



REGIONAL WORKSHOP

PROMOTE A WEST AFRICAN CITIZEN SYNERGY FOR TRANSPARENCY AND EQUITY IN THE MANAGEMENT AND REDISTRIBUTION OF EXTRACTIVE INDUSTRY RESOURCES

November 29 - 30, 2022, Gorée Island - Dakar, Senegal

OUTCOMES DOCUMENT



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SOMMAIRE

1. Introduction	4
2. Background analysis	5
3. Rimender of workshop's objectives.....	6
3.1. General objective	6
3.2. Specific objectives	6
4. Summary of highlights	6
4.1. Major Conclusions on Papers and Discussions on Managing Revenues from the Extractive Sector	6
4.2. Strengths and Weaknesses of Revenue Use	7
4.3. Notable results of work on inclusive governance of the extractive sector	7
4.4. Highlights of the presentations and discussions on the legal recognition of peoples' rights to extractive resources	9
5. Major recommendations	10
5.1. To governments	10
5.2. To extractive companies.....	10
5.3. To EITI.....	10
5.4. To Civil Society Organizations.....	10
5.5. To the communities.....	11
Conclusion	11
Declaration of Gorée.....	12
Annexes	15
List of participants	15
Workshop agenda	16

1. INTRODUCTION

The image of Africa, which has long been tarnished by numerous prejudices, is now undergoing a significant change. Africa is at the center of geostrategic issues and raises a lot of hope. Speaking of Africa, François Hollande said "*It is also a land of opportunity for the global economy. (...) The quality of its agriculture, its natural resources, its mineral wealth conceal immense and still largely unexploited possibilities.*" (François Hollande, excerpt from his speech in Dakar, 2012).

It is in this logic that we must analyze the major interest of extractive industries for the African continent. The strong commitment of both Western powers and emerging countries on the African continent has become much more economic (especially to natural resources) than ideological or any other consideration.

The place of Africa has undergone a clear evolution in international relations. This continent is attracting growing interest, particularly because of its natural resources. Africa is a very large continent, with an estimated surface area of 30 million km². It is home to approximately 30% of the world's mineral reserves. In addition to these natural resources, it has a growing production of oil, gas and petroleum.

"Africa has about 100 billion barrels of proven reserves, or 10% of the world's reserves and produces about 10 million barrels per day. Unlike other hydrocarbon-rich areas in Asia, the Middle East, and Central America, Africa's subsoil remains under-explored. Sub-Saharan Africa has about fifteen oil producing countries and a new country joins the club almost every two or three years" (Xavier Harel).

West Africa is one of the richest regions of the continent in terms of extractive resources. Nigeria is the leading oil exporter in Africa. The important oil and gas discoveries in Senegal make this newcomer on the oil and gas scene a hydrocarbon hub.

Good governance of natural resources and the transparent and efficient use of the revenues generated by them can greatly contribute to improving the development of West African countries. In light of the above, Gorée Institute, with the support of the Ford Foundation, has successfully implemented a two-year project to promote the fair and equitable distribution of revenues generated by the mining and oil in Senegal. The positive results of this project have justified the need to seek additional support from the Ford Foundation to propose more innovative ways to share Senegal's experience, lessons learned, and best practice models with other countries (Nigeria, Côte d'Ivoire, Sierra Leone, Guinea, and Ghana) that are at different stages of natural resource management. Part of the goal is to foster equity, transparency, accountability and sustainability in natural resource governance in other countries that also face serious challenges in the equitable distribution of mineral resources in West Africa.

2. BACKGROUND ANALYSIS

The Gorée Institute successfully implemented a two-year project supported by the Ford Foundation to promote the fair and equitable distribution of revenues generated by the mining and petroleum sectors in Senegal. This project was rewarding because of its contribution to the oversight, compliance, and monitoring functions of state institutions, as well as the wealth of knowledge, lessons learned, and good practices documented throughout the project's implementation in Senegal. The positive results of this project have justified the need to seek additional support from the Ford Foundation to provide more innovative ways to share Senegal's experience, lessons learned, and good practice models with other countries at different stages of natural resource management. Part of this is to foster equity, transparency, accountability and sustainability in natural resource governance in other countries that also face serious challenges in the equitable distribution of mineral resources in West Africa.

