

Assessment Report

Feasibility study on implementing an Extractive Industries Open Data Portal (EIDP) – GUINEA

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Development Gateway, Inc.

1110 Vermont Avenue NW Suite 500 | Washington, DC 20005 USA

Submitted to

OSIWA HEAD OFFICE

RUE IBRAHIMA NIASSE X PCCI – STELE MERMOZ

DAKAR, SENEGAL

Contact

Vanessa Baudin SANCHEZ | Consultant - Regional Manager

vsanchez@developmentgateway.org

Carmen CANAS | Senior Consultant - Project Manager

ccanas@developmentgateway.org

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TABLE OF CONTENTS

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TABLE OF CONTENTS

LIST OF ACRONYMS

EXECUTIVE SUMMARY

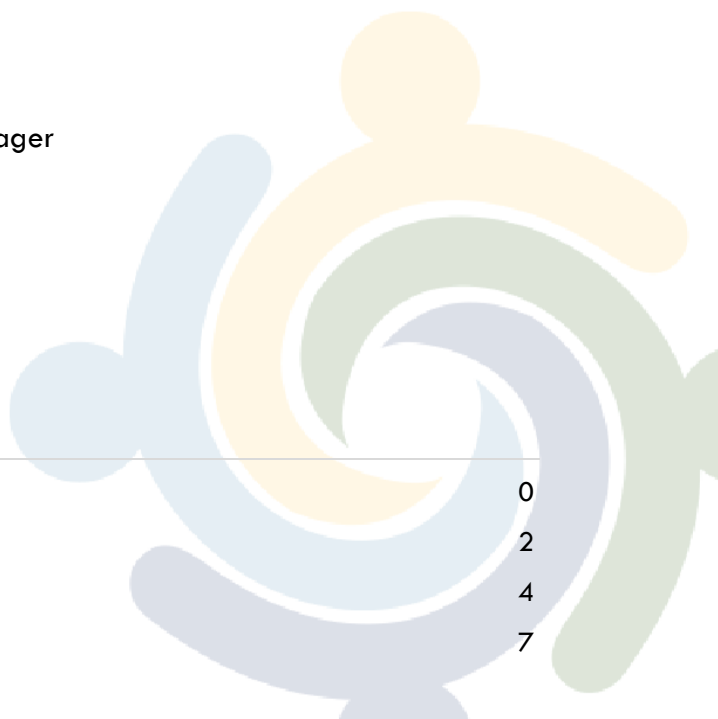
1. Purpose, Methodology & Field Study Information

0

2

4

7



1.1. Purpose	7
1.2. Methodology	7
2. Overview of the General Country Context	8
3. Policy Context	9
3.1. Beneficial Ownership (BO)	9
3.1.1. The Action Plan	10
3.1.2. Politically Exposed Persons (PEPs)	10
3.1.3. The Identified Challenges	11
3.2. Gender and EI in Guinea	11
3.3. Recommendations	12
4. Stakeholder Identification	13
4.1. The Government	14
4.2. Guinea EITI Executive Secretariat (IETIG)	14
4.3. Civil Society	14
4.4. The Private Sector	15
4.6. Development Partners' Support to EI Sector	16
5. The Mining Sector	17
5.1. Institutional Arrangements for the Mining Sector	17
5.2. Artisanal Mining	20
6. Legal Framework of the Mining Sector - The 2013 Mining Code	20
6.1. License Granting Process	21
6.2. Supervision of mining operations	21
6.3. Local Content and Community Development	22
6.3.1. Fonds de Développement Economique Local - FODEL	22
6.3.2. Local Subcontracting	22
6.3.3. Employment of Company Personnel	23
6.4. Recommendations	24
7. Mining Sector Technical Data Assessment	24
7.1. Ministères des Mines et de la Géologie (MMG)	25
7.1.1. FlexiCastre: Mining Cadastre	25
7.1.2. Open Data Portal on Mining Contracts	26
7.1.3. I-mining: information des compagniers minières	26
7.1.4. FUSION - A Cross-Sectoral Initiative	27
7.2. GEITI	27

7.3. Other data sources	28
7.5. Recommendations	29
Annex 1 – LIST OF INTERVIEWEES	31
Annex 2 – LIST OF INDICATORS COLLECTED BY THE BSD	32

LIST OF ACRONYMS

AGUIPE	Guinean Agency for the Promotion of Employment
ANAFIC	Agence Nationale de Financement des Collectivités Locales
ANAIM	Agence Nationale d'aménagement des infrastructure minières
BGE	Guinean Bureau of Environment Evaluations
BNE	National Bureau of Expertise
BO	Beneficial Ownership
BSD	Bureau of Strategy and Development
CCCM	Consultation Committees in the Mining Communities
CNM	National Commission of Mines
CTTM	Technical committee for Mining Titles
CPDM	Center for the Promotion and Development of Mining
CS	Civil Society

CSO	Civil Society Organization
DG	Development Gateway
DNM	National Directorate of Mines
DP	Development Partner
EI	Extractive Industries
EITI	Extractive Industries Transparency Initiative
EIDP	Extractive Industries Data Portals
FODEL	Fund for Local Economic Development
GDP	Gross Domestic Product
HDI	Human Development Index
MEWF	Ministry of Environment, Water and Forest
MMG	Ministry of Mining and Geology
MoB	Ministry of Budget
NRGI	Natural Resource Governance Institute
OSIWA	Open Society Initiative for West Africa
PAGSEM	Project to Support Governance in the Mining Sector
PNDES	National Plan for Economic Development
PWYP	Publish What You Pay
SMEs	Small and medium-sized enterprises
SMLs	Small and Medium-sizes industries
SOGUIPAMI	Guinean State Mining Company
WIM	Women in Mining

EXECUTIVE SUMMARY

Guinea is abundant with natural resources and has the world's largest reserves of bauxite, as well as significant deposits of gold, diamond, and iron. However, due to continued instability and infrastructure challenges, Guinea remains unable to take full advantage of its bountiful natural resources. The country is one of the world's poorest – with a 2018 Gross Domestic Product (GDP) of just \$856.80 USD per capita¹ and ranking 175th of 189 countries in the Human Development Index (HDI). Its economy relies heavily on agriculture and mineral resources; in 2019, resources from the mining sector made up 25% of the total national budget.

Since 2010, as Guinea has prioritized efforts to tap into its exceptional mining potential, the country has taken steps towards greater transparency in how mineral resources are managed. Following a voluntary suspension in 2009 and a period of non-compliance in 2011, Guinea was declared compliant with the Extractive Industries Transparency Initiative (EITI) in 2014. Guinea's mining code was revised in 2011 and once more in 2013, following a joint reform process between the government, the private sector and civil society (CSOs) actors to integrate EITI requirements, new taxes and royalties for mining companies as well measures to protect the environment and to promote local development. To establish the mining sector as a catalyst for the structural transformation of the Guinean economy, good governance is emphasized in the National Economic and Social Development Plan (PNDES) that also encourage transparent use of mining revenues.

The Ministry of Mines and Geology (MMG) is the central public actor in the mining sector. The Guinea EITI Secretariat (ITIEG) is in charge of publishing data on payments made by mining companies as well as the revenue collected by the general government. ITIEG has forged a strategic partnership with civil society, which is very active and involved in the monitoring of mining activities and the dissemination of information at the community level. Mining companies contribute to local development through the financing, construction or renovation of basic social infrastructure, although their support is not always dictated by the needs articulated in communities local development plans and, the rehabilitation of sites at the end of their activities can be significantly improved. Development partners provide transversal support to all actors (Government, CSO, Communities).

The EITI standard brings together all stakeholders through its Steering Committee (ITIEG); it has given civil society and citizens the opportunity to demand institutions to be more transparent. Civil society believes that the efforts of the Government have decreased since 2014 and hopes that these efforts will be translated

¹ <https://tradingeconomics.com/guinea/gdp-per-capita>

into concrete and continuous actions to meet challenges such as: i) **missing regulations**, which hinders the full implementation of the mining code; ii) **lack of harmonization of the legal framework governing mining operations** as some companies operate under the previous mining code; iii) **lack of local capacities** for all profile of actors, including local elected officials and CSOs; and iv) **lack of comprehensive and reliable EI data** that could fuel CSO advocacy.

Prior to the implementation of the EITI standard in Guinea, there was little or no public disclosure of EI information in terms of production and tax payments, a problem solved in part by the information contained in EITI reports which are disseminated at community level. However, the data contained in the reports are outdated by the time it is published, in particular because of the lengthy certification process. In addition, aggregated financial flows data are incomplete to be useful for effective advocacy that thrives implement strong accountability mechanisms toward the institutions and the private sector.

The study identified other national data sources that contain data that could be useful to civil non-government actors, including:

- **Quarterly and annual activity reports of mining companies** – the source for monitoring mining operations with regards to compliance with employment figures, environmental protection measures;
- **Gender data** – CSOs and PTFs emphasized the need for official statistics on women's employment in mining companies to promote the inclusion of women in the sector.

In addition, given the information collected for any mining title demand, the CPDM should be able to provide statistics on the type and number of permits granted to women;

Guinea's 2013 mining code details the number of nationals to be recruited by professional category. National institutions offer curricula in mining careers; statistics on the attendance rate, the type and number of diplomas by gender, would give the Government and its partners the necessary information to include in the strategy to raise attendance for the upcoming eight schools;

- **Mining extraction risks and mitigating measures** – communities should be informed of the impact of mining on their environment and measures included in the company's management plan to address it; allowing communities to actively participate in the monitoring of mining operations.

ITIEG has put in place an [open data policy](#) which aims to be a one-stop shop for information on the mining sector. The EITI Data Policy takes into account the interoperability of different existing administrative systems, the definition and harmonization of the terms used to facilitate their understanding and use. Finally, the policy includes functionalities to download data in Excel and PDF and build capacity for stakeholders on the use of open data. **This data policy could frame the open data management of the mining sector but needs to be improved by including:**

- **Online declaration forms for each company** - accessible online with the possibility to pre-load all supporting documents (receipts, receipts, etc.); Online data collection will reduce delays in information collection, facilitate the certification process and promote systematic disclosure of information.
- **Include other themes of the EI sector** - the sectoral policy letter focuses on the traceability of payments, which is particularly important after the official launch of FODEL in December 2018 - to this end, the NGO Action Mines, with support NRG1 is currently working on Transparency FODEL, a digital platform designed to publish information on the management of funds paid by companies, in accordance with Article 130 of the Mining Code.

