

Multi-Level Mining Governance in Guinea: The Case of the Local Economic Development Fund (FODEL) in the Bauxite Region of Boké

Idiatou Bah

Faculty of Forestry, Geography and Geomatics, Laval University, Quebec, Canada
Email: idiatou.bah@ggr.ulaval.ca

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Abstract

In 2010, Guinea, through multi-level governance, undertook profound legal and institutional reforms to promote more participatory, equitable and sustainable mining development and the bauxite region of Boké is at the heart of this vision. The Local Economic Development Fund (FODEL) anchored in the Mining Code in force, was deployed for this purpose in Boké in December 2019. However, its implementation conditions encounter several challenges and issues as revealed by the controversial narratives of the various social actors who diverge in the analysis of the emergence, operationalization and evaluation process of FODEL. The article highlights the conditions incumbent on each category of actors that would create a favorable environment to promote sustainable local economic development for the communities of Boké and ultimately initiate a transformation of mining governance practices and relations between social actors in a peaceful climate.

Keywords

Multi-Level Governance, Local Economic Development Fund, Mines, Boké, Guinea

1. Introduction

According to many authors, Guinea, a country located on the Atlantic coast of West Africa with an area of 245,857 square kilometres and a population of approximately 12 million, seems to represent the pessimistic view that the mining industry cannot be reconciled with sustainable development. It is described as a “geological scandal” [1] [2] and associated with an acute symptomatic case of the resource curse theory recently revisited by de Boissieu and Geoffron [3], because

it continues to be among the poorest countries in the world. It ranked 183rd out of 188 countries studied in 2015 according to the 2016 Human Development Index (HDI) of the United Nations Development Program (UNDP) [3]. It is observed in all regions of the country that mining activities contribute to environmental degradation and conditions of access to natural resources (water, land, fauna, flora). The issue of competition between mining activity on the one hand, and agriculture and livestock farming on the other, is at the heart of the country's sustainable development challenges, with a growing trend towards food insecurity in areas with a high concentration of mining [4].

The State believes that: "only the contributions of companies to local community development, implemented in concert with the State and other stakeholders, as well as the rebates on taxes and duties made by the State in favor of local communities can be able to prevent and mitigate such impacts" [4] (p. 19). Since 2010, in compliance with the requirements of international standards and initiatives in the mining sector, Guinea has undertaken reforms of its legal and institutional framework towards a mining vision oriented towards sustainable development [3].

At the international level, it should be recalled that Guinea joined the Extractive Industries Transparency Initiative (EITI) in April 2005, launched by former British Prime Minister Tony Blair. Under the initiative of the Ministry of Mines and Geology (MMG), a technical secretariat of the initiative has been set up and to date has produced some fifteen EITI reports since its accession. In 2014, Guinea became a country compliant with EITI requirements. Recall that, developed in 2002, the EITI aims to promote transparency in the management of revenues from the extractive sector by encouraging governments to disclose revenues from the exploitation of national natural resources, companies to publish the amount of funds paid to governments, and civil society to participate fully in the Initiative as a counter-power. Thus, it brings together states with more than twenty member countries, civil society organizations, investors and international organizations, including the World Bank [5].

At the national level, the latest reforms undertaken since 2010 have concerned the promulgation of a new mining code in 2011, amended in 2013 [6] and accompanied, to promote its application, by a series of: Legal and regulatory texts (Decree on the application of the Mining Code, Revised Local Authorities Code, etc.), Policies (Corporate Social Responsibility Policy, Local Content Policy, etc.), Policy Instruments (Local Development Fund-FODEL and the National Local Development Fund-FONADEL, Surface Tax, etc.), Programs: Village Community Support Program (PACV), Guineanization Program, Guinean Skills Training and Development Program, etc. [4].

Unfortunately, the application of the Mining Code [6] by stakeholders remains a major challenge in Guinea's mining architecture. Knierzinger [7] (pp. 1-2) emphasizes that: "once the mining code is established, it still requires implementing texts that take a long time to put in place... after these procedures, the new laws

must be applied and monitored, which is often not the case.” Guinea, like most African countries, is no exception to the gap that exists between the legal framework and its practical application.

The Guinean subsoil abounds with at least one-third of the world’s bauxite resources, estimated at 40 billion tons (at more than 40% content); the world’s largest unexploited high-grade iron deposits estimated at 20 billion tons; more than 700,000 tons of gold reserves; diamond reserves estimated at 30 to 40 million carats and numerous minerals such as manganese, zinc, cobalt, nickel and uranium. Mining represents a significant part of the Guinean economy, generating more than 80% of exports providing 20% to 25% of state revenues, and constituting the source of more than ten thousand direct jobs.

Although this study focuses primarily on bauxite mining in the Boké region, the multi-level governance challenges identified here are relevant across Guinea’s diverse mining sector. Similar issues around local development funds, community relations, and institutional capacity affect gold mining in Siguiri, iron ore in Simandou, and diamond mining in various regions. The FODEL mechanism applies uniformly across all mining activities, making the Boké case study instructive for understanding broader patterns in Guinean mining governance. Future research could examine how these dynamics manifest differently across regions and mineral commodities. It is thus established that the mining sector is an important engine of growth and socio-economic development in Guinea [4].