The above implies that this two-year project is a continuation of previous Ford Foundation support, with the need to focus on a more innovative way of conducting cross-country experience exchanges.

The Ford Foundation-supported project is the result of a study conducted by the Gorée Institute between 2013 and 2015 on the topic of "poor natural resource governance" in Sierra Leone, Guinea-Conakry, Liberia, and Côte d'Ivoire, which revealed the complex challenges of poor natural resource governance and also revealed that knowledge and examples of good practice in natural resource management are limited in the African context.

However, it also justified the need to address the problem in a sustainable manner through a partnership-based process, and to build on existing knowledge, experience, lessons learned and good practices to be shared between countries at different stages of natural resource management, with particular reference to regulatory mechanisms.

The study findings also revealed a lack of transparency and accountability in the management of revenues generated by the extractive sector, threatening the recurrence of political instability in countries that have already experienced decades of conflict; while countries that have recently begun to benefit from oil and gas, notably Senegal and Ghana, have also begun to experience natural resource governance challenges and threats to human security. It was found that natural resources do not appear to be immediate drivers of change or reliable economic drivers in some of these West African countries due to the lack of transparency and accountable management of revenues generated from extraction that tend to serve short-term political agendas at the expense of medium- to long-term economic stability.

3. RIMENDER OF WORKSHOPS' OBJECTIVES

3.1. General objective

It is a stimulating intellectual and political dialogue that is intended to provide a platform for sharing experiences, discussing ideas, examining policy gaps and challenges, and reflecting in depth on a common African solution to the African problem from the perspective of civil society.

From this general objective, the following specific objectives are derived:

3.2. Specific objectives

- To present the results of a comparative cross-country study on the experience of natural resource sharing, review of natural resource regulations and policies, and mapping and analysis of stakeholders and operational actors in the West African target states;
- Brainstorming on how to influence the fair and equitable distribution of revenues generated by natural resource extraction in the targeted West African countries;
- Examine intellectual arguments, policy debates, lessons learned and best practice models on how to manage the distribution of resources generated by the extractive sector in a conflict and human rights sensitive manner;
- Stimulate and guide debate towards the formulation of tailored recommendations to state, non-state and regional actors on what needs to be done and how to address the gaps and challenges identified within their respective institutional mandates;
- Provide an opportunity to cultivate a strong stakeholder commitment to partnership and collaborative engagement to foster a common agenda to encourage effective natural resource governance.

4. SUMMARY OF HIGHLIGHTS

This briefing note presents key observations from the presentations and discussions of the studies conducted in Senegal, Nigeria, Sierra Leone, Guinea, Côte d'Ivoire, and Ghana on transparency and equity in the management and redistribution of extractive industries resources.

The main findings reveal similar development issues and challenges in the target countries and non-linear dynamics in certain aspects of their extractive governance.

4.1. Major Conclusions on Papers and Discussions on Managing Revenues from the Extractive Sector

Through the restitution of the studies, it appears that in all the targeted countries, the legal and legislative framework of natural resource governance is regularly reviewed and consolidating legislation is sometimes adopted to strengthen transparency and inclusive management. For example, on April 19, 2022, Senegal adopted Law No. 2022-09 on the distribution and management of revenues from the exploitation of hydrocarbons. In 2018, Sierra Leone adopted a

law on revenues from extractive industries. This law aims to rationalize taxes and levies on extractive industries and to support revenue mobilization efforts by harmonizing and consolidating the tax regime for the extractive sector.

In the discussions, the participants retained that equity is not to share revenues among the different communities so that each one gets by with crumbs, but rather to finance structured investments that benefit all the communities, such as the construction of hospitals, schools and universities. Revenues from natural resources should be used to finance development projects, not to share them.

And beyond revenue sharing, we discussed the urgency for our States to move towards the transformation of natural resources. However, the debate on this issue has highlighted the urgency to go beyond the controversy on revenues, although interesting, but to question ather focus attention on the financial losses of our States in terms of tax exemptions, systems of circumvention of multinationals, etc.

We also reviewed, in light of our personal experiences, the lack of knowledge of local communities of their rights. In this regard, the participants recommend that civil society organizations accompany local communities.