However, the need for disaggregated data goes beyond finance. Actors need statistics on employment, gender, environmental protection, income-generating activities, and so on. to estimate

the impact of mining activities on the national economy, expand their advocacy and put in place an effective accountability mechanism

- **Update the EITI Open Data Policy to reflect the new requirements:** actual ownership, gender and environment in accordance with the 2019 requirements of the standard.
- **Add CSV to Available Publication Formats** - for All Users Without Microsoft Office Licenses
- **Include an open data license** for all IE data published online by the Government of Guinea - the same recommendation prevails for the ITIEG website whose current license displays "all rights reserved" which does not allow to reuse the data.

The implementation of an EI Open Data Portal is both a stated need and a recommendation from the project team. This is an achievable goal, given that some systematic tools are already implemented, showing an existing willingness to systematize data disclosure. The added value of a PDIE will be the publication of disaggregated data for every aspect of the mining sector that can inform citizens, track financial flows to the actual use of funds, address gender issues, respect environmental, local economic development; Guinea's EIDP could fully support ITIEG open data policy that is based on interoperability existing administrative systems to reduce data fragmentation in the mining sector. The Open Data Portal could include excerpts from the following government systems:

- **I-mining** - human resources data of mining companies;
- **CPDM** - beneficial ownership information and statistics on licenses and permits;
- **FUSION** - non-sensitive information on payments by mining companies to the government;
- **BGEEE** - mining activity risks and corrective measures; site rehabilitation action plan;
- **Mining revenues allocated through FODEL and FNDL** - data on financial flows including allocation of funds at community level;
- **Mining Chamber** - list of local SME and SMI to foster local subcontracting; information on the impact of mining activity in the social sectors, including health and education, and on the most vulnerable populations.

The above points are suggestions. For effective PDIE implementation, a thorough technical evaluation of all potential data sources is necessary to assess for their added value in displaying relevant, easy-to-understand, disaggregated data to further advocacy and ensure that mining resources are effectively used to benefit populations.

The EIDP will be developed using **open-source software**, to avoid recurring licensing costs that are difficult to sustain in the long term. The development approach used will harmonize state-of-the-art tool functionality with actors' stated needs, and will be scalable and adaptive to new demands and requirements. The tool will be built under the approach that data can be transformative, and building local capacities in data analysis will enable sustainable, long-term PDIE implementation. With a user-centered, sustainable PDIE, **systematized use of evidence in administrative and citizen processes** will follow.

1. PURPOSE, METHODOLOGY & FIELD STUDY INFORMATION

1.1. Purpose

The global [EITI Principles](#) include improving EI data disclosure, as EITI recognizes how important public understanding of government revenues and expenditures is in sparking public debate, informing decision making for sustainable development, and holding the government and EI companies accountable. Effective resource usage will optimize the EI sector's potential for positive social and economic impacts and outcomes. Functionally, the [EITI Requirements](#) are the underlying framework of the EITI Principles. Requirements include the disclosure of exploration and production, revenue collection and allocations, and social and economic spending information. EITI understands that extractives data should be **available, accessible, and understandable** – and encourages citizen participation. Central to participation is trust between citizens and the government, built through creation and implementation of accountability and verification mechanisms. In 2017, EITI began encouraging systematic disclosure of disaggregated information – an approach currently being implemented in countries including Sierra Leone² and Mauritania,³ both of which have moved toward a regular dissemination process that could be facilitated through technology.

The primary aim of the Guinea data needs assessment, supported by the **Open Society Initiative for West Africa (OSIWA)** and conducted in partnership with the **Guinea EITI Committee**, was to complete a comprehensive evaluation of the current EI data landscape. The assessment included i) **review of existing legal and institutional frameworks** to determine Guinea's readiness to open up EI data; ii) **review of existing systems and data sources** used to collect, analyze, and share extractives data; iii) **review of the interactions between EI sector actors** and each group's enthusiasm for enhancing the use of open data on mineral resources; iv) **review of data use**, including the extent to which data are currently used to inform policy changes and improve transparency; and iv) **mapping of relevant actors' data needs** and **review of human and technical capacities** to implement and sustain an EIDP.

Through the assessment, the DG research team gained a comprehensive overview of current EI data availability, identified data use challenges, and determined opportunities in which optimizing data use could lead to sector governance improvements and the strengthening of citizens' demand for accountability.

1.2. Methodology

The [methodology](#) followed during this assessment included i) desk research; and ii) one-on-one interviews with key stakeholders (including government actors, CSOs, DPs, and private corporations) to build understanding of each group's interactions, challenges, needs, and expectations. A full list of organizations and individuals interviewed is available in **Annex 1**. The [interview guide](#) was used as a basis of discussion, but interviewees were able to provide additional information as needed.

² <https://eiti.org/blog/mainstreaming-transparency-in-sierra-leone>

³ <https://eiti.org/blog/tracking-extractives-revenues-in-mauritania>

2. OVERVIEW OF THE GENERAL COUNTRY CONTEXT

Guinea counts more than 12 million inhabitants in 2017⁴ and its gross domestic product (GDP) per capita reached 856.8 USD in 2018, the country's highest since 2008.⁵ Guinea has abundant natural resources, with large deposits of bauxite, gold, diamonds and iron but still remains among the poorest countries in the world; as Guinea ranked 175 out of 189 in the 2018 Human Development Index (HDI).⁶ The country's economy largely depends on agriculture and mineral resources. In 2019, the income of the mining sector represents 25% of the national budget.⁷

In past years, Guinea has suffered from falling iron and bauxite prices worldwide, and from the Ebola outbreak. The country is slowly starting to build back its economy, but the wealth that should arise from natural resources is still relatively low when compared to the country's mineral potential. The Guinean economy is vulnerable and not very inclusive, due to a predominantly informal sector and the under-valuing of the country's mining potential⁸. Despite the progress made in recent years in strengthening the business climate and the ease of doing business, issues of the global competitiveness of the economy, as well as issues of corruption, remain important concerns. The exploitation of Guinea's natural resources is also causing various pressures on the environment due to illegal removals, unsustainable production methods, and pollutant releases. Various resources are threatened through the pollution of air, soil, groundwater and surface water as well as by the degradation of the landscape.

Since 2010, the government has been taking steps towards implementing transparency and good governance in the management of mineral resources. Guinea was declared an EITI compliant country in 2014, following a voluntary suspension in 2009 and the country's non-compliant EITI status in 2011. EITI Guinea published their 2016 report in September 2018. The mining code was also reformed in 2011 and in 2013, after a joint reform process, with the active participation of the private sector and civil society organizations (CSOs), to include EITI requirements, new taxes and royalties for mining companies as well as dispositions on environment protection and local community development. The Government seized this opportunity to review some mining contracts and assign them under the new code but, companies holding mining concessions titles managed to pursue their operations under the old code. Finally, a few missing regulations are still missing to operationalize the mining code in its entirety.

The EITI is the only standard that unites all stakeholders through the GEITI Steering Committee. The EITI Guinea Executive Secretariat has succeeded in having a designated EITI focal point in institutions and mining companies, responsible for providing information at his request. The EITI process has the opportunity to CSOs and citizens to hold institutions accountable for their commitment to more transparency.

⁴ <http://databank.worldbank.org/data/reports.aspx?source=2&country=GIN>

⁵ <https://tradingeconomics.com/guinea/gdp-per-capita>

⁶ http://hdr.undp.org/sites/all/themes/hdr_theme/country-notes/GIN.pdf

⁷ <http://africazine.com/guinee-le-secteur-minier-represente-25-du-budget-national/>

⁸ https://www.afdb.org/fileadmin/uploads/afdb/Documents/Publications/African_Economic_Outlook_2018_-_EN.pdf

3. POLICY CONTEXT

Guinea does not have a **Law on Access of Information** despite a 2010⁹ vote by the National Assembly. It is yet to be signed by the President or published in the official Gazette to date. However, other national laws and directives support the government's efforts and encourage publication and access to public information. These include:

- An **anti-corruption law** was signed and published in August 2017.¹⁰ In addition to describing the different cases and mechanisms to fight corruption in public and private companies, the law includes an asset declaration for all high-level officials¹¹, that should be done **before** and **after** their respective appointments in the Government and in **mining circumscriptions**.
- **General Secretary of the Minister of Mines and Geology** broadcasted a letter in June 2018 urging "all mining state agencies to publish or provide information to each requester unless the requested information affects the national safety or is related to the defense sector."

In the national framework of the EITI standard, the disclosure of mining companies' information is mainly focused on financial flows (amounts received, revenues, etc.), production volumes, nationality of employees (national/international) and social responsibility of the different companies. The EITI standard has evolved and includes new requirements: reporting entities will be required to disclose the identities of their beneficial owners as well as information on their gender and environmental protection efforts.

3.1. Beneficial Ownership (BO)

As of January 1, 2020, all mining, oil, and gas companies will be required to disclose the identity of all permit holders in accordance with Requirement 2.5 of the 2016 EITI Standard.¹² BO is directly linked to the national context of a given country and there is no "one size fits all" way to implement it. For all countries, this remains a learning process – and actual implementation will have to follow a step-by-step approach to guarantee stable and sustainable implementation.

The EITI Global Secretariat held a conference on **Opening Up Ownership in Africa** from October 30th - November 1st in Dakar, where Guinea's Minister of Mines and Geology noted that his country has started taking some steps to meet the 2020 requirement. The 2013 mining code already states that:

The holder or an applicant for a Mining Title or Quarry operation permit and its direct subcontractors, are required to provide the CPDM with the identity of all parties having an interest in the title, including:

- *Shareholders of each company legally identified as constituting the applicant or its subcontractor;*
- *Subsidiaries of each company constituting the applicant, the holder or its subcontractor, their relationship with the company and the jurisdiction in which they operate; and*
- *Directors and Senior Executives of each company constituting the applicant, the holder or its subcontractor, each shareholder of these companies, any person believed to control the company, and any person holding five percent (5%) or more of the company's votes giving the right to control the company or the rights company's profits.*

Some BO aspects are already covered in the 2013 Mining Code:

- The actual owner (s) of a business is (are) the physical person (s) who, directly or indirectly, holds/owns (exercises/exercises) the right of ownership or control of the legal person - Article 153.

