Converting Natural Resources into Development

From Transparency to More Efficient Natural Resources Management

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Foreword

Converting Natural Resources into Development - From Transparency to More Efficient Natural Resources Management

Increasingly, West Africa is witnessing more of its countries discovering new and potentially lucrative oil, gas, and mining deposits which have also expanded public discourse on the transparency and efficiency with which projected and current extractive revenues are being generated and utilized in the region for needed development financing. These debates have triggered interest in understanding the dynamics of the governance of extractives within the region with a view of spotlighting the effectiveness of instruments of transparency embraced by many countries in the region and how these have improved the quality of accountability in the extractives sector. Importantly too, how the interplay of transparency and accountability has influenced the projected development from extractive revenues.

The Open Society Initiative for West Africa (OSIWA’s) supported project report - Converting Natural Resources into Development - from Transparency to More Efficient Natural Resources Management articulates research processed insights into the governance of the extractives sector, probing the application and functionality of adopted global mechanisms - the Extractive Industries Transparency Initiative-EITI and the Publish What You Pay(PWYP) of transparency and their impact on accountability outcomes in three countries – Côte d’Ivoire, Guinea, and Liberia.

The report – consisting of country specific reports and a regional report was derived from the work of consultants (local and national) in the three countries who undertook and facilitated investigative studies into the political economy of natural resources management and how this interacted with the different institutional governance mechanisms for extractives in existence. A regional perspective to the report is derived from the synergizing of the key findings (by a lead consultant) from the country based reports.

Overwhelmingly the country reports show that the adoption of the targeted global mechanisms- EITI and PWYP; and their interactions with the plethora of existing country level revenue management systems have not worked as projected especially with regards to impacting on accountability outcomes and citizens’ development needs. It is evident that the adoption of these global mechanisms without deliberate and sustained efforts at integrating these instruments into existing in-country governance systems portends great danger for these mechanisms (especially the EITI) becoming isolated. The levels of accountability expected by governments in the governance of extractives revenues should be expanded beyond ticking out “lip service” responses to global mechanisms but also to being truly accountable to their citizens who are deserving of better governance and the effective use of the extractive revenues to improve public service delivery amongst others.

This transition to citizens driven and focused accountability is possible and will be enhanced by the possible adoption of the key recommendations from the report which are cross cutting in nature – these include strengthening EITI implementation by amongst others the adoption of complementary regional mechanisms such as the African Mining Vision; improving policy development and expanding opportunities for citizens to affect these policies through clearly stated participation options; and the expansion of
stakeholder engagement that may include infusing EITI related governance lessons and studies into school curricula.

It must however be highlighted that the project’s implementation suffered data collection challenges in all three countries especially in Liberia and Guinea due to the Ebola Virus Disease (EVD) outbreak in West Africa and in Cote d’Ivoire due to the unnecessary and unexplained administrative longue procedures and data secrecy. As such, the adoption of recommendations from the study by any of the West African countries may be slow and challenging as in one hand the EVD countries battle to stabilize and rebuild capacity post-Ebola and in another hand weak political will and weak participation of citizens in decision making.

Despite these challenges, OSIWA is hopeful that the progressive adoption of the report’s recommendations will impact on the organization’s articulation of interest in reversing the resource curse, OSIWA’s 2014-2017\(^1\) strategy’s second objective seeks “Equitably distributed gains from natural resource exploitation and an effective delivery of public services”.

**Abdul Tejan-Cole**

Executive Director

OSIWA

\(^1\) http://www.osiwa.org/en/portal/about/25/Our-Strategy.htm
Executive Summary

As oil, gas, and mining discoveries continue throughout West Africa and beyond, the vast potential of revenues from these extractive industries to improve the lives of citizens has been a topic of much debate. This research project aims to provide insight into the governance of the extractives sector, and in particular why despite instruments of transparency being on the rise, accountability continues to be lacking and improved outcomes are not being felt on the ground. It aims to elucidate the interaction and synergies between international, regional, and national governance mechanisms and institutions in three countries – Côte d’Ivoire, Guinea, and Liberia – with particular focus on the Extractive Industries Transparency Initiative (EITI) and the Publish What You Pay (PWYP) coalition. The project aims to assess the strengths and weaknesses of each country’s arrangements, and to explore the extent to which practices have moved beyond transparency to actually contribute to good governance and equitable socio-economic development.

Local consultants in each of the three countries conducted individual country reports, investigating the political economy of their natural resources sectors and examining the interaction among the various governance mechanisms at play. These studies, supported by independent research and interviews with key actors, and validated at country level, have informed the present regional report, written “for practitioners by practitioners.” The national reports attempt to explore why a lag in good governance and even political will persists despite the range of efforts undertaken, and to identify areas for improvement through contributing to better policies and practices in the extractives sector. They attempt to shed light on ways to support accountability and ultimately promote better development outcomes through effective management of natural resources and their revenues – informing and contributing to public debate.

This study thus consists of two separate but complementary parts; country reports produced by national consultants, and the overarching regional report which aims to synthesize key findings from the individual reports and draws regional conclusions and recommendations. The project seeks to incorporate and reflect the views and perceptions of key stakeholders and interested parties in the sector. Those were determined based on country context, but attempted to include government representatives, relevant oil or mining companies, relevant local or international civil society organizations, and citizens or beneficiaries.

The methodology in each country, described more fully below, followed five interrelated steps: background research; political economy analysis and stakeholder mapping; focus group discussions, interviews, and surveys; data analysis; and a national validation. The present regional synthesis report draws on essential background documents and interviews with key international actors, as well as the individual country assessments, and attempts to identify common approaches, or common challenges. The analysis also attempts to make comparisons between the contexts, including key issues to be addressed, and attempts to provide practical recommendations to improve the governance of the sector at country level.

The timing of this project unfortunately coincided exactly with the Ebola outbreak in West Africa, leading to serious delays as well as difficulties with data collection in all three countries, particularly in Liberia and Guinea. As such, any recommendations may need to be adopted gradually once the states have regained
capacity. Nonetheless the methodology was followed to the greatest extent possible in the face of the Ebola outbreak, and the national consultants were able to conduct a range of interviews, focus group discussions, and surveys, as well as a thorough desk research.

The results of the study indicate that the EITI does have the potential to catalyze and reinforce synergies between national institutions and relevant mechanisms to address governance challenges and to leverage transformational change. However, the case studies do not present evidence that this potential has translated into positive change in the lives of citizens, or into improved development outcomes for the countries’ populations. The country reports have demonstrated that the discussion generally takes place at the international level, with a predominance of high-level statements and initiatives, while the effects of the EITI and other instruments in practice on the ground have thus far been rather limited.

However, they unanimously cite the increase in transparency and in debate or dialogue among stakeholder groups as a positive development, directly stemming from the EITI process and its interaction with the broader governance environment. Transparency itself is recognized as a very important starting point, and its rise in each of these contexts is no small feat.

It is clear that there is a danger of EITI in itself becoming an isolated mechanism and not realizing its potential – that is, unless the EITI process is made part of a larger governance system. While each of the countries boast legislation supporting transparency and accountability, while lacking the institutions and decrees or means to implement these policies to effect change on the ground. There is still a need for governments to move beyond paying lip service to the international community and to focus on being accountable to their own citizens.

Though tangible evidence is lacking the general sentiment is that there is potential for this shift to occur. In order to do so, a range of recommendations based on the country reports, stakeholder interviews, and validation workshops are proposed for promoting accountability and good governance at the national level, in particular through a robust EITI process.
Introduction and Objectives

Given the huge potential of oil, gas, and mining activities to improve the lives of citizens in resource-rich countries, the effective governance of the extractive sector is of crucial importance. Managing these resources in a responsible manner in any country – including transparency, good prioritization and planning, and strengthened institutional capacity – is key to combating the "resource curse"\(^2\) and to realizing successful development outcomes for its citizens. This is of particular concern in West Africa, where Côte d’Ivoire, Guinea, and Liberia – along with many of their neighbors – grapple with this issue.

Numerous international efforts exist to promote transparency in the extractive industries, as an important contributing factor to the effective governance of the sector. However, as with the wider “open” agenda in international development, questions remain about the benefit of transparency alone, and the extent to which it leads to accountability, if not embedded in a broader good governance agenda. This is particularly true in resource-rich fragile or post-conflict states, where the need to effectively manage natural resources is an essential component of building necessary trust, supporting strong governance mechanisms and institutions to combat corruption and conflict, and ultimately promoting positive development outcomes for future generations.

This research project aims to provide insight into the governance of the sector, and in particular why despite the rising acceptance of transparency, accountability continues to be lacking, and improved outcomes are not being felt on the ground. It aims to elucidate the interaction between international, regional, and national governance mechanisms and institutions in three countries – Côte d’Ivoire, Guinea, and Liberia – assessing the strengths and weaknesses of each country’s arrangements through individual national reports conducted by local consultants in each of the three focus countries. These individual country reports look into the political economy of the three countries’ natural resources sectors, examining the interaction among governance mechanisms at play. These studies, supported by independent research and interviews with key actors, and validated at country level, have informed the present report.

