gone unanswered. With regards to the three other non-reporting companies that were still operating, secretariat staff noted that they were not members of the Chamber of Mines. Industry representatives clarified that they had not sought to reach out to non-reporting companies (*see Requirement 1.2*). Regardless, there was consensus among stakeholders consulted that the lack of reporting by the six companies had not affected the comprehensiveness of the 2016 reconciliation.

Although several stakeholders from all constituencies highlighted provisions of the Mining Code making participating in EITI reporting mandatory for all mining companies, there was consensus that there were no penalties or sanctions for non-reporting. Nonetheless, several industry representatives considered that it was "difficult" for mining companies not to participate in EITI reporting, albeit without clarification of

<sup>133</sup> Civil Society (May 2018), Pre-Validation self-assessment, pp.31-33.

the risks of non-reporting. Secretariat staff highlighted informal plans within the MMG to introduce sanctions for non-participation in EITI reporting, ranging from suspension of import duty exemptions to withdrawal of operating licenses in the most egregious cases. No timeframe was provided for the introduction of such sanctions.

### Initial assessment

The International Secretariat's assessment is that Guinea has made satisfactory progress towards meeting this requirement. The MSG has agreed materiality thresholds for selecting companies and revenue streams. The 2016 EITI Report lists and describes all material companies and revenue streams, names the three non-reporting companies and assesses the materiality of their payments, which was considered insignificant. The report also provides full government reporting of all material revenues from non-material companies.

To strengthen implementation, Guinea is strongly encouraged to revisit its decisions related to the scope of EITI reconciliation, considering the extent to which setting a quantitative materiality threshold for selecting revenue streams for reconciliation would improve the chances of the aims of systematic transparency in government extractives revenues being met in the short term.

### In-kind revenues (#4.2)

#### Documentation of progress

The 2016 EITI Report confirms the IA's understanding that there are no in-kind revenues in Guinea, on the basis of the scoping study and consultations with stakeholders (p.26).

Nonetheless, the report describes SOGUIPAMI's role as the marketer of the state's share of production, collected as the state's option on a share of production in-kind in line with its equity interest (pp.37,65). The volumes of bauxite (300m tons) sold by SOGUIPAMI to the company DADCO in 2016 on behalf of CBG are provided, alongside the value of the SOE's trading commission (GNF 13.9bn) (p.65) and a link<sup>134</sup> to SOGUIPAMI's 2016 management report for further information (p.65).

#### Stakeholder views

There was consensus among stakeholders consulted who expressed an opinion on the subject that the state did not collect any fiscal payments in-kind. A government representative confirmed that SOGUIPAMI provided marketing services for a share of production but that this did not represent sales of government in-kind revenue.

### Initial assessment

The International Secretariat's initial assessment is that this requirement is not applicable to Guinea in the year under review (2016). However, despite not collecting in-kind revenues as a fiscal agent, the 2016 EITI Report describes SOGUIPAMI's role as marketing agent for government and company shares of

---

<sup>134</sup> SOGUIPAMI (2017) op.cit..

production.

To strengthen implementation, Guinea may wish to consider extending EITI reporting to SOGUIPAMI's marketing of a share of bauxite production to levels commensurate with Requirement 4.2. Guinea could consider participating in the EITI's targeted effort on commodity trading to provide a framework for ensuring that disclosures of the state's sales of its in-kind revenues are in line with international best practice.

## Barter and infrastructure transactions (#4.3)

### Documentation of progress

The 2016 EITI Report states that the MSG adopted a materiality threshold of zero for disclosure of barter arrangements and infrastructure provisions (p.25) and confirms that there were no barter agreements identified in Guinea (pp.68-69). It describes mining-related infrastructure developed either by the state or as public-private partnerships (pp.68-69) and describes a series of agreements involving ANAIM covering the railway and port signed in 2015 (p.68). The specific agreements are described (p.68), together with the value of expenditures by the three users<sup>135</sup> of ANAIM's infrastructure in 2016 for the expansion of capacity of ANAIM's infrastructure (p.69). The value of CBG's payments in 2016 on the dredging of the Kamsar Port in 2016 is provided (p.69). However, the report does not state whether any of the infrastructure agreements were concluded in full or partial exchange for oil, gas or mining exploration or production concessions or physical delivery of such commodities.

### Stakeholder views

There was consensus among representatives from government (including SOEs), industry and civil society consulted that infrastructure development and maintenance expenditures undertaken by private companies like CBG were not in full or partial exchange for oil, gas or mining exploration or production concessions or physical delivery of such commodities. However, the IA explained that while the infrastructure development agreements and mining conventions were separate, the infrastructure concession between ANAIM and CBG included provisions for CBG's investment in specific infrastructure development and maintenance.

### Initial assessment

The International Secretariat's initial assessment is that Guinea has made meaningful progress in meeting this requirement. The 2016 EITI Report only describes infrastructure concessions involving ANAIM and CBG, and reflects infrastructure development and maintenance expenditures. While there was consensus among stakeholders represented on the MSG that these agreements did not represent the provision of infrastructure in full or partial exchange for oil, gas or mining exploration or production concessions or physical delivery of such commodities, the ambiguity in the 2016 EITI Report and complexity of the agreements means that the broader objective of transparency in infrastructure provisions is not yet fully achieved.

---

<sup>135</sup> CBG, GAC and COBAD.

In accordance with Requirement 4.3, Guinea should assess the existence of any barter arrangements or infrastructure provisions during the scoping phase for its next EITI reporting cycle to ensure disclosure of any agreements, or sets of agreements involving the provision of goods and services (including loans, grants and infrastructure works), in full or partial exchange for oil, gas or mining exploration or production concessions or physical delivery of such commodities. Guinea should gain a full understanding of the terms of the relevant agreements and contracts, the parties involved, the resources that have been pledged by the state, the value of the balancing benefit stream (e.g. infrastructure works), and the materiality of these agreements relative to conventional contracts.

## Transport revenues (#4.4)

### Documentation of progress

The 2016 EITI Report explains that rail infrastructure owned and operated by ANAIM is made available for priority use by CBG, which is required to pay an annual rental fee to ANAIM at a rate determined by the two parties (p.56). The report explains that ANAIM infrastructure was used by CBG and CBK in 2016, but that CBK's rental payments were delayed until 2017, meaning that ANAIM only collected transport revenues from CBG in 2016 (p.61). The report provides applicable rates for both the CBG and CBK agreements (p.61). The volumes of bauxite transported, applicable tariff, deductions and final payments (net of CBG expenses) for the use of mining infrastructure by CBG to ANAIM are provided monthly (pp.57,61).

The report also describes the levying of "shipping royalties" by ANAIM from the Port of Kamsar, providing the rate and monthly payments of shipping royalties by the Port to ANAIM in 2016 (pp.61-62).

### Stakeholder views

While civil society's May 2018 pre-Validation self-assessment considered that transport revenues reporting could be improved through comprehensive disclosure of transport revenues as part of publicly-accessible ANAIM activity reports<sup>136</sup>, stakeholders consulted broadly expressed satisfaction at coverage of transport revenues in the 2016 EITI Report.

### Initial assessment

The International Secretariat's initial assessment is that Guinea has made satisfactory progress in meeting this requirement. While the MSG's assessment of the materiality of transport revenues is not explicitly presented in the 2016 EITI Report, it is evident that the MSG has included transport revenues in the scope of reporting and the disclosure of infrastructure use payments to ANAIM is presented in the 2016 EITI Report, albeit not reconciled. Additional information on transportation arrangements, including the unit price of transit rights, is also provided.

To strengthen implementation, Guinea is encouraged to assess the feasibility of including transport

---

<sup>136</sup> Civil Society (May 2018), Pre-Validation self-assessment, pp.35-36.

payments (for the third-party use of government mining infrastructure) in the scope of reconciliation.

## Transactions between SOEs and government (#4.5)

### Documentation of progress

The 2016 EITI Report demonstrates the materiality of extractives revenues collected by the three SOEs (ANAIM, SOGUIPAMI and ONAP), which accounted for 9.07% of government extractives revenues in 2016 (p.12), as well as the materiality of their transfers to the national budget, which accounted for 1.9% (GNF 56.1bn) of total government extractives revenues (pp.12,13). The report confirms that all three SOEs were included in the scope of reporting, with a materiality threshold of zero (pp.15-17,25).

In terms of transactions between the SOEs and other companies in the mining, oil and gas sectors, the report confirms that all three SOEs collected revenues.

With regards to *SOGUIPAMI*, the report explains that while *SOGUIPAMI* holds the state's interests in mining companies, the dividends resulting from the state's participations held by *SOGUIPAMI* are transferred directly to the Treasury without being transferred to the SOE (p.56). The report confirms that *SOGUIPAMI* is entitled to collect dividends from the three companies<sup>137</sup> it holds an interest in (p.67). However, the list of mining licenses provided in Annex 11 (pp.171-182) indicate that all three hold only exploration licenses, not production licenses, implying that these companies are not yet profitable (and hence would not have paid a dividend in 2016), although this is not explicitly stated.

The report describes royalties collected by *SOGUIPAMI* that are set in agreements with specific companies (with a link<sup>138</sup> to a list of applicable royalty rates), in compensation for *SOGUIPAMI*'s technical and administrative support (p.67). However, it clarifies that *SOGUIPAMI* only started collecting these royalties in 2017 (p.68).

Finally, the report describes *SOGUIPAMI*'s role as the marketer of geological data, acquired as a result of a partnership with the company *SMB* (p.66). It explains the agreement for *SOGUIPAMI*'s support of *SMB*'s bauxite exploration and production work on the Malapouya license, with *SOGUIPAMI* entitled to receive a resale fee ('Droit de suite') of USD 0.5 per ton produced in compensation for the transfer of the Malapouya exploration license to *SMB* (p.66). The report describes the November 2016 agreement for a USD 5m loan from the *SMB-WAP* consortium to the state to fund geophysical research, reimbursed by *SOGUIPAMI*'s payment of a USD 0.3 per ton fee to *SMB* based on production from the Malapouyah bloc. The geophysical data is then meant to be sold by *SOGUIPAMI* (p.66). The volumes of bauxite extracted from Malapouyah are provided, together with the value of the USD 0.5 per ton resale duty ('Droit de suite') due (but not paid) to *SOGUIPAMI* and the USD 0.3 per ton fee withheld by *SMB* from its resale duty liabilities to *SOGUIPAMI*, as well as the value of outstanding resale duties ('Droit de suite') due to *SOGUIPAMI* in December 2016, but not yet paid (p.66). These figures are unilaterally disclosed by *SOGUIPAMI* (see *Requirement 6.2*).

<sup>137</sup> Camen Ressources; Souvergn Mining of Guinea; and Guinean Brain Touch.

<sup>138</sup> [https://soguipami-gn.com/wp-content/uploads/2017/12/Partenariat\\_SOGUIPAMI\\_FY17.pdf](https://soguipami-gn.com/wp-content/uploads/2017/12/Partenariat_SOGUIPAMI_FY17.pdf)

With regards to *ANAIM*, the report explains that the SOE collects payments for the use of its infrastructure from CBG (p.61) and of shipping royalties from the Port of Kamsar (p.62). The value of these payments is disclosed by ANAIM (pp.61,62), but not reconciled with company payments from CBG.

With regards to *ONAP*, the report describes revenues collected by the SOE from the only PSC-holder in 2016, consisting of land rights and training fees (p.82), and the GNF 20 per L levy collected from fuel retailers on all oil products sold nationally (pp.18,82-83). The value of revenues collected from the PSC-holder are unilaterally disclosed by ONAP, disaggregated by revenue flow (p.82). The report explains that the PSC-holder was not included in the scope of reporting given that its total payments to government accounted for only 0.02% (around GNF 800m) of total extractives revenues in 2016 (p.29). The value of total revenues collected from downstream fuel retailers is provided (pp.18,83), albeit not disaggregated by paying fuel retailer. However, it can be inferred that these payments were not reconciled given that fuel retail companies are not considered upstream oil and gas companies.

In terms of SOE transactions with government, the report describes both statutory requirements for SOEs to pay dividends to Treasury and the level of budget support (defined as subsidies) for SOEs.

With regards to *SOE payments to government*, the report confirms that SOEs are liable for the same taxes and levies as other extractives companies (covered under *Requirement 4.1*) and confirms that each SOE's Board of Directors is responsible for determining the level of dividends paid to Treasury (p.59). However, the report confirms that SOGUIPAMI and ONAP did not make any dividend payments to government in 2016 (pp.67,82), given that SOGUIPAMI only became profitable in 2017 (p.67) and that the Ministerial Order determining ONAP's remittances to the Treasury had not yet been issued (p.82). While the report confirms the lack of ANAIM dividend related to its 2016 performance (agreed at the SOE's annual general meeting in 2018), it explains that an advance on future dividends (of GNF 54.2bn) paid in 2016 was identified during the process of data collection (pp.17,64). The advance dividend payment is disclosed and reconciled with Treasury receipts in the report (p.117).

With regards to *government transfers to SOEs*, the report explains that public-sector establishments (such as ONAP and ANAIM) are entitled to a subsidy from the state, clearly segregated between subsidies covering operating costs and transfers to cover capital expenditures, while publicly-owned companies (such as SOGUIPAMI) are not entitled to subsidies other than common subsidies allocated to all companies in a particular sector (p.59). The report confirms that neither ANAIM nor ONAP received any form of financing from the state in 2016 (pp.63,83), but presents results of reconciliation of government (budget) transfers (of GNF 500m) to SOGUIPAMI (pp.18,66,117). The report also highlights that SOGUIPAMI drew down on all but GNF 916 627 284 of the total of GNF 3 975 779 714 in un-disbursed investment subsidy from previous years by the end of 2016 (p.66).

The report does not refer to any ad-hoc transfers from SOEs to government or vice versa in 2016.

## Stakeholder views

Stakeholders consulted did not express any views on the comprehensiveness of the reconciliation of transactions involving SOEs in the 2016 EITI Report. Civil society's May 2018 pre-Validation self-assessment expressed satisfaction with the 2016 EITI Report's disclosures of transactions involving SOEs.<sup>139</sup>

---

<sup>139</sup> Civil Society (May 2018), Pre-Validation self-assessment, p.36.

A government official and the IA confirmed that the reimbursements of SMB's USD 5m loan to the state (p.66) were in fact retained payments by SMB, offset against SMB's resale duty ('Droit de suite') liabilities to SOGUIPAMI. Thus, they confirmed that the figures listed on p.66 of the 2016 EITI Report did not represent actual financial transfers or payments and could thus not be reconciled.

With regards to the un-disbursed investment subsidy to SOGUIPAMI rolled over from previous years, which SOGUIPAMI drew down upon in 2016, the IA clarified that these did not represent transfers from the state budget to SOGUIPAMI in the year under review. Rather, the IA explained that the investment subsidy had been transferred to SOGUIPAMI accounts in full in previous years, before being subsequently drawn upon by SOGUIPAMI in 2016. Thus, the IA explained that this budget transfer could not have been reconciled in the 2016 EITI Report.

