



LEADERS FOR JUSTICE WORKSHOP

CURRENT CHALLENGES OF PUBLIC FINANCE IN WEST AFRICA

DATE: 19TH – 21ST JUNE 2019

VENUE: THE ORIENTAL HOTEL, NIGERIA



The training was organized and supported by the Konrad Adenauer Stiftung's Rule of Law Program for Sub-Saharan Africa.

The workshop brought together academics, lawyer and magistrates from Togo, Côte d'Ivoire, Mali, Benin, Burkina Faso and Nigeria to discuss the critical challenges of public finance in West Africa.



The opening session began with a reception and general welcoming remarks by Mr. Stefan Traumann, the German Consulate General in Lagos (*on the left*), Nigeria and Prof. Dr. Hartmut Hamann. Both speakers set the tone for the workshop by giving an overview of the various challenges that affect public finance in West Africa. The participants presented and shared lessons and experiences on issue affecting their

countries in regards to public finance which included, government expenditure on resources such as petroleum, mining and public procurement.

Prof. Akodah Ayewouadan of the University of Lome gave a presentation on the ***Legal system of income tax and tariff revenue in the natural resources and the mining sector of Togo*** wherein he outlined the obstacles and challenges in collecting taxes and duties in Togo as well as the parliamentary and judicial control. He noted that corruption and lack of administrative action were the fundamental issues affecting taxation in Togo and called for accountability at all levels of government if the situation is to be remedied.

Ms. Nyalyen Ninette Ninyio, Counsel at E.O Akhayere & Co. gave a summary on the challenges facing Nigeria when it comes to collecting taxes, duties and judicial control. She outlined the key aspects of the Nigerian Mining Act 2007 concluding that the Nigerian government can acquire any private owned land as long as that land has minerals. She lamented the lack of accountability within government and called for legal reform in order to address the current weaknesses which she noted were partly due to outdated and obsolete laws.

Mr. Sakinantou Bello, Deputy Director of Cabinet of the Minister of State for Planning and Development, and Mr. Barry Nouhoum Aly, Magistrate, both gave presentations on the public finances of Benin and Mali respectively.

Mr. Ibrahim Salami presented on the Public Private Partnership (PPP) Projects in Benin and cited the various risks and challenges experienced in the PPP contracts. Mr. Sunday Bontur Lugard, a Lawyer from Jus Associates, gave the same presentation from the Nigerian perspective. He indicated that the political issues made it difficult for projects to run smoothly in Nigeria. He went on to elaborate the high levels of corruption but not before mitigating steps to limit risk. He suggested that the government needs to introduce key stabilization form agreements and that the government needs to limit its financial exposure.

Discussing the same matter from the Burkina Faso perspective, Dr. Djibrihina Ouedraogo observed that “If the economy is to stabilize, we need to put an end to the lack of the Rule of law”. He stated that Burkina Faso has a growth rate of 6% and a public deficit of 3% according to the IMF. In spite of the impressive figures he pointed out that Burkina Faso remains one of the poorest countries in the world, ranked at 183 out 189. He underscored the need for change in the education system as one of the ways to finding a lasting solution to some of the current challenges facing Burkina Faso.

Mr. Thierry Kokoroko, Magistrate and Mr. Ofekeze Darlynton a Lawyer from Onyx & Bricks, both presented on the ***Arbitration proceedings involving state entities/public institutions*** in Togo and Nigeria respectively.

At the end, the participants explored the best practices to be considered in West Africa when enforcing legal control and transparency in public projects as well as the best approach to protect local production and how to improve the role of international institutions in state funding. They also explored and proposed best practices for contract negotiations and financing of infrastructure projects; suitable arbitration proceedings involving state entities and the role of International institutions in public funding.

In conclusion, and while acknowledging the magnitude of the challenges, participants were reminded that *‘change does not come overnight, but now is the best time to start the journey towards the desired change’*.