⁹<http://www.osiwa.org/fr/newsroom-fr/guinee-le-gouvernement-tout-gagner-en-publiant-la-loi-sur-l'accès-l'information-publique/>

¹⁰ <http://www.itie-guinee.org/wp-content/uploads/2018/02/Loi-anti-corruption.pdf>

¹¹ As per article 36 of the Constitution, only the President is exempted from this.

¹² <https://eiti.org/document/standard#r2-5>

- Thresholds related to the degree of participation of the companies concerned as well as reporting requirements for politically exposed persons - *Articles 15 and 90.*
- Listed companies and their wholly-owned subsidiaries are required to identify the stock exchange to which they are listed and to provide a link to documents filed with the stock exchange - *Article 90.*
- In the case of joint operations, each entity within the association will have to disclose the identity of its actual owner (s), unless it is listed on the stock exchange or is a wholly owned subsidiary of a publicly traded company. Each entity of the society of the association is responsible for the accuracy of the information provided - *Article 90.*

3.1.1. The Action Plan

To implement BO in Guinea, the IETIG multi-stakeholder group developed and validated a joint action plan that takes into account:

- Building BO awareness for all stakeholders - through the dissemination of the BO Orientation Note at public administrations meetings, mining companies and republican institutions meetings;
- Officializing the national definition of BO and the materiality threshold - workshop of the Multipartite Group (GMP) with the resource persons to determine the threshold of materiality in terms of shareholding;
- Strengthening of the legal and institutional frameworks of information on the PR- the legal provisions and associated regulations to guarantee the full application of the mining code; bills will be examined and approved by the National Assembly;
- Creating the BO open registry at the Center for Promotion and Development of Mining (CPDM) - accessible online;
- Introduction BO data collection and reporting mechanisms to raise awareness among reporting mining companies on the need to share the information that will be included in the EITI collection form as of 1 January 2020, and required for reporting purposes. grant, extension, renewal or transfer of license;
- Maintaining good quality data - BO data will be updated annually to reflect any changes in the shareholding of the company's shareholders and to ensure the reliability of the data;
- Monitor the joint action plan - through monitoring and evaluation workshops that will provide an opportunity to reflect on corrective measures, if necessary.

3.1.2. Politically Exposed Persons (PEPs)

The action plan includes special provisions for PEPs identified in Article 36 of the Guinean Constitution. The list of PEPs includes:

- President of the Republic,
- Ministers,
- President of the National Assembly,
- heads of constitutional institutions,
- Governor of the Central Bank and
- Heads of state financial institutions.

Three activities are planned to expand protocols for PEPs who hold shares in a mining company: i) the elaboration of the list of persons for whom the law prohibits the mining activity; ii) awareness workshops for mining companies and PEPs to discuss their potential involvement in mining companies; iii) and to reach consensus on the information to be disclosed.

3.1.3. The Identified Challenges

Although the plan of action for the implementation of the BO in Guinea seems to have taken into account varying aspects of BO and PEP, the implementation may be confronted with complex challenges including:

- Informal sources of data - There are several sources of data that can provide divergent information including informal sources that provide information without specifying the source. As a result, it becomes difficult to verify and confirm the reliability of the information;
- The provision of funding for the action plan - The action plan has been evaluated at US \$241,000. Support will come from government, private companies, and development partners. A delay in disbursement can hinder an activity and affect the fulfillment of the due date;
- The ability of actors to encompass the entire value chain from collection to data analysis.

3.2. Gender and EI in Guinea

With support from UNDP, Guinea adopted a National Gender Policy in 2011¹³ to address disparities between men and women in education, employment, the economy, and decision-making bodies. The mining sector is included through the inclusion of women's needs in local development strategies, private sector CSR efforts, and giving preference to women-owned local businesses for specific procurement opportunities (ex. catering and food services).

CSOs working on gender issues believe that these provisions are not specific enough to the mining sector and that they are rarely applied in practice. Women are underrepresented in mining companies and, at the community level, their needs are not taken into account in local development plans, despite being highly impacted by mining activities - especially in artisanal mining. Women's needs are often indirectly related to the mining extraction (ex. sewing, grinder, well, etc.) and a potential source of revenues that could benefit the community. For example, Mrs. Aisha Barry from COGUI-Femin explained:

Relocation funds are directly paid to men who use funds to marry other women or buy motorcycles. There are food shortages, and inflation due to the presence of mining companies: what they bought at 1,000 Francs, now costs 5,000 francs. Women's livelihoods must be guaranteed. Women need grinders, local markets, cultivable lands, etc.¹⁴

Mrs. Aissata Beavogui is the only female Chief Executive Officer (CEO) of an international mining company holding a concession title for bauxite extraction. The first commercial production is planned for 2019 and would be the first one managed by a woman. Regarding women in the mining sector, she stated:

I think we all realize that women are underrepresented in the sector. It is even worse at the international level. How many times have I been in meetings where I have been asked to serve coffee, because nobody in the room realized that I was there on behalf of a mining company? The mining world is rough.¹⁵

However, according to interview responses, it seems that women spontaneously refuse opportunities or chose not to respond to calls for tender often hiding behind their low level of education, their family status, or the cultural context in which they operate to explain their inactivity; this has been confirmed by private companies, CSOs and the government with no certainty of the underlying reasons (lack of confidence, spouse pressure, opportunities not widely disseminated, not understood, etc.). According to Mrs. Beavogui, proactively involving women in the sector is challenging.

¹³<https://www.undp.org/content/dam/guinea/docs/whatwedo/women-empowerment/politique-nationale-genre-2011.pdf>

¹⁴ Extract from interview with Mrs Aisha Barry - COGUI- Femin

¹⁵ Extract from interview with Aissata Beavogui - GAC CEO

*I have tried to involve women in training and capacity building trips. All the women contacted withdrew emphasizing the fact that they do not want to stay away from their families for such a long time. Out of 20 participants, we could only have one woman.*¹⁶

In addition to the inclusion of women in the mining sector in Guinea, there is also a disproportionate the impact of mining activities on women. The Publish What You Pay (PWYP) coalition published in 2018 the conclusions of its pilot project in six West African countries (Burkina Faso, Ghana, Guinea, Nigeria, Senegal and Togo) to try to understand the factors that prevent women from being more active in the IE sector and, to what extent the EITI Standard could be used to define the data that should be published at national levels to reduce discrimination and mitigate the impact of IE on women.¹⁷

To reflect the specific impact of the sector on women, Women in Mining (WIM) Guinea created a Women in Mining Index - an analytical tool to report on the situation of women in EI and in turn, improve it through specific objectives. The WIM Index should help assess women's place in policies, in mining communities and in the corporate environment and is sought to be an advocacy basis to improve women's situation in the extractive industry.

3.3. Recommendations

The Guinean current policy context could be improved to promote open data sharing. The limitations found in the current legislations lead to the following recommendations:

Officialize the Access to Information law and monitor its implementation – n official law on access to information should facilitate the information sharing process and promote access. In the perspective of implementing a portal with Open Data on extractives, the law on access to information will underlie the publication of extractive data.

Extend beneficial ownership to all companies conducting activities in Guinea – Limited BO disclosure of national companies and bypassing those registered under a stock exchange prevents full information disclosure. BO disclosure should be harmonized across companies, particularly because most mining companies operating in Guinea are **subsidiaries of multinational corporations**.

Extend BO to all PEPs involved in local subcontracting companies – the disclosure of BO should be extended to elected representatives as well as the technical and managerial staff of departments involved in the flow of mining revenues (Ministry of Mines and Geology, Ministry of Budget, Central Bank).

Strengthen the use of official sources of PR information - Include awareness campaigns in the action plan to emphasize the importance of having reliable BO data. The Multi Stakeholder Group (MSG) could seek help from the media to get actors to rely solely on official sources to avoid unnecessary conflicts that could lead to political and social instability in the country.

Respect the BO action plan disbursement schedule - To avoid delays in the work plan, the actors responsible for forwarding the funds should commit to respect the schedule as well as the amount of their respective disbursements.

Include policies and strategies that are in favor of women's inclusion in the EI sector –Legal and institutional frameworks are the most appropriate grounds for gender considerations in EI. In doing so, this dimension could be included in mining contracts and be a springboard for gender-focused programs. Additionally, if gender

¹⁶ Extract from interview with Aissata Beavogui - GAC CEO

¹⁷ <https://www.pwyp.org/pwyp-resources/in-it-together-gender-report/>

issues are linked to verifiable indicators, monitoring could help define priority actions and bring actors to work more effectively to improve women's inclusion living conditions.

Raising families awareness of girls' education - Given the importance of the cultural context in Guinea, it is important to involve families to enroll and keep girls in school. However, responsibilities are shared between actors: if CSOs are responsible for raising awareness, private companies build and/or rehabilitate community schools, the Government must ensure that the appropriate number of teachers are allocated to the community schools. This advocacy could disincentivize the "push" from lack of economic opportunities that often sends young girls to work in EI.

4. STAKEHOLDER IDENTIFICATION

Mining and local communities are the main actors to benefit from good governance procedures in the management of mining revenues as they should contribute to improving their living conditions. Local populations are becoming more involved in community life but continue to have unrealistic expectations. This is generally due to limited knowledge of the legal framework for mining operations, a challenge that CSOs and the EITI Secretariat are trying to address and remedy through the disclosure of information at the community level.

The following section provides an overview of the relationships between actors in the sector that are also summarized in the figure below.