We should also highlight the country’s rich water resources with its 1200 rivers and streams, particularly the Niger River, the third largest in Africa, which is a major asset in the process of developing hydro-electric production means and therefore favorable to local processing, particularly of bauxite into alumina by electrolysis [3]. Among these numerous and diverse mineral resources, it is precisely bauxite that interests us here because of the prominent place it occupies in the Guinean economy and through its connection to Quebec in the Saguenay–Lac-Saint-Jean region.

The northwestern region of Guinea is particularly rich in bauxite, and the prefecture of Boké is nestled in the heart of this region. Located 300 km from the capital, Conakry, the prefecture of Boké is known nationally and internationally as the quintessential reservoir of bauxite with one of the highest alumina contents in the world. It has ten local communities, namely one urban commune and nine rural communes, totaling approximately 449,405 inhabitants [8]. These are the urban commune of Boké and the rural communes of Sangaredi, Kamsar, Kanfarandé, Kolaboui, Tanéné, Dabis, Malapouya, Sansalé, and Bintimodia [9].

The area hosts several multinational mining companies in the exploration or exploitation phase, including the Compagnie des Bauxites de Guinée (CBG). This area is naturally the subject of considerable investment plans, to the point that the head of state decreed it a Special Economic Zone (SEZ) in 2017 [10]. The Boké area thus offers the Guinean state an ideal ground for the implementation of its legal and institutional framework for mining governance. The development of the

local communities of Boké in an invasive mining context remains a concern expressed by the State, the CBG, and the populations themselves, as well as local and international civil society that support them, and bilateral and multilateral institutions.

Indeed, the daily bauxite extraction operations contrast with the poverty of the local populations: lack of community infrastructure, weak development of local employment and income-generating economic activities, and the limited capacity of local elected officials to manage local affairs and benefit from the socio-economic benefits of mining activity [9].

Thus, the territory of the Boké prefecture was particularly marked during the year 2007 by turbulence and shocks on the ground, referring to the theoretical concept of social acceptability. Indeed, the CBG was the subject of several violent demonstrations and riots: barricades, burning tyres, and destruction of public buildings and property belonging to the company. Mining activity had to be stopped for a few days, and the Guinean government had to intervene to calm the situation [11]. The population's anger was triggered after the death of a motorcycle taxi driver in April 2017, who was hit by a bauxite transport truck. The riots continued in the following months, always against a backdrop of frustration and popular discontent due to the lack of socio-economic benefits from mining activity [11].

Diallo [5] rightly reminds us, in the Guinean context, of the reasons behind this social unrest, namely that the development of CBG's mining activities leads to numerous environmental and public health problems caused by the massive use of toxic chemicals, but also by the bauxite extraction processes favored by the company. But its activities also disrupt the socio-economic living conditions and the socio-cultural organization of communities through the confiscation of agricultural land without compensation measures the loss of livelihoods, and population displacements leading to the loss of their natural habitat. Thus, Conflicts remain constantly latent between CBG and the Bokékas who feel wronged by the region's lack of sustainable local socio-economic benefits compared to the daily bauxite extraction operations.

Faced with this situation, the State decided, based on Article 130 of the current Mining Code, to deploy the Local Economic Development Fund (FODEL) in the Boké region to initiate solutions to compensate for the negative impacts of bauxite mining. This fiscal mechanism aims to collect 0.5% of the annual turnover of the mining company exploiting bauxite to finance the local development of mining communities [6].

This article seeks to answer the following question. To what extent can FODEL be an instrument for: 1) Driving local development? 2) Appeasing latent conflicts between social actors? 3) Initiating sustainable multi-level mining governance in the Boké region?

2. Theoretical and Conceptual Framework

The energy sector in general, and its extractive industries in particular in Africa,

has been facing multiple controversies for several decades, both empirical and theoretical. On the ground, tensions and conflicts between multinational mining companies and local communities remain at the heart of current events at the local, national, and international levels.

On the theoretical level, the literature on the subject leads us immediately to the theoretical controversy that animates researchers in the field of mining development, namely whether the mining industry can rhyme with sustainable development. Within the framework of the economic theory of resources, Bensalah *et al.* [12] recall that three schools of thought structure the debate, namely the pessimistic current, the optimistic current, and the centrist current. This article falls within the centrist current, which postulates that mining development can be in line with sustainable development if certain conditions are met, namely appropriate multi-level and multi-actor governance. Gaudin [13] reminds us that governance is a process “of multi-level and multipolar coordination in a polycentric and highly asymmetrical context” [13].

This study’s theoretical framework integrates multiple strands of literature beyond governance theory:

Resource curse theory has evolved from a simplistic economic determinism to a more nuanced perspective, examining how institutional quality and policy decisions mediate resource-driven outcomes [14]. Recent research highlights that resource wealth can contribute to development when effective governance mechanisms are in place [15].

Local content policies have shifted from merely enforcing employment quotas to fostering long-term economic linkages. Evidence suggests that successful implementation requires coordinated efforts between different levels of government and key stakeholders [16] [17].