4.2. Strengths and Weaknesses of Revenue Use

- **Strengths**

In Ghana, Sierra Leone and Senegal, constitutionalizing people's right to natural resources and the monitoring of expenditures by the EITI National Committee in Senegal and Sierra Leone are welcome.

The acceptance in Sierra Leone of local customs and laws in the management and allocation of revenues and the significant efforts to build national consensus in Ghana are positive dimensions.

Finally, Nigeria has succeeded in preserving the unity of the federation by putting in place an appropriate revenue sharing system despite its recurrent social, political and security upheavals.

- **Weakness**

Weaknesses in the distribution and use of natural resource revenues include a rapid increase in debt in Ghana, which negates the positive effects of fiscal discipline, and a lack of parliamentary approval mechanisms in Nigeria.

4.3. Notable results of work on inclusive governance of the extractive sector

The restitution of research and the ensuing debate reveal the effectiveness of inclusive governance of extractive resources in all of the countries in the study area. Virtually all the categories involved in the extractive sector (State, control and good governance bodies, civil society organizations, technical and financial partners, extractive industries, communities, etc.) are involved. In Ghana, Parliament is responsible for the final approval of oil agreements. In the management of the Nigerian oil and gas sector, the Ministry of Petroleum Resources has the general mandate to formulate policies and oversee their implementation. In Senegal, the Ministry of Finance plays a

key role. It can commission any study or audit on the management of the funds.

In the discussions, participants noted with interest that Sierra Leone is excelling in involving communities in extractive governance, such as the Council of Paramount Chiefs and Town Councils. Ghana is also making efforts in this regard with rotating representation of customary and religious leaders of all faiths on the Public Interest and Accountability Committee.

Participants also noted that Senegal, Guinea, Côte d'Ivoire, Nigeria and Sierra Leone have joined the EITI, whose mission is "to work towards transparency and accountability in the management of the extractive sector in order to promote sustainable development. Civil society organizations such as the Publish What You Pay and the Open Society Initiative for West Africa (OSIWA) are active in many countries in the sub-region, including those in the study area.

During the discussions, participants strongly supported the initiative of setting up a platform mobilizing NGOs and individuals in the sub-region working in the extractive sector. The mission of this platform will be to contribute to the transparent and equitable management of revenues from natural resources through reflection and advocacy.



4.4. Highlights of the presentations and discussions on the legal recognition of peoples' rights to extractive resources

The proceedings demonstrated the qualitative rise made by most of the countries in the framework by establishing the legal ownership of natural resources by the people. For example, Article 25-1 of the Senegalese Constitution states that "Natural resources belong to the people. They are used for the improvement of their living conditions (...)".

The participants questioned the relevance of constitutionalizing the rights of the people over natural resources when these have been allocated to multinationals for decades. It is much more worrying if we know that these multinationals are not philanthropists, but rather they are in a logic of search of capital.

Participants noted the lack of legal recognition of people's rights over natural resources in Côte d'Ivoire. In the new Ivorian Forestry Code (Law n°2014- 427 of July 14, 2014 on the Forestry Code), it is formally stated in Article 43 that: "Forest use rights do not extend to the subsoil" and in Article 77 that: "Rural communities, owners of forests, exercise their right of ownership over products of all kinds, except for mining products [...]". As can be seen, therefore, only the State has a clearly established right to subsoil resources.

Studies carried out in the countries concerned show that the exploitation of extractive resources sometimes leads to social conflicts between the State and local communities or between the latter and the extractive industries. The mining sector in Côte d'Ivoire induces social conflicts in many places, largely related to the non-recognition of communities' land rights. Nevertheless, beyond certain social conflicts, the extractive industries have made efforts in favor of local communities within the framework of CSR. In Senegal, particularly in Sabadola, the population will be moved to a new site built entirely by an extractive company. Sabadola is the only locality in Senegal that has one ambulance for every 3,000 people and no temporary shelter.



5. MAJOR RECOMMENDATIONS

5.1. To governments

- Strengthen the circle of dialogue and negotiation, rethink the methods of further popularizing the guidelines for the extractive sector;
- Ensure transparency in the compensation process and an inclusive approach for communities, especially women, in the negotiations;
- Ensure the efficient use of funds allocated to local governments for inclusive national development projects that benefit all territories.
- Develop policies, regulatory frameworks, and programs that benefit women, so that socio-economic and cultural barriers to their full participation and economic benefits in the extractive sector are removed.