### Initial assessment

The International Secretariat's initial assessment is that Guinea has made satisfactory progress in meeting this requirement. The 2016 EITI Report discloses and reconciles extractives company payments to SOEs as well as transfers between SOEs and government. The exclusion of oil and gas company payments to ONAP from the scope of reconciliation is justified on materiality grounds (*see Requirement 4.1*).

To strengthen implementation, Guinea is encouraged to consider ways of routinely disclosing company payments to SOEs and transfers between SOEs and government agencies in a comprehensive manner. Guinea may wish to consider the extent to which regular publication of SOEs' audited financial statements, together with complimentary disclosures along the model of SOGUIPAMI, may enable it to systematically disclose financial transactions in line with Requirement 4.5.

## Subnational direct payments (#4.6)

### Documentation of progress

While confirming the lack of direct subnational payments in the *oil and gas* sector (p.83), the report describes statutory direct subnational payments in the *mining* sector, consisting of land tax<sup>140</sup> (p.69). It confirms that the MSG adopted a materiality threshold of zero for selecting direct subnational payments for reconciliation (p.16). While the list of material revenue streams indicates two types of direct subnational payments ('redevance superficiaire' (land tax) and 'contribution au développement local' (contributions to local development)) (p.27), the report states that land tax was the only form of direct subnational payments in 2016 (p.69).

Without justification, the report indicates that the Treasury (DNTCP) reported on behalf of local governments (pp.69,130). The report presents the results of reconciliation of land tax between mining companies and the Treasury in aggregate (p.69), and the unilateral disclosure of mining companies' direct subnational payments of land tax in 2016 by company and by commune (p.70). It appears that 4 of the 15 companies making direct subnational payments in 2016 did not communicate the detail of the date or beneficiary commune in their reporting (p.70). The report states that the Treasury's reporting does not seem to cover all local governments or all payments by mining companies (pp.69,130). Indeed, the

<sup>140</sup> in line with Article 4 of Ministerial Order A/20/6074/ MEF/MMG/SGG.

consolidated results of reconciliation indicate aggregate discrepancies of GNF 1.21bn (USD 130,837) out of a total of GNF 3.47bn (USD 376,689) in total land tax payments reported by companies (p.69). The report explains that the incomplete reporting by the Treasury on behalf of local governments is due, inter alia, to the manual processing of data at the community level and the lack of a system for the systematic compilation and centralization of data on payments and transfers from the extractive sector to the benefit of local communities (pp.130).

### Stakeholder views

There was considerable debate over the coverage of direct subnational payments of land tax in the 2016 EITI Report. Although civil society expressed satisfaction about the disclosures of direct subnational payments in the 2016 EITI Report in its May 2018 pre-Validation self-assessment<sup>141</sup>, several CSOs expressed concern over the significant discrepancies highlighted in the reconciliation results. One CSO highlighted that the coverage of direct subnational payments in the 2016 EITI Report marked a significant improvement over previous EITI Reports, albeit highlighting outstanding gaps in coverage of land taxes. Representatives from both government, civil society and development partners expressed significant interest in greater clarity on subnational revenue flows, and land taxes in particular.

There was considerable uncertainty among stakeholders consulted, including from government, over the reasons for the selection of the Treasury as the reporting entity on behalf of local governments. A senior government official explained that all local governments maintained two accounts, called the Management Account ('Compte de gestion') and the Administrative Account ('Compte administratif'), with the former receiving all subnational revenues and the latter for expenditures. Several government officials explained that, due to weaknesses in administrative capacity at the local government level, the 'municipal receivers' within each local government were employees of the national Treasury (DNTCP), posted within each local government. The official confirmed that the Management Accounts were operated by each local government, thereby confirming that land taxes indeed represented direct subnational payments. The IA confirmed that land taxes represented direct subnational payments and that the Treasury (DNTCP) had been selected as the reporting entities for land taxes given that 'municipal receivers' were agents of the Treasury. Several representatives from all constituencies confirmed that companies were required by the Mining Code to provide proof of annual land tax payment to the CPDM, although one CSO questioned the level of CPDM's oversight of land tax payments through independent verification.

There was consensus among all stakeholders consulted that the 2016 EITI Report's reconciliation of direct subnational payments was incomplete, due to significant gaps in government reporting. With regards to gaps in company reporting, several CSOs highlighted that certain mining companies like COBAD had been exempted from land taxes, causing significant misunderstandings at the local level, and called for greater clarity on all mining companies' tax exemptions. The IA and several government officials explained that the Treasury (DNTCP) had sent agents out to key local governments hosting extractives activities to seek to complete the Treasury's reporting of land tax revenues but noted that it had not been possible to cover all local governments. The IA noted that they had focused on local governments hosting the companies making the largest payments to government and considered that the most significant payments to government had been covered by the reconciliation. A senior government official noted that 'municipal

<sup>141</sup> Civil Society (May 2018), Pre-Validation self-assessment, op.cit..

receivers' had not yet been appointed to all 342 local governments, which could explain the gaps in Treasury oversight of direct subnational payments. Another government official noted the recent establishment of the National Local Government Financing Agency ('Agence nationale de financement des collectivités'), effective from 2019 onwards, which the official expected to improve oversight of subnational revenue flows. Several CSOs noted the inclusion of activities in consecutive annual EITI workplans related to the training of 'municipal receivers' but noted that these had never been carried out to date given delays in appointments of 'municipal receivers' in every local government.

Representatives from all constituencies highlighted the enactment of the implementing regulations (Decree D/2017/285/PRG/SGG) in October 2017.<sup>142</sup> Several CSOs highlighted a project by the NGO Action Mines Guinée to develop an ITT platform for tracking subnational payments through the FODEL.

### Initial assessment

The International Secretariat's initial assessment is that Guinea has made meaningful progress towards meeting this requirement. The MSG identified the direct payments made by companies to subnational governments and included one direct subnational payment in the mining sector in the scope of reconciliation with a materiality threshold of zero. While the MSG made attempts at reconciling land tax paid directly to local governments by material companies, it does not provide a detailed explanation for the selection of the Treasury (DNTCP) as the reporting entity on behalf of local governments. In addition, there are significant gaps in the comprehensiveness of the Treasury's reporting of direct subnational revenues, with discrepancies equivalent to more than one-third of direct subnational payments reported by material companies. Finally, the results of reconciliation are presented in aggregate, while the disaggregated direct subnational payments are presented only based on companies' reporting, not the results of reconciliation.

In accordance with Requirement 4.6, Guinea should ensure that information on extractives company direct payments to subnational governments, where material, be comprehensively disclosed and reconciled with each local government's receipts of these payments.

### Level of disaggregation (#4.7)

#### Documentation of progress

The 2016 EITI Report confirms that reconciled financial data is presented disaggregated by company, revenue flow and receiving government entity (p.23) and presents the results of reconciliation as such (pp.95-99,189-224).

While all mining companies at the production stage operate a single mine, the reconciled financial data is presented on a company level, rather than a project level.

---

<sup>142</sup> 'Décret modalité de Constitution et Gestion du FODEL', accessed [here](#) in September 2018.

## Stakeholder views

Stakeholders consulted did not express views about the level of disaggregation of reconciled financial data in the 2016 EITI Report. Representatives from government and development partners confirmed that all producing mining companies operated a single mine. However, given that these companies tended to also hold exploration licenses, it could not be considered that they were effectively reporting by project.

## Initial assessment

The International Secretariat's initial assessment is that Guinea has made satisfactory progress in meeting this requirement. Reconciled financial data in the 2016 EITI Report is presented disaggregated by company, revenue stream and collecting government entity. Reconciled financial data is not yet presented disaggregated by project.

To strengthen implementation, Guinea is encouraged to consider the extent to which it can make progress in implementing project-level EITI reporting ahead of the deadline for all EITI Reports covering fiscal periods ending on or after 31 December 2018.

## Data timeliness (#4.8)

### Documentation of progress

While Guinea's early EITI Reports were published with some delay, with the 2005 EITI Report published in December 2006, the 2006 EITI Report in June 2011 and the 2007-2010 EITI Reports in August 2012, its subsequent EITI Reports were published within two years of the end of the fiscal period covered. Thus, Guinea published EITI Reports covering 2011 and 2012 in December 2013, 2013 in December 2015, 2014 in December 2016, 2015 in February 2017 and 2016 in June 2018. The 2016 EITI Report confirms the MSG's approval of the reporting period of 1 January – 31 December 2016 (p.23).

## Stakeholder views

While most stakeholders did not express any opinion about the timeliness of Guinea's EITI reporting, several CSOs called for more timely production of EITI data to enhance its relevance for public debate. Several government officials and secretariat staff highlighted ongoing work to produce the 2017 EITI Report by the end of 2018, noting the significant improvements in the timeliness of reporting this would bring. In its May 2018 pre-Validation self-assessment, while expressing satisfaction at the timeliness of EITI reporting, civil society recommended that the MSG prepare a costed three- to five- year workplan detailing steps to move towards timelier systematic disclosure of EITI data.<sup>143</sup>

## Initial assessment

The International Secretariat's initial assessment is that Guinea has made satisfactory progress towards meeting this requirement. The 2016 EITI Report was published within two years of the end of the fiscal

---

<sup>143</sup> Civil Society (May 2018), Pre-Validation self-assessment, op.cit., pp.37-38.

period under review, in June 2018, and the MSG agreed the reporting period.

To strengthen implementation, Guinea may wish to liaise with key revenue collecting agencies and sector regulators to explore means of embedding disclosures of EITI-required information in routine government systems to ensure timelier EITI reporting.

## Data quality (#4.9)

### Documentation of progress

*Terms of Reference for the Independent Administrator:* The MSG agreed to undertake procurement for the IA for both the 2016 and 2017 EITI Reports, combined. For the 2016-2017 EITI Reports, the MSG initially discussed the draft IA's ToR at its 15 March 2017 meeting before approving them on 6 April 2017. The World Bank provided its non-objection to the ToR on 12 August 2017. The ToR for the 2016-2017 EITI Reports, not publicly-accessible but provided by the EITI Guinea Secretariat, are broadly in line with the standard ToR agreed by the EITI Board as of 2016. While Annex 1 of the ToR related to scope and materiality decisions was not completed, the ToR confirms the need for the MSG and IA to agree materiality thresholds for selecting companies and revenue streams during the inception phase.

*Appointment of the Independent Administrator (IA):* Funded by the World Bank through the mining sector governance support programme PAGSEM (Projet d'Appui à la Gouvernance dans le Secteur Minier), the procurement of the IA was undertaken based on Consultants' Qualifications Selection (CQS). The call for intention of interests was published in national newspapers and on various websites on 14 August 2017. Six bids were received by the 14 September 2017 deadline. The bid evaluation committee<sup>144</sup> reviewed bids by 25 September and selected a shortlist of four bidders on 10 October 2017. Having selected Moore Stephens as highest-ranked technical bid, the PAGSEM negotiated the terms of the contract with Moore Stephens, which was signed on 15 December 2017. The MSG approved the selection of Moore Stephens as the IA for the 2016-2017 EITI Reports at its 13 December 2017 meeting, as documented in meeting minutes.

*Agreement on the reporting templates:* The MSG approved reporting templates for the 2016 EITI Report as part of its agreement on the 2016 inception report, at its 25 October 2017 meeting. The 2016 EITI Report confirms the MSG's approval of reporting templates and explains that a training workshop for reporting entities was held on 31 January 2018 (p.21). *Review of audit practices:* The 2016 EITI Report provides an overview of statutory audit procedures for companies, government and SOEs. The report provides an overview of statutory audit procedures for extractives companies, with reference to international standards (pp.88-89), for government entities, with reference to the role of the Cour des Comptes (p.89), and for SOEs, with reference to the role of their external auditors and the Cour des Comptes (pp.59,64,68). In terms of actual practice in 2016, the report provides an overview of the availability of audited financial statements for material companies in Annex 5 (pp.148-149) and confirms the lack of audit of government entities in 2016 by the Cour des Comptes (p.89). For SOEs, the report confirms that ANAIM was audited in 2016 by an internal auditor (pp.64,132) and that SOGUIPAMI was

<sup>144</sup> Composed of representatives from the National Department for Public Tenders (2), Ministry of Mines and Geology (1), PAGSEM (1) and the EITI Guinea national secretariat (1).

audited to international standards in 2016 (p.68) but indicates that ONAP did not have audited financial statements for 2016 (p.149). The report notes that ANAIM's 2016 financial statements were not publicly-accessible (pp.64,132) but provides a link to SOGUIPAMI's 2016 financial statements (p.68).

**Assurance methodology:** The report describes the MSG's agreed quality assurance procedures for EITI reporting (pp.19,21,22). Companies were required to provide a management attestation letter and certification from an external auditor, alongside copies of their 2016 audited financial statements (pp.19,22). Government entities were required to provide a management attestation letter and certification either by the Cour des Comptes for the six main revenue-collecting agencies<sup>145</sup> or from an external auditor for the CNSS and the three SOEs (pp.19,22). An overview of the Cour des Comptes' work is provided, in line with Act 001/2018/CC of 30 May 2018, which consisted of confirming that all revenues were reflected in the Treasury's financial income (TOFE) (pp.19,22). The report also confirms that reporting entities were required to include the detail of payments by transaction and by date in annex to their reporting templates (pp.21,22).

The Cour des Comptes published a first annual report in 2016, which described the methodology and findings of the Cour des Comptes' certification of government reporting templates for the 2014-15 EITI Reports.<sup>146</sup> However, there is no evidence that the Cour des Comptes had published its 2017 annual report covering its certification of government EITI reporting for 2016, at the start of Validation (1 July 2018).

**Confidentiality:** The report describes provisions adopted to ensure the confidentiality of information pre-reconciliation (p.23).

**Reconciliation coverage:** The report provides the coverage of the reconciliation exercise, at 83.4% of extractives revenues overall and at 96% of extractives revenues excluding mining sub-contractors (p.20). The coverage of reconciliation was 90.7% of fiscal revenues from the extractives, but only 29.6% of extractives revenues collected by SOEs (p.20).

**Assurance omissions:** The report states that nine of the 30 reporting companies did not provide the requested quality assurances (p.19), with the detail of quality assurance submissions provided in Annex 5 (pp.148-149). The value of total payments from each of the nine non-complying reporting companies is provided in absolute terms and relative to total government extractives revenues collected from material companies (p.19). Given that payments from the nine non-complying companies accounted for 4.7% of total government extractives revenues in scope, the IA considers that these gaps did not affect the reliability of reconciled financial data (p.19). For government entities, the report confirms that the agreed quality assurances were received for all material government entities' reporting and that the Cour des Comptes did not emit any reservations on its certification (p.19).