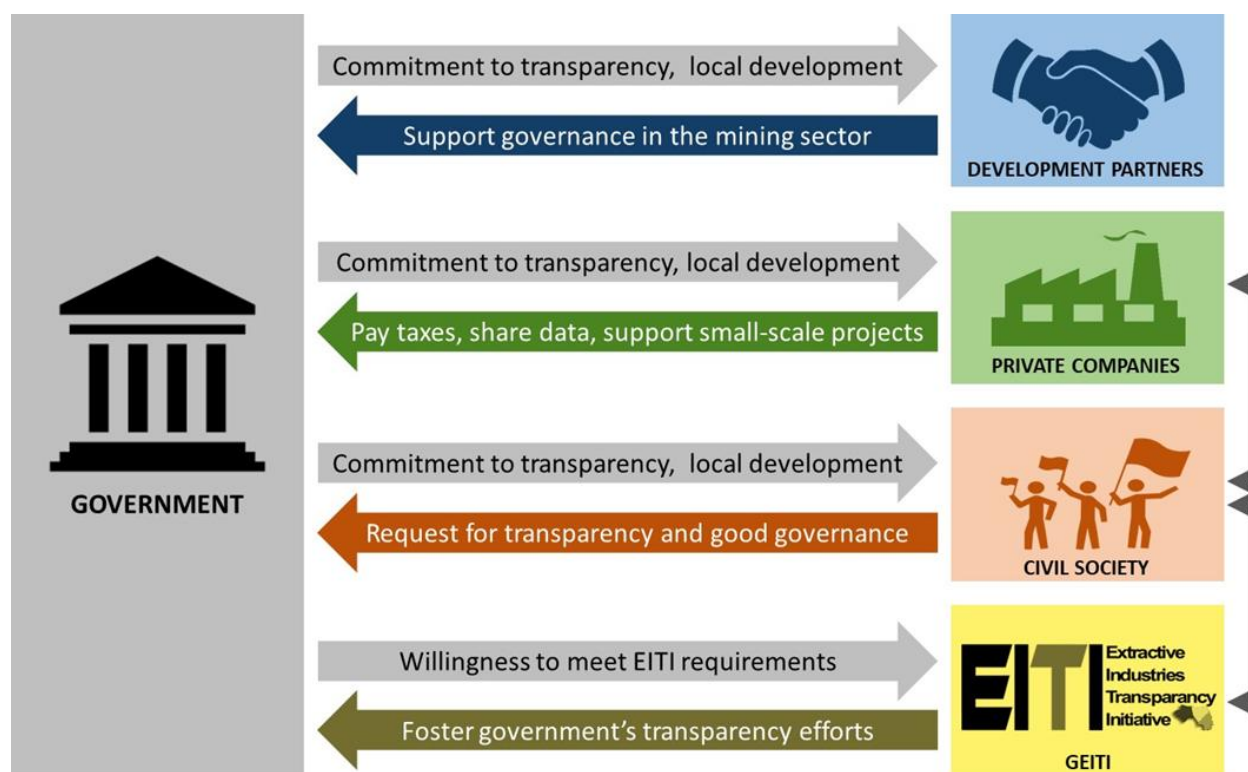


Figure 1: Stakeholders Relations in the EI sector in Guinea

4.1. The Government

The President's Office and the Ministry of Mines and Geology are the two main entities involved in licenses and permits processing and granting. They are supported by the Ministry of Budget, which collects taxes and royalties as appropriate, and the Ministry of Environment, which covers environmental aspects linked to the exploration and exploitation of minerals.

The government has been making efforts towards its commitment to more transparency and its willingness to meet EITI requirements; protect the citizens and the environment; and use mining resources to promote local development. However, other stakeholders, mainly CSOs, believe that these efforts must go further to materialize in practice – through the officialization of all missing mining code regulations. Other recommendations are linked to the publication of all contract amendments, the harmonization of license granting procedures, as well as taxes and royalties amounts across mining companies.

4.2. Guinea EITI Executive Secretariat (IETIG)

The EITI Secretariat is responsible for ensuring the implementation of the EITI standard through the collection and publication of data on payments made by mining companies as well as the revenues collected by public administrations. Public and private entities have designated focal points in charge of communicating the relevant information on revenue collection, collected in the EITI Declaration Forms to prepare the annual reports.

After each publication, EITI Steering Committee organizes information dissemination activities in communities, especially those impacted by the mining activity, to present the content of the report, perceived revenues as explain funds allocation as specified by the mining code. ITIEG has also established a strong partnership with CSOs who help them share relevant information with the communities and provide feedback on EITI annual reports to assess compliance with standard requirements and provide recommendations to improve future reports.

ITIEG activities, especially those targeted to communities, are often confronted with logistical and material constraints due to significant delays in the disbursement of budget funds. However, the Secretariat is doing its best to remain a central actor in the national EITI process.

4.3. Civil Society

Civil Society is the focal proponent of transparency and good governance in the EI sector. Actors are very active, especially since Guinea joined the EITI in April 2005. They are involved in institutional aspects (publication of contracts, well-being of local communities, equitable sharing of resources, dissemination of information, etc.). and their relationship with government agencies gives them certain benefits including access to internal documents. However, they do not have these fruitful relationships with the private sector, as interviewees expressed difficulty organizing meetings and engaging in conversations with mining companies.

The PWYP coalition actively participated in EITI implementation, and is involved in monitoring the EITI Action Plan. As EITI stakeholders, CSOs are involved in communication and EITI-related capacity building activities, and broad dissemination of information on payments made by the mining companies and revenues collected by the Government. They rely on local representatives and watch committees to gather information from the field and try to make render the information sharing process more dynamic through conferences and fora.

In November 2018, PWYP Guinea published a report¹⁸, based on a three-year survey in mineral-rich communities, that revealed how private companies do not respect some clauses of the mining code, especially the environmental and local content obligations. The report also discloses mining companies that have renewed or extended their titles under the old legislation, without submitting all required documents, keeping fiscal advantages that cause significant financial shortfalls for the communities.

PWYP recognizes that the Government has made some tangible efforts towards the publication of mining contracts and agreements; but since 2014, transparency efforts have decreased as contract amendments are not yet publicly available. CSOs feel that responsibilities are shared between the Executive Government and the Parliament: the State should seize all license renewal or extension opportunities to bring private corporations under the new mining code and the National Assembly should have the power to reject demands that do not include all legally-required documents to obtain a mining permit.

PWYP concludes that these loopholes are, among other factors, related to: i) **missing regulations**, which hampers the full application of the mining code; and ii) **the lack of publicly available data**, which could help local representatives and citizens monitor companies' compliance with the mining code.

Lack of transparency, neglect of procedures, and restrictions in access to data and documents all inevitably create distrust in accountability. As such, the report's recommendations include implementing all missing regulations to guarantee full application of the mining code and enforce the supervision of mining operations, capitalizing on local officials and citizens; bringing more mining companies under the current mining code, and implementing a platform dedicated to the sharing of exhaustive information on the EI sector.

4.4. The Private Sector

Hundreds of inactive permits were revoked and made available to private companies for research and/or exploitation during the cleanup of the mining cadastre in 2013. Private companies actively participated in the reform that led to the current code. However, there is a lack of harmonization of the legal framework as companies holding concession titles, have put forward their stability clauses to remain under the old legislation.

On the social aspect, CSOs and citizens recognize the contribution of some companies to local development through the financing, construction, or renovation of basic social infrastructure, drinking water, etc. However, these efforts are often directly selected by the company, according to its priorities and its corporate interests, without taking into account the priorities defined by the communities in the Local Development Plans. In addition, corporations have not historically prioritized rehabilitating mining areas after extraction concludes, despite a requirement for rehabilitation in the license-granting procedure. This leaves the communities stranded with limited local development opportunities.

4.5. The Mining Chamber

The Mining Chamber was created to protect the interests of mining companies and promote the mining sector in Guinea. The Chamber participated in the implementation of the BSTP¹⁹, an online platform to facilitate partnerships between companies and local suppliers operating across sectors. It extends its action to local subcontractors, representing the value chain beyond the primary companies.

¹⁸ <https://www.guineenews.org/respect-des-obligations-legales-ce-rapport-qui-accable-les-societes-minieres/>

¹⁹ <http://sous-traitancegn.org>

In addition, the Chamber of Mines is involved in community-based social activities related to nutrition and health, particularly HIV/AIDS. Data on social activities is collected but not disclosed due to their sensitive nature. The frame below explores HIV/AIDS statistics from the Chamber 2018 activity report.

Social activities of the Mining Chamber²⁰

The Mining Chamber is involved in social activities at the community level, related to HIV/AIDS (prevention, screening, and medical care)²¹ and in the fight against malnutrition through the NutriGuinée project (since December 2018).²²

Since 2010, the Chamber contributed to 7 treatment sites, providing medical care to people living with AIDS. Its efforts are ongoing through awareness and screening campaigns. As of December 31, 2018, 1,222 people were screened for the virus, and more than 1,030 patients were treated with ARVs and benefitted from monitoring the medical structures of mining companies.

4.6. Development Partners' Support to EI Sector

Development Partner (DP) efforts are transverse, in that they provide institutional support for the government, assist CSOs, and conduct community outreach to raise awareness and promote local development.

At the central level, DP actions revolve around advisory services in the drafting of national laws and strategies. DPs support capacity building for agents involved in environmental impact assessments as well as agents involved in mining revenue collection and tax audit to ensure more transparency of financial flows.

At the community level, DPs are involved in social programs. For example, the Global Fund Against TB and Malaria, GIZ, the Mining Chamber, private companies, and other international actors supported the implementation of a program to combat HIV in the mining zones of Guinea. Additionally, several partners support the National Malaria Control Program (NMCP) in the fight against malaria and encourage mining company action to help eradicate the disease. Other support mechanisms involve technical assistance and capacity building for the health personnel of mining companies.

DPs have increased communication efforts, sharing information with the communities through local and rural radio stations which allows citizens to participate in sector reforms and hold institutions accountable, as well as train journalists on the media's role in building transparency. They support CSO community awareness campaigns on the risks and hazards associated with artisanal mining and support capacity building initiatives to monitor the implementation of local content at the community level, enabling citizens to participate in reforms and hold the institutions accountable. In addition, DPs encourage activities outside of mining, promoting local development to help local populations envision options beyond the mining sector alone. Some initiatives, like the Project to Support Governance in the Mining Sector (PAGSEM), include a handover procedure allowing pursuit of activities even after the project/program has terminated.

4.7. Recommendations

²⁰ Figures are taken from the Mining Chamber Activity report - at their request, and due to sensitive nature of some of the data, the DG research team respect the non-disclosure of raw data.

²¹ <https://chambredesminesgn.com/programme-sante-mine/>

²² <https://chambredesminesgn.com/2018/12/10/la-chambre-des-mines-de-guinee-sengage-pour-la-nutrition-en-guinee/>

The activities of the various EI actors are complementary and the DPs play an intersecting role, which benefits actors differently. The following recommendations aim to address operational challenges.