Community development approaches in mining contexts advocate for moving beyond compensatory models toward meaningful co-development and equitable benefit-sharing. Achieving this requires strong institutional support and governance structures at multiple scales [18].

Alternative development paradigms, such as rights-based approaches and environmental justice frameworks, provide critical perspectives on extractive-led development. These frameworks help assess both the transformative potential and limitations of FODEL [19].

West Africa is a region with considerable natural resources, the exploitation of which can promote positive socio-economic development. To benefit from it, the actors, namely the State, mining companies, and communities, must agree to collaborate harmoniously, with respect for the principles of sustainable development and corporate social responsibility (CSR) [20]. The relationship between these stakeholders is, however, often described as tense and conflictual given the divergent issues, interests, and positions [21]. It is this partnership governance relationship between various actors at various levels within the mining industry. In this regard, Labelle and Pasquero [22] emphasize the need to change the paradigm

of partnership relations between the State, the company, and the communities, moving from paternalism to “*partnership*”.

In West Africa in general, and Guinea in particular, despite progress in the mining sector, “the principle of benefits for mining communities is struggling to take hold in a context where governance in general, and mining governance in particular, is constantly being redefined. The challenge remains in the mode of governance and the management of power balances or imbalances between the different actors” [23]. This author recalls that in West Africa, the nature of this relationship between the central state, communities, and mining companies remains at the heart of debates in the mining sector. Indeed, the issue of the distribution of wealth from mining resources stems from “the perpetuation of asymmetrical power and authority relationships” in the implementation of the mining industry regulatory process since the structural adjustment reforms and policies of the 1980 s and 1990 s. These reforms do not seem, according to the author, to have brought the hoped-for solutions of growth and redistribution of socio-economic benefits to mining communities.

Diallo [5] argues along the same lines, in the case of Guinea, that communities bear the full brunt of the harmful effects of industrial mining, both environmentally and socially. Moreover, they participate little in the negotiation process for contracts and agreements between the State and mining companies and are relatively unaware or not at all aware of the conditions surrounding the development of mining projects. The harmful consequences for populations in general and local communities, in particular, are therefore direct, namely a lack of basic social services and equipment in a context of growing poverty, fertile ground for frustrations, tensions, slippages and violent confrontations between the mining company and the local communities surrounding the mines [24].

For Diallo [5], the precarious living conditions in these localities, the deterioration of the environment by the development of mines, etc., are all factors that fuel the mistrust of local communities towards mining operators and make their cohabitation increasingly difficult. This situation contributes “to deteriorating the business climate in mining localities, thereby exposing mining companies to risks related in particular to the security of their investments” [5] (p. 402).

This weak capacity of the State to enforce socio-environmental standards by companies has the consequence of fostering mining territories with high conflict potential linked to ecological degradation, land dispossession of communities (displacement, relocation, compensation, etc.) but also the opposition between natives and non-natives [25] in a territorial perspective seeking an inclusive and peaceful local development model [26].

This need for a new form of governance, which now requires the involvement of a multiplicity of actors beyond the traditional ones of government and companies, actors who are now linked in a kind of partnership and/or collaboration with central authorities, is called collaborative or participatory governance. Emerson *et al.* [27] define governance as: “The processes and structures of public policy deci-

sion-making and management that engage people constructively across the boundaries of public agencies, levels of government, and/or the public, private and civic spheres to carry out a public purpose that could not otherwise be accomplished.” [27] (p. 2).

Collaborative or participatory governance is therefore intrinsic to multi-partner governance, which can include partnerships between the State, the private sector, civil society and communities, as well as governmental and hybrid arrangements such as public-private partnerships, private-social partnerships and co-management regimes [28]. To address public policy issues or challenges, government action thus uses public policy instruments that refer to “a set of concrete mechanisms, practices by which power is materially exercised” [29] (p. 20).

Szablowski [30], Campbell and Laforce [31] highlight the role of these mechanisms and instruments in a mining context, in response to problems with the operationalization of institutional frameworks. These authors demonstrate that local actors have developed this kind of common language, rules, and tools by establishing new governance modes characterized by “local and informal modes of regulating mining investment. They generally rely on the principles of corporate social responsibility and are formed by a set of negotiated norms and standards that companies commit to respecting within the framework of their operations specific to a project. They therefore represent an ad hoc regulatory framework, which can be implemented for each investment” [31] (p. 78).

In Canada, the increasing contractualization of Impact and Benefit Agreements (IBAs) that link mining companies to the affected Indigenous local communities attests to the preponderance taken by these “informal” legal regimes in the governance modes associated with the mining sector. “It is a complex ‘local legal regime’ that arises from the simultaneous implementation of the various regulatory requirements to which a company has agreed to subject its activities—requirements that are sometimes binding, sometimes not, and that often overlap and emanate from several sources (laws, voluntary principles, private agreements, etc.)” [31] (p. 79).

Through the study of governance in the Democratic Republic of Congo (DRC), Hesselbein [32], echoed by Mazalto [33], identifies the concept of “institutional multiplicity” which, according to him, refers to the cohabitation of different powers, more or less legal and legitimate, that coexist or compete with public institutions, referring to traditional authorities, neo-patrimonial networks (bosses, warlords, political parties) or the various international organizations active in Congolese territory.