**Data reliability assessment:** The report includes the IA's positive assessment, with "reasonable assurance", of the comprehensiveness (pp.18,20) and reliability (p.19) of reconciled financial data. An

<sup>145</sup> DNTCP, DNI, DGD, CPDM, DNM and FIM.

<sup>146</sup> Cour des Comptes (December 2016), 'Premier rapport annuel d'activites 2016', accessed [here](#) in September 2018, pp.68-94.

overview of the IA's work is provided (pp.21-22).

Sourcing of information: All information in the 2016 EITI Report appears to be consistently sourced.

Summary tables: There is no publicly-available evidence that the IA prepared summary data tables of EITI data for Guinea's 2016 EITI Report, despite provisions in the IA's ToR for preparing such tables. However, Guinea EITI submitted summary data tables for its 2016 EITI Report to the International Secretariat subsequent to the start of Validation, on 17 July 2018. These were expected to be published once finalised on the Guinea page of the EITI website, alongside summary data for the 2005-2015 EITI Reports.<sup>147</sup>

Recommendations: The report presents an overview of follow-up on four recommendations of past EITI Reports (pp.135-137) and a set of nine new recommendations based on the 2016 reporting exercise (pp.20,129-134).

## Stakeholder views

IA procurement: All MSG members consulted expressed satisfaction at the procurement process for the IA and confirmed that the MSG had been given oversight of the entire process, as confirmed in civil society's May 2018 pre-Validation self-assessment.<sup>148</sup> Secretariat staff praised the IA's attention to capacity-building and training for reporting entities. The MSG also confirmed that it had approved the reporting templates for the 2016 EITI Report.

Audit practices: With regards to company audit practices, one industry representative noted that around half of the material companies in the 2016 EITI Report had provided evidence of audited financial statements, representing the largest mining companies. While most stakeholders consulted did not express concerns over audit and assurance practices for mining companies, one government official considered that companies tended to aggressively optimise their tax liabilities even if they were subject to audits to international standards.

With regards to government audit practices, several stakeholders from all constituencies highlighted the establishment of the Cour des Comptes in 2016 as a significant improvement in government audit and assurance procedures. However, there were differing opinions about the robustness of the Cour des Comptes' oversight of public accounts. While all government representatives expressed strong confidence in the Cour des Comptes' procedures, several CSOs and development partners expressed doubt over the extent of the new body's oversight. Guinea's June 2018 Public Expenditure and Financial Accountability (PEFA) report highlighted that the Cour des Comptes' external audit was not able to provide a general assessment of conformity for the government's 2014-2016 public accounts, given weaknesses in the financial statements provided by government entities.<sup>149</sup> A development partner confirmed that the annual budget-making process had not included production of budget execution reports in the past. However, several government officials and development partners highlighted conditionalities of EU

<sup>147</sup> EITI website, Guinea country page, accessed [here](#) in September 2018.

<sup>148</sup> Civil Society (May 2018), Pre-Validation self-assessment, op.cit., pp.38-43.

<sup>149</sup> IMF (June 2018), 'République de Guinée: Rapport sur la performance de la gestion des finances publiques', accessed [here](#) in September 2018, pp.130-131.

budget support that required timely preparation of the annual budget execution report, with a deadline for catching up to the 2018 public accounts by October 2019. A government official also highlighted the Cour des Comptes' work on a regional project supported by the World Bank, consisting of an audit of mining companies to verify their compliance with their tax liabilities.

With regards to SOEs' audit practices, there was consensus among stakeholders consulted that audited 2016 financial statements for ANAIM and ONAP were not publicly accessible. A government official explained that ONAP had not prepared audited financial statements for 2016 given that it was its first year of operations. Other government officials confirmed that ANAIM had audited financial statements for 2016 and had provided copies to the IA, which the IA confirmed. Several government officials noted plans to publish audited financial statements for ANAIM going forward, following the example of SOGUIPAMI. A government representative considered SOGUIPAMI to be an example of best practice in terms of financial disclosures, noting that it was one of the few companies that systematically submitted copies of their audited financial statements to the Commercial Court ('Greffé du Tribunal de Commerce') on an annual basis.

*Assurance methodology:* All MSG members consulted expressed satisfaction at the quality assurance procedures agreed for the 2016 EITI Report. Industry representatives did not express any views about the assurances requested from reporting companies. While all stakeholders consulted (and independent articles from civil society<sup>150</sup>) expressed satisfaction over the involvement of the Cour des Comptes in the certification of government EITI reporting templates, one CSO considered that its certification was more of a formality pending routine publication of timely budget execution reports. The IA confirmed that it had discussed the assurance methodology with the Cour des Comptes ahead of its certification work and expressed satisfaction at the methodology followed. The Cour des Comptes' report on its certification of government EITI reporting noted gaps with International Standards of Accounting (ISA) in 2015<sup>151</sup> but confirms that it was line with ISA in 2016.<sup>152</sup> One government official criticised what he considered as duplication of work by the Cour des Comptes in both certifying government EITI reporting and undertaking an audit of mining companies' tax compliance and called for the integration of EITI certification into the Cour des Comptes' routine oversight functions.

*Data reliability:* All stakeholders consulted, including from civil society both in consultations and in its pre-Validation self-assessment<sup>153</sup>, considered that the reconciled financial data in the 2016 EITI Report was reliable.

## Initial assessment

The International Secretariat's initial assessment is that Guinea has made satisfactory progress towards meeting this requirement. The ToR for the IA was in line with the Board-approved template and the recruitment of the IA was approved by the MSG. There were no significant deviations from the IA's ToR in practice, and the MSG approved reporting templates for the 2016 EITI Report as part of its approval of the

<sup>150</sup> NRGI (July 2018), 'Quel rôle pour la Cour des Comptes dans la mise en œuvre de l'Initiative pour la Transparence dans les Industries Extractives (ITIE) en Guinée ?', accessed [here](#) in September 2018.

<sup>151</sup> Cour des Comptes (December 2016), 'Premier rapport annuel d'activités 2016', accessed [here](#) in September 2018, pp.68-70.

<sup>152</sup> Cour des Comptes (May 2018), 'Acte 001/2018/CC du 30 mai 2018 portant certification des formulaires des déclarations de recettes minières des entités publiques de l'exercice 2016 dans le cadre du rapport de l'ITIE-Guinee', unpublished, provided by the Independent Administrator in September 2018.

<sup>153</sup> Civil Society (May 2018), Pre-Validation self-assessment, op.cit., pp.38-43.

scoping study. The report includes a summary of the IA's review of audit and assurance procedures and practices in 2016. The MSG approved the quality assurances required from reporting entities and all but six companies and all government entities provided the requested assurances for their reporting. The report names the non-complying companies and assesses the materiality of their payments to government, which is considered insignificant. On this basis, the IA concludes that the data presented in the report was comprehensive and reliable. While the summary data tables for the 2016 EITI Report had not been published as of the start of Validation (1 July 2018), there is evidence that the IA prepared summary data tables for the 2016 EITI Report and that these will be published once finalised.

To strengthen implementation, Guinea may wish to explore ways of formalising the Cour des Comptes' work on EITI reporting with a view to institutionalising this collaboration over the long term and strengthening routine audits of government extractives revenues. Guinea may also wish to encourage publication of Cour des Comptes' certification of government EITI reporting in full, alongside audited financial statements of material companies.

**Table 4- Summary initial assessment table: Revenue collection**

EITI provisions	Summary of main findings	International Secretariat's initial assessment of progress with the EITI provisions
Comprehensiveness (#4.1)	The MSG has agreed materiality thresholds for selecting companies and revenue streams. The 2016 EITI Report lists and describes all material companies and revenue streams, names the three non-reporting companies and assesses the materiality of their payments, which was considered insignificant. The report also provides full government reporting of all material revenues from non-material companies.	Satisfactory progress
In-kind revenues (#4.2)	Despite not collecting in-kind revenues as a fiscal agent, the 2016 EITI Report describes SOGUIPAMI's role as marketing agent for government and company shares of production.	Not applicable
Barter and infrastructure transactions (#4.3)	The 2016 EITI Report only describes infrastructure concessions involving ANAIM and CBG, and reflects infrastructure development and maintenance expenditures. While there was consensus among stakeholders represented on the MSG that these agreements did not represent the provision of infrastructure in full or partial exchange for oil, gas or mining exploration or production concessions or	Meaningful progress

	physical delivery of such commodities, the ambiguity in the 2016 EITI Report and complexity of the agreements means that the broader objective of transparency in infrastructure provisions is not yet fully achieved.	
Transport revenues (#4.4)	While the MSG's assessment of the materiality of transport revenues is not explicitly presented in the 2016 EITI Report, it is evident that the MSG has included transport revenues in the scope of reporting and the disclosure of infrastructure use payments to ANAIM is presented in the 2016 EITI Report, albeit not reconciled. Additional information on transportation arrangements, including the unit price of transit rights, is also provided.	Satisfactory progress
Transactions between SOEs and government (#4.5)	The 2016 EITI Report discloses and reconciles extractives company payments to SOEs as well as transfers between SOEs and government. The exclusion of oil and gas company payments to ONAP from the scope of reconciliation is justified on materiality grounds ( <i>see Requirement 4.1</i> ).	Satisfactory progress
Subnational direct payments (#4.6)	The MSG identified the direct payments made by companies to subnational governments and included one direct subnational payment in the mining sector in the scope of reconciliation with a materiality threshold of zero. While the MSG made attempts at reconciling land tax paid directly to local governments by material companies, it does not provide a detailed explanation for the selection of the Treasury (DNTCP) as the reporting entity on behalf of local governments. In addition, there are significant gaps in the comprehensiveness of the Treasury's reporting of direct subnational revenues, with discrepancies equivalent to more than one-third of direct subnational payments reported by material companies. Finally, the results of reconciliation are presented in aggregate, while the disaggregated direct subnational payments are presented only based on companies' reporting, not the results of reconciliation.	Meaningful progress
Level of disaggregation (#4.7)	Reconciled financial data in the 2016 EITI Report is presented disaggregated by company, revenue stream and collecting government entity. Reconciled financial data is not yet	Satisfactory progress

	presented disaggregated by project.	
Data timeliness (#4.8)	The 2016 EITI Report was published within two years of the end of the fiscal period under review, in June 2018, and the MSG agreed the reporting period.	Satisfactory progress
Data quality (#4.9)	The ToR for the IA was in line with the Board-approved template and the recruitment of the IA was approved by the MSG. There were no significant deviations from the IA's ToR in practice, and the MSG approved reporting templates for the 2016 EITI Report as part of its approval of the scoping study. The report includes a summary of the IA's review of audit and assurance procedures and practices in 2016. The MSG approved the quality assurances required from reporting entities and all but six companies and all government entities provided the requested assurances for their reporting. The report names the non-complying companies and assesses the materiality of their payments to government, which is considered insignificant. On this basis, the IA concludes that the data presented in the report was comprehensive and reliable. While the summary data tables for the 2016 EITI Report had not been published as of the start of Validation (1 July 2018), there is evidence that the IA prepared summary data tables for the 2016 EITI Report and that these will be published once finalised.	Satisfactory progress
<p>Secretariat's recommendations:</p> <ol style="list-style-type: none"> <li>1. To strengthen implementation, Guinea is strongly encouraged to revisit its decisions related to the scope of EITI reconciliation, considering the extent to which setting a quantitative materiality threshold for selecting revenue streams for reconciliation would improve the chances of the aims of systematic transparency in government extractives revenues being met in the short term.</li> <li>2. To strengthen implementation, Guinea may wish to consider extending EITI reporting to SOGUIPAMI's marketing of a share of bauxite production to levels commensurate with Requirement 4.2. Guinea could consider participating in the EITI's targeted effort on commodity trading to provide a framework for ensuring that disclosures of the state's sales of its in-kind revenues are in line with international best practice.</li> <li>3. In accordance with Requirement 4.3, Guinea should assess the existence of any barter arrangements or infrastructure provisions during the scoping phase for its next EITI reporting cycle to ensure disclosure of any agreements, or sets of agreements involving the provision of goods and services (including loans, grants and infrastructure works), in full or partial exchange for oil, gas or mining exploration or production concessions or physical delivery of such commodities. Guinea should gain a full understanding of the terms of the relevant agreements and contracts, the parties involved, the resources that have been pledged by the</li> </ol>		

- state, the value of the balancing benefit stream (e.g. infrastructure works), and the materiality of these agreements relative to conventional contracts.
4. To strengthen implementation, Guinea is encouraged to assess the feasibility of including transport payments (for the third-party use of government mining infrastructure) in the scope of reconciliation.
  5. To strengthen implementation, Guinea is encouraged to consider ways of routinely disclosing company payments to SOEs and transfers between SOEs and government agencies in a comprehensive manner. Guinea may wish to consider the extent to which regular publication of SOEs' audited financial statements, together with complimentary disclosures along the model of SOGUIPAMI, may enable it to systematically disclose financial transactions in line with Requirement 4.5.
  6. In accordance with Requirement 4.6, Guinea should ensure that information on extractives company direct payments to subnational governments, where material, be comprehensively disclosed and reconciled with each local government's receipts of these payments.
  7. To strengthen implementation, Guinea is encouraged to consider the extent to which it can make progress in implementing project-level EITI reporting ahead of the deadline for all EITI Reports covering fiscal periods ending on or after 31 December 2018.
  8. To strengthen implementation, Guinea may wish to liaise with key revenue collecting agencies and sector regulators to explore means of embedding disclosures of EITI-required information in routine government systems to ensure timelier EITI reporting.
  9. To strengthen implementation, Guinea may wish to explore ways of formalising the Cour des Comptes' work on EITI reporting with a view to institutionalising this collaboration over the long term and strengthening routine audits of government extractives revenues. Guinea may also wish to encourage publication of Cour des Comptes' certification of government EITI reporting in full, alongside audited financial statements of material companies.

## 5. Revenue management and distribution

### 5.1 Overview

This section provides details on the implementation of the EITI requirements related to revenue management and distribution.

### 5.2 Assessment

#### Distribution of revenues (#5.1)

##### Documentation of progress

The 2016 EITI Report confirms that all extractives revenues are transferred to the single Treasury account and hence recorded in the national budget (p.86), aside from mining infrastructure rents (to ANAIM), BCRG royalties on exports of industrial and artisanal gold (to BCRG), direct subnational payments and social security contributions (to CNSS) (pp.74,86-87). It confirms that all other statutory taxes and fees levied on mining companies are transferred directly to Treasury (p.69) and that all subnational transfers and transfers to the Mining Investment Fund (Fonds d'Investissement Minier) are first recorded in the national budget (p.73). The report presents the results of reconciliation of CPDM transfers to FIM of the 30% of Droits Fixes (p.116) and of DNM transfers to FIM of 15% of quarrying materials tax (p.116), while recommending the publication of annual activity and financial reports for the FIM (p.132).

