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Caribbean

Caribbean EITI

Recommendations for Guyana's application to the
Extractive Industries Transparency Initiative (EITI)

May 25, 2017

GEEX1

LATIN AMERICA AND CARIBBEAN



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G-EITI – World Bank Technical Support

I. SUMMARY

The World Bank mobilized funding to provide technical support, between June 27 and July 8 2016, to Guyana's efforts to join the Extractive Industries Transparency Initiative (EITI). More specifically, the World Bank focused on the fulfillment of requirements three and four of the EITI standard that have to be met before submitting an application to the EITI evaluation board – i.e. the creation of a Tripartite Multi-Stakeholder Group (MSG) and preparing Guyana's National EITI Work Plan.

According to plan, the World Bank's technical support consisted primarily in sharing and promoting a better understanding of EITI and of the EITI candidacy process among representatives of the public, private and civil society sectors particularly with respect to the establishment of an EITI multi-stakeholder group and the rights/responsibilities of its members. To this effect, the World Bank team liaised with the Guyanese Government and interim G-EITI Steering Committee on the design of the June 2016 National EITI Symposium; presented at and helped facilitate said symposium, and presented at four follow-up EITI workshops targeting key representatives of civil society, government, forestry and mining sectors, respectively.

Additionally, the team shared with the EITI focal point of the Guyanese government at the time, Darlene Christian, and with the Permanent Secretary (PS) of the Ministry of Natural Resources, Justin McKenzie, several draft documents based on international best practices that can be used as inputs to the preparation of Guyana's EITI candidacy, including draft terms of reference for the G-EITI Multi-stakeholder Group (G-EITI MSG); guidance and key points of a National EITI Work Plan, and a suggested timeline of steps that Guyana needed to consider to successfully submit its candidacy within the timeframe set by Minister Trotman at the National EITI Symposium.

Moreover, following Minister Trotman's request to facilitate donor coordination, the World Bank shared with US Embassy representatives an overview of the support provided during the Technical Support mission, to help inform the assistance that the US government was planning to provide to the Guyanese government on the EITI process, between August 2016 and June 2017.

While significant progress was made during the World Bank's G-EITI Technical Support in June-July 2016 – for example, Guyana's civil society launched on July 10th its process to identify the sector's members for the G-EITI MSG - several tasks remained to be completed. Still, the advice provided by the World Bank informed Guyana's continued efforts to submit its EITI candidacy, albeit at a slower rate than expected.

After publicly announcing the position of National Coordinator of Guyana's EITI Secretariat in 2016 – a key recommendation by the World Bank team -, the government of Guyana appointed Dr. Rudy Jadoopat as the National Coordinator of G-EITI on February 1, 2017. Shortly thereafter, on February 17, Prime Minister Moses Nagamootoo officially

launched the G-EITI Multi-stakeholder group (MSG). The MSG includes four (4) representatives each from government (Ministry of Natural Resources, Office of the Prime Minister, Ministry of Finance and Guyana Revenue Authority), private sector (forestry, mining and quarrying and oil/gas) and civil society. The G-EITI MSG is being supported by the National EITI Secretariat in undertaking the remaining requirements towards fulfilling Guyana's EITI candidacy. Those include developing terms of reference, drafting a work plan and finalizing the scoping study which was previously conducted and reviewed by the World Bank. Guyana is hoping to submit its bid before the end of 2017.

The government of Guyana has requested the World Bank additional support to Guyana's EITI candidacy and the team has responded by mobilizing funding through the multi-donor trust fund Extractives Global Programmatic Support (EGPS). The World Bank is planning to resume its engagement of Guyana on EITI in June 2017. The support will focus on building capacity at the G-EITI National Secretariat and at the G-EITI MSG particularly pertaining the preparation/submission of Guyana's EITI candidacy.

II. Highlights of the G-EITI WB Technical Support

National EITI Symposium June 29, 2016

The [symposium](#) had a good turnout of 60 people, of which 20 were members of government, 20 representatives of the private sector, 14 of civil society, and 6 from the diplomatic corps and international organizations, including the US ambassador, the High Commissioner of Canada, the High Commissioner of Great Britain and the local representatives of the UNDP and the IADB.

At the event (agenda is in the annex), the Minister of Natural Resources and Guyana's EITI National Champion once again reiterated Guyana's commitment to the EITI and declared that the country would [be officially applying for EITI membership in November 2016](#).