Ministry of Budget should ensure timely disbursements of national budget funds to GEITI – If the Secretariat is financially weakened, the EITI impact will be significantly reduced, cancelling out the efforts Guinea has made towards prioritizing transparency. In the absence of resources, the Secretariat could rely on other funding sources with risks to run into conflicts of interest that would affect its perception of neutrality at the national level. Material and financial constraints may also lead to misjudging the standard's impact in the country and result in global disinterest.

Strengthen the capacities of local elected representatives and communities - Build subnational capacity to understand the rights and obligations of companies according to the mining code. Local elected representatives and communities could also highly benefit from support to promote local content and invest in revenue-generating activities.

Include local community needs and priorities when planning CSR activities – CSR activities should match local community needs, which are clearly defined in each Local Development Plan. CSR efforts must be sustainable and able to generate revenue even after the end of mining activities. Citizens should be able to verify this compliance or denounce it in the opposite case. They should also not end when extraction concludes.

Establish a DP sectoral working group to enhance coordination on transparency in the mining sector – DPs should join efforts to create a working group led by rotating chairs with a 1-2-year mandate, open to the private sector, CSOs, and government agencies. This approach could help them to define priority interventions (legal, technical, and capacity building), to group interventions to have more impact, and to be able to speak with one voice in order to influence decision-making at the grassroots level.

5. THE MINING SECTOR

5.1. Institutional Arrangements for the Mining Sector

The Ministry of Mines and Geology (MMG) is the central public actor in the license-granting procedure. With the implementation of the online mining cadaster, title and permit requests are centralized and reviewed by relevant entities before being transmitted to the Minister. Mining concessions, requests and associated contracts must be ratified by the National Assembly before being promulgated through a presidential decree. The Ministry of Budget and the Ministry of Environment are also involved in the license-granting process and are respectively in charge of revenue collection and environmental aspects, respectively. The following section gives an overview of the mandates of public institutions involved in the mining sector.

ROLES ACTORS	POLICY	PLANNING	REGULATION	M&E	OVERSEEING	CONTRACTING	PRODUCTION PROCESSING DEVELOPMENT TRANSPORT	TAX/REVENUE COLLECTION	TRANSPARENCY
PRESIDENCY	✓		✓		✓	✓			
NATIONAL ASSEMBLY					✓				
MMG	✓	✓	✓	✓	✓	✓	✓	✓	✓
MINISTRY OF BUDGET		✓						✓	
MINISTRY OF ENVIRONMENT			✓	✓					
COURT OF AUDIT				✓					✓

Figure 2: Role of key actors in the Guinea EI sector

The Office of the Presidency issues presidential decrees to define the creation, composition, organization, and functions of the main governance structures of the mining sector, and grants mining concession titles and licenses.

The National Assembly analyzes and ratifies mining concession contracts signed by the Council of Ministers before their promulgation by the President

Ministère des Mines et de la Géologie (MMG) is responsible for the promotion, design, development and implementation of the government's mining policy.

Centre de Promotion et de Développement Minier (CPDM) is the entry point for all companies interested in acquiring a mining title. CPDM also maintains and updates the mining cadaster.

Direction Nationale des Mines (DNM) develops and implements the National Mining Code. It is also in charge of monitoring mining company activities that are in the exploitation phase.

Comité Technique des Titres Miniers (CTTM) is in charge of examining CPDM's prepared applications for the granting, renewal, extension, and withdrawal of mining titles.

Commission Nationale des Mines is in charge of reviewing applications, prepared by the Comité Technique des Titres, for the granting, renewal, transfer, extension, and revocation of mining titles.

Bureau de Stratégie et de Développement (BSD) participates in feasibility studies of companies that want to move from the research to the exploitation phase. BSD is mandated to collect all statistics on the mining sector and gather geological and mining data used to make forecasts.

Service National de Coordination des Projets Miniers (SNCPM) is responsible for the monitoring of mining operations for companies that are in the development phase – It receives, analyzes, and validates feasibility studies as well as environmental impact studies before delivering a certificate of compliance, a mandatory document for all companies wishing to enter the exploitation phase.

Bureau National d'Expertise des Diamants, Or et autres Matières Précieuses (BNE) is in charge of diamonds evaluation and the certification. The Bureau is involved in tracking their commercialization, collecting export taxes, mining taxes as well as the royalties from gold and diamond counters. As such, it provides statistics on diamond exports, gold and holds the list of local

actors involved in the marketing and export of diamonds and gold. It issues the Kimberley Certificate²³ and works in collaboration with the Central Bank and Customs.

Inspection Générale des Mines et de la Géologie has the mission to oversee any structure directly or indirectly under the Ministry of Mines, private companies and artisanal miners. Its monitoring process is on-demand, or recommendation-based, and encompasses the technical, social, legal, environmental, and economic aspects of mining operations. Its findings and related recommendations are compiled in a report shared with the Minister.

Direction des Relations Communautaires et du Développement du Contenu Local tries to improve in communities living conditions that are relatively still low despite revenues from extractive activities. It deals with frequently reported problems in the mining areas, the most common being the perception of fraud and corruption, the impact of private companies on the environment and the intrusion of artisanal miners into corporate properties. The Directorate has established Mining Communes Committees (CCCM) - a group of volunteers who manage and report on local conflicts through periodic reports. To date, there are 91 CCCMs in 23 of the 33 prefectures. Management is trying to improve living conditions in the community relatively low despite revenues from extractive activities.

Société Guinéenne du Patrimoine Minier (SOGUIPAMI) manages the Government's shares in mining companies, promote the mining sector, and participate in negotiations for the State's shareholdings in mining companies. A 2017 *Natural Resource Governance Institute (NRGI)* report exposed a lack of transparency in its management, as Guinea scored relatively low²⁴ on the National Governance Index. The Guinean Government contested the score, which NRGi later revised. The IMF and the World Bank have also contributed by making several recommendations that have led to the reorganization of the Guinean State Mining Company, such as removing it from the President's Office and placing it under the Ministry of Mining. SOGUIPAMI now operates as a public limited corporation and is managed by a Board of Directors. In addition, dividends related to the State's shares are now deposited in the Treasury account. Quarterly activity and financial reports are submitted to the Board. The 2016 EITI report mentions its effort to be more transparent in its submission of financial information figures and flows.

SOGUIPAMI also acts as a facilitator at the community level, working to resolve local conflicts, raise awareness among citizens, and assist private companies when they are faced with difficulties within the community. They have the financial capacity to act quickly in its facilitation activities, sending moderators to defend the interests of the companies and protecting the State's investments.

Agence Nationale de Financement des Collectivités Locales (ANAFIC) is the financing instrument for decentralization and local development. ANAFIC manages the National Local Development Fund (FNDL) to finance investment projects of eligible local authorities and ensures their technical support.

Agence Nationale d'Aménagement des Infrastructures Minières (ANAIM) designs, studies, funds, and develops the infrastructure required to facilitate the extraction, processing, transformation, transportation, and disposal of mineral substances. This infrastructure gets rented out to private companies. However, the 2016 EITI report disclosed that the contracts signed between ANAIM and private companies as well as their activity reports are not rendered public, nor are they included in the scope of the EITI reconciliation report.

Ministry of Budget, through Customs and Taxes Directorate, is in charge of defining export prices by substance as well as monitoring the payment of import and export taxes. The Taxes Directorate is in charge of collecting all taxes and royalties from private companies.

²³ <https://www.kimberleyprocess.com>

²⁴ <https://resourcegovernance.org/sites/default/files/documents/2017-resource-governance-index.pdf>

Ministry of Environment, through its *Bureau Guinéen d'Etudes et d'Evaluation Environnementale (BGEEE)*, reviews the environmental and social impact assessments that are submitted with environmental and social management plans, as well as resettlement plans for affected populations. BGE delivers **environmental impact statements** for companies seeking research permits and **certificates of compliance** to companies seeking exploitation licenses or mining concession titles.

The Court of Audit has jurisdictional and advisory powers and rules on public accounts, for local and regional authorities, public administrative institutions, public and parastatal enterprises and all bodies and institutions receiving financial assistance from the State. In 2018, the Court issued its first activity report covering the year 2016 which highlights the difficulties in collecting information on the revenue collected by local authorities, as well as the absence of certified financial statements and local agencies activity reports. The Court of Audit is a relatively new institution, making it difficult to accurately assess its effectiveness and competence even though its creation is in line with other efforts by the government to enhance transparency in management extractive resources.

5.2. Artisanal Mining

Artisanal mining²⁵ in Guinea is restricted to Guinean nationals holding an artisanal mining permit. Despite that limitation, there are about 300,000²⁶ foreign nationals working in artisanal mines, a group that impacts the social order and internal organization of artisanal mines that have historically been based on good intelligence and peaceful practices.

The impact of artisanal mining is more visible in social sectors, including high school dropout rates among children living in mining zones, prostitution levels, proliferation of Sexually Transmitted Diseases (STDs), drug consumption, and human trafficking. It also has a significant negative impact on the environment – including land degradation, poor site rehabilitation, land grabbing.

The Ministry of Mines is striving to formalize the artisanal mining sector by introducing one-year operating licenses, renewable several times, a financial guarantee sites rehabilitation and the establishment of Approved Purchasing Offices only entities to and resell gold, diamonds and other precious materials. The government is also trying to encourage artisanal miners to respect the environment, improve women's working conditions and eradicate child labor.

6. LEGAL FRAMEWORK OF THE MINING SECTOR - THE 2013 MINING CODE

With the support of DPs and international law firms, the mining reform was executed in good faith: it improved clauses related to societal responsibility, local development, environment, etc., and negotiated taxes and royalties to respond to investors' profitability concerns. However, this process was not extended to companies holding mining concession titles with stability clauses²⁷, that still conduct their operations under the old mining code.

²⁵ An **artisanal miner** or **small-scale miner (ASM)** - a miner who is not officially employed by a mining company but works independently, mining various minerals or **panning for gold** using their own resources. Small-scale mining includes enterprises or individuals that employ workers for mining, but generally using manually-intensive methods, working with hand tools.