The report attempts to analyze the synergies between national institutions on one hand and key mechanisms and structures on the other, with particular focus on the Extractive Industries Transparency Initiative (EITI) and the Publish What You Pay (PWYP) coalition; and to explore the extent to which practices have moved beyond transparency to actually contribute to effective governance and equitable socio-economic development. The study explores why a lag in good governance and even political will persists despite the range of efforts undertaken, and identifies areas for improvement through contributing to better policies and practices in the extractives sector. It also attempts to indicate ways to support accountability, and ultimately to promote better development outcomes through effective management of natural resources and their revenues – informing and contributing to public debate.

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\(^2\) According to the EITI Glossary, this refers to a “phenomenon by which revenue from natural resources leads to poor standards of human development, bad governance, increased corruption and sometimes conflict.”
Methodology

This study thus consists of two separate but complementary parts; country case studies produced by national consultants, and the present overarching regional report which aims to synthesize key findings from the individual reports and draws regional conclusions and recommendations. This dual-level approach has both advantages and disadvantages. Among the advantages of this approach are the direct incorporation of practitioners’ inputs and the ability to accurately reflect the situation on the ground. In addition, the structure allowed the country-level work to continue as best it could in the face of the Ebola outbreak in the region, which would have been much more difficult had these reports not been produced by national consultants. Related challenges included lack of representation of some key stakeholder groups, also partly due to the Ebola outbreak.

The project seeks to incorporate and reflect the views and perceptions of key stakeholders and interested parties in the sector. Those were determined based on country context, but attempted to include government representatives, relevant oil or mining companies, relevant local or international civil society organizations, and citizens or beneficiaries. Given the involvement of various stakeholder groups and the variations in country-specific contexts, the country reports captured the unique aspects and the complexity of each, while this regional report attempts to highlight overarching patterns or trends among them. The research draws on a combination of methods, including both primary and secondary data collection, and both qualitative and quantitative data analysis. This has involved background research and analysis of existing documentation, as well as interviews with the main in-country actors and surveys with key stakeholders. The validation processes in each country allowed for the collection and integration of feedback from interested parties. This draft regional report is intended to foster debate during the regional validation.

The methodology in each country has followed five interrelated steps: background research; political economy analysis and stakeholder mapping; focus group discussions, interviews and surveys; data analysis; and a national validation. Initial background research included desk review of key documents to compile a robust contextual and political economy analysis in the respective countries, using both primary and secondary data collection. The analysis includes a description of the historical context, political situation including relevant laws or policies, and structures related to the extractives sector; the history and model of the Extractive Industries Transparency Initiative (EITI) and its processes in each country, and the current status of related activities; an overview of key companies in each country, as well as other actors and their respective interests; an explanation of existing governance mechanisms, institutions, or policies, as well as country-level measures or indices of governance, transparency, accountability or integrity; and the interplay of structures at local, national, regional, and international levels and their influence on economic or social issues and development outcomes.

The stakeholder mapping exercise provided a comprehensive overview of the variety of key actors in the extractives sector and their individual capacities and interests. This included those from government, civil society, and private sector, as well as international or development actors as relevant. The analysis aimed
to highlight their respective agendas and incentives that would influence their interactions with other actors in the sector, as well as their relations or connections to one another and the influence each one may have.

A preliminary interview list designated a set of actors in a variety of key roles related to the extractives sector, including local or central government authorities, donors, local or international non-governmental organizations (NGOs) or community-based organizations (CBOs), or private sector companies. These interviews, which were semi-structured following a set of guiding questions, allowed for rich information as well as specific recommendations to be gleaned from a range of stakeholders. The interviews revealed information about the current state of the EITI in the country, the relevance of other governance mechanisms, the existing issues with the current system, and potential recommendations for improvement. The initial target number for interviews was twenty per country; however for various reasons including the Ebola outbreak, not all stakeholders were available to be interviewed in each country, as explained below.

In addition to the interview process, national consultants in each country relied on both focus group discussions (FGDs) and written surveys to inform the national reports, particularly from beneficiaries on the ground. The surveys allowed a more broad-based response to more specific, standardized questions related to different aspects of the EITI itself as well as the broader themes of governance, transparency and accountability. The target was 100 surveys per country. The FGDs allowed national consultants to glean additional insight. A target in each country of at least five FGDs of six to ten participants, decided based on the stakeholder mapping and interviews, was realized to the greatest extent possible in the face of the Ebola outbreak; the annexed country reports provide further detail on the specific participants in each country.

The information gathered through these steps was then analyzed in each country using SPSS statistical analytics software for incorporation in the individual national reports. These reports draw on the information surfaced through contextual analysis and stakeholder mapping, interviews, surveys, and analysis. They attempt to examine the exiting synergies between the EITI and national systems or policies within the broader governance ecosystem, and each report also includes key recommendations for strengthening these synergies in its national context. The national reports were then validated through a peer-review process at country level.

The present regional synthesis report draws on essential background documents as well as the individual country assessments, and attempts to identify common approaches, or common challenges. The analysis also offers comparisons between the contexts and an overall assessment, including key issues to be addressed, and attempts to provide practical recommendations. The project ultimately aims to support better understanding of efforts to promote transparency and accountability in the extractive industries with the aim of fostering more effective governance, allowing revenues from the sector to reach and ultimately benefit the implicated populations.
Setting the Context

BACKGROUND

The Extractive Industries Transparency Initiative (EITI), a “global coalition of governments, companies and civil society working together to improve openness and accountable management of revenues from natural resources,” includes many important elements that support this overarching goal. These include aspects of both supply- and demand-side governance (that is, involving both the government and its citizens), supporting transparency in the sector with emphasis on regular audit and publication of result, and inclusive multi-stakeholder dialogue.

The initiative made an important stride toward accountability with the adoption of the new EITI Standard in May 2013. Beyond disclosing data on revenues, the Standard now requires the disclosure of additional relevant, accurate, useful information by both governments and companies, all along the value chain — that is, from contract award through to revenue management and sustainability (see Figure 1.) In addition reports now include contextual information and must reflect national priorities. The EITI also now includes a range of recommendations for improving its impact beyond the mandatory requirements, including disclosure of contracts and beneficial ownership. A fuller discussion of the Standard is below.

Adoption of the new EITI Standard is an important step beyond transparency, and should lead to a better understanding of how revenues from extraction are both generated and allocated. But even the new

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3 https://eiti.org/eiti
Standard is not a solution on its own to the broader governance issues around the sector. There is not yet a clear link between EITI compliance and either the reduction of corruption or improvement of governance of the sector. As Open Society Fellow Diarmid O’Sullivan recently noted, “it is possible for a country to be deemed compliant with the EITI’s rules, based on reporting of revenues, while other serious problems are untouched.” This concern has, further, been repeatedly raised by various other actors in the sector through the interviews conducted as part of this report.

It is generally accepted that transparency in these different areas could certainly help to identify systemic issues, but will not on its own solve them. This will depend in part on citizens’ awareness of and ability to use the information contained in EITI reports, particularly those in the areas immediately affected by extractive activities, and on the capability and responsiveness of government and other stakeholders to address the issues surfaced. To date the initiative has been predominantly focused on reporting, detailing how national reports are produced, what data they should contain, and who should be involved in their production. Despite a broader scope offered by the new Standard, there continues to be little attention from the EITI on what happens with the reports and how the information is used.

Alignment with the national reform agenda, especially public sector transparency and accountability, will further ensure implementing countries optimize the benefits of the EITI process. Promotion of the EITI processes, audit, and resulting reports at the local level is a crucial complement to national and international level efforts. Both top-down and bottom-up communication are necessary to support effective governance reform, and to allow this and other international transparency initiatives to be better aligned with national or even local governance mechanisms.

All three of the focus countries in this study are currently EITI-compliant, meaning they have met all the requirements laid out by the EITI Standard. Liberia was the second country to be declared EITI-compliant, in 2009; Côte d’Ivoire has been EITI-compliant since 2013; and Guinea since July of 2014. All three were also among the top 25 most fragile states in the 2014 Fragile States Index, based on data from the previous year; Liberia at 24, Côte d’Ivoire at 14, and Guinea at 12.

The key natural resources vary by country, despite their geographical proximity. While the EITI by design reflects national priorities, particularly with the new Standard, some common factors among these three cases allow for comparison across countries and contexts. The national reports propose recommendations for strengthening the various governance mechanisms including the EITI, taking into account the innovations unique to each country.

For the purposes of this project, the following definitions are proposed, as these terms are key to the study itself. Despite variations in national contexts, these definitions may still be useful in relative terms.

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5 Fund for Peace. “Fragile States Index 2014.” Fund for Peace. 24 June 2014. 1 July 2014. Note: This report was published before the Ebola outbreak took root; these rankings have undoubtedly shifted.
for comparing similar institutions across settings. The author has adapted these definitions based on those provided by the Transparency & Accountability Initiative, Transparency International, the Ibrahim Index of African Governance, and the U4 Anti-Corruption Resource Centre.

**Good governance** refers to how public institutions conduct public affairs and manage public resources in sound ways; this includes the provision of the political, social and economic public goods and services that a citizen has the right to expect from his or her state, and that a state has the responsibility to deliver to its citizens. This goes beyond the traditional notion of government to include the relationships among leaders, public institutions and citizens, including the process by which they make and implement decisions. Good governance tends to have the following characteristics: it is participatory, accountable, transparent, efficient, responsive and inclusive, respecting the rule of law, and minimizing opportunities for corruption.