For Guyana to achieve the goal set by the EITI National Champion, Guyana needed to take several key steps, which were described in some detail by Ana Maria Rodriguez Contreras, World Bank Consultant and EITI Expert, during her participation at the Symposium. The discussion that ensued particularly with respect to the establishment of the G-EITI MSG, generated a lot of interest from all those present. Some of the key concerns that were expressed during the Symposium include:

- **Civil society:**
 - The EITI initiative forces civil society, private and public sectors to relate in ways that are unfamiliar and its success will require the development of trust mechanisms linking all stakeholders;
 - Civil society needs to improve its understanding of the EITI standard and the EITI candidacy process;

- o The Guyanese population (nationwide) needs to be informed/educated on the EITI but that will require funding that is not immediately available to civil society;
 - o Civil society's involvement in Guyana's EITI process is essential and should be promoted;
 - o The EITI process in Guyana should also contemplate/reflect the role of gender.
- **Private sector:**
 - o There is a need to improve the general understanding of the EITI standard and its requirements within the extractives sector (mining, forestry, oil & gas);
 - o The Guyanese extractives sector is diverse and ensuring that all main actors are well represented in Guyana's EITI process will be difficult. This is particularly true when considering the number of players involved in small-scale mining, which has been the main source of gold production in Guyana in recent years.
- **Public sector:**
 - o There is a need to carry out a massive awareness campaign to inform Guyanese (nationwide) on the EITI;
 - o An effort must be made to build trust among all relevant stakeholders;
 - o To facilitate the selection of government representatives to the G-EITI MSG, Guyana's EITI National Champion should publicly announce as early as possible the number of slots available to each stakeholder group.

To address some of the concerns raised, it was agreed at the Symposium to organize follow-up EITI technical workshops for different stakeholder groups to improve the knowledge of the EITI standard and the EITI process. In addition, Guyana's EITI National Champion committed to publicly announce the slots available to each sector in the G-EITI MSG as well as set the deadline for MSG member selection and the establishment of the G-EITI MSG.

EITI Technical Workshops July 5-7, 2016

The World Bank team participated in four follow-up EITI technical workshops – for forestry, mining, civil society and government representatives - that were organized between July 5th and 7th 2016 (list of participants in the annex). At each workshop, after providing a general overview of the EITI and of Guyana's progress towards submitting its EITI candidacy up to then, the World Bank team focused its remarks on the establishment and role of the G-EITI MSG in the EITI process. The World Bank team shared international good practices and experience from other countries, including detailed information as to how the Dominican Republic and Colombia selected the members of their respective EITI MSG.

These workshops were important steps towards promoting a better understanding of the EITI and its inner workings in Guyana, generating interest and at times very lively debate amongst those attending. Several important observations were made during the various workshops:

- Civil society
 - Mr. McCormack was clearly leading civil society's participation in the EITI process and appeared to have the backing of several civil society organizations. He is well versed on the EITI standard/process;
 - Civil society representatives at the workshop decided on the selection process to identify the civil society representatives to the G-EITI MSG. They also established a clear timeline ending on July 31st 2016 for this selection: the first step – public advertisement for vacancy of civil society representatives - was completed on July 10th 2016;
 - Civil society representatives agreed that one of the expected four slots being granted to civil society in the G-EITI MSG would be “reserved” for indigenous peoples. The latter should select their representative as they see fit and then submit the name to the Civil Society G-EITI MSG Selection Committee, which would then ratify it. It was unclear however what the Civil Society G-EITI MSG Selection Committee would do if the selection of the indigenous representative does not meet the deadline set for this process;
 - Civil society representatives were concerned with the need for funding to support the sector's active participation in Guyana's EITI process, including the selection/participation in the G-EITI MSG and drafting of the G-EITI National Work Plan. Civil society had been able to mobilize government funding to support some of its activities – e.g. covering the cost of the public advertisement – but more systematic funding might be required;

- Forestry
 - The forestry sector representatives at the forestry workshop showed limited understanding of the EITI and of Guyana's desire to become an EITI member (and what this decision implies);
 - After being offered a general overview of the EITI, there were clear signs of “initiative fatigue”. As a speaker noted, the forestry sector in Guyana is overwhelmed by the sheer number of international initiatives it is expected to adhere to;
 - The forestry sector representatives also showed concern with the level of detail of the information they are expected to share as part of the EITI, because they feared that it would generate competition from other players (most likely foreign);
 - The forestry sector representatives were also concerned with the limited understanding of the EITI amongst its members and the high cost of disseminating information/bringing members together to discuss this new initiative (since most are scattered in the hinterland);
 - The forestry sector representatives concluded the workshop stating that they would have to check more broadly to determine whether the sector wants to

participate in the EITI process at this stage (since it is voluntary). If there is general consensus that forestry should indeed participate in the EITI process, funding will be needed to cover the costs of improving the understanding of EITI and its requirements among those active in the forestry sector (including selection of G-EITI MSG representative(s));