²⁶ Extrait de l'entretien avec la Direction des relations communautaires

²⁷ The purpose of a stabilization clause is to offer investors – and their lenders – some assurance that the investment will not be subject to unpredictable and costly changes in law

6.1. License Granting Process

The CPDM is the entry point for all applications. After their registrations, applications are forwarded to the Technical Committee for Mining Titles (CTTM) for the first review and approval. The CPDM then prepares the second phase and the application file is transmitted to the Minister of Mines for signature, after a favorable recommendation from the National Commission Mines (CNM), if applicable.

In the case of a concession license, the Minister seeks approval from the Council of Ministers and the signed concession license is submitted to the Supreme Court for its legal opinion then forwarded to the National Assembly for ratification and finally to the President for promulgation. The figure below summarizes the license granting process in Guinea for mining concessions titles.

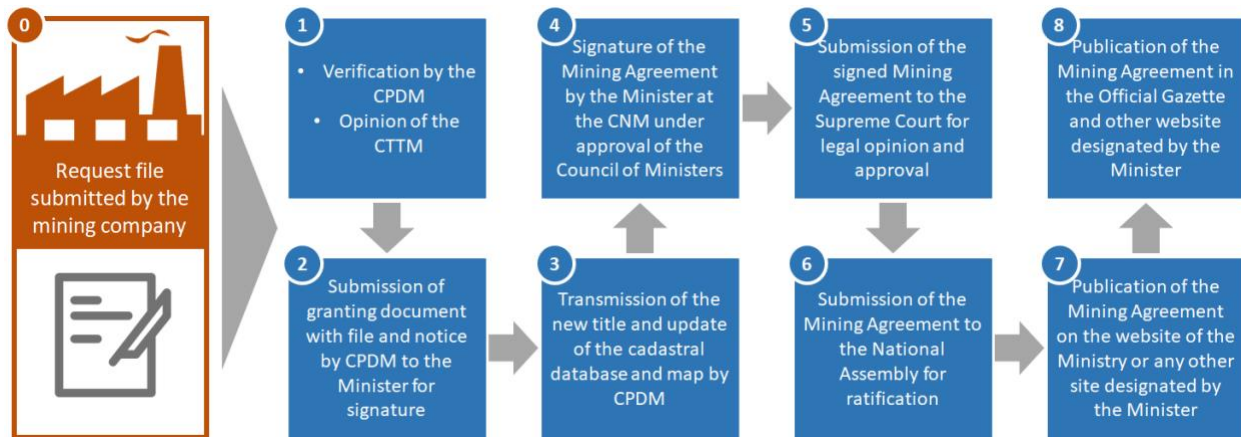


Figure 3 - Mining Contract Granting Process: The licensing process is not open to the public. Signed contracts will be published in the Official Gazette, on the website of the Ministry of Mines or on any other site designated by the Minister

6.2. Supervision of mining operations

The supervision of mining operations is managed by different entities depending on the company activity phase: research, development, or exploitation. Duly-authorized executives and agents of the Ministry of Mines are entitled to inspect any document, statement of account, financial accounts, or supporting documents obtained or prepared by Mining Titles or Authorizations holders.

In the exploitation phase, DNM prefectural offices are in charge of monitoring mining activities every six months, with competent technical departments of the Ministry, and when applicable, the Ministry of Environment. Their monitoring duties include:

- Review substances annual production - based on the monthly production data collected by the state representatives
- Assess the effective implementation of the health adjustment plan
- Assess the level of achievement and compliance with the environmental plan

In the development phase, SNMP's monitoring is done quarterly and involves analyzing feasibility studies and validating economic, financial, social and environmental aspects in accordance with the requirements of the mining code.

The monitoring of mining activities generally follows the process defined in the mining code. However, agents' ability to actually sanction or hold a company responsible can be limited because of the missing legislations. The results of the follow-up missions and the suggested corrective measures are included in periodic reports

(every 3 or 6 months) that transmitted to the competent authorities. They are not accessible online but are reportedly available for consultation at the Ministry.

Government agents in charge of the monitoring of mining operations have confided that community representatives and elected officials have difficulty understanding certain legal provisions and do not have a good understanding of issues related to each phase of mining operations, which often leads to unrealistic expectations and conflicts. They also mentioned logistical and material issues (lack of vehicles, lack of fuel, lack of internet connection, inadequate offices) as the biggest challenges they overcome using private companies vehicles and equipment.

6.3. Local Content and Community Development

The mining code includes exemplary clauses and specifications regarding local content. The sections below touches on employment, health, and environmental aspects, as well as the FODEL - a fund dedicated to communities impacted by mining activities and managed by the Prefectural Councils. In March 2017, the Government of Guinea published its local content policy letter²⁸ to develop local businesses and generate jobs.

6.3.1. Fonds de Développement Economique Local - FODEL

The FODEL aims to promote the development of local and surrounding mining communities. It is intended to support the creation of basic infrastructure, activities generating employment, and income consistent with each community's Local Development Plan (Art. 130). FODEL is managed by the local communities, but a management support committee should also be created. Resources for FODEL are intended to appear in the community budget, and are subject to various transparency mechanisms. The Prefectural Council also ensures follow-up and traceability; however, decisions on fund allocation are ultimately made by the communities. FODEL was officially launched in December 2018 in Boké²⁹ and was by awareness workshops³⁰ to bring local elected representatives to cooperate with other actors in the sector to efficiently use the Fund including to support young people and women's economic initiatives.

6.3.2. Local Subcontracting

Mining title holders should submit a plan to support Guinean companies that would create and/or reinforce SMEs/SMLs capacity to provide goods and services used for mining activities. Additionally, they should submit a plan to promote the employment of Guinean nationals. The mining code includes quotas for Guinean SME/SMLs that should be hired by mining companies based on current activity phase (Art. 107).

²⁸ <https://www.itiedoc-guinee.org/document-archive/lettre-de-politique-de-promotion-du-contenu-local-dans-le-secteur-minier-ministere-des-mines-et-de-la-geologie/>

²⁹ <https://www.guineenews.org/guinee-le-ministre-des-mines-lance-le-fodel-a-boke/>

³⁰ <https://resourcegovernance.org/blog/les-gestionnaires-de-communes-minieres-en-premiere-ligne-de-la-mise-en-oeuvre-du-fonds-de>

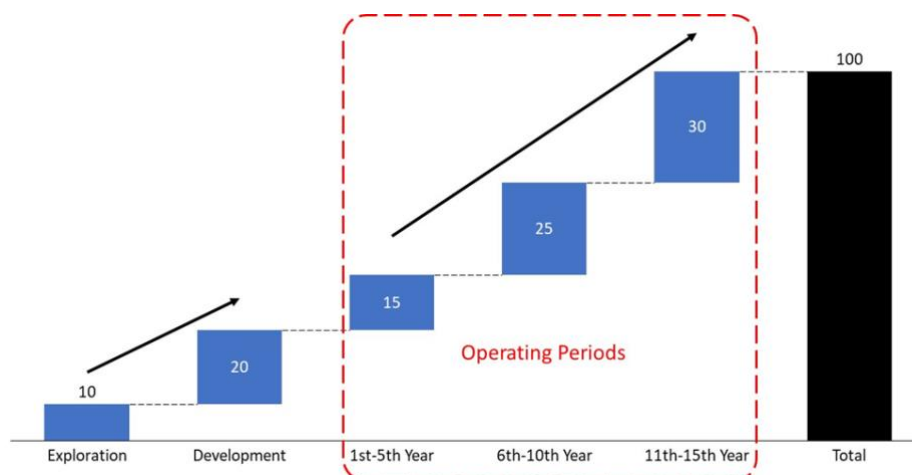


Figure 4: Percentages of local SME/SMI to be subcontracted by mining companies according to the 2013 Mining Code requirements

Kaiser Economic Development Partners assessed, in June 2017, the Local Content Policy. The main finding was that most companies were making modest progress in local sourcing mainly because they did not seem to have a good understanding of the principle and its benefits. Other reasons include discrepancies between mining code obligations and those of mining conventions and the weak capacity of SMEs/SMIs to meet companies' requirements in terms of quality and deadlines. The recommendations of the report were mainly directed at the Government and focused on raising awareness on the principle of local sourcing; support local SMEs/SMIs to promote the industry and include greater transparency in the various calls for tenders. As for the companies, they should favor the twinning of the Guinean companies with foreign companies to favor the transfer of skills and the reinforcement of local capacities.

6.3.3. Employment of Company Personnel

The mining code specifies quotas for employing Guineans in different categories within private companies. It also stipulates that five years after commercial production begins, mining company CEOs should be Guinean, and they should enjoy the same benefits as any international staff member (Art. 108).

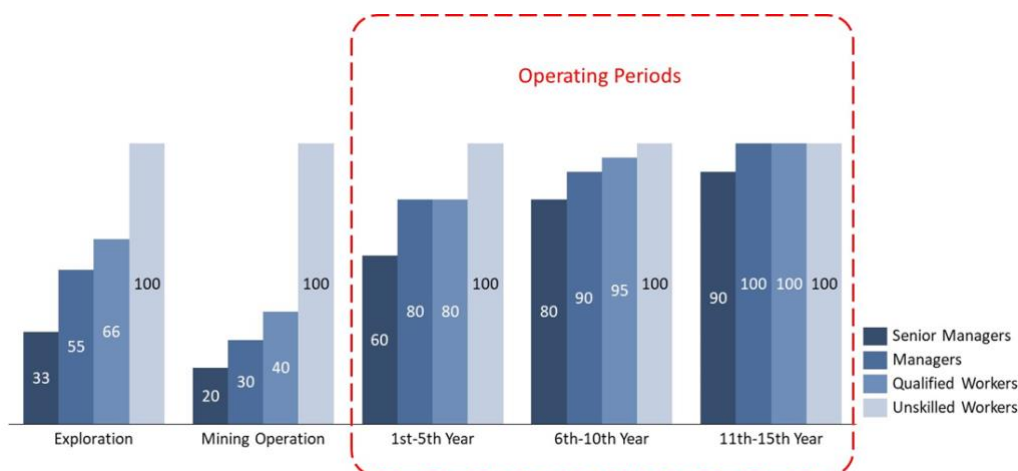


Figure 5: Percentages of Guinean employees per category of role according to the 2013 Mining Code requirements

These quotas are not respected in most mining companies mainly because of a lack of local capacity. This argument is frequently put forward by mining companies and confirmed by other actors in the sector including CSOs. To this end, the Government has started the construction of eight art and craft schools in the administrative regions, as well as in Conakry and the Higher Institute of Mines and Geology of Boké.³¹

6.4. Recommendations

The precise nature of the mining code could facilitate stronger monitoring, and in turn accountability, of adherence. For this to happen, the project team recommends the actions below are adopted.