These local legal regimes generally fall within the context of new international governance or transnational governance, which President Barack Obama consistently supported at the UN [34]. Peters and Pierre [35] concur with this horizontality, stating that multi-level governance begins when the relationship is no longer solely hierarchical and propose the following definition: “negotiated, non-hierarchical exchanges between institutions at the transnational, national, regional and

local level”.

The FODEL, enshrined in the Guinean Mining Code, follows this logic of “local legal regimes” to allow different mining companies to harmonize, based on their annual turnover, their contribution to local development in favor of host communities. The central concept of multi-level mining governance therefore seems appropriate to us to study FODEL from a peaceful perspective of sustainable local socio-economic benefits.

3. Methodological and Empirical Framework

3.1. Methods

To study the relationships between the State, the company, and the communities of the Boké region through a multi-level mining governance perspective, the prefecture of Boké was chosen as the study area through four territorial units: the rural communes of Kamsar, Sangaredi, Koulaboui, and the urban commune of Boké. The prefecture of Boké, at the heart of the administrative region of Boké (which includes the other prefectures of Boffa, Fria, Téliélé, Gaoul, and Koundara), is where the current bauxite “boom” is concentrated. It thus contains the city of Boké (the urban commune) and nine sub-prefectures (rural communes), each of which is administratively divided into about ten districts.

The four territorial units were selected for their demographic importance but also for their geo-economic importance in connection with the operations of the CBG company, which is our main study company. Sangaredi is located on the bauxite plateau. Kamsar is the headquarters of CBG and houses its mineral port. The mineral train, starting from Sangaredi, crosses the urban crossroads of Boké and the rural commune of Koulaboui before reaching the port of Kamsar for the export of bauxite. Data collection was based on a continuous bibliographic review, a pre-survey in January 2018 to explore the study area, and a field survey proper in three sequences in 2019-2020: January-February 2019, April-June 2019, January-March 2020.

It was carried out through individual interviews ($n = 20$) and focus groups ($n = 15$) for a total of 167 people interviewed. They were chosen for their informed knowledge of the challenges of multi-level mining governance in Boké using a non-probabilistic typical starting sample and supplemented by the snowball sampling technique, which consists of adding to a core group of people considered essential, all those who are in contact with them, and so on [36].

The methodological approach combined several qualitative data analysis techniques to ensure rigor and validity:

- Systematic coding of interview transcripts using NVivo software to identify key themes and patterns
- Cross-validation of findings through comparison across different stakeholder groups
- Regular member-checking with key informants to verify interpretations
- Detailed field notes documenting contextual observations

- Triangulation with secondary data sources including company reports, government documents, and media coverage

While the non-probabilistic and snowball sampling approach has limitations, steps were taken to minimize potential bias by:

- Ensuring representation across all major stakeholder categories
- Actively seeking out dissenting voices and alternative perspectives
- Documenting sampling decisions and potential limitations
- Comparing findings with existing literature and other case studies

In Conakry, the interviewees are key current or retired senior state officials, representatives of the Chamber of Mines, influential representatives of civil society (NGOs, associations of Boké nationals and media), and representatives of bilateral and multilateral international organizations financing projects in Boké. In Boké, these are representatives of CBG (active and retired), representatives of the local administration (prefectural and sub-prefectural offices), and community representatives (local elected officials, community leaders, local entrepreneurs, groups of farmers, groups of women and young people, local media).

A comprehensive analysis based on the discourse (policy stories) of each category and subcategory of mining stakeholders interviewed is based on their interpretation of a pivotal and controversial public policy instrument, namely the FODEL [37]. Finally, the analysis of the discursive data based on the interests and positions of the actors—in their nuances, contradictions, convergences, and divergences—was based on four axes for each of the stakeholder groups: 1) the issues raised (problems and challenges to be addressed) or the initial situation of the narrative defining the framework of the plot and the disruptive elements that would challenge the initial state; 2) the solutions envisaged (objectives sought and means proposed) with a view to a resolved final situation; 3) the protagonists in action in the narrative (role and influence of the sub-actors involved). But once the narrative scene is presented, on which the competing actors enter the action, namely Boké, it will be introduced through a socio-constructionist approach [22] the new disruptive element of the narrative, namely the FODEL.

3.2. Case Study of the Local Economic Development Fund (FODEL): A Legal and Institutional Instrument for Multi-Level Mining Governance at the Prefectural Level

The Guinean government has provided, in its mining legislation, several fiscal public policy instruments to contribute to municipal budgets and local development. We will focus on one of these instruments, namely the Contribution to Local Development (CDL), which funds the FODEL, due to its strategic nature for mining communities. Indeed, under Article 130 of the 2011-2013 Mining Code, a local development fund was created by Presidential Decree D/2017/285/PRG/SGG on the procedures for the establishment and management of the FODEL [38]. The FODEL is funded by contributions from all mining companies in the operating phase or those holding permanent quarry operating permits as provided for in

Article 130 of the Mining Code. The article thus provides that the operating mining company must pay to the local community residing on or near the mine the amount of the Contribution to Local Development (CDL) set at 0.5% of the company's turnover achieved on the Mining Title of the area for category 1 mineral substances (bauxite, iron) and at 1% for other mineral substances. It is planned to house this contribution in a FODEL.