- Government

- The PS of Natural Resources noted that the decision to have Guyana submit its candidacy to the EITI had been made at the highest level and is linked to on-going discussions between the governments of Guyana and of Norway;
- The EITI National Champion believed that the four slots that were to be allocated to the Guyanese government in the G-EITI MSG should be given to representatives of the Ministry of Natural Resources, the Ministry of Finance, the Ministry of Business and Commerce and the Office of the Prime Minister;
- No decision had been made on how the representatives of each government body would be selected and what level of seniority they would have (typically they are ranked at the Minister or PS level);

- Mining

- Mr. Shields lead the proceedings of the meeting held at the 'Guyana Gold and Diamond Miners Association' and demonstrated a very deep understanding of the EITI, its process and potential implications for Guyana;
- Mr. Shields announced at the meeting that the extractives sector would be allocated 4 spots in the G-EITI MSG, of which one would be granted to forestry, one to oil/gas and one to large scale mining, leaving one to mid- and small scale miners. While this allocation seemed reasonable, it was perhaps a bit premature to share it with the audience since it created the perception that mid-scale and small-scale miners would be underrepresented in the G-EITI MSG (particularly in view of their current dominant role in the mining industry and persistent mistrust vis-à-vis civil society and government);
- The miners present – with very few exceptions – questioned the value/process of the EITI and the government's commitment to submit Guyana's candidacy by November 2016;
- At the end of the meeting, the miners voted and agreed that they would like to have access to the draft *EITI Scoping Study* in the government's possession before deciding whether or not to participate in the G-EITI MSG. Once they are granted access and can review the *EITI Scoping Study*, they would call for another meeting – targeting a larger number of miners – and vote on whether to participate in the G-EITI MSG. If they decide to participate in the end, they would identify/elect a leader (several indicated to us that it wouldn't be Mr. Shields) to represent them in the G-EITI MSG;

In all EITI technical workshops there was a clear lack of trust between stakeholders (private vs. government, private vs. civil society, etc.), which is not uncommon but could negatively impact the submission of Guyana's EITI candidacy. The overall mistrust of the EITI and lack of an undisputed leadership within the key mid- and small scale mining

sector is another factor that may jeopardize the sub-sector's participation in the G-EITI process.

G-EITI APPLICATION

In parallel to participating in the aforementioned events, the World Bank team provided technical advice to the government of Guyana with respect to:

1. Communications:
 - a. For the EITI process to succeed it is essential to make information readily available on the EITI and the EITI process as noted in the discussions with the communications team at the Ministry of Natural Resources, led by Shondell Frances. The government of Guyana could consider the example of other countries such as [Colombia](#) and create a separate webpage dedicated to EITI Guyana, linked to the Ministry of Natural Resources webpage (at least initially), where all the key information on the EITI is made available to everyone and people can also send their comments (through a comments box for example, or a dedicated e-mail);
 - b. All major decisions made by Guyana's EITI National Champion should also be communicated to all relevant stakeholders via formal letter or through public media. This applies for example to the formal announcement of the number of members each sector will have in the G-EITI MSG and the deadline by which each stakeholder group has to present their representatives to the National EITI Secretariat and/or the National EITI Champion. In the discussions with Minister Trotman it was decided that this announcement would be made via press release on the week of July 13th. To assist in this process, the team shared on July 5th a similar announcement made by the government of the Dominican Republic for reference and offered to help further if needed;
 - c. Once the G-EITI MSG is installed, communications between the G-EITI MSG constituencies and broader stakeholder need to be coordinated, either by the government or by a National EITI Secretariat (when established).
2. Record Keeping: To further support Guyana's EITI candidacy it is important to keep a record of the EITI process. This includes compiling lists with names/contact/organization of those that participate at EITI-related meetings and/or workshops, write minutes or reports of each of said meetings, keep track of all the documents linked to the EITI process, etc.
3. G-EITI MSG: To successfully establish the G-EITI MSG one needs a transparent, inclusive and effective member selection process. In some instances, MSG members have been selected through open election (particularly for civil society representatives) and in other cases they have been appointed by their peers through different mechanisms. The continued success of the G-EITI MSG will in part depend on its ability to give voice to different segments of each sector –

internal information sharing/discussion mechanisms should be established within each group to ensure that the sector’s representatives at the G-EITI MSG are informed/aware of the concerns of their diverse constituents. For more on the functioning of the G-EITI MSG please refer to the draft Terms of Reference in the annex, which draws from international good practices.