**Accountability** means ensuring that officials, organizations, and individuals are answerable for their actions and that there is redress when duties and commitments are not met – relying largely on transparency and participation. Accountability encompasses several iterations relevant to this study, which tend to be most effective when taken together. Horizontal accountability consists of formal relationships within the state itself, which subject public officials to restraint and oversight, or ‘checks and balances’ by other government agencies that can call into question, and eventually punish, an official for improper conduct. Its focus is on internal checks and oversight processes. Vertical accountability involves citizens directly in holding the authorities to account; methods may include elections and the legislature, a free press, an active civil society, and other similar channels or social accountability mechanisms.

**Transparency** is the quality of being clear, honest, and open. Representatives of governments, private sector, and civil society have a duty to act visibly, predictably and understandably to promote participation and accountability. This implies being open in the clear disclosure of information, rules, plans, processes and actions; further, information should be managed and published so that it is relevant and accessible, timely and accurate. Sufficient information must be available so that other government agencies and the general public can assess whether the procedures are followed as intended. Transparency is therefore considered an essential element of accountable governance, contributing to improved resource allocation, enhanced efficiency, and better prospects for economic growth in general.

**Effectiveness** in the case of this project goes beyond the attainment of stated goals or compliance with predetermined rules, though these are certainly relevant in regards to the EITI and PWYP. Effectiveness rather refers here to governance, and the extent to which the mechanisms or institutions are aligned and mutually reinforcing in order to best realize the aspects of good governance noted above.

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PUBLISH WHAT YOU PAY AND THE EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE

The following sections outline some of the important structures aiming to promote governance in the extractive industries. Two of the most prominent structures for promoting transparency and accountability in the extractives sector are the Extractive Industries Transparency Initiative (EITI) and the Publish What You Pay (PWYP) network. The histories of these two initiatives are closely intertwined, and the two often work in tandem on the ground.

The 1999 Global Witness report “A Crude Awakening: The Role of the Oil and Banking Industries in Angola’s Civil War and the Plunder of the State’s Assets” presented the role of government and foreign companies in perpetuating war through the mismanagement of natural resource revenues – and included a call on the companies to publish such revenues. The report’s findings intrigued a group of civil society actors, who then extrapolated these findings to other resource-rich countries. The predominance of the “resource curse” in resource-rich but poor countries and opacity surrounding extractives operations led to the June 2002 launch of the global civil society campaign demanding that companies “Publish What You Pay” to governments in all countries of operation.¹⁰

The movement since its inception has pushed for mandatory publication of company payments to governments and of government earnings from companies. The initial PWYP coalition, comprised of six prominent international non-governmental organizations (NGOs) calling for greater transparency in the sector, has since expanded to include over 800 organizations in nearly 60 countries spanning the globe. As it has grown PWYP has also evolved. While its initial call for transparency is certainly a crucial piece of the natural resource governance puzzle, over the intervening decade it has become apparent that the scope must be broader than simply disclosure in order to ensure the accountable management of revenues to the benefit of citizens in resource-rich countries.¹¹ This has led to the recent expansion of scope to encompass the entire extractive industries value chain, calling for improved governance along the entire cycle from licensing to sustainable development – of which revenues play only a part, if an important part.¹²

PWYP has in fact adapted the 2009 version of the EI value chain developed by the World Bank, and created its own “Chain for Change” which presents its vision for, and from the perspective of, civil society action at points all along the value chain (see Figure 2.) This was developed as part of “Vision 20/20,”¹³ a new strategic plan for the PWYP global coalition adopted in 2012. This new vision is a key step in moving beyond simply transparency and toward accountability in natural resource governance, bolstering the important role of civil society in particular in this sector.

¹⁰ http://www.publishwhatyoupay.org/
¹¹ http://www.publishwhatyoupay.org/about/history
¹³ http://extractingthetruth.org/vision2020.html
The effort to shed light on payments and revenues in the extractive industries had a nearly immediate and powerful effect, and that impact has continued through the coalition’s evolution. Perhaps the most important outcome is that, in a departure from the situation at the coalition’s launch in 2002, there is now a widespread acceptance among both public and private sector actors that their financial dealings should be open to public scrutiny, even if debate continues around what exactly should be released. Indeed “PWYP’s campaigns for mandatory disclosure paved the way for what has been hailed as the Transparency Revolution around natural resource governance.”

Among the key offshoots of PWYP was the announcement in late 2002 of the EITI, a multi-lateral multi-stakeholder initiative bringing together governments, companies and civil society to improve transparency in the extractive industries. This has been both a reaction and complement to PWYP, and the two often work in tandem at both the national and international level.

Like the PWYP campaign, the initial focus of the EITI was on disclosure of revenues and payments, embodied in 12 principles agreed on in 2003. Championed by the G8 and soon joined by support from the World Bank through an EITI-specific trust fund, the experiences of several national pilot programs

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15 https://eiti.org/eiti/principles
and early-adopting countries made clear the need for criteria to define what involvement in the EITI should mean in practice. This led to the establishment of six EITI Criteria in 2005.

While these Criteria still focused on transparency, additional stipulations were added to help guide countries implementing the EITI. The Criteria dictated: publishing all payments and revenues related to oil, gas, and mining by companies; auditing these payments and revenues; reconciling of these payments and revenues by an independent administrator, and publishing the results including any inconsistencies; subjecting state-owned enterprises (SOEs) as well as other companies to this oversight process; engaging civil society actors in the entire process, including public fora; and developing a national work plan to be published by the government.16 The Extractive Industries Source Book, also released in 2005, further supported the good governance of the sector by providing a free, online "guide to good-fit practice in the management of upstream oil, gas and mining sectors, across the entire EI value chain, from award of contracts to the expenditure of resource revenues."17

The EITI declared its first compliant country, Azerbaijan, in early 2009; Liberia was the second country to reach this status later that year, with others soon to follow. However a 2011 Scanteam evaluation of the EITI found that, despite many positive aspects of the initiative, "little impact at societal level can be discerned."18 The report posits that this lack of impact was due to the nonexistence of a proper theory of change, as well as the initiative’s overly narrow focus.

Based in part on the recommendations of the Scanteam report and a two-year strategy development process, a new Standard was adopted in 2013 by the EITI board with a broader scope encompassing the entire EI value chain described above (see Figure 3.) This new Standard requires that identified national priorities are reflected in the country work plans, and aims to "make EITI reports more understandable... [make] the EITI more relevant in each country... [ensure] better and more accurate disclosure... [recognizing] countries that go beyond the minimum... [and provide] a clearer set of rules."19 In addition, the Standard requires validators to assess the relationship of EITI implementation to these national priorities, and also empowers the EITI Board to make recommendations on ways to increase impact in implementing countries.

Updated requirements include, among other aspects, the disclosure of disaggregated data on production volumes, subnational payments, and social obligations including local content – a key issue given the potential developmental and economic impact of extraction and related activities on those most directly impacted. In addition, civil society participation is explicitly emphasized. Disclosure of contracts and beneficial ownership, however, remain encouraged rather than required, though the importance of both

16 https://eiti.org/eiti/criteria
17 http://www.eisourcebook.org/
19 https://eiti.org/eiti/history
these aspects has been repeatedly emphasized both through interviews for this report and at the international level.

Both PWYP and EITI have in recent years made explicit efforts to broaden the scope beyond simply transparency, moving past disclosure and looking toward accountability in the sector. While these promise to be important steps, the national reports do not reflect changes on the ground as of yet; it will be interesting to see whether an improvement is reflected in forthcoming EITI reports, the first round since the new Standard went into effect.

PWYP continues to be a crucial forum for advocating for the participation of civil society. In each of the three focus countries, as well as many others, the coalition plays an important and at times dominant role in the Multi-Stakeholder Groups\(^\text{20}\) (MSG) that are the foundation of the EITI’s inclusive dialogue process and are central to its functioning at country level. Despite requirements for civil society inclusion, though, concerns remain around its independence and effectiveness. This issue has been raised in each of the three national reports as well as through conversations with key actors in the sector.

\(^{20}\) According to the EITI Glossary, this is a “group made up of government, company, and civil society representatives that oversee the EITI implementation in a country. The MSG develops the country Workplan, the production of the EITI Report and ensures that the EITI contributes to public debate.”
The EITI assumes that civil society will take the key step of communicating information contained in EITI reports back to the broader population – thus making this information both accessible and understandable. Civil society representatives are often charged with distilling and popularizing the reports and disseminating them to local communities, which can also be an important opportunity to go beyond EITI specifically and provide information on the sector more broadly, educating citizens on their rights and how the extractive industries impact their lives.

However, there has been much concern recently around the ability and possibility of civil society to be active, independent, and free. Issues of particular concern related to EITI and PWYP include the July 2014 arrest of EITI Niger national committee member Ali Idrissa amid questions of freedom of expression, and the more recent closure of civil society space in Azerbaijan which has become a main focus of both the initiatives. Indeed, in the 2014 “Open Letter to President Obama from African Civil Society,” PWYP representatives from across Africa stated explicitly that “we, as civil society, need a guaranteed space and platform so that we can operate.”

As civil society plays a key role in helping move beyond simple transparency and toward accountability, by raising awareness and communicating back to both constituencies and government, the restriction of their ability to advocate and speak freely is of concern not only in terms of EITI but its impact on good governance more broadly. There is an important opening to use EITI, with its explicit and clear civil society requirements often bolstered by the involvement of PWYP coalitions, to support this by more deliberately linking the initiative to the broader governance space. However, key issues of resources, motivation, and connections of civil society are important determinants of the extent to which they are able to use EITI reports to influence public debate and policymaking.