The mining company must first have entered into a Local Development Agreement with this same community and accompany this agreement with provisions relating to its training, the protection of its environment, its health and the development of socio-economic projects stemming from its three-year local development plan (PDL) and its annual investment plan (PAI) as stipulated in the Local Authorities Code. The principles of transparency and consultation will be applied to the management of the FODEL as well as to any Local Development Agreement, which will be published and made accessible to the local community.

A joint order A/2017/6326/MMG/MATD/SGG from the Ministry of Mines and Geology and the Ministry of Territorial Administration and Decentralization sets the terms of use, management and control of the FODEL at the level of each mining prefecture through a FODEL Management Support Committee (CAGF). The CAGFs have the mission of supporting local authorities for transparent and efficient management of the Contribution to Local Development (CDL). The members of the CAGF are drawn from the Prefectural Development Council (CPD)—a consultative body composed of local elected officials, representatives of the local administration, the private sector and civil society, and representatives of the mining companies contributing to the FODEL. A CAGF Procedures Manual was developed in 2018 [39] specifying the roles and responsibilities of the CAGF in its interaction with communities, mining companies and the supervisory ministries. The CPD monitors and evaluates the FODEL under its responsibilities defined in the Procedures Manual. Decisions relating to the allocation of the FODEL are the strict responsibility of the local authorities.

Regarding the FODEL disbursement mechanisms, the funds are paid by the company to the central government, which then disburses the amounts to the local communities. The Local Communities (LCs) prepare their local development plan (LDP) upstream, which is multi-year and from which they derive an annual investment plan (AIP) that they present to the CAGF, a committee at the prefectural level. The latter selects projects of a socio-economic nature and validates them before they can be submitted to the procurement process. The Procedures Manual also stipulates that projects are eligible for FODEL if they meet the following four criteria: 1) Addressing the concerns of communities hosting mining sites, those located outside the mining site within the mining title perimeter, those neighboring the mining title perimeter, and those otherwise impacted by mining activity; 2) Included in the annual investment program of the community concerned; 3) Having a knock-on effect on other economic activities carried out in the communities during and after mining operation; 4) Having a positive impact

on the quality of life of the populations of the communities hosting the mining sites and neighboring communities. Finally, the company pays the funds directly into the CAGF's FODEL bank account, which then disburses the amounts to the various municipalities in each of their sub-bank accounts according to the distribution key established and already calculated according to Article 12 of the Procedures Manual. To promote transparency and information for the communities concerned, a general annual report will be published no later than April 15 of each year, following procedures consistent with the provisions applicable to funds belonging to local communities.

The report should cover the funds received during the previous year, their management, the adopted plans, contracts, expenditures, payments, and the actual level of implementation of the planned activities. The report should allow for the collection and reconciliation of the use of funds following the EITI Standards. The report should be published via a press release, with copies sent to the relevant Communal Councils and the ministries responsible for Mines, Local Communities, Budget, and Finance. The annual report should be available and accessible to the population.

4. Results

4.1. A Central State between Political Aspirations and Economic Imperatives

It should be recalled that the Contribution to Local Development (CLD) has existed since the 1995 Mining Code, but it varied from one agreement to another. The objective of the 2011 Mining Code, amended in 2013, is to harmonize the various CLDs in the calculation, payment, and use of funds to harmonize them between the old and new mining companies. Thus, 0.5% of turnover was set for bauxite and iron and 1% for other substances. However, the momentum of its operationalization is far from coincidental, as it only came to fruition in 2019 in an electoral context. Indeed, the schedule for the first FODEL payments was intrinsically linked to that of the presidential election agenda to gain the sympathy of voters in the bauxite region of Boké. It should be noted that Guinea had planned three elections in 2020: a referendum on whether to extend the presidential term, legislative elections, and presidential elections.

The FODEL thus seemed to represent the government leader's achievement to retain or not retain power, thus appearing as a major political stake in a context of growing poverty due to the exceptional financial windfall it is supposed to deploy. The FODEL should thus help appease the frustrations of the Bokékas, who have been experiencing recurring social tensions in recent years with the local mining companies and thus contribute to preserving social acceptability.

It was in this context that President Alpha Condé, in his speech of December 23, 2019, said: "*Today, we are taking an important step in the framework of local development. Since my election, I have made it a priority to reform and develop the Guinean mining sector to place it at the heart of grassroots economic devel-*

opment. This is why, in the reform undertaken in 2011 [...] I instructed that a portion of the mining companies' turnover be paid as a contribution to local development through the FODEL [...] No demonstrations will now be accepted [...] Any demonstration will be subject to the rigor of the Law. I told the mining companies to ensure that each year the contributions are made under the Mining Code. To the people of Boké, contributions can only be mobilized if the mining companies can work in peace and security.” [40].