4. EITI Application Form: The EITI Application Form is complex and its completion takes a lot of time/effort. Once the most recent version of the EITI Application Form is secured through the International EITI Secretariat, it is important to quickly initiate completion/ required data collection.
5. EITI Work Plan: The draft Work Plan that was included as part of the draft *EITI Scoping Study* should be seen as a very preliminary and rough draft of what is required. The existing draft Work Plan should be revised taking in consideration costing and several other key elements (see guidance note in the annex). If so desired, an updated version of the draft G-EITI Work Plan could be shared with the World Bank team for comment.

In addition to this support, the team planned to discuss the comments that it had shared – prior to arrival in the country – on the existing draft *EITI Scoping Study*. Unfortunately, the EITI focal point was overwhelmed and not able to have this discussion. The World Bank team indicated its availability to discuss/clarify the comments (for easy reference a summary of the comments given in the text in track changes is in the annex).

III. RECOMMENDATIONS

Based on the data gathered during the technical support mission and international good practices and experience, the World Bank team prepared a suggested timeline of steps that needed to be taken so that Guyana could successfully submit its candidacy by November 2016 the preferred date at the time the technical assistance was provided:

Category	Activity	Product	Responsible	Timeline
G-EITI National secretariat	Prepare ToR, budget and hire the interim G-EITI National Secretariat (National Coordinator + one)	G-EITI National Secretariat hired	EITI National Champion	July 29, 2016
	Define the communications strategy and create website/logo for Guyana EITI	Defined G-EITI communications strategy	EITI National Champion	August 5, 2016
	Request the EITI Application form from EITI Intern. Secretariat, review it and identify required information	Outline of the application format	Interim G-EITI National Secretariat	August 10, 2016
	Create formats for meeting minutes/participation lists	Formats created	Interim G-EITI National Secretariat	August 5, 2016

	Create a dropbox or folders to keep track of all the meetings, pictures, press releases or any pertinent information/documents that will support the candidacy	Registration mechanism created	Interim G-EITI National Secretariat	August 5, 2016
	Coordinate and call for G-EITI MSG meetings	Proposed agenda of meetings	Interim G-EITI National Secretariat	August 8, 2016
	Coordinate with Carter Foundation and other donors/partners from the international community to fund the EITI process in Guyana.	List of potential activities that could be funded	Interim G-EITI National Secretariat	August 10, 2016
G-EITI MSG	Official public communication regarding the deadline for selection of each sector's MSG representatives (4 members each)	Formal announcement via major newspaper and notice on the Ministry of Natural Resources' website	Ministry of Natural Resources	July 13, 2016
	Selection of 4 G-EITI MSG representatives of each sector	Receive communication from the sectors with their selected members	Civil society, private sector and government stakeholders	August 12, 2016
	Distribute to the selected members of the G-EITI MSG the draft ToR for the G-EITI MSG and timeline/proposed content of its upcoming meetings	Draft G-EITI MSG ToRs and timeline/proposed content of upcoming G-EITI MSG meetings	Interim G-EITI National Secretariat	August 15, 2016
	Installation of the G-EITI MSG	G-EITI MSG installed and G-EITI MSG ToR approved	G-EITI MSG	August 30, 2016