A key opportunity exists in linking both PWYP and EITI, and in particular a more vibrant civil society, with the range of complementary efforts and initiatives, especially on the international stage. Clear linkages are apparent with many of these; of the three countries studied, Liberia appears to have made the most progress on this front, at least on the surface. A discussion of the range of complementary structures, as well as the country cases, follows.

OTHER GOVERNANCE MECHANISMS, INSTITUTIONS, OR POLICIES
There are a range of international, regional, and national-level initiatives that operate in a similar space to the EITI and PWYP campaigns, and could be capitalized on to reinforce the strides made at country level through EITI, and vice-versa. These include high-level statements of intention, multi-stakeholder initiatives, CSO networks, and legislation; what follows is not an exhaustive list but presents some of the most relevant and complementary initiatives that could be exploited.

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21 http://www.publishwhatyoupay.org/resources/open-letter-president-obama-african-civil-society
22 For a discussion of similar linkages at the global level, please see https://eiti.org/files/English.pdf
At the international level, the Open Government Partnership (OGP) is a prominent multi-stakeholder movement that “aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance.” Since its founding in 2011, the OGP has expanded from 8 countries to include 65 participants spanning the world. Participant countries commit to creating a national action plan that must come out of a public dialogue process; as this national action plan necessarily reflects national priorities, resource-rich countries have an important opportunity to directly link the work done through EITI to their OGP action plans. Liberia is an example of this, as the action plan explicitly references “Extractive Industries Transparency” as one of its core commitments. The growing momentum of the movement and its prominence on the international stage make it an important potential source of leverage for transparency and accountability. Given the explicit requirement of citizen engagement, this could be particularly impactful in terms of bolstering the independence and vivacity of civil society, as evidenced by renewed commitments during the October 2014 OGP High-Level Event. In West Africa only Liberia and Ghana have signed onto the OGP. Côte d’Ivoire has expressed interest in joining but thus far both it and Guinea remain outside the initiative, based on eligibility criteria, which have proved an issue for a number of countries in Francophone Africa.

Open Contracting (OC) is similarly a global multi-stakeholder movement that aims to promote participation and disclosure in public contracts, working across regions, sectors, and stakeholder groups. In the extractives sector in particular, contracts and licenses lay out the terms and conditions of extraction and the effective oversight of their award and implementation can help to ensure the delivery of positive development outcomes for citizens. Explicit examples of the link between OC and EITI include the recommendation of contract transparency included in the EITI standard, and recent work on contract monitoring that provided important information on contractual obligations, helping to improve relationships among stakeholders in the sector and those impacted by extraction. The recently developed Open Contracting Data Standard could further support the effective disclosure of relevant data. A recent workshop in Côte d’Ivoire raised interest among civil society on open contracting, though tangible strides have yet to be made. Both Guinea and Liberia offer online databases of extractives contracts, in line with both the initiatives and providing important information to civil society to digest and disseminate.

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23 http://www.opengovpartnership.org/about
24 http://www.opengovpartnership.org/country/liberia
25 http://www.opengovpartnership.org/
26 http://www.opengovpartnership.org/how-it-works/eligibility-criteria
27 http://www.open-contracting.org/
29 http://www.contratsminiersguinee.org/
The Kimberley Process Certification Scheme (KPCS) is a global, multi-stakeholder, response to the role of diamonds in prolonging conflict in various African states, established in 2003. One of the forerunners in extractives transparency, the KPCS is an example of an effort to improve governance in the sector specifically. The scheme requires that “participating states... meet 'minimum requirements' and must... commit to transparency and the exchange of statistical data.”\(^{31}\) The lens on local communities and the effect of extractive operations provided by the KPCS may also be an important support to the EITI’s aims. Côte d’Ivoire, Guinea, and Liberia are all diamond producers and all participants in the KPCS, and all are specifically members of the working group on Artisanal and Alluvial Production, a key governance issue in the sector. In addition to supporting transparency and governance in the sector, the KPCS information on production volumes that may be an extremely useful source for EITI reports. However the KPCS has recently been called into question for its disregard for alleged abuses by authorities, as well as an overly narrow focus on conflict diamonds. In Côte d’Ivoire in particular the efforts have centered solely on removing the diamond embargo; since this was lifted in April 2014, there has been no proper policy to govern the sector.

Additional international efforts offer the potential for reinforcing the aims of the EITI in various ways. Among these are the International Budget Partnership CSO network and its Open Budget Initiative, which offers a useful avenue to support disclosure and budget decisions, helping to make this information accessible and understandable to citizens. This also could offer an avenue for the eventual tracking of not only extractives revenues but also their expenditures. The Construction Sector Transparency Initiative also presents an interesting avenue of extension of the EITI, through the lens of extractive-related construction projects. This could be particularly impactful in Guinea through the Simandou project described below.

In addition, perhaps one of the most important achievements of the EITI has been to pave the way for laws at the international level explicitly requiring transparency in the sector, and both the United States and the European Union have passed directives that to this effect. In the United States, Section 1504 of the Dodd-Frank Act requires US-registered companies to report payments to foreign governments for access to and development of oil, natural gas, or minerals. Similarly the Accounting and Transparency Directives of the European Union requires the same level of disclosure. There has been significant political disagreement at the international level centered around these pieces of legislation, with particular resistance from the industry side. However, their passage represents a success for transparency, and both reinforce and complement the aims of EITI and PWYP by supporting mandatory disclosure of operations at country level, also providing an additional data source for reporting.

At the regional level, a direct connection to the African Mining Vision (AMV) is a clear opportunity for strengthening the EITI. This endeavor of the African Union (AU), adopted in early 2009, is an African-led approach to promote good governance in the extractives sector, aimed at “transparent, equitable and optimal exploitation of [Africa’s] mineral resources to underpin broad-based sustainable growth and socio-

\(^{31}\) http://www.kimberleyprocess.com/en/about
economic development.” The 2011 Action Plan outlines key focus areas for implementing the AMV, which are clearly in line with the EITI and allow for mutual reinforcement, as their interaction offers an important opportunity to extend the impact. The establishment of a standardized vision across AU member states offers an avenue to promote transparency as the norm and to reinforce effective management in the sector. The recent “Country Mining Vision” guidebook may be a useful tool for adapting this regional mechanism to country context in order to apply its goals in practice. However, this will certainly depend on the country, as for example the new mining code in Côte d’Ivoire does not refer to the AMV, an issue raised during the report’s validation workshop.

Another initiative of the AU, the New Partnership for Africa’s Development (NEPAD), was ratified in 2002 as a strategic effort to reduce poverty and boost shared prosperity across Africa. This development framework promotes both individual priority-setting and collaborative learning across countries, and as an AU-supported initiative presents a strategic opportunity to link to the EITI. Moreover the NEPAD also spawned the African Peer Review Mechanism (APRM) in 2003, “Africa’s Self Assessment for Good Governance.” This voluntary structure is intended to promote sound developmental policies and to measure countries’ performance on four pillars: political, economic, and corporate governance, as well as general development. This offers a regular assessment tool with indicators for governance in extractive industries adopted in 2013. This could help reinforce the EITI on the ground while ensuring the APRM’s relevance to individual countries. This further offers a forum through which the multi-stakeholder approach of the EITI – and in particular the effective participation of civil society – could be both validated and extended beyond the two mechanisms in order to promote good governance more generally. At present, however, none of the three countries are party to the APRM.

On the sub-regional level, the Economic Community of West African States (ECOWAS) issued a 2009 directive “on the Harmonization of Guiding Principles and Policies in the Mining Sector.” Given the importance of the sector throughout West Africa this ECOWAS Mining Directive is an attempt to better harmonize mining legislation across the region in order to improve development outcomes and to attract foreign investment in the sector. As an explicit objective of the directive is to “improve transparency in mineral policy formulation and implementation processes” including an article that spells out the guidelines around “Transparency, Good Governance, and Public access to information,” there is clear potential to align this directive with the EITI. This is particularly relevant to the three focus countries as they are all ECOWAS member states.

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34 http://aprm-ua.org
Similarly Tax Justice Network-Africa, in the 2010 "Nairobi Declaration on Taxation and Development," proposes guidelines on Revenues from Natural Resource Extraction, including explicit calls both for adherence to the EITI and for developing civil society capacity. While the signatories to the Declaration were predominantly civil society organizations, the pan-African nature of the declaration and the link to the international Tax Justice Network lends additional weight. This could be a useful tool to support multi-stakeholder efforts in the sector and also to use the work on transparency that EITI supports in order to promote accountability in natural resource management, with the added benefit of knowledge-sharing among the sub-region and the opportunity to learn from neighbors.

At the national level, the enshrining of EITI in national legislation can reinforce the EITI and sectoral governance in general. Liberia is a good example of this phenomenon as it was only the second country to have an explicit EITI law, and officially requires that all government and private sector actors support its implementation. This mandate offers both stability and legitimacy to the initiative, which can be useful in the required advocacy and engagement – particularly if exercised in coordination with some of the regional or international mechanisms discussed above. However, the issue remains among the three countries of moving beyond such legislation on paper to ensure its implementation on the ground.