4.2. A Local State between Complacency and Ignorance

The local administration does not understand the technical complexity of the FODEL. For them, the FODEL is a creation of the President of the Republic. They are completely unaware that it stems from the 2011 Mining Code, amended in 2013. Moreover, very few of the local administration representatives have read this Code and its content. For them, the FODEL is simply a personal and private commitment of the Head of State, if not bordering on his funds that he wanted to distribute to local communities in his great magnanimity.

The local administration is thus playing the card of complacency to the fullest in an electoral context. This is what a representative of the local administration of Boké underlines, through these words: *“We have been informed of the upcoming arrival of this Fund, but we have no precise information yet, but we believe that the Head of State has found the solution to our problems in Boké between the populations and the mining companies which are always in a situation of tension that we are obliged to manage on the ground”.*

4.3. A Local Community between Happiness and Mistrust

The advent of the FODEL is a significant relief insofar as it constitutes an unprecedented windfall for the communities and their elected officials who intend to be part of its management. Nevertheless, they are not fooled, they are aware of the concomitance of the FODEL payment schedules and those of the elections. However, illiterate in French for the majority, local elected officials and populations are also mostly unaware of the content of the Mining Code in force. They have never heard of the local development agreement (LDA), let alone signed one with any mining company. But the actors remain sceptical about their involvement in the management of the FODEL, but also and above all about the fund transfer mechanisms that will be put in place so that the entirety of the allocated funds are intended for them.

Yet, local elected officials, despite their shortcomings in terms of knowledge of the texts, remain determined to play a role in the management of FODEL. In this perspective, one elected official argues:

“FODEL is a new experience that we are going to live through, and since FODEL in its objectives first speaks of transparency in the management of financial resources, the local administration must know that we, local elected officials and our citizens, are aware of the amounts of the envelope that is officially allo-

cated to Boké. It is up to us, local elected officials, to ensure that we inform the communities about the methods of allocation and management of funds between the different localities of the prefecture”.

A sceptical community leader particularly a Representative of the communities of Koulaboui will say: “For us, FODEL is stillborn... but for the moment we have hope... but it is still confusion, we do not know how it will happen, sometimes we are told that it is the prefecture, sometimes the town hall or sometimes the CPD that will manage FODEL... but they tell us that FODEL is already there and that they will give it to us, but that we are now waiting for the green light from the Head of State... but when the economic question is linked to political will, it poses a problem and Boké risks suffering again...”.

Along the same lines, a member of the Prefectural Development Committee of Boké confides: *“It’s confusion here, we don’t know how it will happen for FODEL, sometimes we are told that it is the prefecture, sometimes the town hall or sometimes the CPD that will manage FODEL... but still nothing, we are now waiting for the green light from the Head of State... so that Boké can have its funds and develop its communes, its prefecture and even its region”.*

4.4. A Mining Multinational between Relief and Caution

FODEL should in principle constitute a relief for CBG in the sense that it is supposed to significantly reduce the social pressure the multinational faces and may reduce the voluntary social payments to which it subscribes. Indeed, FODEL should in principle provide a kind of additional guarantee to preserve social acceptability in the Boké region, but the company is also grappling with concerns insofar as there are doubts about the government’s effectiveness in managing the FODEL operationalization process. Indeed, if this were the case, the repercussions would be serious insofar as the communities would target it among the mining companies in the event of social unrest. As a CBG Representative in Kamsar explains *“The principle of FODEL is interesting for harmonizing the payments of mining companies intended for the local economic development of mining areas, but it takes time for all mining companies to participate, because some, like us, have acquired rights before the Mining Code in force and it is difficult to change overnight.”*

4.5. International Donors between Perplexity and Concerns

Donors remained perplexed as they closely observed the FODEL deployment process, hoping that it would not be a missed opportunity to make a case study of transparent and sustainable mining governance, but the political nature of the payments did not bode well. The priority seems indeed to have been given to the political agenda to the detriment of economic priorities. The principles of transparency around FODEL remained wishful thinking insofar as the public policy instrument did not yet appear on the official government websites and therefore it is impossible to trace the payments, namely: what amount? Paid to whom? On

what basis? However, the formulas for calculating FODEL amounts are known and should be accessible to all, especially since Guinea has subscribed to the principle of open government since 2010. This transparency mechanism would make it possible to know, for each prefecture, the calculation of the shares and the amounts that each commune should receive as well as the projects financed by these amounts. Finally, donors remained concerned about the absorption capacity of FODEL by mining communes due to their weak organizational and financial management skills. As stated by a Representative of an international organization in Conakry “*With FODEL, local mining revenues in the communes will experience an unprecedented influx that they are not able to manage due to a lack of technical and organizational capacity; strengthening these capacities then becomes a sine qua non for the success and sustainability of FODEL.*”

Local civil society, through NGOs and media, and with the support of international donors, planned to create an online web platform that summarizes FODEL flows and their traceability, from collection to use. Indeed, it was having difficulty following the FODEL implementation process across the entire national territory. It could follow the process at the communal or even prefectural level, but it was difficult beyond that due to a lack of material, logistical, and financial resources. This is reflected in the words of the Media Representative in Conakry “*Guinea faces a significant challenge in its ability to collect mining revenues from the turnover tax on mining companies, as well as in tracing mining funds at the Central Bank of Guinea, with a major issue of access to mining information, which remains opaque and difficult to reconcile despite the efforts of the Extractive Industries Transparency Initiative (EITI).*”