Links are provided to additional information on the management of off-budget funds such as direct subnational payments as well as company contributions to the Local Development Funds (p.86). However, while the report explains that ANAIM withholds revenues from CBG's payments to fund its expenditures on maintenance and development of its infrastructure (p.60), the report states that ANAIM did not disclose the detail of its expenditures on mining infrastructure projects in 2016 to the IA (p.61).

There is no reference in the report to national or international revenue classification systems.

### Stakeholder views

While none of the stakeholders consulted expressed any particular views about the 2016 EITI Report's coverage of extractives revenue distribution, civil society's pre-Validation May 2018 self-assessment expressed satisfaction with coverage of revenue distribution in the 2016 EITI Report.<sup>154</sup> However, upon consultations, one government representative highlighted an inaccuracy in the EITI Report by noting that the central bank (BCRG) collected transport fees on gold exports rather than royalties on exports, which were in fact recorded in the national budget. Another government official confirmed that ONAP retained all oil and gas revenues, which were not recorded in the national budget, and that ONAP had not published an annual report or financial statements for 2016. While the government official considered that the EITI Report's explanation of the allocation of revenues collected by ONAP was sufficient given that it indicated that these revenues were used to fund ONAP's operations, several CSOs called for greater clarity on ONAP's financial management through the routine publication of their audited financial statements. Several CSOs also called for greater clarity on ANAIM's expenditures through publication of their audited financial statements, although several government officials and the IA confirmed that ANAIM's 2016 financial statements had been provided to the IA. While several government officials considered that the explanation of ANAIM's management of its off-budget revenues was sufficient in the 2016 EITI Report, several CSOs called for more information than the reference to ANAIM's retaining of revenues to fund its operations.

With regards to revenue classification systems, a government official and a development partner highlighted the transition to revenue nomenclatures based on the IMF's Government Finance Statistics (GFS) in the 2018 supplementary budget, although they emphasised that the transition was still ongoing.

### Initial assessment

The International Secretariat's initial assessment is that Guinea has made satisfactory progress in meeting this requirement. The 2016 EITI Report explains how extractives revenues are recorded in the national budget and provides a general description of the allocation of the small share of extractives revenues retained by individual government entities.

To strengthen implementation, Guinea is encouraged to ensure that there is a clear public explanation of which extractive industry revenues, whether cash or in-kind, are recorded in the national budget and clarify the allocation of revenues not recorded in the national budget, providing links to relevant financial reports as applicable.

---

<sup>154</sup> Civil Society (May 2018), Pre-Validation self-assessment, op.cit., p.44.

## Sub-national transfers (#5.2)

### Documentation of progress

While confirming the lack of subnational transfers in the *oil and gas* sector (p.83), the 2016 EITI Report describes statutory subnational transfers of six types<sup>155</sup> of *mining* revenues (p.73). However, the report clarifies that there have been no subnational transfers to date, given the lack of Ministerial Order setting the modalities of use, management and oversight of the funds through the Local Economic Development Fund (Fonds National de Financement des Collectivités Locales FNLD), established in 2017 (pp.73,129).

The report provides the general formula for calculating subnational transfers, with 15% of all six taxes to be distributed to all local governments' budgets (p.73), irrespective of their hosting extractives activities. While confirming the lack of subnational transfers in 2016, the report provides the value of subnational transfers in 2016 according to the formula in aggregate, for all local governments combined. Given the lack of the Ministerial Order setting the rules for distribution between the local governments, the IA clarifies that it is not possible to disaggregate the value of notional transfers according to the formula by local governments (p.73). The report confirms that executed subnational transfers are required to be published in the Official Gazette (Journal Officiel) and on the websites of the Ministries of Mining, of Decentralisation and of Finance (p.73). The Report does not give any information on ad-hoc transfers from central government to local government units.

### Stakeholder views

There was consensus among stakeholders consulted that there were no subnational transfers of extractives revenues in practice in 2016. Stakeholders, including the IA, confirmed that it would not have been possible to calculate the breakdown in subnational transfers per local government without the implementing Decree, confirming that the 2016 EITI Report's calculations of the aggregate value of subnational transfers according to the formula were as disaggregated as possible for 2016. Civil society's pre-Validation self-assessment confirmed the lack specific revenue-sharing rules pending the 2017 implementing regulations and praised the 2016 EITI Report's calculations of the value of un-transferred subnational revenues in 2016.<sup>156</sup>

The majority of CSO, consulted, together with stakeholders from all other constituencies, emphasized the high degree of public interest in subnational payments. The repeated example cited were the instances of civil unrest in local communities in Boké in 2017.

### Initial assessment

The International Secretariat's initial assessment is that this requirement was not applicable to Guinea in the year under review. The 2016 EITI Report describes statutory subnational transfers linked to mining revenues and provides the general formula for calculating transfers, while confirming that subnational transfers were not effective in 2016 given the lack of implementing Ministerial Order. Nonetheless, the

<sup>155</sup> Droits fixes; taxe sur l'extraction des substances minières autre que les Métaux précieux ; taxe sur la production industrielle ou semi-industrielle des Métaux précieux; taxe sur les Substances de carrières; taxe à l'exportation sur les substances minières autres que sur les substances précieuses; taxe à l'exportation sur la production artisanale d'or.

<sup>156</sup> Civil Society (May 2018), Pre-Validation self-assessment, op.cit., p.44.

report provides calculations of the value of subnational transfers that should have been executed in line with the revenue-sharing formula in 2016.

To strengthen implementation, Guinea is encouraged to consider means of systematically disclosing information mandated per Requirement 5.2 through routine government systems, leveraging IT platforms developed by civil society.

## Additional information on revenue management and expenditures (#5.3)

### Documentation of progress

While confirming the lack of other earmarked extractives revenues, which are all transferred to the single Treasury account (p.87), the 2016 EITI Report confirms that 5% of six types of mining taxes<sup>157</sup> are required to be transferred to the Mining Investment Fund ('Fonds d'Investissement Minier') (p.73). The CPDM transfers to FIM of the 30% of Droits Fixes (p.116) and the DNM transfers to FIM of 15% of quarrying materials tax (p.116) are comprehensively disclosed and reconciled. Overviews of the Mining Investment Fund and the FODEL are provided (pp.87-88).

The report also provides an overview of the budget-making process (p.85), including links to additional information on budget allocations (pp.86-87), and a description of statutory audit procedures for government entities, including recent reforms, and confirms the lack of Cour des Comptes audits in 2016 (p.89). The report also describes statutory audit procedures for SOEs (pp.59,64,68).

The report does not provide additional details on other relevant information such as projected production, commodity prices and revenue forecasts.

### Stakeholder views

Stakeholders from government confirmed the lack of other earmarked extractives funds aside from transfers to the FIM. Civil society's pre-Validation self-assessment called for the inclusion of additional details on projected production, commodity prices and revenue forecast.<sup>158</sup> The Budget Department publishes the annual budget, but no execution reports to date, for the years up to and including 2016.<sup>159</sup> Government entities and development partners noted plans to produce timelier budget execution reports from 2019 onwards (*see Requirement 4.9*). One development partner noted the significant challenges in revenue traceability and tax administration given limited inter-operability across the databases of different government departments such as the MEF and MMG.

### Initial assessment

Reporting on revenue management and expenditures is encouraged but not required by the EITI Standard and progress with this requirement will not have any implications for a country's EITI status. It is

<sup>157</sup> Droits fixes; taxe sur l'extraction des substances minières autre que les Métaux précieux ; taxe sur la production industrielle ou semi-industrielle des Métaux précieux; taxe sur les Substances de carrières; taxe à l'exportation sur les substances minières autres que sur les substances précieuses; taxe à l'exportation sur la production artisanale d'or.

<sup>158</sup> Civil Society (May 2018), Pre-Validation self-assessment, op.cit., p.46.

<sup>159</sup> See Direction Nationale du Budget website, Section on Lois de Finances, accessed [here](#) in September 2018.

encouraging that the MSG has made some attempt at including information on the budget-making and government audit processes and revenue earmarks in the 2016 EITI Report.

To further strengthen implementation, Guinea may wish to provide additional public information on projected production, commodity prices and revenue forecasts to provide more contextual background to the macro-economic impact of the extractive industries in response to strong public demand.

**Table 5 - Summary initial assessment table: Revenue management and distribution**

EITI provisions	Summary of main findings	International Secretariat's initial assessment of progress with the EITI provisions
Distribution of revenues (#5.1)	The 2016 EITI Report explains how extractives revenues are recorded in the national budget and provides a general description of the allocation of the small share of extractives revenues retained by individual government entities.	Satisfactory progress
Sub-national transfers (#5.2)	The 2016 EITI Report describes statutory subnational transfers linked to mining revenues and provides the general formula for calculating transfers, while confirming that subnational transfers were not effective in 2016 given the lack of implementing Ministerial Order. Nonetheless, the report provides calculations of the value of subnational transfers that should have been executed in line with the revenue-sharing formula in 2016.	Not applicable
Information on revenue management and expenditures (#5.3)	It is encouraging that the MSG has made some attempt at including information on the budget-making and government audit processes and revenue earmarks in the 2016 EITI Report.	
<p>Secretariat's recommendations:</p> <ol style="list-style-type: none"> <li>1. To strengthen implementation, Guinea is encouraged to ensure that there is a clear public explanation of which extractive industry revenues, whether cash or in-kind, are recorded in the national budget and clarify the allocation of revenues not recorded in the national budget, providing links to relevant financial reports as applicable.</li> <li>2. To strengthen implementation, Guinea is encouraged to consider means of systematically disclosing information mandated per Requirement 5.2 through routine government systems, leveraging IT platforms developed by civil society.</li> <li>3. To further strengthen implementation, Guinea may wish to provide additional public information on projected production, commodity prices and revenue forecasts to provide more contextual background to the macro-economic impact of the extractive industries in response to strong public demand.</li> </ol>		

## 6. Social and economic spending

### 6.1 Overview

This section provides details on the implementation of the EITI requirements related to social and economic spending (SOE quasi-fiscal expenditures, social expenditures and contribution of the extractive sector to the economy).

### 6.2 Assessment

#### Social expenditures (#6.1)

##### Documentation of progress

*Mandatory social expenditures:* In *oil and gas*, the 2016 EITI Report confirms the lack of legal provisions requiring mandatory contributions to local development in the Petroleum Code (p.84) and the lack of social expenditures by ONAP in 2016 (p.83).

In *mining*, the report describes two types of mandatory social expenditures: contributions in line with mandatory Community Development Agreements (CDAs) on the one hand, and Community Development Projects required by certain mining contracts on the other (pp.71-72). For the first type, the report describes CDAs and the statutory minimum<sup>160</sup> for social expenditures under these agreements (p.71). For the second type, the report only provides a general description of obligations in certain contracts for companies to fund Community Development Projects in consultation with local authorities (p.72), without specifying which companies were contractually required to do so. The report confirms that the MSG adopted a materiality threshold of zero for selecting social expenditures for disclosure (p.16). The list of revenue streams included in the scope of reconciliation clearly indicate that companies were required to unilaterally disclose mandatory social expenditures, as distinct from voluntary social expenditures (p.27).

The value of mining companies' payments under CDAs is provided in aggregate (p.71), disaggregated by company (p.123) and disaggregated by company, payment and beneficiary in Annex 8 (pp.154-157). The results of four companies' reporting of the second type of mandatory social expenditures are provided disaggregated by company (p.123), and by company, type of expenditure and beneficiary in Annex 9 (p.158). The report confirms that these were made in cash, not in kind (p.123). It appears that two of the six companies that were considered material for mandatory social expenditures did not fully report all details of their mandatory social expenditures (p.158).

Finally, the report describes mandatory social expenditures undertaken by CBG in subsidising the operations of the ANAIM hospital in Boké, in line with Article 40.2 of the mining infrastructure concession agreement between CBG and ANAIM (p.57). Based on stakeholder consultations conducted by the IA, the report describes a ceiling of USD 3.5m a year in CBG's subsidies for the ANAIM hospital in Boké (p.57). The value of monthly CBG payments of subsidies to the ANAIM hospital is provided, indicating the identity of the ANAIM hospital as beneficiary and implying that all subsidies were paid in cash, not in kind (p.58).

---

<sup>160</sup> The ceiling for payments under the Community Development Agreements is set at 0.5% of a company's turnover on a specific license for mineral substances under category 1 and 1% of turnover for licenses of other mineral substance categories.

***Beneficiaries:*** The report provides the identity of beneficiaries of mandatory social expenditures.

***Voluntary social expenditures:*** The report confirms that mining companies undertake voluntary social expenditures either directly or indirectly (p.72). The results of six companies' reporting of voluntary social expenditures are provided in aggregate per company, disaggregated between five companies' cash payments and two companies' in-kind payments (p.123). Annex 10 presents the detail of reported voluntary social expenditures, disaggregated by expenditure and beneficiary (pp.159-170). The aggregate value (GNF 5.2bn) of CBG's voluntary social expenditures in 2016 is also provided (p.58).

## Stakeholder views

Industry representatives consulted did not express any views about the omissions in two mining companies' reporting of their mandatory social expenditures. Civil society's pre-Validation self-assessment, and consultations with CSO stakeholders, expressed significant concern at the lack of mechanisms for monitoring compliance with mandatory social expenditure requirements, either at the national or subnational levels.<sup>161</sup> Several CSOs called for the reconciliation of mandatory social expenditures in future EITI Reports, given their concerns over the alleged opacity of social spending and despite challenges in reconciling direct subnational payments (*see Requirement 4.6*).

## Initial assessment

The International Secretariat's initial assessment is that Guinea has made satisfactory progress towards meeting this requirement. The 2016 EITI Report confirms the existence of mandatory social expenditures and discloses the nature and value of mandatory social expenditures, including identifying the beneficiaries. While there is a case for arguing that Guinea has gone beyond the minimum requirements by providing additional information on discretionary social expenditures as encouraged by the EITI Standard, the gaps in two companies' reporting of their mandatory social expenditures mean that the objective of the requirement has only been met, not exceeded.

To strengthen implementation, Guinea may wish to more clearly categorise contractual terms requiring mandatory social expenditures from mining companies as a means of ensuring (and demonstrating) the comprehensiveness of EITI reporting of mandatory social expenditures. Guinea is encouraged to ensure comprehensive reporting of social expenditures by all companies participating in future EITI Reports. Given the significance of social expenditures for public debate, Guinea may wish to consider the feasibility of reconciling mandatory social expenditures.

## SOE quasi fiscal expenditures (#6.2)

### Documentation of progress

The 2016 EITI Report describes as quasi-fiscal expenditures ANAIM's payments to the Kamsar Hospital for birth-care, subsidies to cover deficits as well as compensation for communities living around the area hosting the expansion of the CBG project (pp.62-63). The value of monthly payments for each of the three types of ANAIM expenditures is provided (pp.62-63).

---

<sup>161</sup> Civil Society (May 2018), Pre-Validation self-assessment, op.cit., p.48.