Category	Activity	Product	Responsible	Timeline
First G-EITI MSG Meeting	Each of the sectors should meet and produce their own proposals on the scope, materiality, objectives, timeline, activities and costing of the work plan	Draft of scope, materiality, timeline, objectives, activities and costing of the work plan	Civil society, private sector and government stakeholders	
	Collect the inputs of the MSG representatives and share with all MSG members a unified document that includes proposed scope, materiality, timeline, objectives, activities and costing of the work plan	Unified draft work plan	Interim G-EITI National Secretariat	September 30, 2016
	Map/list of donors and international partners that may be able to support the implementation of Guyana's EITI work plan. This includes a possible candidacy to the EGPS multi-donor trust fund.	Draft list of potential funding sources for the implementation of the G-EITI work plan	Interim G-EITI National Secretariat	October 10, 2016
Second G-EITI MSG meeting	Review unified proposal and approve the scope, materiality, timeline, objectives, activities and costing of the work plan	Approved G-EITI work plan	G-EITI MSG	October 17, 2016
	Distribute the draft G -EITI application to the MSG members	Distributed draft G-EITI application	Interim G-EITI National Secretariat	October 31, 2016
	Each of the sectors should meet to review the proposed G -EITI application and prepare feedback	Comments on draft G-EITI application	Civil society, private sector and government stakeholders	
	Collect the inputs of the G-EITI MSG representatives and share with all MSG members a revised draft G -EITI application	Revised draft G-EITI application	Interim G-EITI National Secretariat	November 14, 2016
Third G-EITI MSG meeting	Discuss and approve G-EITI application	Approved G-EITI application	G-EITI MSG	November 21, 2016
	Submit the G-EITI application to EITI International Secretariat	Submitted G-EITI application	Interim G-EITI National Secretariat	November 25, 2016

In addition to the suggested timeline above, the World Bank team recommended the following:

- To keep the momentum going and meet the deadline set by the National EITI Champion, it is paramount to establish a team fully dedicated to Guyana's EITI candidacy. This type of focus and 24/7 availability is essential in view of the complexity of the tasks at hand and of the ambitious deadline. The government could consider establishing in short notice an interim EITI National Secretariat to

assume these responsibilities, following Colombia's example. Once the EITI candidacy is successfully submitted the G-EITI MSG can decide whether to confirm the interim EITI National Secretariat or nominate another.

- To ensure that all relevant stakeholders are adequately informed on the EITI standard, the EITI candidacy process and the G-EITI MSG, it would be advisable to hold meetings/workshops – similar to those held during the G-EITI World Bank Technical Support Mission - for the large-scale mining sector¹, the oil and gas sector² and for key government agencies³, all of which had already shown interest in the process.
- To promote good will and address some of the underlying mistrust among stakeholders a revised draft *EITI Scoping Study* should be broadly shared as soon as possible. The draft version to be shared should not include the MoU (which is obsolete) and the Work Plan that is to a certain extent incomplete.
- The planned activities of the Carter Foundation support that were set to launch in August 2016 should be revised to take in consideration the work that has already been done and the evolving circumstances on the ground. Focus of the support perhaps could be on providing civil society and the private sector with the financial/logistics support that they will need to reach out to their constituents. Active coordination should be in place between the government/interim EITI National Secretariat and donors to avoid duplication and confusion that will only make an already challenging process even more difficult.

¹ The companies to be invited to participate would include, among others, the Bauxite Company of Guyana Inc., Bosai Minerals Group Guyana Inc., Correia Mining Co.; Guyana Goldfields Inc., Guyana Industrial Minerals Inc., Troy Resources; Baracara Quarries Ltd., Linden Quarries; BK Quarries Inc. and Toolsie Persaud Quarries Inc.

² The companies to be invited to participate would include, among others, Anadarko Guyana Company, Esso Exploration and Production Guyana Ltd, CGX Resources Inc., Repsol Exploration SA; Canacol Energy Guyana Inc.

³ The entities to be invited to participate would include, among others, the Guyana Geology and Mines Commission, the Guyana Gold Board, the Guyana Revenue Authority and the Environmental Protection Agency.

IV. ANNEXES

A. Guyana: National Extractive Industries Transparency Initiative (EITI) Symposium

AGENDA

Chairperson: Mr. Rudy Collins

8:30 Registration

Opening Ceremony

9:00 Introductory Remarks & Video – Chair

9:05 Opening Remarks

- Mr. Mike McCormack, Civil Society Representative
- Mr. Hilbert Shields, Private Sector Representative
- Hon. Raphael G.C. Trotman, Minister of Natural Resources

10:00 Coffee/ Tea Break

10:20 Overview and Discussion on Role, of Government, Civil Society and Companies in Guyana in the Multi Stakeholders Group (MSG) and Q&A

- Ms. Ana Maria Rodriguez, Consultant, World Bank

12:00 Lunch

13:00 Shared Experience: Colombia and Dominican Republic's preparation of the Candidacy, Lessons Learnt and Best Practices