5.2. To extractive companies

- Promote responsible oil and gas development practices in accordance with the United Nations Guiding Principles on Business and Human Rights;
- Commit to conducting their activities in compliance with national and international laws while developing an efficient approach based on capacity building in conflict prevention and resolution within communities.

5.3. To EITI

- Take steps to ensure transparency in governance and accountability;
- Ensure the reliability of the data contained in the EITI reports; its reports published annually could greatly assist civil society, as they provide important qualifiers for advocacy.

5.4. To Civil Society Organizations

- Invite West African States to harmonize their legislative and regulatory frameworks for a better redistribution of revenues from the mining, oil and gas sector.
- Prepare communities for the receipt of funds and ensure that they take ownership of the mechanisms for managing the funds allocated in order to be actors in the implementation process.
- Strengthen lobbying, advocacy, inclusive dialogue and consultation initiatives with the populations.

5.5. To the communities

- Use allocations from extractive resources for structural community development policies;
- Know their rights and obligations vis-à-vis the state and extractive companies;
- Interact with civil society actors for a better knowledge of their rights.

CONCLUSION

Revenues from the extractive sector are special funds in that they can contribute to a significant improvement in the quality of life of the populations whose ownership of natural resources is constitutionalized in several target countries. A transparent and efficient use of oil, gas and mining revenues can be used for the realization of structuring development projects. In this regard, the idea of creating a platform for partnership, reflection and advocacy bringing together organizations and individuals operating in the extractive sector was supported by all participants in the symposium. Nevertheless, opaque governance can undermine this ambition of economic take-off and prevent populations from benefiting greatly from the fruits of their ‘naturally existing resources’.

In order to reduce the risks of poor governance of extractive resources, States are strengthening their legal and legislative frameworks and involving, in an inclusive approach, several state and non-state actors in their management.



DECLARATION OF GORÉE



GOREE DECLARATION ON THE MANAGEMENT AND REDISTRIBUTION OF REVENUES FROM EXTRACTIVE RESOURCES

From 29 to 30 November 2022, civil society actors and researchers from SIERRA LEONE, NIGERIA, GHANA, SENEGAL, CÔTE D'IVOIRE and GUINEA met on the island of Goree at the initiative of the Goree Institute to deepen reflections on collective actions to improve the governance of extractive resources.

The participants welcomed the objective of the meeting which is to promote a West African citizen synergy for transparency and equity in the management and redistribution of revenues from the exploitation of natural resources. The meeting shared the reports of two studies carried out by the Goree Institute, namely a "cross comparative study on the sharing of experiences on natural resources"; and a "review of regulations and policies on natural resources".

The study reports presented were discussed over two days to identify good practices and persistent challenges in legislation, regulation and community participation in the above-mentioned countries. Participants acknowledged the efforts of states and regional institutions to strengthen the legal and institutional framework and tools for natural resource governance.

Participants noted that it was essential to place communities at the heart of policy formulation, strategy implementation, participatory monitoring and evaluation.

In order to consolidate the achievements and broaden the impacts of public policies on the well-being of the people, the participants committed themselves to :

1. Work on a daily basis to support initiatives likely to improve the governance of extractive resources.
2. Contribute to the creation of a regional synergy to improve mechanisms for resource mobilization, management and sustainability of impacts;
3. To disseminate the various proposals of this workshop to their respective organizations in order to mobilize them in favor of the regional synergy in perspective ;
4. Support the efforts of the executive and advisory structures resulting from the regional workshop ;
5. Support advocacy initiatives to integrate the recommendations into public policies;

6. Work with existing organizations and coalitions of CSOs at both national and regional levels working on natural resource governances ;
7. Work towards the establishment of a West African advocacy platform on natural resource governance.
8. Provide a platform or index for monitoring the proper implementation of the environmental and social management plan in localities designated as impacted or affected areas by the environmental impact study of extractive companies ;
9. Invite the West African States to harmonize their legislative and regulatory frameworks for a better redistribution of revenues from the mining, oil and gas sector.