In addition, as demonstrated by both Côte d'Ivoire and Guinea, the involvement of civil society observers and participants in the revision of mining or petroleum codes presents a very important avenue to bolster their contribution as well as ensuring the better reflection of citizen priorities and input. These national efforts could also be further strengthened by the various umbrella initiatives at the regional and international levels in order to move past transparency and toward accountability. Sharing of lessons and best practices as well as joint trainings with neighbors has the potential to further build capacity not only of civil society but also of government to "close the loop" and respond, helping the different actors to work together to improve management of their countries' natural resources.

The preceding discussion clearly demonstrates a large degree of international interest in the relationship between the extractive industries and broader questions of governance. This is seen through high-level statements such as the AMV, and has sparked the establishment of several multi-stakeholder initiatives (MSIs) with complementary aims. These efforts tend to treat transparency as a key first step in the push for good governance. While challenges remain, the idea that civil society can formally take part in such conversations with government and private sector representatives is far more accepted than was previously the case. Questions remain, however, around the impact of these efforts on the ground; this is a question that the three national reports attempt to address.

County Case Studies

The following sections will present a brief summary of the three country case studies from Côte d’Ivoire, Guinea, and Liberia. This includes a brief background on the extractives sector in each country, followed by highlights from the reports including the national EITI process, important governance structures and existing or potential synergies among them at the national level, and key recommendations. The full text of each case study can be found in the annexes of this report.
BACKGROUND. Côte d’Ivoire, the world’s leading producer of cocoa, has experienced the increasing significance of extractive industries in recent decades. Long a refiner of oil from nearby Nigeria, the more recent discovery of oil within the borders of Côte d’Ivoire itself has led to the development of light oil refineries with the hope of capitalizing on this resource. According to the latest EITI report, Côte d’Ivoire produces approximately 40,000 barrels of oil per day, with proven reserves of 300 million barrels.\(^\text{37}\)

In addition to oil, Côte d’Ivoire also has important reserves of natural gas. Gold and diamonds – hence the impact of the KPCS-led embargo on Ivorian diamonds, lifted in April 2014 – are also significant commodities adding to the importance of the extractives sector, as well as other minerals including copper, iron, and manganese. The Ivorian Minister of Petroleum and Energy estimates that the mining sector employs 30,000 people, an important contribution to the country’s economy.

Côte d’Ivoire has experienced serious civil strife in recent years. Coups d’état in 1999 and 2002 resulted in a civil war that lasted until power-sharing agreement, intended to reunite the country, was signed in 2007. The agreement committed the main opponents – separated into a rebel-held, mineral-rich north and a government-held south – to hold fresh elections, which they did in 2010. The northern candidate, Alassane Outtara, was declared president. However, the disputed election results and unsuccessful negotiations to resolve the brewing conflict caused violence to escalate, resulting in renewed fighting, further socio-economic decline, and political instability.

Though the conflict ended in 2011, officially reestablishing state authority over the entire country as well as relations with funders and development partners, the memory of the recent “Crisis” remains fresh. Côte d’Ivoire is listed as a fragile state, ranked fourteenth on the 2014 Fragile States Index – directly between Iraq and Syria – with particularly high scores on factionalized elites and external intervention indicators.\(^\text{38}\) The United Nations Human Development Index (HDI) ranks Côte d’Ivoire in the “low human development” category with a rank of 169 out of 187 countries in 2012. This HDI was below the average for both low human development countries and for sub-Saharan Africa.\(^\text{39}\) Much of the country’s recent aid has included post-crisis reconstruction projects, which often overlap with the social responsibility programs undertaken by extractives companies working in the country.

The extractives sector, long characterized by opacity and misunderstanding, represents a fertile ground for transparency and, by extension, good governance. To this end, the Ivorian government has publicly demonstrated its dedication to transparency through its Constitution, and has also shown its willingness to improve governance in the extractives sector through its engagement in the EITI process. However, questions remain around the effectiveness of these structures in practice as these efforts have not yet translated to improved outcomes on the ground.

\(^{38}\) http://ffp.statesindex.org/
EITI IMPLEMENTATION. The country officially endorsed the EITI principles in 2006, and was accepted by EITI as a candidate country in 2008. The national Publish What You Pay coalition was also launched during this time, in 2007, with local committees in key producing areas around the country. Following the publication of its first EITI report covering the years 2006-2007 and its validation in 2010, Côte d’Ivoire’s candidacy was extended during the Crisis years. A second report in 2011 led to the country’s official acceptance as EITI Compliant in May 2013. The next EITI report is due in 2015, with and validation by 2016.

The EITI Multi-stakeholder Group (MSG) in Côte d’Ivoire is composed of key actors in the sector, including representatives from government (14 members), companies or private sector (5 members) and civil society (7 members.) However, it is important to note that some key stakeholders – notably the Chamber of Mines, cooperatives, and artisanal miners – are not included. In addition, it seems that while private sector members are the strongest force in the MSG, civil society capacity needs to be built in terms of understanding their role in EITI implementation.

Côte d’Ivoire is noteworthy in its extension of civil society involvement in the sector beyond just the EITI itself. This is particularly important in that the Ivorian PWYP coalition has worked directly on the 2014 revision of the mining code, providing input to government. However, it should be noted that this new mining code does not make reference to the African Mining Vision, thus missing a key opportunity to reinforce good governance. Further, the new code has yet to enter into effect due to the range of implementing decrees that have yet to be passed. Despite the limited impact of the code, this is an encouraging example of moving beyond EITI specifically, and leveraging the initiative to open a space and to constructively engage with other actors in the sector.

CASE STUDY FINDINGS. The case study focused on EITI itself as well as, to a lesser extent, the state of governance in Côte d’Ivoire more generally. A major drawback of this particular study was the lack of participation from government representatives. Despite multiple attempts at engagement the country team was unable to secure meetings with the relevant Ministries, citing a lack of response from the government representatives. Interestingly a recent EITI mission to Côte d’Ivoire experienced a similar inability to engage Ministry representatives. This was rationalized by engagement with the MSG (CN-ITIE) which includes government members; however, in the meeting, the CN-ITIE was represented by only one person, himself a representative of civil society. This situation likely affected the findings of the study, and also may be a reflection on the state of transparency, accountability, and governance generally in the country.

In addition there was limited interaction with the private sector. This may reflect negatively on the commitment of these important stakeholder groups to actually implement good governance on the ground, beyond meeting the minimum requirements of the EITI. This was echoed by the lack of

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40 A full list of individuals and structures is included in the country report in the annex.
participation from both stakeholder groups at the report’s national validation workshop, held in Abidjan in November 2014.

The Ivorian study was composed of interviews, focus group discussions, and surveys as outlined in the methodology section above. This included only two FGDs, one comprising eight members of CSOs working on issues of governance and accountability, and the second with representatives of the five member CSOs of the PWYP coalition. These discussions were supplemented by 100 surveys and interviews with participants from both Abidjan and from communities near extraction sites.

The study found that the government demonstrates a willingness to put in place some principles of good governance, as demonstrated by the National Development Plan and the National Good Governance Plan. In addition this willingness is seen in the existence of multiple governance instruments and institutions, the official adoption of an access to information law, the country’s membership in both regional and international anti-corruption instruments, and the establishment of a commercial court. However, recognizable weaknesses include the unclear roles and responsibilities of different governance structures or institutions, as well as operational issues – notably including insufficient material and financial resources. As evidenced through background research and among those surveyed, there remains a general sentiment of impunity, opacity, and lack of a culture of accountability in the management of public affairs and procurement. There are also continued problems of access to information in practice.

The study found that despite the existence of governance instruments and structures, good governance is not that effective, according to the designated indicators of transparency, accountability, and level of corruption. 85% of the respondents claimed that in practice, rule of law in terms of freedom of expression and access to information is also not effective – though it does exist on the books. 76% of respondents found that the government was not sufficiently accountable to citizens, and that the participation of communities was more of a rubber-stamp, and that their opinion was not actually taken into account.

Regarding the EITI itself, the study raised the issue of insufficient interactions among the different stakeholder groups, though it found a general respect of the requirements. This is ostensibly demonstrated by the regular publication of reports, communicated to the population through newsletters as well as the CN-ITIE website; the participation and engagement of the relevant stakeholders in the CN-ITIE; and the consideration of local populations through a community development program.

In addition, it found that civil society is heavily involved in EITI implementation. In particular, the recent participation of civil society in the development of a new mining code speaks to this involvement. This was found despite the prominence of problems including lack of financing and insufficient processional capacity – issues that plague civil society in many countries as well as in Côte d’Ivoire.

At the same time, a general lack of understanding of EITI and its achievements is a key issue, as this contributes to the problematic opacity around the sector. This is particularly a problem as this could fuel conflict between local populations and extractive companies, of which multiple examples already exist in
Côte d’Ivoire. In addition, the delayed implementation of the mining code and the non-publication of contracts present further obstacles to creating a culture of accountability in the sector.

In addition, the report points out that the government must confront several challenges. These include establishing mechanisms to prevent conflict between indigenous populations and immigrants, which has been a recurring issue in many mining communities such as Angovia. In addition, the government must ensure that exploitation is undertaken in conformity with the land tenure policy, and create mechanisms to better reconcile agricultural policy and extractive policy. This should include integrating these into a comprehensive and sustainable policy on land use, as misinformation resulting from the current disconnect between these policies has helped to fuel conflicts around extraction sites. Participants in the validation workshop noted that at present there is still not a comprehensive mining policy, that the code as it currently stands is insufficient and that it must be integrated into the national development policy. There may be potential here for lessons from the Liberian experience, explained below.