The report confirms the lack of quasi-fiscal expenditures in 2016 by ONAP (p.83) and by SOGUIPAMI in 2016 (p.67). However, it is stated that the IA “understands” that SOGUIPAMI “is represented” in the payments by its partners to local communities (p.67).

Finally, the report provides information on activities involving SOGUIPAMI that could be considered quasi-fiscal under the definition of quasi-fiscal activities in the IMF’s Fiscal Transparency Manual, although it does not describe them as such (p.66). The report describes a USD 5m loan to the state from a private company (the SMB-WAP consortium) concluded in November 2016, reimbursed through deductions (of USD 0.3 of the USD 0.5 per ton) that is owed by SMB to SOGUIPAMI in resale duties (‘Droits de suite’) from the Malapouya license (p.66). This implies forgone revenue for SOGUIPAMI, in repayment of a sovereign loan to a private creditor. The report explains that the USD 5m loan was contracted to pay for the acquisition of geophysical data that SOGUIPAMI would subsequently re-sell to reimburse itself for the forgone revenue from SMB’s deductions from its resale duty (‘Droit de suite’) liability (p.66). The report provides the volumes of bauxite extracted from Malapouyah, the value of the USD 0.5 per ton resale duty (‘Droit de suite’) due (but not paid) to SOGUIPAMI, the value of the USD 0.3 per ton fee withheld by SMB from its resale duty liabilities to SOGUIPAMI, as well as the value of outstanding resale duties (‘Droit de suite’) still due (not yet paid) to SOGUIPAMI in December 2016 (p.66).

### Stakeholder views

There was considerable concern from all stakeholders consulted in quasi-fiscal expenditures by ANAIM, with repeated allegations of opacity in the financial management of the SOE and reference to past scandals in its administration. Several CSOs alleged political interference in the management of ANAIM, citing payments by the SOE for travel costs for visiting dignitaries and officials in Boké. However, all government stakeholders consulted, and civil society’s pre-Validation self-assessment<sup>162</sup>, expressed satisfaction at the coverage of quasi-fiscal expenditures in the 2016 EITI Report. However, in consultations, the majority of CSOs indicated a lack of trust in the comprehensiveness of ANAIM’s disclosures of quasi-fiscal expenditures in the EITI Report in the absence of publicly-accessible audited financial statements. The IA confirmed it had been provided with a copy of ANAIM’s audited financial statements in preparation of the 2016 EITI Report, even if these were not publicly-accessible. There was consensus among stakeholders consulted that ANAIM had undertaken additional quasi-fiscal expenditures than the types listed in the 2016 EITI Report in 2017, when it purchased generators for local communities in Boké in response to government directions following protests in the region.

All stakeholders consulted expressed confidence that SOGUIPAMI did not undertake any quasi-fiscal expenditures given the public accessibility of their audited financial statements. Clarifying the statement in the 2016 EITI Report, the IA and government officials confirmed that SOGUIPAMI only witnessed in person the payment of companies’ social expenditures to local communities and governments given that these were cash payments. They confirmed that these did not represent quasi-fiscal expenditures, despite the statement having been included under the report’s section on quasi-fiscal activities.

While several CSOs and journalists expressed concern over alleged opacity in the financial management of ONAP, highlighting the lack of financial information on the SOE, none of the stakeholders consulted offered any (anecdotal) evidence of ONAP expenditures that could be considered quasi-fiscal.

---

<sup>162</sup> Civil Society (May 2018), Pre-Validation self-assessment, op.cit., p.49.

## Initial assessment

The International Secretariat's initial assessment is that Guinea has made meaningful progress towards meeting this requirement. The 2016 EITI Report describes quasi-fiscal expenditures undertaken by one of the three extractives SOEs in Guinea and confirms the lack of such expenditures by the other two SOEs. The three types of quasi-fiscal expenditures described are presented disaggregated to a level commensurate with other payments and revenue streams. However, the report includes a description of another type of forgone revenue by one SOE, in repayment of a sovereign debt, that fit the description of quasi-fiscal expenditures in line with the definition in the IMF's Fiscal Transparency Manual, although there is insufficient information in the public domain to assess this categorisation. In light of public mistrust of certain extractives SOEs, the International Secretariat's view is that while significant aspects of the requirement have been met, the broader objective of comprehensive transparency of quasi-fiscal expenditures linked to extractives revenues has yet to be fully achieved.

In accordance with Requirement 6.2, Guinea should 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 implementation, Guinea is strongly encouraged to consider the extent to which routine publication of SOEs' annual audited financial statements would help promote greater trust in the quality and comprehensiveness of public disclosures of quasi-fiscal expenditures.

## Contribution of the extractive sector to the economy (#6.3)

### Documentation of progress

Share of GDP: The 2016 EITI Report provides the contribution of the extractive industries to GDP in relative terms (p.14,94), and in absolute terms (p.94), based on BCRG disclosures. The report also provides an overview of the informal sector, in the form of artisanal gold and diamond mining, with key figures including estimates of mining population, average annual revenues, production and foregone government revenues due to the informal nature of production (p.76).

Government revenues: The report provides the contribution of extractives revenues in absolute terms (pp.13,93), and relative to total government revenues (pp.14,93). The report also presents a series of graphs analysing the composition of government extractives revenues (pp.119-121).

Exports: The report provides the contribution of the extractive industries to exports in relative terms (pp.14,94), and in absolute terms (p.94).

Employment: The report provides the contribution of the extractive industries to employment in relative terms (pp.14,94), and in absolute terms (p.94). The detail of 23 of the 36 material companies' reporting of their staffing levels is provided in Annex 4 (pp.146-147).

Location: The report provides an overview of the location of mining deposits and extractives activities, including relevant maps (pp.30,31,225-229).

## Stakeholder views

Most stakeholders consulted did not express any views on the 2016 EITI Report's coverage of the extractive industries' contribution to the economy, other than the comments on production and exports data (see *Requirements 3.2 and 3.3*). One stakeholder noted however that the quality and exhaustivity information on the contribution of the mining sector in Guinea's economy could be improved.

## Initial assessment

The International Secretariat's initial assessment is that Guinea has made satisfactory progress towards meeting this requirement. The 2016 EITI Report provides, in absolute and relative terms, the extractives contribution to GDP, government revenues, exports, and employment. An overview of the location of extractives activities is provided, alongside a description of informal activities in the extractive industries.

To strengthen implementation, Guinea may wish to work with relevant government entities to ensure that all information listed under Requirement 6.3 is routinely disclosed as part of government's regular disclosures.

**Table 6- Summary initial assessment table: Social and economic spending**

EITI provisions	Summary of main findings	International Secretariat's initial assessment of progress with the EITI provisions
Social expenditures (#6.1)	The 2016 EITI Report confirms the existence of mandatory social expenditures and discloses the nature and value of mandatory social expenditures, including identifying the beneficiaries. While there is a case for arguing that Guinea has gone beyond the minimum requirements by providing additional information on discretionary social expenditures as encouraged by the EITI Standard, the gaps in two companies' reporting of their mandatory social expenditures mean that the objective of the requirement has only been met, not exceeded.	Satisfactory progress
SOE quasi fiscal expenditures (#6.2)	The 2016 EITI Report describes quasi-fiscal expenditures undertaken by one of the three extractives SOEs in Guinea and confirms the lack of such expenditures by the other two SOEs. The three types of quasi-fiscal expenditures described are presented disaggregated to a level commensurate with other payments and	Meaningful progress

	<p>revenue streams. However, the report includes a description of another type of forgone revenue by one SOE, in repayment of a sovereign debt, that fit the description of quasi-fiscal expenditures in line with the definition in the IMF's Fiscal Transparency Manual, although there is insufficient information in the public domain to assess this categorisation. In light of significant public mistrust of certain extractives SOEs, the International Secretariat's view is that while significant aspects of the requirement have been met, the broader objective of comprehensive transparency of quasi-fiscal expenditures linked to extractives revenues has yet to be fully achieved.</p>	
<p>Contribution of the extractive sector to the economy (#6.3)</p>	<p>The 2016 EITI Report provides, in absolute and relative terms, the extractives contribution to GDP, government revenues, exports, and employment. An overview of the location of extractives activities is provided, alongside a description of informal activities in the extractive industries.</p>	<p>Satisfactory progress</p>
<p>Secretariat's recommendations:</p> <ol style="list-style-type: none"> <li>1. To strengthen implementation, Guinea may wish to more clearly categorise contractual terms requiring mandatory social expenditures from mining companies as a means of ensuring (and demonstrating) the comprehensiveness of EITI reporting of mandatory social expenditures. Guinea is encouraged to ensure comprehensive reporting of social expenditures by all companies participating in future EITI Reports. Given the significance of social expenditures for public debate, Guinea may wish to consider the feasibility of reconciling mandatory social expenditures.</li> <li>2. In accordance with Requirement 6.2, Guinea should 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 implementation, Guinea is strongly encouraged to consider the extent to which routine publication of SOEs' annual audited financial statements would help promote greater trust in the quality and comprehensiveness of public disclosures of quasi-fiscal expenditures.</li> <li>3. To strengthen implementation, Guinea may wish to work with relevant government entities to ensure that all information listed under Requirement 6.3 is routinely disclosed as part of government's regular disclosures. Guinea may also wish to strengthen the exhaustivity and quality assurance process of data related to the contribution of the mining sector in Guinea's economy.</li> </ol>		

## Part III – Outcomes and Impact

### 7. Outcomes and Impact

#### 7.1 Overview

This section assesses implementation of the EITI Requirements related to the outcomes and impact of the EITI process.

#### 7.2 Assessment

##### Public debate (#7.1)

##### Documentation of progress

**Comprehensibility:** The Technical Secretariat has led EITI Guinea's efforts to communicate and promote EITI information, with an active contribution from Civil Society in dissemination efforts (*see Requirement 1.2*). Guinea EITI has published the 2016 EITI Report and summary report on its website.<sup>163</sup> The MSG developed its first communications plan in 2011, developed in collaboration with GIZ.<sup>164</sup> The plan aimed to create conditions for a permanent dialogue on the use of natural resources and included an analysis of public awareness on Guinea EITI at that time. The 2017 Communications plan is available on the EITI Guinea website.<sup>165</sup> Action Mines produced a summary of the 2016 EITI Report<sup>166</sup> and dissemination activities were carried out in local languages. With the support of GIZ, local-language radio journalists have been trained to include EITI information and debates related to the economic development as well as the impact of mining on local communities in their program schedules (p.15).<sup>167</sup> GIZ also produced a documentary film, available in local languages including poular, kpele, soussou and malinké.<sup>168</sup>

**Promotion:** The Guinea EITI Secretariat and MSG have actively promoted EITI information through press briefings, dissemination and outreach events, social media and capacity building workshops. There has been some national press coverage of Guinea EITI, particularly around the launch of EITI Reports.<sup>169</sup> The 2016 EITI Report was launched in a public event on 28 June 2018 and dissemination activities in the mining regions are planned for the second half of 2018. The 2014 and 2015 EITI Reports were disseminated in the capital Conakry.<sup>170</sup> The Technical Secretariat has coordinated the MSG's promotion of EITI information in the main mining regions such as Boké. According to the 2017 annual progress report, the Technical Secretariat engaged in radio programs on issues such as materiality and scoping, workshops

<sup>163</sup> Guinea EITI (2018), Résumé du Rapport ITIE 2016 accessed [here](#) on 19/09/2018

<sup>164</sup> Guinea EITI (2011) Communications Strategy accessed [here](#) on 08/09/2018

<sup>165</sup> Guinea EITI (2017) Communications Strategy accessed [here](#) on 08/09/2018

<sup>166</sup> Action Mines (2015) Résumé du rapport ITIE Guinée accessed [here](#) on 18/09/2018

<sup>167</sup> GIZ Guinea (2017) « Rapport sur l'atelier de formation des journalistes en langue nationale sur la communication de l'ITIE » accessed [here](#) on 18/09/2018

<sup>168</sup> Guinea EITI (2018) Film documentaire sur l'ITIE accessed [here](#) on 18/09/2018

<sup>169</sup> Guinée Synthèse (2017) « Le rapport ITIE Guinée 2015 publié à Conakry » accessed [here](#) on 18/09/2018 ; Le Jour Guinée 2018 « Présentation des rapports 2014 et 2015 de l'ITIE Guinée » accessed [here](#) on 18/09/2018

<sup>170</sup> Guinée Matin (2016) "Présentation des rapport 2014-2015 de l'ITIE Guinée" accessed [here](#) on 24/09/2018 ; Aminata (2018) « Présentations des rapports 2013, 2014, 2015 de l'ITIE Guinée » accessed [here](#) on 24/09/2018

on the governance of the sector including on corporate social responsibility and within communities hosting extractives activities in collaboration with the West-Africa Governance and Economic Sustainability In Extractive Areas project (WAGES) funded by Canada (pp.11-17).<sup>171</sup> This project supports inclusive sustainable economic development and poverty reduction, with a focus on women and youth, as well as accountable governance in the Préfecture of Boké. Dissemination activities have also targeted universities and students, particularly in the capital Conakry.<sup>172</sup>

**Public accessibility:** The EITI Guinea has ensured the public accessibility of EITI information both through online channels and in hard copy through dissemination activities. The Technical Secretariat has improved the website's user interface design and restructured the content architecture, adding an EITI information database in June 2018.<sup>173</sup> Most of this information, including EITI Reports, remained in PDF format with little visualisations of data in EITI Reports. The Guinea EITI seems most active on Facebook.<sup>174</sup> With respect to wider data accessibility, Guinea created a ministerial committee on Guinea's eligibility for the Open Government Partnership in 2017, with an objective of promoting open data.<sup>175</sup> Guinea also publishes its data on contracts<sup>176</sup> and hosts an online mining cadastre.<sup>177</sup> Action Mines produced a summary of the 2016 EITI Report<sup>178</sup> and dissemination activities were carried out in local languages.