Goree, 30 november 2022

List of organizations that participated in the drafting and validation of the declaration.

Organizations	Country
Friends of the Nations	Ghana
Ghana Integrated Aluminum Development Corporation (GIADEC)	Ghana
Centre for Democracy and Human Rights (CDHR)	Sierra Leone
Campaign for Good Governance (CGG)	Sierra Leone
Women in Extractives (WIE) / Centre for Transparency Advocacy	Nigeria
ITIE Nigeria	Nigeria
Observatoire Guinéen Mines et Métaux (OGMM)	Guinea
Association Guinéenne pour la Transparence (AGT)	Guinea
Centre de Consultance et d'études (CCE)	Guinea
Comité de Développement Local Minier	Ivory Coast

Publiez Ce Que Vous Payez (PCQVP)	Senegal
Cabinet RCL	Senegal
Citoyens Actifs pour la Justice Sociale (CAJUST)	Senegal
ONG la lumière	Senegal
Action pour la Justice Environnementale (AJE)	Senegal
Observatoire de Suivi des Indicateurs de Développement Economique en Afrique (OSIDEA)	Senegal
Article 19	Senegal
Natural Justice	Senegal
Forum Civil	Senegal
RADDHO	Sénégal
SOMISEN	Sénégal
Natural Resource Governance Institute (NRGI)	Senegal
Women In Mining	Senegal
ONG Green	Senegal
Enda Lead	Senegal
OXFAM	Senegal

ANNEXES

List of participants

Civility	Full name	Organization	Country
Mr.	Solomon Ampofo	Friends of the Nations	Ghana
Mr.	Ernest Appiah	Ghana Integrated Aluminum Development Corporation (GIADEC)	Ghana
Ms	Gibril Massie Bah	Centre for Democracy and Human Rights (CDHR)	Sierra Leone
Mr.	Sahr Kendema	Campaign for Good Governance (CGG)	Sierra Leone
Ms.	Isata Mahoi	Consultant	Sierra Leone
Ms.	Faith Nwadishi	Women in Extractives (WIE) / Centre for Transparency Advocacy	Nigéria
Mr.	Peter Egbule	EITI Nigeria	Nigéria
M.	Ibrahima Chérif	Observatoire Guinéen Mines et Métaux (OGMM)	Guinée
M.	Oumar Kanah Diallo	Association Guinéenne pour la Transparence	Guinée
M.	Mohamed Cissé	Consultant	Guinée
M.	Kouman Kobenan Kra Michel	Comité de Développement Local Minier	Côte d'Ivoire
M.	Michel Yoboue	Consultant	Côte d'Ivoire
M.	Ibrahima Gueye	Ministère des Mines et de la Géologie	Sénégal
M.	Demba Seydi	Président Publiez Ce Que Vous Payez (PCQVP)	Sénégal
M.	El Hadji Fallou	Journal l'Observateur	Sénégal
M.	Cheikh Tidiane Touré	Cabinet RCL	Sénégal
Mme	Ghaëls Babacar MBAYE	Citoyens Actifs pour la Justice Sociale (CAJUST)	Sénégal
Dr.	Adama Sadio	Université Cheikh Anta Diop de Dakar (UCAD)	Sénégal
M.	Ousmane Baldé	ONG la lumière	Sénégal
M.	Souleymane Sene	Cabinet RCL	Sénégal
M.	Mamadou Lamine Diagne	AJE	Sénégal
M.	Cheikh Oumar SY	OSIDEA	Sénégal
M.	Abbdoulaye Ndiaye	Article 19	Sénégal
Dr.	Papa Fara Diallo	Président Publiez Ce Que Vous Payez (PCQVP)	Sénégal
M.	Thaddée Seck	Natural Justice	Sénégal
M.	Abdoul Aziz Diop	Forum Civil	Sénégal
M.	Boubacar Tamba	Publiez Ce Que Vous Payez (PCQVP)	Sénégal
M.	Sadikh Niass	RADDHO	Sénégal
Dr.	Djiby Ndiaye	SOMISEN	Sénégal
M.	Abdoulaye Ba	Natural Resource Governance Institute	Sénégal
Mme	Mame Bousso Diop	Women In Mining	Sénégal
Dr.	Anta Sané	Conseil Économique, Social et Environnemental (CESE)	Sénégal
M.	Issa Thiaw	ONG Green Sénégal	Sénégal
M.	Thialy Faye	OXFAM	Sénégal
M.	Abdoul Malicky Bousso	Forum Civil	Sénégal
Mme	Asna Ndao	Enda Lead	Sénégal