It seems overall that there may be lack of political will – or at least capacity – to use the EITI process as a vehicle for implementing change, despite the rhetorical commitment to good governance evidenced by the numerous structures and mechanisms in place. A key theme emerging from the validation workshop is the idea that the Ivorian government appears more accountable to the international community than to its own population – despite being an EITI-compliant country, challenges remains in terms of transparency and access to information on the ground.

RECOMMENDATIONS. The full analysis can be found in the Annex. Overall the case study offers the following recommendations:

**EITI Governance**
- Organization of large information and awareness-raising campaigns to improve understanding and awareness of EITI in order to reach the wider public. This could include local leaders, local and national radio.
- Addition and strengthening of structures to facilitate meetings and exchange around EITI in order to democratize the process and to bring information to the local communities.
- Revision of the decree establishing CN-ITIE in order to better reflect the current situation and key actors, including the Chamber of Mines, artisanal miners, cooperatives, as well as the relevant Ministries and other stakeholders.
- Transformation of the EITI Technical Secretariat into a Permanent Secretariat, as well as the establishment of a Supervisory Committee.
- Reinforcement of the autonomy of CN-ITIE by building technical and financial capacity.
- Creation of a platform to support collaboration and exchange among actors along the extractive industries value chain, in anticipation of their eventual inclusion in the CN-ITIE.

**Policy Environment**
- Improvement of the enabling environment through the reinforcement, adequacy, and pertinence of investments to the benefit of local populations.
- Ensuring implementing legislation is in place, including any necessary decrees and orders, to guarantee the implementation of the Mining Code in practice.
CÔTE D’IVOIRE

- Ensuring implementing decrees are in place to guarantee the applicability of the Access to Information law in practice.
- Preparation of an orientation or program law related to extractive industries that may serve as the base for policy.
- Provision of civic education on human rights, emphasizing ethics and good governance as well as reinforcing training programs in the extractive industries. This should support building the human resource capacity necessary to ensure the viability of the sector.
- Enactment of a policy to create and manage employment in the extractives sector.
- Creation of a framework to support information sharing among all structures related to governance in order to create a synergy of action among these and to identify focal points within each organ.

Stakeholder Engagement

- Provision of significant technical and financial support to civil society in order to improve its advocacy capabilities as well as its expertise in the sector.
- Preparation of a training program for members of cooperatives.
- Creation of a mechanism in conjunction with PWYP to support exchanges among development partners to improve collaboration and complementarity, and to gauge the possibility of their technical and financial support for implementing the action plan.
- Training and awareness-raising among judges and police on EITI and the mining and petroleum codes, with potential exploration of a platform of collaboration.
- Training and awareness-raising among local administration on EITI and the mining and petroleum codes, with the eventual creation of local EITI committees charged with communicating the actions of CN-ITIE at the local level.
- Collaboration with the network of local radios in order to provide programs in local languages.
- Coordination with the Union Nationale des Journalistes de Côte d’Ivoire, the group of media companies, and the national television channel to designate focal points to relay the actions of CN-ITIE.
- Translation of EITI reports into local languages in order to make them more accessible.
- Organization of games and competitions around EITI knowledge, especially near extraction sites.
- Expansion of the base of PWYP to other CSOs potentially interested in human rights related to extractive industries.
- Creation of a platform of cooperation to link PWYP with other CSO networks in order to implement a minimum work program.
GUINEA
BACKGROUND. Similarly to Côte d’Ivoire, since 1970, the Republic of Guinea’s economy has been largely dependent on the mining sector and on agriculture, which account for 26% and 20%, respectively, of the country’s gross domestic product. The extractives sector accounted for “about 95% of export earnings in 2011.”\(^4\) Important minerals include bauxite, diamonds, gold, iron ore, aluminum, and more. Guinea has been a major exporter of bauxite for over 40 years, as the country contains a majority of the world’s bauxite reserves and is the second largest producer after Australia. It is home to the largest iron ore deposits at Simandou, home to a massive project led by the multinational Rio Tinto. In addition it is among the top fifteen leading producers of rough diamonds, and the Guinean diamond sector has begun to attract foreign investment. Several international companies are also undertaking oil exploration.

Natural resources tend to be largely under-exploited in Guinea, due in part to inadequate infrastructure as well as governance questions related to mining rights. Recent reforms undertaken by the current administration have created a regular communications system for mining revenues, and a new mining code was passed in September 2011. This includes provisions to support anti-corruption and environmental protection efforts, and in 2012 launched an examination of all existing mining contracts and conventions with a view to improving state revenues.

The population of Guinea, estimated at 11.75 million people in 2013,\(^4\) is an essentially rural population with a low population density outside the capital city of Conakry. The United Nation’s Human Development Index (HDI) ranks Guinea in the category of “low human development,” with a rank of 178 out of 187 countries in 2012. This HDI was below the average for both low human development countries and for sub-Saharan Africa; Guinea also scored below average on life expectancy at birth, expected and mean years of schooling, and gross national income.\(^4\) Guinea also ranked 12th on the 2014 Fragile States Index, falling in the “High Alert” category. It scored particularly high on state legitimacy and security apparatus indicators, which denote the predominance of corruption and conflict.\(^4\)

Since independence from France in 1958, consecutive repressive regimes, coups, and instability at the country’s borders characterize recent Guinean history. Following two republics, a military takeover in 2008 led to presidential elections in 2010. These were the first allegedly free and fair elections in independent Guinea, despite allegations of electoral fraud, and ushered in the presidency of Alpha Conde. In power since November 2010, Conde has faced continued protests and coups, stemming in part from repeated delays of elections originally scheduled for 2012.

The recent outbreak of the Ebola Virus Disease (EVD) in West Africa, which began in southern Guinea in February 2014, has compounded the governance challenges in the already fragile country. The outbreak has negatively affected the Guinean economy and promises to continue to do so. This has included the departure of most foreign nationals including company executives, and the focus of government officials

\(^4\) https://eiti.org/Guinea
\(^4\) http://data.worldbank.org/country/guinea
\(^4\) http://hdr.undp.org/sites/default/files/Country-Profiles/GIN.pdf
\(^4\) http://ffp.statesindex.org/
on the outbreak has rendered group meetings difficult – peripheral consequences of the outbreak that have impacted this project directly.

**EITI IMPLEMENTATION.** The government of Guinea announced its intent to join the EITI in April of 2005, and produced its first report covering the mining sector that same year. The national Publish What You Pay coalition was launched in 2006, with an explicit mandate to support the EITI process and its accessibility in the country. In late 2009, due to political instability during the military rule leading up to the 2010 elections, Guinea voluntarily suspended its candidacy to the EITI until 2011, at which point it regained EITI Candidate status. Following renewal of this status, Guinea was accepted as an EITI Compliant country in 2014. The MSG is working on both a revised workplan and the 2013 EITI Report, due to be published by the end of 2015.

The MSG in Guinea is composed of 24 members, equally divided between representatives of government, mining companies, and civil society. The Steering Group is chaired by the Secretary General of the Ministry in charge of Mines, also responsible for the technical operation of the EITI.

Guinea is an interesting case as the government publicly discloses all mining contracts, supported by an online portal available at contratsminiersguinee.org – an EITI recommendation but not a requirement under the new Standard. This is a conscious step toward improving governance in the sector and better management of natural resources. This coincides with the new mining code passed in 2011 in accordance with international best practice, which includes a process for review and renegotiation of mining conventions and contracts.\(^\text{45}\) Further, the government of Guinea publicly announced its willingness to publish all oil contracts at the World Bank Annual Meetings in October 2014, an announcement that was also endorsed and supported by Tullow Oil, a British company working in Guinea.

Like Côte d’Ivoire, Guinea is noteworthy in its extension of civil society involvement in the sector beyond the EITI itself. The Guinean PWYP coalition worked directly on the 2011 revision of the mining code, providing input to government, and as of October 2014 is currently doing the same for the revision of the petroleum code. Though this was done with international support, including from the Natural Resource Governance Institute (NRGI),\(^\text{46}\) this is an encouraging example of moving beyond EITI specifically and leveraging the initiative to open a space and to constructively engage with other actors in the sector.

**CASE STUDY FINDINGS.** Despite key challenges to the project presented by the Ebola outbreak during the same period, a range of interviews, focus group discussions, and interviews were organized. After getting authorization from EITI Guinea (ITIEG) as well as the Ministry of State for Mines and Geology, the national consultants conducted nine FGDs – four in the capital of Conakry and five in Mambia, home to bauxite mine – as well as surveys and interviews with a total of 110 respondents. Additional details are included in the full annexed country case study.

\(^{45}\) [http://www.contratsminiersguinee.org/about/processus-de-revue.html](http://www.contratsminiersguinee.org/about/processus-de-revue.html)

\(^{46}\) Formerly Revenue Watch Institute.
The study found that there was a significant improvement in transparency within the extractives sector, due at least in part to Guinea’s engagement in the EITI process. However, despite the existence of several initiatives being implemented to support good governance in Guinea – including the EITI and Publish What You Pay, as well as the national Poverty Reduction Strategy and the New Partnership for Africa’s Development (NEPAD) – there are unfortunately not effective interactions between these initiatives which are implemented at different levels and through different structures. Several interviewees noted that some of these structures, the NEPAD in particular, include too many requirements that hinder its implementation. Several other respondents also noted a lack of government will, particularly regarding the APRM.