**Open data policy:** The Guinea EITI adopted an Open Data policy in June 2016.<sup>179</sup> This policy is broadly aligned with the EITI open data policy<sup>180</sup>. The Guinea EITI policy includes interoperability, open data and reliability as its main principles. It lists websites of the Ministry of Mines, the Chamber of Mines, SOGUIPAMI, the Central Bank, the contract transparency portal and the EITI Report as the main sources of data on the extractives sector. It confirms that data is published in Excel and pdf formats. Tables and annexes of the 2016 EITI Report are available on the Guinea EITI website in Excel format, however these tables leave out reconciled payments sheets by companies.<sup>181</sup>

**Contribution to public debate:** There is evidence of media coverage of EITI, particularly at the time of EITI Report launches (see *Promotion* above). MSG meetings are filmed by the National TV and a summary of the meetings and interviews are broadcasted. Although engagement with parliamentarians figured in the draft 2017 Communications plan, there is no publicly-accessible evidence that parliamentarians and political parties have used EITI data in their review of the budget or of mining-sector governance policy. Other than articles covering the launch of EITI Reports, as well as articles and research by CSOs working on mining issues, there is little evidence of use of EITI data in the media. Dissemination activities in mining regions have contributed to public debates related subnational payments made by companies and the socio-economic contribution of the mining industry in these regions.<sup>182</sup> The EITI has also contributed to the public debate about Guinea's economy being too dependent on the mining sector.<sup>183</sup>

<sup>171</sup> Guinea EITI (2017) Annual Progress Report accessed [here](#) on 08/09/2018

<sup>172</sup> Guinée 7 (2018) « Le rapport ITIE 2016 Guinée au cœur d'une conférence débat » accessed [here](#) on 18/09/2018

<sup>173</sup> Guinea EITI (2018) Document Database accessed [here](#) on 08/09/2018

<sup>174</sup> Guinea EITI Facebook page accessed [here](#) on 08/09/2018

<sup>175</sup> Decree No.6553 on Guinea's ministerial OGP Committee 2017 accessed [here](#) on 08/09/2018:

<sup>176</sup> Contrats Miniers Guinée (2018) Online mining contract database accessed [here](#) on 08/09/2018

<sup>177</sup> CPDM (2018) Online mining cadastre accessed [here](#) on 08/09/2018

<sup>178</sup> Action Mines (2018) "Résumé du rapport ITIE Guinée 2015" accessed [here](#) on 18/09/2018

<sup>179</sup> Guinea-EITI Open Data Policy (2016) accessed [here](#) on 08/09/2018

<sup>180</sup> EITI open data policy accessed [here](#) on 18/09/2019

<sup>181</sup> EITI Guinea (2018) Tableaux et annexes du rapport ITIE 2016 accessed [here](#) on 18/09/2018

<sup>182</sup> Boké: les rapports 2013, 2014, 2015 présentés dans les préfectures accessed [here](#) on 17/09/2018

<sup>183</sup> La dépendance de la Guinée sur l'exploitation minière inquiète les spécialistes accessed [here](#) on 18/09/2018

## Stakeholder views

In civil society's pre-Validation self-assessment, 64.5% of the 31 civil society respondents considered that the EITI Report was comprehensive and easily accessible. Reasons cited by civil society representatives who did not find EITI Reports accessible included the report's size and readability by everyday citizens. Only 19.4% of civil society respondents considered that the EITI Report was available in appropriate languages. While acknowledging that the open data policy was published on the EITI Guinea website, they noted that the data was not yet available in an open-data format and called for the implementation of the EITI Guinea open data policy. Some 74.2% of respondents were aware of EITI dissemination efforts and their link to public debate. Civil society stakeholders highlighted the importance of information on subnational payments and transfers for public debate and considered that the EITI was the only way to get reliable and comprehensive information on the sector. The Technical Secretariat noted that dissemination activities had continued in 2014 and 2015 despite the Ebola epidemics. Industry stakeholders consulted mentioned that the EITI had had an impact in enhancing public understanding their activities and contributed to their communications and corporate social responsibility efforts. They noted however that EITI data was still not fully accessible and understood by local communities. A CSO noted that although articles on the EITI Reports appeared regularly in the media, they did not contribute significantly to the debate on natural resource governance and did not always use individual EITI data points.

## Initial assessment

The International Secretariat's initial assessment is that Guinea has made satisfactory progress in meeting this requirement. Guinea's EITI Reports are comprehensible and promoted through various channels, including print, online media, radio and TV. However, there is little evidence of specific EITI data points being used by journalists or academia. The EITI appears to have contributed nonetheless to the debate on subnational payments and transfers, local development, as well as discussions on contract disclosure, and licence allocation.

To strengthen implementation, Guinea is encouraged to operationalise its open data policy with a view to facilitating access to and use of EITI data.

## Data Accessibility (#7.2)

### Documentation of progress

The Guinea EITI produced a 34-page summary of the 2016 EITI Report, which is available on the Guinea EITI website.<sup>184</sup> The summary report reproduces key segments of the non-financial information in the 2016 EITI Report, although there appears to be little effort to simplify the language in the EITI Report and use data visualisations to improve the accessibility of the information. In 2017, civil society group Action Mines also produced a communication tools simplifying the content of the 2015 EITI Report.<sup>185</sup> The 2016 EITI Report summarised and compared the share of each revenue stream to the total amount of revenue (p.120). The report also disaggregated mining revenues by type of activity, by mining company and by commodity (pp.119-120). The report disaggregated the revenues accruing to each level of government i.e. by government agency and local communities (p.121).

<sup>184</sup> Guinea EITI 2016 Summary EITI Report accessed [here](#) on 08/09/2018

<sup>185</sup> Action Mines EITI communication tools accessed [here](#) on 08/09/2018

According to the 2017 annual progress report, the MSG undertook capacity-building efforts, especially with civil society and through civil society organisations, to increase awareness of EITI implementation, improve understanding of the information and data from the reports, and encourage use of the information by citizens, the media and others.<sup>186</sup> Publication of the 2014 and 2015 EITI Reports was covered in local newspapers and followed by dissemination activities in areas hosting mining operations. During the roadshows, debates were organised and interactive programs featured in local urban and rural radio shows, in local languages (p.33). The Guinea EITI submitted excel spreadsheets of EITI data to the EITI International Secretariat prior to the commencement of Validation, although these were not yet published as of 1 July 2018. The 2017 annual progress report notes that the MSG is working on a feasibility study for an open data portal with the IT company Development Gateway (p.12).

### Stakeholder views

Civil society representatives noted in their self-assessment that documents on the Guinea EITI website were not available in a format that allowed easy comparison with other data<sup>187</sup>. They called for the MSG to publish information in formats that would allow comparison such as excel before the end of 2018.

### Initial assessment

Requirement 7.2 encourages MSGs to make EITI Reports accessible to public in open data formats. Such efforts are encouraged but not required and are not assessed in determining compliance with the EITI Standard. Guinea EITI published a summary of the 2016 EITI Report. The government has adopted and published a clear policy on public access, release and re-use of EITI data. However there have been no concrete initiative to promote the use of EITI data among the Guinean open data community.

To strengthen implementation, Guinea is encouraged to consider automated online disclosure of extractive revenues and payments by governments and companies on a continuous basis. Guinea is encouraged to make EITI Reports machine readable, and to code or tag EITI Reports and data files so that the information can be compared with other publicly available data by adopting Board-approved EITI data standards. Guinea is encouraged to reference national revenue classification systems, and international standards such as the IMF Government Finance Statistics Manual.

## Lessons Learned and follow-up on recommendations (#7.3)

### Documentation of progress

*Follow-up:* In the 2016 EITI Report, the IA tracked progress of implementation of EITI recommendations in the 2015 EITI Report (pp.129-137). There were four main recommendations, related to improving company reporting, strengthening the Technical Secretariat, creating an online system for government agencies and expanding the scope of EITI reconciliation. The EITI Report noted that the MSG had continued to engage with companies to improve their reporting and to liaise with the Prime Minister on increasing funding for the EITI. It noted plans to establish an online system that would allow the Tax Authority, Treasury, Customs and the cadastral office to monitor mining revenues received by

<sup>186</sup> Guinea EITI 2017 Annual Progress Report accessed [here](#) on 08/09/2018

<sup>187</sup> Guinea EITI website accessed [here](#) on 08/09/2018

government in real time. Like the 2017 annual progress report (p.36), the 2016 EITI Report highlighted progress in expanding the scope of EITI reporting and the creation of the National Agency for the Financing of Local Communities (ANAFIC) (p.137). The MSG's ad-hoc working group on monitoring and evaluation is tasked with overseeing the implementation of the workplan and to ensure that MSG decisions and EITI recommendations are implemented. There is no evidence of MSG discussion of recommendations after the publication of the EITI Report.<sup>188</sup>

*Discrepancies:* The 2016 EITI Report notes that the main cause of discrepancies in EITI reporting was a lack of reporting by companies, with discrepancies totalling USD 6,984,483 in 2016. Other causes of discrepancies detailed in the 2016 EITI Report included non-reported taxes, taxes reported outside the reconciliation scope, taxes paid outside of the reconciliation timeframe and exchange-rate differences. To address this problem, the IA recommended that the Guinea EITI make greater efforts to engage companies participating in EITI reporting so that they provide reporting templates in a timely manner and with the required quality assurances.

*Reforms:* Some recommendations in the 2015 and 2016 Guinea EITI Reports are linked to on-going reforms in the mining sector, including improvements in the reliability of data contained in the mining cadastre, making the Mining Investment Fund (FIM) more transparent through the publication of its activity and financial reports, improving transparency in the redistribution of mining revenues at the sub-national level in line with the creation of the Local Economic Development Fund (FODEL) and the Agency for Financing Local Communities (ANAFIC).

## Stakeholder views

In its pre-Validation self-assessment, civil society representatives noted that based on the 2013, 2014 and 2015 EITI Reports, the mining cadastre had been modernized and the scope of EITI reporting had been expanded to include the oil and gas sector, SOGUIPAMI and quasi-fiscal expenditures. They recommended that companies report in a timely manner and follow communities' codes for voluntary contributions. Stakeholders consulted expressed different opinions on whether there was satisfactory follow-up on EITI recommendations. A representative of the Technical Secretariat indicated that the MSG's Working Group on Monitoring and Evaluation was effective in following up on EITI recommendations. He noted that the MSG working group on monitoring and evaluation kept a spreadsheet to track implementation of EITI recommendations and that the Technical Secretariat took actions systematically to follow-up on recommendations. Some CSOs consulted considered that there was little actual follow up on EITI recommendations and raised concerns that the same recommendations kept reappearing in each new EITI Report.

## Initial assessment

The International Secretariat's initial assessment is that Guinea has made meaningful progress in meeting this requirement. The MSG and the government have taken some steps to act upon lessons learnt, to identify, investigate and address the causes of any discrepancies and weaknesses of the EITI process. However, there is no evidence showing how the MSG discusses, prioritises, and follows up on EITI recommendations. In the Secretariat's view, the MSG does not have a structured and systematic procedure to follow up on EITI recommendations.

---

<sup>188</sup> Guinea EITI « Règlement intérieur des organes ITIE-Guinée », accessed [here](#) on 18/09/2018.

In accordance with Requirement 7.3, the MSG should introduce a systematic and structured mechanism to track follow-up on recommendations, with a clear timeframe and clear responsibilities for following up. The MSG should also take a more proactive role in formulating its own recommendations. The MSG may also wish to include Validation, as a means of ensuring closer attention to implementation. The MSG may also wish to consider utilising the Supervisory Committee to follow-up on recommendations from past EITI Reports and Validation as a means of ensuring the sustainability and continued effectiveness of follow-up channels.

## Outcomes and impact of implementation (#7.4)

### Documentation of progress

Guinea published its 2017 annual progress report in April 2018.<sup>189</sup> There is no evidence to suggest that stakeholders beyond the MSG were consulted in the preparation of this report. The 2017 annual progress report included a summary of EITI activities undertaken in 2016 both by the Supervisory Council and the MSG (pp.8-18). Some of the main achievements highlighted in the summary of activities include the adoption of the workplan by the Supervisory Committee, chaired by the Prime Minister of Guinea (pp.8), a review of EITI Guinea's institutions and adoption of a revised ToR for the MSG (p.9) and recruitment of the Independent Administrator for the 2016 and 2017 EITI Reports (p.10). The report also includes an extensive list of radio programmes, capacity building workshops and MSG meetings (pp.11-17).

The 2017 annual progress report included an assessment of progress with meeting and maintaining compliance with each EITI Requirement, and any steps taken to exceed the requirements (pp.29-34). This included actions undertaken to address issues such as subnational transfers, beneficial ownership and contracts. The annual progress report noted that EITI Reports detail all payments by mining companies to the state and the subsequent allocation to local communities (p.33). It also noted that all contracts are available online at [www.contratsminiersguinee.org](http://www.contratsminiersguinee.org) (p.33).

The 2017 annual progress report included an overview of the multi-stakeholder group's responses to and progress made in addressing the recommendations from reconciliation in accordance with Requirement 7.3 (pp.34-36). Although the annual progress report, published in April 2018, does not list follow-up of recommendations made in EITI reports prior to 2015, this is done by the IA in the 2016 EITI Report (pp 129-137).

The 2017 annual progress report included an assessment of progress with achieving the activities set out in its workplan (Requirement 1.5), including the outputs and outcomes of the stated objectives (pp.21-23). However, it did not contain any evaluation of the actual impact of EITI implementation on reforms and on the public debate on the mining sector in Guinea.

### Stakeholder views

The civil society pre-Validation self-assessment highlighted that consultancy firm ISADES had conducted an MSG-mandated study on community investments by mining companies in 2015, which assessed the

---

<sup>189</sup> EITI Guinea 2017 Annual Progress Report accessed [here](#) on 08/09/2018

impact of mining companies' community investments in mining regions (p.54). They noted that previous EITI recommendations were not included in the annual progress report and that only 30-40% of activities outlined in the workplan had been completed due to their inability to raise the needed funds. Civil society stakeholders noted that they contributed actively to improve the quality of the annual progress report and had consulted CSOs outside the MSG. Government and civil society stakeholders consulted confirmed that there had been no concerted efforts to evaluation the impact of EITI implementation in Guinea.

### Initial assessment

The International Secretariat's initial assessment is that Guinea has made meaningful progress in meeting this requirement. The MSG has reviewed progress and outcomes of implementation on a regular basis, including by publishing annual progress reports over the past five years. Guinea's 2017 EITI annual progress report provided a summary of activities, an assessment of meeting and maintaining compliance with each requirement, an overview of responses to Validation and reconciliation recommendations, an assessment of progress in meeting workplan objectives, an evaluation of the implementation of the beneficial ownership roadmap and a narrative account of efforts to strengthen EITI implementation. It is the Secretariat's view however that there has been no concerted effort to document and evaluate the impact of EITI since 2014.

In accordance with requirement 7.4, the MSG should consider using the annual progress report to evaluate the impact of the EITI, beyond describing outputs and outcomes of workplan activities. The MSG should also undertake an impact assessment with a view to identify opportunities for increasing the impact of implementation in Guinea. Greater effort could also be made to canvass the broader constituencies for input in assessing the outcomes and impact of EITI implementation through the annual progress report.

**Table 7 - Summary initial assessment table: Outcomes and impact**

EITI provisions	Summary of main findings	Validator's recommendation on compliance with the EITI provisions
Public debate (#7.1)	Guinea's EITI Reports are comprehensible and promoted through various channels, including print, online media, radio and TV. However, there is little evidence of specific EITI data points being used by journalists or academia. The EITI appears to have contributed nonetheless to the debate on subnational payments and transfers, local development, as well as discussions on contract disclosure, and licence allocation	Satisfactory progress
Data accessibility (#7.2)	EITI Guinea published a summary of the 2016 EITI Report. The government has adopted and published a clear policy on public access, release and re-use of EITI data. However there have been no concrete initiative to promote the use of EITI data among the Guinean open data community.	