Seize licenses renewal and extension opportunities to apply the current legislation - The Executive Government and National Assembly should seize license-renewal or extension opportunities to bring more mining companies under the current legislation to harmonize the legal and fiscal frameworks of mining operations.

Strengthen government agents capacities involved in monitoring mining operations - Quality control must be objective, which is difficult to verify when monitoring is conducted and controlled by the mining companies that are being monitored. To maintain the credibility of monitoring activities, the Government should rehabilitate local monitoring structures (such as basic office furniture) and equip them with sufficient equipment to make them independent enough to ensure quality control.

Assess the local content policy - The first assessment was conducted in June 2017, a few months after the publication of the local content law. Since then, several efforts have been made and a new assessment should be conducted to estimate the capacity of the law to promote local content in an effective and sustainable way. A more recent study would provide information on the status of recommendations made in 2017, estimate the progress made by companies in terms of local procurement and identify challenges that persist.

7. MINING SECTOR TECHNICAL DATA ASSESSMENT

Given the legal and institutional contexts of the mining sector in Guinea, the country could achieve more transparency with the publication of disaggregated data on: employment, women's entrepreneurship, the education of girls, the respect of commitments of companies towards the protection of the environment, etc.

Before the implementation of the EITI standard in Guinea, there was little to no public disclosure of EI information on company production, exports, or tax payments. The EITI annual reports are the main source of information on the sector and the content is disseminated at the community level. However, because of the lengthy certification process, they are published with a two-year delay which makes the data obsolete to take into account the current challenges. In addition, the EITI reports are mostly exhaustive on the financial flows of the companies included in the scope of certification and do not provide information on other themes of EI, a growing demand of CSOs and non-state actors.

The study revealed the existence of various government data sources. However, disaggregated information, which could facilitate traceability of flows, evaluate business activities, promote local content and ensure the protection of the environment and people, is not published or presented in a format that encourages its reuse.

The figure below summarizes [Tim Berner's-Lee 5-stars deployment scheme for open data](#)³² data that must be available, accessible and reusable.

³¹ <http://geominesboke.org>

³² <https://5stardata.info/en/>

★	Make your stuff available on the Web (whatever format) under an open license
★ ★	Make it available as structured data (e.g. Excel instead of image scan of table)
★ ★ ★	Make it available in a non-proprietary open format (e.g. CSV instead of Excel)
★ ★ ★ ★	Use URIs to denote things, so that people can point at your stuff
★ ★ ★ ★ ★	Link your data to other data to provide context

Figure 7: Tim Berners-Lee's 5-star deployment scheme for open data

The public data sources selected for this study are evaluated against this framework, in particular their publication format before identifying the opportunities for the implementation of a PDIE to meet the needs expressed by the government, the private sector, and CSOs

7.1. Ministères des Mines et de la Géologie (MMG)

The MMG [Website](#) contains a variety of information, including mostly legal texts. Other departments in the Ministry collect data according to their mandate. Some information is available online but most in the form of reports.

7.1.1. FlexiCastre: Mining Cadastre

The **Centre de Promotion et de Développement Miniers** (CPDM) developed, in 2016, the [Mining Cadastre Portal](#)³³ which is currently online and updated every time a license requested is registered. The online portal allows users to access information on active and inactive mining permits, as well as pending mining permit requests.

FlexiCadastre includes statistics on application processing delays, information on the identity and nationality of each individual holding at least 5% of a company's ownership, as well as a scanned copy of all documents submitted in order to request a mining license. FlexiCadastre is intended for CPDM staff and is only accessible through the intranet in PDF, Word, and Google Maps formats. It should be noted that **actual permit documents are not published online** because they include financial information from mining companies that the private sector would rather keep confidential. CS actors and DPs claim that this goes against EITI Requirement 2.4,³⁴ that encourages disclosure of information and supporting documents.

The online cadaster is actively used even if private sector actors reported that the user interface is cumbersome. If we evaluate the online mining cadastre using the 5-Stars of Open Data, the cadastre only

³³ <http://guinee.cadastreminier.org/FR/>

³⁴ <https://eiti.org/fr/node/9815>

partially attains the first star: **make data available on the Web**. To improve published data, an open data licence,³⁵ which grants permission to access, re-use and redistribute the data published on the website with few or no restrictions,³⁶ could be added, allowing the online mining cadastre to fully reach the first star. For easier access to the data being published, the cadaster could give users the ability to download the published database in Excel or CSV format to easily use for analysis and allowing the cadaster to reach the 3rd star of the Open Data Program.

7.1.2. Open Data Portal on Mining Contracts

The Ministry of Mining and Geology (MMG) has developed a [directory of resource contracts in Guinea](#),³⁷ which includes repository of mining and oil contracts in the country. To ease comprehension, some have been annotated and include comments to help the reader identify key information. These annotations focus mainly on each contract's environment, and fiscal, operational, and social provisions. The data published on this portal enables Guinea to comply with EITI Requirement 2.4 ,which encourages governments to publish contracts or licenses that provide the conditions for the exploitation of oil, gas, and minerals.

However, not all contracts or amendments to contracts are included in the portal. CSOs and DPs have expressed the need to access the list of submitted documents to confirm that companies seeking a license have submitted all required items.

The data published through the resource contract portal is published online through a creative commons license, which corresponds to the first star of Tim Berners-Lee's 5-star deployment scheme for open data. Users are able to download an Excel file of the database, which corresponds to the second star of Tim Berners-Lee's scheme even if the downloaded file included some data quality issues (data from other countries, results in English, etc):

7.1.3. I-mining: information des compagnies minières

The **Bureau of Strategy and Development (BSD)** from the Ministry of Mining and Geology is mandated to collect EI statistics and compute appropriate indicators.³⁸ As a result, BSD has developed the I-mining platform, a system that collects 40 indicators from companies related to, production, exports, investment, tax payment, employees and purchases (see Annex 1 for full list). Data are currently being collected through Excel forms, emailed to mining companies.

The I-mining system is an access database that is currently only accessible to the IT team and to the BSD staff through the ministry's intranet. They have uploaded historical data (from 2010-2016) into the system as well as annual indicators. Since 2017, the system compiles monthly and quarterly indicators. The current for I-mining user interface allows internal users to access data through visualization tools and predefined reports. Users can download the data in Excel and CSV formats. BSD is currently working on developing an online data collection system to facilitate data collection but referred to internet connectivity as being the biggest challenge.

³⁵ A license is a document that specifies what can and cannot be done with a work (whether sound, text, image or multimedia). It grants permissions and states restrictions.

³⁶ <https://opendefinition.org/guide/>

³⁷ <https://www.contratsminiersguinee.org>

³⁸ Article 2. Décret n° 044 portant création, attributions, organisation et fonctionnement des bureaux de stratégie et de développement du 27 mars 2015.

Since the end of 2018, the BSD has published its statistical bulletin³⁹ in PDF format. This quarterly newsletter is available on the Ministry of Mines website and the EITI Guinea website and can be downloaded in PDF format.

7.1.4. FUSION - A Cross-Sectoral Initiative

GIZ is currently supporting an EI task force on mining revenue at the request formulated by the Ministry Economy and Finance, the Ministry of Budget, the Ministry of Mining and Geology, and the Central Bank. The taskforce aims to harmonize revenues received by the Government through the different ministries, and promote the dialogue among government institutions in the mining sector.

As part of this project, the Revenue Development Foundation (RDF) is developing FUSION, an online database designed to track payments linked to the mining sector. All financial information is currently being collected manually by a focal point who has been appointed within each institution. The following data will, however, be available for download in CSV format:

- Production data
- Export & import data
- Payment data for revenue collecting services
- Mining permits and licences
- Trade licenses for small scale mining
- List of taxpayers

FUSION is online, but in the future, will be installed locally and accessible through VPN. There were no initial plans to publish FUSION data.

7.2. GEITI

EITI Guinea has a [website](#)⁴⁰ that is mentioned as a key source of EI data by most actors interviewed for this report. The GEITI website document repository is full of information, despite difficulty navigating different unclassified documents with the current user interface. **With the development of an EIDP, the metadata associated with each document published on the portal could be improved by classifying documents by source and type**, improving users' document search experience.

GEITI has an [open data policy](#)⁴¹ which aims to be a one-stop shop for information on the mining sector. The EITI Data Policy takes into account the interoperability with different existing administrative systems, the definition and harmonization of the terms used to facilitate their understanding and use. Finally, the **policy** includes opportunities for downloading data in Excel and PDF as well as building the capacity of stakeholders to use open data. **This data policy is the open data management framework for the mining sector and could be improved** by including:

- **Mining Companies Online Declaration forms** - accessible online with the possibility to upload all supporting documents (receipts, receipts, etc.); Online data collection will reduce delays in

³⁹ <https://www.itiedoc-guinee.org/document-archive/bulletin-statistiques-miniers-ministere-des-mines-et-de-la-geologie12-decembre-2018/>

⁴⁰ <https://www.itie-guinee.org/>

⁴¹ <https://www.itie-guinee.org/wp-content/uploads/2018/06/POLITIQUE-ACTUALISEE-DES-DONNEES-OUVERTES-DU-CP-ITIE-GUINEE.pdf>

information collection, facilitate the certification process and promote systematic disclosure of information;

- **Include EI themes** - the sectoral policy letter focuses on the traceability of payments, which is particularly important especially after the official launch of FODEL in December 2018. To this end, the NGO Action Mines, with support NRGI, is currently working on Transparency FODEL,⁴² a digital platform designed to publish information on the management of funds paid by companies in accordance with Article 130 of the Mining Code. The aim is to inform a broad public about the management of these funds in order to help make the management of these large amounts transparent.
- **Update the EITI Open Data Policy to reflect the new requirements⁴³**: actual ownership, gender and environment in accordance with the 2019 requirements of the standard.
- **Add CSV to Available Publication Formats** - for all users without Microsoft Office licenses
- **Include an open data license** for all IE data published online by the Government of Guinea - the same recommendation prevails for the ITIEG website whose current license displays "all rights reserved" which does not allow to reuse the data

The need for disaggregated actors goes beyond finance. Actors need data on employment, gender, environmental protection, and income-generating activities, to estimate the impact of mining activities on the national economy, expand their advocacy, and put in place an effective accountability mechanism.