However the study also found that many challenges remain, including weak institutional structures and opacity in the use of funds, which prevents citizens from knowing how these funds are spent. Despite the ambitious provisions in the new mining code, in practice these measures are rarely enforced. According to the national consultant, poor government oversight in contract review and award of new mining licenses without following the mining code has led to a serious lack of accountability that discourages many new foreign investors.

Overall the Guinean study provides mixed results. 65% of those interviewed believe that the EITI process is open and its principles are respected, and 64% of respondents also stated that the extractive industries are significant or very significant for community development. 54% of respondents also believe that EITI has helped to further natural resources management transparency and support good governance more generally. Further, 62% of respondents see the EITI Steering Committee as effective, and corporate compliance is likewise seen as satisfactory. However, less than half the respondents see civil society’s participation as effective, with one interviewee noting that CSOs do not accurately reflect their base.

According to 57% of the respondents, poverty reduction is not visible, though 61% agreed that the sector has a significant or very significant impact on the reduction of poverty. 71% of the respondents also claimed that they are not sufficiently engaged in the definition and implementation of community development programs stemming from natural resource revenues, and overall the impact of EITI on good governance is not perceptible on the living conditions of the Guinean people.

The country team notes that the EITI has had some positive impact. For example, payments are now known and published and public awareness of the industry has increased somewhat. However, the lack of an effective communication strategy around these efforts has a negative impact on governance of the extractives sector, and more broadly impacts all stakeholders involved. In addition, institutional and organizational issues plague the functioning of EITI Guinea, including frequent staff departures resulting in the loss of both capacity and institutional knowledge. The study also calls into question the independence of EITI Guinea as a mechanism of control, as it currently falls under the joint supervision of the Ministry of Mines and Finance.
The study found that the major impact of the EITI is to increase dialogue thereby diminishing hostilities due to financial matters between mining companies and the State on the one hand, and between communities and the State on the other. According to one interviewee, the EITI is important as “its impact has been to foster dialogue between mining companies and the state, and between communities and administration. This dialogue helps to detect failures and discrepancies among financial authorities.” The report claims that this is attributable to the production of the various annual reports on extractive revenues and expenditures.

82% of respondents claim that the Government is accountable to its citizens. However, the vast majority of interviewees would like more information on the Government, and are of the view that citizens should have their say on government contracts and spending. While they may be more aware of the funding amount due to their communities, citizen participation in implementing community development programs from extractives revenues is a major issue for most respondents. Further, only 47% of respondents believe that the government is transparent or very transparent in its use of revenue from natural resources.

RECOMMENDATIONS. The full case study can be found in the Annex. Based on the research undertaken, the country team has proposed the following recommendations:

**EITI Governance**
- Removal of EITI Secretariat from the administrative supervision of the Ministry of Mines, and translation of the EITI into law.
- Involvement of the Ministry of Territorial Administration in the EITI process.
- Improvement and reinforcement of communication, including strengthening the national Secretariat, updating the EITI website, and drawing on other channels of communication.
- Use of management and accounting software rather than the current Excel-based program; development of monitoring and management software to be made available to the EITI secretariat.
- Assurance of regular and adequate monitoring of payments under EITI.
- Production of comprehensive EITI reports that are also understandable and digestible.
- Development of EITI and its extension to and collaboration with other existing governance instruments.
- Organization of additional meetings of the EITI Steering Committee.

**Policy Environment**
- Establishment of a Court of Auditors in order to certify government accounts ahead of the 2017 EITI validation.
- Revision of the Mining Code to include anti-corruption sanctions.
- Establishment of a means to trace mining royalties.
- Computerization of the State financial authorities.
- Review of companies whose accounting is in foreign languages, perhaps to verify production and revenue streams and ensure accessibility.
Stakeholder Engagement

- Planning of regional disseminations to present payments made in a transparent manner.
- Recruitment and deployment of community recipients to confirm payments made by mining companies.
- Strengthening of collaboration with Natural Resource Governance Institute (NRGI).
- Publication of declarations of conformity, which does not currently happen.
- Restoration of farmland after its destruction.
- Publication of geological map of Guinea.
BACKGROUND. Like its neighbors discussed above, Liberia has considerable natural wealth from a range of resources, including iron ore, gold, timber, diamonds and rubber. The extractives sector seems to be recovering well from recent conflict, with the mining sector’s contribution to growth tripling from 3.7 percent in 2011 to 10.4 percent in 2012.\(^47\)

The small West African nation with a population of just over four million people is still recovering from a turbulent period in its history. Between 1989 and 1996, the nation was ravaged by a brutal civil war that claimed 150,000 lives, and saw 850,000 people displaced as refugees in neighboring countries.\(^48\) Fighting broke out again in 1999 lasting until 2003, when a peace agreement was signed which brought about the resignation of President Charles Taylor. In addition to 250,000 casualties, the second Liberian civil war caused untold costs to health and education services, lost incomes, internal displacement and human development.\(^49\) Since 2003, there have been two presidential elections, in 2005 and 2011, and in September 2012 the United Nations passed Resolution 2066 which calls for a reduction of UN troops in Liberia by half by 2015.

Although Liberia has been showing signs in some sectors that it is slowly recovering from the legacy of two civil wars, there are still serious issues with governance and transparency, especially in the extractives sector. In a nation where 60 percent of people live below the national poverty line and over 80 percent live on less than USD 1.25 a day,\(^50\) it is of crucial importance to ensure that natural resource wealth is not lost to corruption, mismanagement and fraud. According to a report commissioned by the Liberian government in 2013,\(^51\) only two of sixty-eight resource contracts, worth USD 8 billion, awarded since 2009 were conducted properly. It is important to note, however, that this report resulted from the Liberia EITI (LEITI)’s power to review contracts, enshrined in the EITI law. The very fact that this stipulation is included in the law, and that report was released, is a good example of a positive outcome stemming from EITI — at least when dealing with a government cognizant of its reputation on the international stage.

In Liberia the United Nations Human Development Index (HDI) ranks Liberia in the category of “low human development,” with a rank of 175 out of 187 countries worldwide in 2013. This HDI was below the average for both low human development countries and for sub-Saharan Africa; Liberia also scored below average on expected and mean years of schooling, and on gross national income.\(^52\) Liberia also ranked 24 on the 2014 Fragile States Index, with particularly high scores in the refugees and IDP, as well as external intervention, indicators.\(^53\) As in Guinea, the recent outbreak of the Ebola virus disease Virus

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\(^47\) [http://eiti.org/Liberia](http://eiti.org/Liberia)
\(^49\) Ibid.
\(^53\) [http://ffp.statesindex.org/](http://ffp.statesindex.org/)
Disease (EVD) in West Africa, which began in southern Guinea in February 2014 and has since spread to neighboring Sierra Leone and Liberia, has compounded the governance challenges in the already fragile country. As of October 2014 Liberia is the worst hit of the three most affected countries, with over 2,700 deaths of the nearly 5,000 total. The outbreak has already had a devastating effect on the country’s economy, and promises to continue in the foreseeable future.

EITI IMPLEMENTATION. Since the end of the war in 2003 much focus has been on institutional and governance reforms, which have also included the extractive sector. An important aspect of this process is the Governance Economic Management Assistance Program (GEMAP), which served as impetus for promoting accountability in the sector having suffered heavily during the years of conflict. This impetus dovetailed with the launch of the EITI, and Liberia announced its commitment in 2006, deciding to include forestry as well as extractive industries. Liberia joined the EITI in 2006, going the extent of including forestry and agriculture in the EITI process. The national Publish What You Pay coalition was also launched in 2006, and Liberia became an official Candidate country the following year. A 2008 memorandum of understanding served to establish the MSG, and following the 2009 launch of the first EITI report Liberia was declared EITI compliant in September of 2009. The Liberia EITI (LEITI) Secretariat has since released five EITI reports as well as additional studies on the sector, with the latest released in June 2014. The KPCS has also played a significant role in the sector’s history.

The LEITI MSG is composed of 15 members, including key government representatives (7 members), civil society actors (4 members), and private sector companies (4 members). The representatives of the private sector include mining companies, logging companies, oil palm companies, rubber companies, and oil and gas companies; at least one member must come from each of the mining, oil, and forestry sectors.

As demonstrated by the makeup of the private sector representatives to the MSG, the LEITI is unique as it includes not only oil, gas, and mining sectors under the EITI, but also both agriculture and forestry. This has had an effect in improving transparency in these sectors as well, which like oil, gas, and mining are important contributors to the national economy. Liberia is noted for additional innovations, including post-award audit process, the inclusion of the national Legislature in the MSG, and the use of sanctions on non-compliant companies. In addition, contracts and concessions are published online through the LEITI website.54

CASE STUDY FINDINGS. Despite major obstacles presented by the Ebola outbreak during the project timeframe, the country team was able to engage with the range of actors in the sector and to conduct the necessary interviews, focus group discussions, and surveys, in addition to extensive desk research and a thorough mapping of stakeholders and their interests along the value chain. Two FGDs were conducted with representatives of the government and with the LEITI steering committee.