5. Discussion

FODEL is part of the classification of public policy instruments supporting local development that [40] establish in three categories: 1) those of a fiscal nature with specific levies stemming from the current Mining Code, as is the case with FODEL, 2) those of a quasi-fiscal nature with occasional or temporary assumption of part of the responsibilities of public authorities by mining companies, and finally, 3) those of a socio-economic nature with initiatives aimed at strengthening local content (employment and value chains). FODEL responds to a pressing economic need to reduce endemic poverty and food insecurity in regions with a high concentration of mining activity by stimulating sustainable local development through income-generating activities. According to the actors, it aims to: - allow the government to initiate more harmonized and diversified mining development; allow companies to maintain social acceptability in the long term; - allow communities to significantly improve their living conditions; and finally; - allow donors to improve the regulation of the mining sector with a view to sustainable development.

The operationalization of FODEL potentially means an exceptional increase in revenues from taxation on the annual turnover of mining companies, which, con-

sequently, in principle induces an unprecedented increase in the CDL feeding it in favor of the beneficiary local communities. FODEL thus becomes a response to the lack of financial resources faced by local mining communities to finance a transparent and inclusive process of selecting and implementing socio-economic projects. Hood and Lodge [41] point out that the choice of public policy instruments is determined by both subjective and objective factors.

In the case of the Boké experience, it seems that the subjective elements of the partisan ideology of political decision-makers or political pressures are mixed with objective elements relating to legal and financial constraints and the lack of experience in applying this type of instrument. Indeed, the community narrative, composed of several sub-narratives, which seem to converge on the same observation regarding the choice of FODEL, is unanimous on this point: it is a matter of calming the Bokékas to preserve the social acceptability of mining projects in the region following the recurring social unrest of the last decade. As for its formulation, FODEL does not seem to have been the subject of broad public consultation insofar as the narratives of the local administration and the community indicate their lack of information and ownership of FODEL in the summer of 2019.

For mining companies, the FODEL is supposed to provide an additional guarantee for the preservation of this social acceptability and thus secure their investments in a context of increasingly fragile social legitimacy. Donors, however, remain concerned about the weakness of the local level, local institutions, and local empowerment [42] in their capacity to absorb the FODEL. With the support of local civil society, they already offer a variety of bilateral and multilateral programs and projects for training and capacity building at the national and local levels, even if they are not always coordinated. But it is also this weakness at the national and local levels that legitimizes the relevance of the presence of the international level, occupied by the various donors, in a multi-level mining governance perspective.

Regarding the implementation of FODEL, it should be noted that the operationalization of Article 130 of the 2011-2013 Mining Code, which instructs mining companies to pay the CDL (Community Development Levy) into the FODEL, only came into effect in December 2019 against a backdrop of an election campaign [43]. It thus took almost a decade for its implementation. Moreover, provision 130 of the 2011-2013 Mining Code relating to a contractual agreement between operators and communities seems to be ignored by the mining companies operating in the Boké prefecture. They believe that once the operator has contracted its agreement with the central authorities, the need to formally engage with the local level does not seem to be a priority, despite the legal provisions on this subject, the monitoring of which is lacking. In other words, the first FODEL checks were issued without the local development agreements being signed.

In Boké, it was the Société Minière de Boké (SMB), a Sino-Guinean consortium, part of the batch of new mining companies, that was the first to pay the CDL without, however, signing any agreement with the people of Boké. In December

2019, it paid a cumulative amount of 40 billion GNF, or approximately 37 million EUROS, to the Boké prefecture, corresponding to the three years 2015-2018. Payments for 2019 and 2020 are forthcoming [44]. Conversely, CBG does not seem to be concerned; it establishes its own rules insofar as it pays relatively fewer local taxes and generally decides how the communities should dispose of them [7].

Ultimately, although Guinea conducted a historic process of renegotiating mining agreements between 2013 and 2016 to align their provisions with the new 2011-2013 Mining Code in force, the agreements signed before the latter retained advantageous provisions in favor of mining companies to the detriment of the obligation of compliance required by the government [45] [46]. Guinea thus demonstrates an emblematic case of the concept of a plurality of norms [47], in a context of institutional multiplicity as described by Heinseinbein [32] and reiterated by Mazalto [33], but also of this system of local legal regime advocated by Szablowski [30] and Campbell and Laforce [31]. In general, this is the paradox of too many rules and norms and little governance defined by Roberts [48] and reiterated by Coderre *et al.* [49] by highlighting a situation of overproduction of regulatory frameworks defined by the State, international organizations, and mining companies, but whose implementation remains conflictual, heterogeneous, and duplicated.

It would be premature to evaluate the FODEL, as its operationalization has not had time to yield concrete results. Indeed, it took place in a context of political turbulence that Guinea experienced in 2019 in the perspective of a third term for former President Alpha Condé, which resulted in dozens of civilian deaths. A new Constitution was invoked to seek this third term and adopted in March 2020 by a referendum boycotted by the opposition. Against a backdrop of violent protests, the former head of state was declared the winner of the contested October 2020 presidential election.