7.3. Other data sources

Other institutions collect data internally, sometimes without software. Most of these data are intended for internal use or shared in the form of reports.

Quarterly and annual activity reports of mining companies - These reports include statistics on human resources, career plans, sourcing plans, and local content. These reports are submitted in printed form and are not available in machine-readable electronic format. As a result, extracting specific information is labor-intensive.

The Ministry of Environment, Water and Forests the *Bureau Guinéen d'Etudes et d'Évaluation Environnementale (BGE)* produces data in the form of impact evaluations and Environmental and Social Management Plans (Plan de Gestion Environnementale et Sociale - PGES). With support from PAGSEM, the Ministry is currently developing an ACCESS database that agents will manually populate and compile all PGES. For CSOs, accessing the PGES and impact evaluations is a key issue, as there is a real demand to understand how mining projects affect the communities, their environment, and the measures that companies have committed to undertake to reduce this impact.

National Directorate of Customs is in charge of tracking and calculating the import and export taxes of mining companies. Data (origin, value, volume and weight of exported mineral) is collected through a declarative system and registered into an online database called Gainde 2000. This system is not currently connected to other government systems but data are manually shared with FUSION and with GEITI for inclusion in annual reports. Gainde 2000 offers the ability to retrieve data in multiple formats, including Excel and CSV, but Customs does not provide public access to data. The PDIE could extract them

⁴² <http://www.transparencyfodelguinee.com>

⁴³ <https://eiti.org/document/presentation-on-changes-to-eiti-standard-2016-to-2019>

automatically and publish them in a readable format, which would respond to the need expressed by CSOs to access data on export and import taxes paid by mining companies.

National Directorate of Taxes is a producer of EI data as it collects statistics on revenues and payments made to the State by mining companies. Data are collected from monthly company declarations. The database is hosted in an old internal system that is not publicly accessible. The GEITI annual reports include data from the National Directorate of Taxes but the challenge is that the nomenclature of public accounts is different and does not correspond to EITI's nomenclature to identify mining companies and mining projects.

7.4. Mining Sector Data Science Opportunities

On the basis of the data already collected by different entities and the expressed needs of the different actors, several opportunities are possible to establish a constructive national debate on all aspects related to mining operations. Identified opportunities are mainly based on the publication of disaggregated data that can inform citizens, track financial flows to the actual use of funds, address gender issues, respect for the environment, local economic development; all of which should be taken into account when defining national strategies for building trust between communities and institutions. The following examples illustrate some of the opportunities that would benefit CSOs, communities, and the Government:

- **The statistics of the activity reports of the private companies** constitute the base of the follow-up of the mining operations as for the respect of the obligations related to the supply and the local content, the employment and the protection of the environment;
- **Gender data** - CSOs and TFPs emphasized the need for official statistics on women's employment in mining companies to promote change and promote the inclusion of women in the sector.

Given the information gathered for any mining title request, the CPDM is able to provide statistics on the type and number of permits granted to women, and provide statistics that could be included when discussing women's empowerment.

Guinea's mining code refers to the number of nationals to be recruited in mining enterprises by category. There are already public higher education institutes that offer curricula in mining careers; statistics on the attendance rate of these institutions, the type and number of diplomas by gender, would give the Government and its partners the necessary information to include in the strategy of the eight schools they are building to alleviate the local capacities challenge

- **Risks related to mining activity and its corrective actions** - communities should be informed about the impact of mining activity on their environment and measures included in the management plan of the company to address it. With this information, communities will be able to actively participate in the monitoring of mining operations.

7.5. Recommendations

The implementation of an EIDP is both a stated need and a recommendation. The benefits of a EIDP will be multiple in that it will provide disaggregated, comprehensive, reliable and easily understood information. By aligning data supply with actor needs, stakeholders will increasingly use reliable, high-quality EI data to inform their planning and strategy decisions and perform concrete analysis on the issues that matter the most to them. The EIDP will aim to reduce data fragmentation in the mining sector by focusing on interoperability with existing systems to extract:

- **I-mining** - human resources data of mining companies;

- **CPDM** - real owner information and permit statistics;
- **FUSION** - non-sensitive information on payments by mining companies to the government;
- **BGEEE** - operations risks and corrective actions; site rehabilitation measures;
- **Mining revenues allocated through FODEL and FNDL** - data on financial flows including allocation of funds at community level;
- **The Chamber of Mines** - Information on the impact of mining activity in the social sectors, including health and education, and on the most vulnerable populations.

The above points are mere propositions. For the effective implementation of a EIDP, it will be necessary to carry out a thorough technical evaluation of all data sources that could be linked to the portal and assess their added value in displaying relevant, easy to understand disaggregated data to help advocacy and ensure that mining resources are effectively used to benefit the populations.

Data tools should be developed on open-source software, avoiding expensive annual maintenance fees that institutions have difficulties to sustain overtime and, use a gradual and scalable approach to quickly adapt to new demands and new requirements. Data becomes evidence to be used in planning decisions and properly defining national policies. **The long-term implementation of a EIDP requires strengthening local capacities in data analysis to systematize the use of evidence in administrative and citizen processes.**

ANNEX 1 – LIST OF INTERVIEWEES

Name	Organization	Position
Government		
Raphaël GNAMBALAMOU	Center for the Promotion and Development of Mining (CPDM)	Senior geologist
Moussa Maléya Camara	Community Relations and Local Content Development Branch - MMG	Director
Aboubacar Kourama	Development and Strategy Bureau - MMG	General Managing Director
Abdoulaye Soumah	EITI	Procurement and Communications Manager
Saadou Nimaga	EITI and Ministry of Mining and Geology	EITIG Steering Committee President and MMG General Secretary
Aboubaca Kaba	Guinea Bureau of environmental evaluations (BGE)	Lab Manager
Camara Sékou Croussou Bauya	National Coordination Service for Mining Projects -MMG	Administrator
Lieutenant Colonel Aly Fancinadouno	General Customs Directorate - Mining companies bureau	Customs inspector - Chief of Bureau
Alhousseine Kaba	General Mining auditing service	General Auditor
Charly Henry Falle	National Bureau of Expertise (BNE)	EITI Focal Point – Finance Manager
Sall Anne marie Sakho	National Bureau of Expertise (BNE)	General Director
Oumoy Suaré	National Bureau of Expertise (BNE)	Finance Assistant
Mamadou Saïdou Bimbiriko BARRY	National Coordination Service for Mining Projects -MMG	Deputy General Director
Mamadou N'Dimbacane	National Coordination Service for Mining Projects -MMG	Mining Engineer
Fodé Berete	National Directorate of Mining	National Director
Michel Camara	National Directorate of Taxes	Tax auditor – chef du pôle du contrôle des Services Déconcentrés
Aboubacar Kagbé Touré	SOGUIPAMI	Deputy General Director

Private Sector		
Aissata Beavogui	CAG	CEO
Malik Diayé	Chamber of Mines	President
Chaïkpi Yaya Diallo	Chamber of Mines	Director
Ousmane BAH	Guinean AngloGold Ashanti Society	Senior Coordinator
Moussa MAGASSOUBA	Guinean AngloGold Ashanti Society	Legal Counsel
Civil Society and Development Partners		
Mamadou Diallo	GIZ	Manager for the EI governance project
Barry Aisha	Guinean Coalition of Women for Mines and Sustainable Development (Cogui Fémin - DD)	President
Stephane Guininet	Fusion - Revenue Development Foundation	Senior Revenue Specialist
Sory Kouyaté	Project to Support Governance in the Mining Sector (PAGSEM)	Project coordinator
Alpha Abdoulaye Diallo	Publish what you pay	President
Zeinab CAMARA	Women in Mining	Founder
Amadou Bah	Action Mines	Executive director

ANNEX 2 – LIST OF INDICATORS COLLECTED BY THE BSD

The following table compiles a list of 40 indicators collected by the Office of Strategy and Development (BSD) of the Ministry of Mines and Geology and the frequency of collection.

N°	Indicator	Frequency
A	Production / Exports	
1	Monthly Production	Monthly
2	Monthly Exportations	Monthly
3	Planned annual production	Annually
4	Planned annual exportations	Annually

5	Exploitable Reserves	Annually
6	Exports - Average Al ₂ O ₃ (bauxite)	Monthly
7	Exports – Average Humidity (h ₂ O) (Bauxite)	Monthly
8	Average selling price (\$/t) (Bauxite)	Monthly
9	Total sales (\$)	Monthly
10	Average cost of transportation to destination port (\$/t) (Bauxite)	Monthly
B Investments		
11	Planned Investments	Annually
12	Actual Investments	Quarterly
C Payments		
13	Contribution to Community Development (\$)	Monthly
14	Surface Tax	Annually
15	Mining Tax on Extraction (\$)	Monthly
16	Mining Tax on Exports	Monthly
17	BIC tax	Annually
18	Dividends (Government Participation)	Annually
19	Wage Taxes	Monthly
20	Tariffs	Monthly
21	Securities Income Tax	Monthly
22	Mining infrastructure Rental	Monthly
23	CNSS	Monthly
24	Other taxes and payments	Monthly
D Local Content		
	Number of jobs per category (by gender)	
25	Administrators	Quarterly
26	Directors	Quarterly
27	Skilled Workers	Quarterly
28	Unskilled Workers	Quarterly
	Number of training sessions per category, per hour (by gender)	
29	Administrators	Quarterly
30	Directors	Quarterly

31	Skilled Workers	Quarterly
32	Unskilled Workers	Quarterly
	Purchases	
33	Local purchases / Prefecture	Quarterly
34	Local purchases / Outside-Prefecture	Quarterly
35	Purchases from foreign companies registered in Guinea	Quarterly
36	Purchases from foreign companies registered outside Guinea	Quarterly
E Planned Jobs		
37	Direct jobs planned for Guineans	Annually
38	Indirect jobs planned for Guineans	Annually
39	Direct jobs planned for foreigners	Annually
40	Indirect jobs planned for foreigners	Annually