Lessons learned and follow up on recommendations (7.3)	The MSG and the government have taken some steps to act upon lessons learnt, to identify, investigate and address the causes of any discrepancies and weaknesses of the EITI process. However, there is no evidence showing how the MSG discusses, prioritises, and follows up on EITI recommendations. In the Secretariat's view, however the MSG does not have a structured and systematic procedure to follow up on EITI recommendations.	Meaningful progress
Outcomes and impact of implementation (#7.4)	The MSG has reviewed progress and outcomes of implementation on a regular basis, including by publishing annual progress reports over the past five years. Guinea's 2017 EITI annual progress report provided a summary of activities, an assessment of meeting and maintaining compliance with each requirement, an overview of responses to Validation and reconciliation recommendations, an assessment of progress in meeting workplan objectives, an evaluation of the implementation of the beneficial ownership roadmap and a narrative account of efforts to strengthen EITI implementation. It is the Secretariat's view however that there has been no concerted effort to document and evaluate the impact of EITI since 2014.	Meaningful progress

Secretariat's recommendations:

1. To strengthen implementation, Guinea is encouraged to operationalise its open data policy with a view to facilitating access to and use of EITI data.
2. To strengthen implementation, Guinea is encouraged to consider automated online disclosure of extractive revenues and payments by governments and companies on a continuous basis. Guinea is encouraged to make EITI Reports machine readable, and to code or tag EITI Reports and data files so that the information can be compared with other publicly available data by adopting Board-approved EITI data standards. Guinea is encouraged to reference national revenue classification systems, and international standards such as the IMF Government Finance Statistics Manual.
3. In accordance with Requirement 7.3, the MSG should introduce a systematic and structured mechanism to track and follow up on recommendations, with a clear timeframe and clear responsibilities for following up. The MSG should also take a more proactive role in formulating its own recommendations. The MSG may also wish to include Validation, as a means of ensuring closer attention to implementation. The MSG may also wish to consider utilising the Supervisory Committee to follow-up on recommendations from past EITI Reports and Validation as a means of ensuring the sustainability and continued effectiveness of follow-up channels.
4. In accordance with requirement 7.4, the MSG should consider using the annual progress report to evaluate the impact of the EITI, beyond describing outputs and outcomes of workplan activities. The MSG should also undertake an impact assessment with a view to identify opportunities for increasing the impact of implementation in Guinea. Greater effort could also be made to canvass the broader constituencies for input in assessing the outcomes and impact of EITI implementation through the annual progress report.

## 8. Impact analysis (not to be considered in assessing compliance with the EITI provisions)

### Impact

EITI implementation in Guinea has been resilient since 2005, while the country navigated a democratic transition in 2010 and the Ebola epidemics in 2014/2015. The government, civil societies and mining companies are using the EITI to produce comprehensive and reliable information on the mining sector, including on licencing, contracts, revenue redistribution, and on the social and economic impact of mining activities. The EITI report has grown more exhaustive over the years, expanding to the oil and gas sector, and to state-owned enterprises. The MSG creates a climate of trust between the players in the mining sector and channel public demand for information and grievances through institutionalised mechanisms for dialogue.

Guinea's 2011 mining code, revised in 2013, contains several requirements aimed at enhancing transparency and good governance in the sector.<sup>190</sup> With regards to local development, Article 131 requires holders of mining licences to develop a local development contract with communities living around mining sites to improve living conditions and create economic opportunities. Article 165 provides for both direct payments and transfers of royalties (15%) to local communities, but this mechanism has yet to be implemented. The government has also adopted an ambitious policy of contract transparency. It undertook a review of all mining contracts, which led to the cancellation of 800 licences, and engaged a reform of the cadastre system.

Although there is strong potential for the EITI to have a positive impact in the governance of Guinea's mining sector, the potential has yet to be fulfilled. While EITI reporting has improved over the years, several stakeholders questioned the EITI's role as a catalyst for reforms. Natural resource governance in Guinea remains a challenge however, particularly the enforcement of the 2011 Mining Code requirements on companies' social and environmental obligations, as highlighted during the 2017 social tensions in Boké.<sup>191</sup>

***Constructive engagement:*** With the implementation of the EITI, mining sector governance has become more consultative and trust among stakeholders has gradually improved. The EITI process benefits from the presence of high ranking government officials, as well as senior industry and civil society leaders both at the level of the MSG and of the Supervisory Council. Civil society has used the EITI process to improve disclosures around subnational payments and transfers, an issue of concern in Guinea, as well as on contracts, and state-owned enterprises. Civil society is today confident that it can have a say in MSG discussions.

***Economic contributions:*** Guinea suffers from a paucity of data on the extractive sector and the EITI is helping resolve this problem. EITI Reports have become a trusted source of information on bauxite production, exports, and the sector's contribution to fiscal revenues. Guinea's 11 fiscal years of EITI reporting have provided a time series of reconciled EITI data on mining companies' payments to government and social expenditures, which has helped enhance the public's understanding of the mining sector's direct and indirect contributions to the economy. Indeed, the number of articles quoting or referencing EITI data has grown over the past seven years. Government stakeholders noted that EITI data

<sup>190</sup> Guinea mining code, accessed [here](#) in September 2018.

<sup>191</sup> Reuters (2018) "Guinea's bauxite boom upending rural communities" accessed [here](#) on 19/09/2018

was used for budget revenue forecasts and to improve domestic resource mobilisation. This information was used when negotiating new mining contracts.

*Public understanding:* All stakeholders consider that EITI data is exhaustive and credible. EITI reports have gradually improved over time and are considered as a trusted source of information on the mining sector. The EITI is now a central instrument for the government to communicate on on-going reforms. Government and civil society stakeholders noted that thanks to EITI, all company payments to local governments are now fully and local governments were now publishing their budgets. They argued that it was thanks to the dissemination of EITI Reports that these issues were first discussed. EITI dissemination had helped communities understand better the economic and social contribution of companies in their area.

*Strengthening government systems:* Some government stakeholders noted that EITI recommendations had served as a catalyst to government reforms. They explained that the EITI had contributed to reforms such as the establishment of the mining cadastre. They added that the EITI process had fed into discussions on the creation of the local development fund (FODEL), and that it had also contributed to strengthen the Cour des Comptes' mandate in auditing revenues from the extractive sector. More broadly, stakeholders believed that the EITI had made several contributions to the government's policies on anti-corruption and public finance management. Government stakeholders added that the EITI had created space for a debate within mining communities about how much tax companies were actually paying. They argued that this had help make local government officials more accountable vis-à-vis the population. Other stakeholders noted that there had not been a proper evaluation of the impact of the EITI. Some stakeholders argued that Guinea's implementation of the EITI was mainly aimed at improving Guinea's international image and to attract investors, and that little attention was paid to the role the EITI could play in support of existing reforms.

*Recognition:* While Guinea has benefitted from public recognition, both domestically and internationally as a result of its EITI process, there was consensus amongst all consulted that the EITI has had at best only a marginal impact. Stakeholders expressed disappointment at the lack of evidence of any impact of EITI implementation on poverty reduction, sustainable development, and even mining sector reforms.

## Sustainability

The Guinea-EITI is established by Presidential decree and the EITI Champion is the Prime Minister. While funding for Guinea's EITI implementation has traditionally been primarily supported by the World Bank, the African Development Bank and the GIZ, the government now funds almost 80% of EITI implementation costs. The enshrining of EITI reporting requirements into the 2011 Mining Code means that the government has institutionally committed itself to supporting EITI implementation. Several government stakeholders noted that EITI implementation was a condition for general budget support from development partners like the World Bank, or for financing of mining projects by OPIC, in the case of the CBG expansion project).

## Annexes

### Annex A - List of MSG members and contact details

N°	First name	Surname	Organisation
1	Saadou	Nimaga	Secrétaire général, Ministère des Mines, Président de l'ITIE-Guinée
2	Alpha Mohamed	Kallo	Secrétaire général, Ministère du Budget, Vice-Président de l'ITIE-Guinée
3	Mamadou	Diaby	Secrétaire exécutif, ITIE Guinée
4	Honorable Michel	Kamano	Assemblée Nationale
5	Honorable Amadou	Diallo	Assemblée Nationale
6	Hadja Aminatou	Barry	Femmes Ministres et Parlementaires
7	Dr Alpha Abdoulaye	Diallo	RAJ Guinée
8	Mamadou Taran	Diallo	Agence Guinéenne de la Transparence (AGT)
9	Mohamed Aly	Thiam	Ministère de la Justice
10	Maître Mohamed	Sampil	Ordre des Avocats
11	El Hadj Cheick	Keita	Ordre des Experts Comptables
12	Abdoul Karim	Sylla	Primature
13	Kadiata Mory	Camara	Ministère de l'Economie et des Finances
14	Chaikou Yaya	Diallo	Chambres des Mines
15	Hawa Camille	Camara	Haute Autorité de la Communication
16	Sékou Mohamed	Sylla	Agence Nationale de Lutte Contre la Corruption

## Validation of Guinea: Report on initial data collection and stakeholder consultation

17	Moussa Iboun	Conté	AGEPI Presse Indépendante
18	Mamadou Baïlo	Diallo	Ordre des Ingénieurs des Mines
19	Mohamed Sikhé	Camara	MATD Administration du Territoire
20	Sékou Oumar Ly	Diallo	Syndicat
21	Moussa	Magassouba	Société AngloGold Ashanti
22	Morifing	Condé	Compagnie des Bauxites de Guinée
23	Dr Ousmane	Camara	RUSAL
24	Sidiki	Kaba	Banque Centrale de la République de Guinée
25	Lansana	Diawara	Conseil Economique et Social
26	Kabinet	Diane	ANCG Communes de Guinée
27	Mamadou Diouldé	Diallo	Cour des Comptes
28	Pascal	Tenguiano	CECIDE/PCQVP
29	Aboubacar	Kagbé	SOGUIPAMI
	<b>Morifing Condé</b>		<b>Suppléant CBG</b>



## Annex C – Cost of EITI Reports

EITI Report	Independent Administrator	Cost (excluding tax)	
2007-2010	Moore Stephens	USD	109,310
2011-2012	Moore Stephens	USD	120,000
2013	Fairlinks	USD	75,500
2014-2015	Fairlinks	EUR	118,703
2016-2017	Moore Stephens	USD	175,038
<i>Source: EITI Guinea Secretariat</i>			

## Annex D - List of stakeholders consulted

### Government

- H.E. Mr Ismael Dioubaté, Minister of Budget
- Dr. Joachim Lama, Secretary General, Ministry of Economy and Finance
- Ahmed Sékou Keïta, Chief of Staff, Ministry of Mines
- Safiatou L. Diallo, Chief of Staff, Prime Minister's Office
- Ibrahima Camara, Principal Technical Advisor, Prime Minister's Office
- Malick Tidiane Touré, Deputy Head of Cabinet, Prime Minister's Office
- Aboubacar Kourouma, Director General, Strategy and Development Bureau (BSD), Ministry of Mines
- Abdoul Wahab Diakhaby, Deputy Director General, Strategy and Development Bureau, Ministry of Mines
- Dr. Ibrahima Diallo, Director of Legal Affairs, ANAIM
- Ousmane Bangoura, Head of Division Geology, Centre de Promotion et Développement Minier (CPDM)
- Anne Claire Marie Fakho SALL, Direction Général, Bureau d'Expertise des diamants, Ministry of Mines
- Aboubacar Kagbé Touré, Deputy General Manager, SOGUIPAMI
- Mamadouba Silla, Tax Advisor, Ministry of Budget
- El Haj Diallo, Assistant, Ministère du Budget
- El Haj Gando, Assistant, Ministère du Budget
- Kadiata Mory Camara, Directeur Control Financier, Ministère de l'Economie et des Finances
- Mohamed Aly Thiam, Magistrate Supreme Court
- Guilaxogui Anatole, Direction des Mines, Ministry of Mines
- Fancinadouno Aly, Direction des Douanes, Ministry of Economy and Finance
- Mamady Keïta, CPDM
- Fara Elie Leno, CPDM
- Bangoura Alya Bountou, CPDM
- Dr Mohamed Bangoura, ONAP
- Hassane Camara, DIS/DNI
- Ousmane Souaré, AF/BNE
- Amadou Magassouba, AC/FIM
- Mamady Bamba Diawara, CP/DNI
- Karamo Sidiki Konaté, SAF/FIM
- Camara Famoro, DAF, Office National des Pétroles (ONAP)
- Kadiata Mory Camara, DNEF, Ministry of Economy and Finance
- Hawa Camille Camara, Haute Autorité de la Communication
- Ibrahima Sony Bangoura, DNTCP, Ministry of Economy and Finance
- Kadiatou Bangoura, Ministère des Mines et de la Géologie

### Parliament

- Hon. Michel Kamano, President of the Economic, Finance, and Plan Commission

### Industry

- Chaïkou Yaya Diallo, Executive Director, Guinea Chamber of Mines
- Moustapha Keïta, Guinea Chamber of Mines
- Moussa Magassouba, Legal Counsel, SAG AngloGold Ashanti
- Marc Piché, General Administrator, Alcoa Mining
- Mamadou Bobo Diallo, General Coordinator, Alcoa Mining
- Mahmoud Konsonmé, Legal Counsel, Alliance Mining Commodities Guinée (AMC)
- Sonny Dambaya, Director external relations, Alliance Minière Responsable (AMR)

## Validation of Guinea: Report on initial data collection and stakeholder consultation

- Mouminy Sylla, Principal advisor, Bel Air Mining
- Aminata Kaba, Accountant, Bel Air Mining
- Condé Modifing, Compagnie de Bauxite de Guinée (CBG)
- Abdoulaye Sampil, Legal Counsel, Société Minière de Boké (SMB)
- Camara Fodé Saïdou, Legal counsel, Société Minière de Diguiraye (SMD)
- Holima Salman Barry, Compliance Officer, Guinea Alumina Corporation (GAC)
- René Désiré Moral, External Relations, Guinea Alumina Corporation (GAC)
- Dr Ousmane Camara, RUSAL

**Civil Society**

- Mamadou Lamarana Diallo, Programme Coordinator, Action Mines
- Mamadou Condé, Action Mines
- Mamadou Taran Diallo, Honorary Chairman, Publiez Ce Que Vous Payez-Guinée
- Kabinet Diané, Association Nationale des Communes de Guinée
- Moussa Iboun Conté, AGEPI, Publiez Ce Que Vous Payez-Guinée
- Tamba Augustin Tolno, Publiez Ce Que Vous Payez-Guinée
- Alsény Sako, Publiez Ce Que Vous Payez-Guinée
- H. Aïcha Barry, Publiez Ce Que Vous Payez-Guinée
- El Hadj Cheick Keïta, Ordre des experts comptables de Guinée
- Mohamed Diaby, Expert-Comptable, IFN
- Fodé Kouyaté, Président, Association des blogueurs de Guinée
- Dr Camara Aminatou Barry, Réseau des Femmes Africaines Ministres et Parlementaires de Guinée (REFAMP)
- Mohamed Sampil, Ordre des Avocats
- Kadiatou Keïta, Women in Mining - Guinea
- Mohamed Sikhé Camara, Alliance Nationale des Acteurs au Développement Guinée