In September 2021, he was overthrown by a coup d'état that brought Colonel Mamadi Doumbouya to power, who decided to freeze all mining reforms implemented by his predecessor, including the FODEL disbursement mechanisms. But beyond a fragile political context, several questions about the viability of the FODEL challenge us. The assessment carried out by the NGO *Action Mines Guinée* through its online platform *Transparency Fodel Guinée* [50] allows us to evaluate the first results after a year of operationalization in the field and to question, in particular, the following issues:

The CAGF's ability to establish an independent membership free from all influences: how can we ensure that members are chosen for their representativeness and integrity to perform their duties autonomously without any political interference or collusion, cronyism or conflict of interest, but also that the representative of the prefectural administration, by virtue of their authority, does not influence members for partisan purposes?

The CAGF's ability to respect the funding priorities to be established from those of the annual investment plan (PAI) derived from the communes' three-year local

development plan (PDL): how can we ensure that the projects submitted for funding emanate from the needs of local organizations and groups and not from the personal needs of local elected officials or local authorities? That these funded entities implement the projects in question? In the event of non-implementation of projects, what sanctions are taken against project promoters?

The CAGF's ability to absorb massive financial flows: how can we ensure that members can manage a considerable influx of money in the context of endemic poverty? The Procedures Manual stipulates that the day-to-day management of the CAGF is ensured by a permanent secretariat composed of three executives, including the president himself, who is the main manager in charge of general administration, assisted by a contracts and fieldwork monitoring officer and a finance and accounting officer, who are in principle both recruited through competitive examination. The members of the CAGF received prior training, in December 2018, on the procedures for allocating and using the FODEL, but is this a sufficient guarantee to ensure sound and transparent management of resources?

The CAGF's ability to manage emerging conflicts arising from the FODEL: how can we ensure that CAGF members have the capacity and authority to prevent and manage conflicts arising from the operationalization of the FODEL? Article 11 of the Procedures Manual provides for a feedback, grievance, and conflict resolution mechanism to allow community representatives to express their opinions as needed. Will this mechanism be sufficient to guarantee conflict prevention and ensure a peaceful deployment of the FODEL? It is this series of questions that the FODEL is facing today, and only an adequate response to them will allow us to consider its sustainability in a durably peaceful context.

6. Conclusions

This article sought to analyze to what extent the FODEL can constitute a public policy instrument capable of driving local economic development, appeasing conflicts between social actors, and initiating sustainable multi-level mining governance in the Boké region. Four narratives by categories of actors, namely the State, the communities, the company, and international donors, carrying divergent and convergent perspectives, were reported as follows:

The governmental and central administration narrative is based on a vision of maintaining social acceptability in Boké in the face of the invasion of the region by mining companies while ensuring local socio-economic development from the grassroots level. The FODEL would then be the pivotal instrument that would allow this vision to be achieved. The local administration's narrative seems to de facto and zealously espouse this vision without demonstrating a convincing appropriation of the FODEL, but remains preoccupied by the latent social instability in Boké that it must manage daily.

The community narrative remains sceptical and divided regarding the political will displayed by the government to sustainably improve the living conditions of

the Bokékas, who are aware of their power to disrupt mining operations with disastrous consequences for the entire country's economy. The corporate narrative is driven by an increase in bauxite exports in a growing competitive context on the one hand, and on the other hand, by a fragile social acceptability for which the FODEL should provide expected solutions in terms of conflict prevention and appeasement of the population.

The international narrative, based on the principle that it supports the government in its mining reform process, remains concerned about the conditions for the implementation of the FODEL, including the development of local capacities to be able to adequately support, with the help of local civil society, the impetus of a viable local socio-economic fabric in the Boké community. Indeed, the striking weakness of local institutions' capacity is a determining factor in the gap between central and local levels and is reflected both at the level of local elected officials, in the local administration, as well as in civil society organizations and the local private sector. It manifests itself in a lack of knowledge of laws (Mining Code, Local Communities Code, Environmental Code, etc.) and public policies (mining policy, social responsibility and local content policy, etc.) and poor management of local authorities, particularly in terms of local taxes and their method of registration, settlement, and collection.

However, in a context where municipal budgets will experience an unprecedented recovery with the FODEL, this massive unprecedented financial flow offers them a unique opportunity to take greater charge of their local development. The FODEL would allow, for example, the revival of family farming and local entrepreneurship independent of the mining sector to develop self-employment and ensure long-term food security. But how can we also ensure that municipalities are not solely dependent on FODEL revenues? They will therefore have to adopt budgetary rules allowing them to diversify their sources of income. It is under these conditions that the FODEL, through the contribution to the development of local capacities by each of the actors, will enable the initiation of sustainable and peaceful local development in the Boké region and all the mining regions of Guinea.

Authors' Contributions

Conceptualization, IB; Formal analysis, IB; Funding acquisition, IB; Investigation, IB; Methodology, IB; Project administration, IB; Resources, IB; Software, IB; Monitoring, IB; Validation, IB; Visualization, IB; Writing—original draft, IB; Writing—review and editing, IB.

Data Availability Statement

The data used in this study are available in the text.

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Conflicts of Interest

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