Workshop agenda



Regional workshop for reflection and sharing of results of studies on natural resources governance

Gorée, November 29 - 30, 2022

AGENDA

Time	Activity	Session	Manager
Day 1			
09H00 - 09H05	Agenda	Presentation of the workshop agenda	Ms. Houleymatou Baldé
09H05 - 09H15	General introduction	Regional Workshop Overview: – Presentation of purpose, objectives, scope and expectations.	Mr. Kalie Sillah
09H15 - 10H00	Opening ceremonies	Welcome speech by the Executive Director of the Gorée Institute	Mr Doudou Dia
		Speech by the Secretary General, Ministry of Mines and Geology	Mr. Ibrahima Gueye.
		Speech by the Secretary General, Economic, Social and Environmental Council (EESC)	Dr. Anta Sané.
10:00 AM - 10:20 AM	Family photo and coffee break		
10:20 - 10:55 a.m.	Diffusion of a film on the extractive sector		Mr Koassi Akakpo
10:55 AM - 11:40 AM	Presentation of research results	Study on natural resource regulations and policies in Ghana, Nigeria, Sierra Leone, Guinea-Conakry, Côte d'Ivoire and Senegal.	Cabinet RCL Consulting : Mr Souleymane Sene
11 :40 - 13 :30	Plenary sessions, questions and answers	Comments, clarifications, suggestions and recommendations.	Moderator: Mr. Kalie Sillah
13 :30 - 14 :30	LUNCH BREAK		
14 :30 - 15 :00	Presentation	Mapping and analysis of stakeholders and operational actors:	
		• Senegal	Mr. Issa Thiaw
		• Guinea	Mr. Mohamed Cissé
	• Ivory Coast.	Mr. Michel Yoboue	

Time	Activity	Session	Manager
15 :00 - 15 :30	Plenary	Comments, clarifications, suggestions and recommendations	
15 :30 - 16 :00	Presentation	Mapping and analysis of stakeholders and operational actors:	
		• Sierra Leone	Ms. Isata Mahoi
		• Ghana	Ms. Maybel Acquaye
		• Nigeria.	Mr Peter Egbule
16 :00 - 16 :30	Plenary	Comments, clarifications, suggestions and recommendations	
Day 2			
09H00 - 09H20	Plenary	Recap of Day 1	Reporter: Dr. Adama Sadio
9 :20 - 10 :00	Presentation of research results.	Comparative study on the challenges of natural resource governance.	Cabinet RCL Consulting : Mr Cheikh Tidiane Touré
10 :00 - 10 :15	BREAK - COFFEE		
10 :15 - 12 :00	Plenary, questions and answers	Comments, clarifications, suggestions and recommendations	Moderator: Mr. Kalie Sillah
12 :00 - 13 :00	Plenary	<p>Discuss the need for an advocacy platform.</p> <ul style="list-style-type: none"> • How to make a steering committee and the advocacy platform? to collectively influence a fair and equitable distribution of revenues generated by natural resource extraction in target countries in West Africa. • What civil society should do to address the gaps and challenges. • How can we cultivate strong stakeholder engagement to further the common agenda of effective natural resource governance? • Provide responsive recommendations to state, non-state and regional actors on what needs to be done. • Provide key action-oriented measures, recommendations and suggestions on the roles and responsibilities of the Natural 	Participants.

Time	Activity	Session	Manager
		Resource Governance Survey Board members.	
13 :00 - 14 : 00	LUNCH BREAK		
14 :00 - 15 :30	Plenary	Comments, clarifications, suggestions and recommendations	
15 :30 - 16 :30	Statement	Partnership and Collaborative Agreement: <ul style="list-style-type: none"> • Select participants to write a partnership statement. • Reading of the partnership statement • Signing of the partnership declaration by the selected participants 	Participants
16 :30 - 17:00	Closing	Closing Ceremony	Selected participants and Executive Director