**Independent administrators**

- Karim Lourimi, Moore Stephens

**Development partners**

- Jérôme Rihouey, Chargé de Programmes Infrastructure, EU Delegation
- Elizabeth Peri, Political Counselor, EU Delegation
- Laurent Barbot, Cooperation Counselor, Ambassade de France
- Ghislain Poissonnier, Governance Attaché, Ambassade de France
- Hervé Lado, Guinea Country Manager, NRGi
- Sun-Min Kim, Guinea programme officer, NRGi
- José Soulemane, Resident Representative, IMF
- Judith Kunert, Technical Advisor, GIZ
- Yakouba Kourouma, researcher on economic modelisation, GIZ
- Cherif Diallo, World Bank

**Media**

- Abdoulaye Keïta, Radio Espace Kankandé, Boké
- Aliou BM Diallo, Zone Afrique
- Mamadou Diallo, Afrique Vision
- Amadou Bah, journaliste indépendant / Action Mines
- Kensa Diallo, Guinée News

**Others**

- Mamadou Diaby, Secrétaire exécutif, ITIE-Guinée
- Mohamed Diaré, First President, Cour des Comptes de Guinée
- Mariama Penda Diallo, President of the Chamber for administrative public institutions, Cour des Comptes
- Mamadou Ciré Doumbouya, President Chamber for State Accounts, Cour des Comptes
- Cheick Madhy Touré, President Chamber for local government, Cour des Comptes
- Saa Josepha Kadouno, President Chamber financial and budgetary discipline, Cour des Comptes
- Mamadou Djouldé Diallo, RM CM Cours des comptes
- Kaba Sidiki, Banque Centrale de Guinée
- Sékou Amadou Dramé, Secrétariat Exécutif ITIE Guinée
- René Maurice Sylla, Secrétariat Exécutif ITIE Guinée
- Abdoulaye Soumah, Secrétariat Exécutif ITIE Guinée
- Lansana Diawara, Conseil Economique et Social
- Kain Magassouba, Auditor, ADN Baker Tilly (auditor of SOGUIPAMI)

## Annex E - List of reference documents / Bibliography

### Workplans and Annual activity reports:

Guinea EITI (2018) MSG workplan accessed [here](#) on 08/09/2018  
 Guinea EITI « Rapport annuel d'avancement 2017 », accessed [here](#) on 18/09/2018.  
 EITI-Guinea website accessed [here](#) on 08/09/2018

### Summaries, Validation Report and Secretariat Review:

Guinea EITI 2015 Report, available [here](#)  
 Guinea EITI 2016 Report, available [here](#)  
 Guinea EITI 2014 Secretariat Review, available [here](#)  
 Guinea EITI 2016 Summary EITI Report accessed [here](#) on 08/09/2018  
 Guinea EITI (2011) Communications Strategy accessed [here](#) on 08/09/2018  
 Guinea EITI (2017) Communications Strategy accessed – updated accessed [here](#) on 08/09/2018  
 Guinea EITI (2015) Résumé du rapport ITIE Guinée accessed [here](#) on 18/09/2018

### Legal documents and ToRs related to EITI implementation:

Guinea EITI (2005) EITI founding Decree (2005) accessed [here](#) on 08/09/2018  
 Guinea EITI (2012) “Decree establishing EITI-Guinea” accessed [here](#) on 08/09/2018  
 Guinea EITI (2012) “Arrêté portant sur la composition du Comité de Pilotage de l’ITIE » (2012) accessed [here](#) on 18/09/2018  
 Guinea EITI “Decree nominating National Coordinator 2011” accessed [here](#) on 18/09/2018  
 Guinea EITI « Revue institutionnelle de l’ITIE Guinée » (2016), accessed [here](#) on 08/09/2018  
 Guinea EITI (2018) « Règlement intérieur des organes ITIE-Guinée », accessed [here](#) on 18/09/2018  
 Guinea EITI (2018) “MSG Terms of Reference” (2018) accessed [here](#) on 08/09/2018  
 Guinea EITI (2016) « Arrêté conjoint fixant les primes des sessions », accessed [here](#) on 18/09/2019  
 Guinea’s 2010 Constitution accessed [here](#) on 08/09/2018  
 Government of Guinea (2013) “revised 2011 Mining Code” accessed [here](#) on 08/09/2018

### Other documents online:

Guinea EITI Open Data Policy accessed [here](#) on 08/09/2018  
 Guinea EITI open data policy accessed [here](#) on 18/09/2019  
 Guinea EITI (2018) Tableaux et annexes du rapport ITIE 2016 accessed [here](#) on 18/09/2018  
 Guinea EITI (2018) “Composition of EITI Guinea” MSG accessed [here](#) on 08/09/2018  
 GIZ Guinea (2017) « Rapport sur l’atelier de formation des journalistes en langue nationale sur la communication de l’ITIE » accessed [here](#) on 18/09/2018  
 Guinea EITI (2018) Film documentaire sur l’ITIE accessed [here](#) on 18/09/2018  
 Guinea EITI (2018) Document Database accessed [here](#) on 08/09/2018  
 Guinea EITI Facebook page accessed [here](#) on 08/09/2018  
 Guinea EITI Twitter page accessed [here](#) on 08/09/2018

### Meeting minutes:

Guinea EITI Minutes of Supervisory Council minutes for [2016](#) and [2017](#) accessed on 19/09/2018

### Other government documents/reports:

Guinea’s 2016-2020 social and economic national development plan accessed [here](#) on 08/09/2018  
 Guinea government (2005) “Speech by Prime Minister Guinea” accessed [here](#) on 19/09/2018  
 Guinea government (2011) “Speech by Minister of Mines and Geology” 2011 accessed [here](#) on 08/09/2017:  
 Guinea government (2015) “Speech by Prime Minister” accessed [here](#) on 08/09/2018  
 Guinea government (2016) « Lettre au Président François Hollande » accessed [here](#) on 18/09/2018  
 Guinea government (2018) « Discours de politique générale » accessed [here](#) on 18/09/2018  
 Comité Technique de Revue des Titres et Conventions Miniers (2016), ‘Bilan de la revue des titres et conventions miniers’,

## Validation of Guinea: Report on initial data collection and stakeholder consultation

accessed [here](#) p, 08/09/2018

SOGUIPAMI (2017), 'Rapport de Gestion 2016', accessed [here](#) in September 2018

SOGUIPAMI (2017), 'Projets miniers en partenariat avec la SOGUIPAMI', accessed [here in September 2018](#)

SOGUIPAMI (2017), 'Rapports commissaires aux comptes' webpage, accessed [here in September 2018](#)

Cour des Comptes (December 2016), 'Premier rapport annuel d'activités 2016', accessed [here](#) in September 2018

Cour des Comptes (May 2018), 'Acte 001/2018/CC du 30 mai 2018 portant certification des formulaires des déclarations de recettes minières des entités publiques de l'exercice 2016 dans le cadre du rapport de l'ITIE-Guinée', unpublished, provided by the Independent Administrator in September 2018.

Ministry of Mines and Geology website, 'Mining Potential' webpage, accessed [here](#) in September 2018

Ministère de l'Économie et des Finances (November 2017), 'Rapport financier des entreprises en portefeuille', accessed [here](#) in September 2018.

Direction Nationale du Budget website, Section on Lois de Finances, accessed [here](#) in September 2018.

Guinea EITI 'Décret modalité de Constitution et Gestion du FODEL', accessed [here](#) in September 2018.

## External websites:

### EITI Guinea page

<https://eiti.org/guinea#revenue-collection>

### Chambre des Mines de Guinée

<https://chambredesminesgn.com/la-chambre/la-chambre-des-mines/>

### Natural Resource Governance Institute Guinea page

<https://resourcegovernance.org/our-work/country/guinea>

### Ministry of Mines – Petroleum resources

<http://mines.gov.gn/ressources/petrole/>

### Ministry of Mines – Legal framework

<http://mines.gov.gn/ministere/cadre-juridique-reglementaire/>

### Mining Cadastre

<http://guinee.cadastreminier.org/fr/>

### Publish What You Pay Guinea

<http://www.publishwhatyoupay.org/members/guinea/>

### Action Mines - Guinea

<https://www.actionminesguinee.org/>

### Freedom House - Guinea

<https://freedomhouse.org/country/guinea>

### Human Rights House - Guinea

<https://www.hrw.org/africa/guinea>

### Reporters Without Borders Guinea

<https://rsf.org/en/guinea>

### Conseil National des Organisation de la Société Civile de Guinée

<http://societecivileguineenne-cnosc.org/index.php>

### Office National des Pétroles

<https://onap.gov.gn/>

### Contract Transparency Portal

<http://www.contratsminiersguinee.org/>

## Secondary literature:

PEFA (June 2018), 'République de Guinée: Rapport sur la performance de la gestion des finances publiques', accessed [here](#) in September 2018

World Bank Guinea Country Partnership Framework – May 2018 – accessed [here](#) on 18/09/2018

World Bank Guinea country overview, access [here](#) on 18/09/2018

EU civil society mapping of Guinea accessed [here](#) on 08/09/2018

US State Department Human Right Report for Guinea (2017) accessed [here](#) on 18/09/2018

IMF (July 2018), 'Guinea: First review of the arrangement under the three-year extended credit facility – staff report', accessed [here](#) in September 2018.

### Civil society publications:

Civil Society (May 2018), Pre-Validation self-assessment, unpublished, provided by a civil society organization  
 CIVICUS (2011), “Guinean civil society between activity and impact” accessed [here](#) on 18/09/2018  
 CECIDE (2017) “Engagement of local communities in natural resource governance” (2017) accessed [here](#) on 08/09/2018:  
 Action Mines (2018), « Rapport d’analyse du Rapport ITIE 2015 » accessed [here](#) on 18/09/2018  
 Action Mines (2017) « Rapport d’évaluation sur la mise en œuvre de l’ITIE en Guinée » accessed [here](#) on 15/09/2018  
 Action Mines (2018) Activités de la société civile menées pour la mise en œuvre de l’ITIE accessed [here](#) on 18/09/2018  
 Action Mines (2016) « les voix des communautés riveraines des zones minières de Guinée » accessed [here](#) on 18/09/2018  
 Action Mines EITI communication tools accessed [here](#) on 08/09/2018  
 NRGi (July 2018), ‘Quel rôle pour la Cour des Comptes dans la mise en œuvre de l’Initiative pour la Transparence dans les Industries Extractives (ITIE) en Guinée ?’, accessed [here](#) in September 2018.  
 Human Rights Watch (October 2018), “What do we get out of it? : the human rights impact of bauxite mining in Guinea” accessed [here](#) on 06/10/2018

### News articles:

EITI (2016) “EITI Chair in West Africa” accessed [here](#) on 08/09/2018  
 EITI (2017), ‘Converting promise to prosperity in Guinea’s mining sector’, accessed [here](#) on 08/09/2018  
 Reuters (2018) “Guinea approves new Chinese bauxite investment” accessed [here](#) on 08/09/2018  
 Guinea’s mining Minister says there will be Simandou deal accessed [here](#) on 18/09/2018  
 Chambre des Mines de Guinée (2018), « Plaidoyer de l’ITIE à la réunion de la Fédération des Chambres des Mines de la CEDEAO », accessed [here](#) on 18/09/2018  
 Chambre des Mines de Guinée (2018), « Contribution du secteur extractif au développement de la Guinée », accessed [here](#) on 18/09/2018  
 Media Guinée (2018) « Le douzième rapport ITIE publié à Conakry », accessed [here](#) on 18/09/2018  
 Conakry le Mag (2015), « Le paysage médiatique guinéen : état des lieux, enjeux et défis », accessed [here](#) on 18/09/2018  
 Guinée 360 (janvier 2018), « Economie : la bauxite peut-elle tenir ses promesses ? » accessed [here](#) on 18/09/2018 ; Guinée  
 Conakry Info (2017), « Mines et communautés : un rapport accablant » accessed [here](#) on 18/08/2019  
 Afrikipresse (2017) « Une startup française à l’assaut des mines guinéennes » accessed [here](#) on 18/08/2018  
 Guinée Mines (2017) « Le consortium SMB va-t-il se retirer de Guinée » accessed [here](#) on 18/08/2018  
 Mosaïque Guinée (2018) « Transparence dans les industries extractives : entretien avec Alpha Abdoulaye Diallo sur l’évaluation de la Guinée » accessed [here](#) on 18/09/2018  
 Guinée Matin (2017) « Gestion des revenus miniers, scandales de corruption gouvernance » accessed [here](#) on 18/09/2019.  
 Espace FM (2016), “Le DG de la société minière de Boké: notre projet est d’intégrer la communauté » accessed [here](#) on 18/09/2018  
 Le 360 (2017), “Le gouvernement durcit le ton contre les émeutes de Boké” accessed [here](#) on 18/09/2018  
 Reuters (2017), “Guinean forces kill one, wound several in riot in bauxite mining town” accessed [here](#) on 18/09/2018  
 Guinée Live (2015) « Un document de proposition pour l’amélioration des rapports ITIE » accessed [here](#) on 18/08/2019  
 Guinée Economy (2016) Civil society workshop on Beneficial Ownership, accessed [here](#) on 08/09/2018  
 Guinée Matin (2018) “Civil society pre-Validation workshop” accessed [here](#) on 08/09/2018:  
 Aminata (2018) « Vers la publication de la loi d’accès à l’information publique » accessed [here](#) on 18/09/2018  
 Ledjely.com (2017) « Siguiri : les mines au cœur d’un atelier sur le contrôle citoyen » accessed [here](#) on 18/09/2018  
 Guinée Synthèse (2017) « Le rapport ITIE Guinée 2015 publié à Conakry » accessed [here](#) on 18/09/2018  
 Le Jour Guinée (2018) « Présentation des rapports 2014 et 2015 de l’ITIE Guinée » accessed [here](#) on 18/09/2018  
 Guinée Matin (2016) “Présentation des rapports 2014-2015 de l’ITIE Guinée” accessed [here](#) on 24/09/2018  
 Aminata (2018) « Présentations des rapports 2013, 2014, 2015 de l’ITIE Guinée » accessed [here](#) on 24/09/2018  
 Guinée 7 (2018) « Le rapport ITIE 2016 Guinée au cœur d’une conférence débat » accessed [here](#) on 18/09/2018  
 Faapa.info (2018) « Boké: les rapports 2013, 2014, 2015 présentés dans les préfectures » accessed [here](#) on 17/09/2018  
 Guinée 360 (2018) « La dépendance de la Guinée sur l’exploitation minière inquiète les spécialistes » accessed [here](#) on 18/09/2018