54 https://eiti.org/Liberia/innovations
The report finds that Liberia has several strengths, in particular designing policies and legislation to address key governance challenges, especially concerning its natural resources sector. The study highlights a “battery of laws that... confirm a national appetite to grope toward solutions.” This includes international mechanisms including the KPCS, which has a significant history in the country, as well as the OGP, of which Liberia is a member and whose action plan includes specific reference to extractive industries transparency. However, these pieces of legislation and international declarations have yet to produce a significant effect on the ground.

The strength of LEITI itself is an indication of this dedication to coping with issues facing the sector. In addition the LEITI now includes a revenue-tracking report as well as the post-award process report, both of which are cited as effective extensions of the EITI, and the new petroleum law is also raised as a positive aspect. However, the national consultant notes that “with the history of weak enforcement and oversight of legislation in Liberia, it remains to be seen how these improvements will materialize into the expected outcomes.”

Indeed, the management of these various methods with regard to their incorporation and enforcement is a major weakness. The report points out that such lack of integration makes it difficult to manage and to take advantage of potential opportunities at various points along the extractive industries value chain. This is further hindered by the apparent disregard for MSG responsibilities, particularly among the government representatives, as well as weak capacity to monitor companies in the country.
Recommendations

The full study can be found in the Annex, in which the national team provides the following recommendations:

**EITI GOVERNANCE**
- Creation of a clear mechanism to nominate EITI MSG members from the various stakeholder groups, as well as a structure for reporting back to their constituencies.
- Establishment of an LEITI Code of Conduct in line with the National code, taking into account beneficial ownership.
- Inclusion of additional designated representatives among the membership of the EITI MSG, in particular representatives of the National Bureau of Concession, the Liberia Revenue Authority, the Environment Protection Agency, and the Voluntary Partner Agreement.
- Design of LEITI interventions to encompass the entire EI value chain.
- Assurance of independence of national MSGs and secretariats through explicit provision in the international EITI Standard.

**POLICY ENVIRONMENT**
- Development of standardized contracts and agreements across sectors to ensure consistency and lack of bias.
- Provision of annual Natural Resource Revenue Utilization Report by the Ministry of Finance, including funds used for social development.

**STAKEHOLDER ENGAGEMENT**
- Obligation of companies to engage with and receive consent from local communities in order to be eligible for licenses or contracts.
- Development of an approach to connect certain sectoral revenues with specific development outcomes; for example, using extractives revenues to support education by building a school in a mining community.

**CONCLUSION AND KEY RECOMMENDATIONS**
As discussed above, the EITI has the potential to catalyze and reinforce synergies between national institutions and relevant mechanisms to address governance challenges and to leverage transformational change. The fact that the EITI has helped to generate several other initiatives rooted in the idea of multi-stakeholder collaboration and dialogue – including the Construction Sector Transparency Initiative and the Open Contracting Partnership, both inspired by EITI – speaks to this potential.

According to the three case studies, however, despite this potential evidence is lacking that the EITI has resulted in positive change in the lives of citizens, or in improving development outcomes for the countries’ populations. The country reports have demonstrated that the discussion generally takes place at the
international level, with a predominance of high-level statements such as the AMV, multi-stakeholder initiatives including EITI, or legislation such as Dodd-Frank Section 1504. However, the effects of the EITI and other instruments in practice on the ground have thus far been rather limited. Each of the three studies show that this may be due in part to inconsistent commitments on the part of governments—often with an eye toward international players rather than their citizens—and a lack of understanding, accessibility, and use of the relevant reports by most citizens.

However, they unanimously cite the increase in transparency and in debate or dialogue among stakeholder groups as a positive development, directly stemming from the EITI process. Transparency itself is recognized as a very important starting point, and its rise in each of these contexts is no small feat.

It remains clear, though, that there is a danger of EITI in itself becoming an isolated mechanism and not realizing its potential—that is, unless it the EITI process is made part of a larger governance system. In each country the EITI exists within a specific political culture, which does not necessarily mirror the culture inferred on paper by the country’s laws and institutions. At present it seems that the EITI and similar initiatives are something signed onto without being truly operational or successful in terms of improving development outcomes. A need still exists for governments to focus on being accountable to their own citizens, and not only to the international community. Echoing validation workshops as well as interviews with experts in the sector, at present these countries seem to be paying lip service to transparency and accountability through legislation, while lacking the institutions, decrees, or means to implement these policies to spur change on the ground.

Though tangible evidence is lacking the general sentiment remains that there is potential for this to happen. In order to do so, the following recommendations are proposed for promoting accountability and good governance at the national level, in particular through a robust EITI process. These recommendations are based on interviews, background research, and the three EITI country reports.

**STRENGTHENING EITI**

- Secure funding and ensure both financial and technical capacity for actors in the EITI process. This includes support to civil society both to understand and use the disclosed data and to advocate, but also requires support to government institutions and agencies to ensure the capacity to respond to greater citizen engagement and, importantly, to implement the required legislation. This should include enhanced coordination among donors and development partners around specific funding objectives and projects.

- Strengthen link between the EITI and the Open Government Partnership in Côte d’Ivoire and Guinea, pending eligibility. At present only Liberia is an OGP country. This robust international initiative can be directly aligned with the EITI, and while tangible impacts are not yet evident its strong reputation should reinforce good governance at the national level, particularly for those governments that are sensitive to their reputation on the international stage. This may help reinforce the power of the EITI despite its voluntary nature.

- Take advantage of the African Peer Review Mechanism. Signing up to this mechanism is not only a clear indication of willingness to promote governance, but moreover to be evaluated by other regional transparency advocates. The APRM’s extractive industries recommendations will further
RECOMMENDATIONS

Support EITI implementation. While tangible impacts are not yet evident, the peer accountability element should reinforce good governance at the national level, particularly for those who are sensitive to their regional and international reputation.

- Draw on the Africa Mining Vision, perhaps by using the Country Mining Vision guide, in order to support EITI implementation.
- Ensure EITI is enshrined in laws in order to lend additional legitimacy and to provide a leverage to improve accountability. There also needs to be a crucial focus on building government capacity to implement such legislation, perhaps through parliament oversight.
- Ensure the organization of regular EITI meetings that are communicated in advance to all members of the MSG, as stipulated in the EITI Standard. In addition a rotation process should be considered to support the functioning of the MSG and ensure the process is not at the whim of one person. Attention should also be paid to the involvement of demographic groups including women, youth, local government representatives, and parliamentarians, among others.
- Consider establishment of local EITI committees within communities near extraction sites, in order to serve as a link between the local communities and the MSG.
- Build institutional capacity within government in order to enforce and oversee EITI implementation over time.

POLICY ENVIRONMENT

- Improve transparency and traceability of extractives revenues which goes beyond simply disclosing what is collected; governments should go beyond simply disclosing revenues and payments to shed light on how money is actually being used through the national budget. This will create the enabling environment for concerned stakeholders to “follow the money” coming from the extractives sector. In Liberia, the LEITI report now includes a revenue tracking component which may prove to be good practice. Ghana may also be a useful example.
- Build capacity of local consultants and other interested parties to undertake EITI-related research project, to produce good quality reports, and to provide useful policy recommendations.
- Use extractives revenues for particular development projects and priorities. For example, specifying that the use of extractive companies’ social development funds should be used for education.
- Link transparency mechanisms and institutions with the constitutions and legislation of resource-rich countries in order support their functioning as a unit within those countries.

STAKEHOLDER ENGAGEMENT

- Integrate extractives data into school curricula in order to improve understanding of the sector generally and to engage the citizenry in natural resource management. Such educational integration could involve students at any level, ranging from university-level modules to elementary school math classes; Liberia may prove a good example of such an educational program. This will help the people to understand the importance of the sector and its impact on their lives.
- Focus on engaging communities, particularly those impacted most directly by extraction. There is a need to better understand and communicate about the EITI and to engage the people in the work. Some potential examples are through social media, comic strips, conference, citizen education, carnivals, local radio, cell phones, or infographics. This need for communication and accessibility was highlighted repeatedly in each of the three country reports, as well as through many of the independent interviews.
RECOMMENDATIONS

- Ensure the independence of civil society, and the space for it to function properly and conduct its advocacy work effectively. This could happen through the establishment of civil society steering groups that are tasked with communicating regularly among themselves, and reporting back to their constituents, which could help to create a unified front and a more reputable counterpart for engaging with other stakeholders including government representatives. The September 2014 OGP Policy on ensuring civil society space reinforces this key aspect, and the clear requirement of civil society involvement in the EITI process can be a means of opening up civil society space in a broader context, particularly through linking with other relevant initiatives. The Democratic Republic of the Congo provides a useful example.

- Involve the media in disseminating data and advocating for action from governments, by simplifying data, making reports accessible, and providing access to information related to the extractives sector through an online portal.

- Create a platform to host knowledge exchange among various stakeholders and institutions in different countries, highlighting good practices and lessons to be shared with other EITI implementing countries. This could include fostering connections among government representatives, parliamentarians, media, and other stakeholders in addition to civil society groups.
People interviewed and works consulted

**List of Interviewees and Reviewers**

Joseph AMENAGHAWON – Economic Governance Program Coordinator, OSIWA

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Marinke VAN RIET – International Director, Publish What You Pay

Erica WESTENBERG – EITI Policy Officer, Natural Resources Governance Institute

Stephen YEBOAH – Research Fellow, Africa Progress Panel
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