- Ms. Ana Maria Rodriguez, Consultant, World Bank

14:15 Coffee/Tea Break

14:40 Update on Next Steps- Follow Up Meetings

15:00 Close of Symposium

15:30 Cocktail Reception

B. Follow-up EITI Technical Workshops: List of participants

July 5, 2016: Civil Society

Present

- 1) Guyana Environment Initiative (GEI)
- 2) Guyana Citizen Initiative (GCI)
- 3) Rights of the Child (ROC)
- 4) National Toshios Council (NTC)
- 5) Transparency Institute Guyana Inc. (TIGI)
- 6) Jesuits Guyana
- 7) EITI World Bank Consultant
- 8) Amerindian Peoples Association (APA)
- 9) Policy Forum Guyana (PFG)
- 10) East Coast Clean-up Committee (ECCC)
- 11) Guyana Human Rights Association (GHRA)
- 12) Conservation International Guyana (CI)

Apologies for being unable to attend:

- 13) World Wildlife Fund (WWF)
- 14) Guyana, Red Thread
- 15) Ursuline Sisters
- 16) Guyana Organization of Indigenous People (GOIP)
- 17) Community Based Rehab
- 18) Rotaract
- 19) UG Students Society (UGSS)
- 20) Moruca Village Council

July 6, 2016: Government

with the government

07/06/2016

1.	Sasha Rajkumar	Legal Assistant, Ministry of Natural Resources srajkumar@nre.gov.gy.
2.	Darlene Christian	Project Officer, MNR.
3.	OMAR BISSON	CHIEF-OF-STAFF OFFICE OF THE PRIME MINISTER omar.bisson@opm.gov.gy.
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July 6, 2016: Forestry Commission

<u>MEETING FORESTRY</u>		07/06/2016
1.	Mohindra Chand	GM Barana Company Limited Chairman, GMSA Forestry & Wood Sector mchand@baranagroup.com
2.	SUSANA TORRES	EXTRACTIVE INDUSTRIES SPECIALIST WORLD BANK
3.	SHUBA SCAMANDALGH	ASSISTANT COMMISSIONER - OF FORESTS shubamandalgh@gmail.com
4.	BRYAN BARRETT	COORDINATOR - VARIETY WOODS & GREENHATS
5.	KHALAWAN	President Forest Products Association of Guyana. Email: khalawan555@fpa.com
6.	Sasha Rajkumar	Legal Assistant, Ministry of Natural Resources
7.	Melissa Leonard	Public Relations Asst., Ministry of Natural Resources
8.	Darlene Christian	Project Officer, MNR.

July 7, 2016: Gold and Diamond Mining Association

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C. EITI Scoping study: Highlights and Recommendations

The scoping study provides great information on the context and legal framework on Guyana that is very useful to the implementation of the EITI process in the country.

The scoping study also highlighted important limitations in the existing information available, including:

- statement of revenues collected from Guyana Revenue Authority (IRD and CED Departments)
- disaggregated revenue data by licensee (mining companies) collected by GGB and GGMC
- Disaggregated Production data by licensee (mining companies).

A key issue moving forward will be Guyana's data disclosure rules and regulations. To prepare its bid for the EITI, Guyana should assess how currently data is being disclosed and how the current rules/regulations will impact the country's ability to meet the requirements set by the new EITI Standard. In the short- to mid-term the government of Guyana may want to consider a regulatory reform that will allow Guyana's disclosure rules/regulations to meet the requirements set by the EITI standard (particularly with respect to beneficial ownership).

Another important issue is the decision whether or not to use the principle of progressiveness in the definition of G-EITI's scope and work plan. International good practices suggest that Guyana should not try to meet all of EITI's standard's requirements immediately but instead do so progressively, as the country/sectors build the capacity needed to do so.

Regarding the scope of the EITI process in Guyana one could recommend to include the following payment flows for the mining and oil/gas sectors:

N°	Payments flows	Government Entity	Mining sector	Petroleum sector
1	Royalties	GGMC/GGB	√	
2	Annual Rental Fees	GGMC	√	√
3	Permit and Licences Fees	GGMC/GGB	√	√
4	Application, Transfer, registration and Training Fees	GGMC	√	
5	Annual Training Fees	GGMC		√
6	Fines	GGMC	√	
7	Application Fees	EPA	√	√
8	Environmental Permit Fees	EPA	√	√
9	Construction Permits	EPA	√	
10	Income Tax	GRA (IRD)	√	√
11	Withholding Tax	GRA (IRD)	√	√
12	Value added tax (VAT)	GRA (IRD)	√	√
13	Customs Duty	GRA (CED)	√	√
14	Property Tax	GRA (IRD)	√	√
15	Capital Gain Tax	GRA (IRD)	√	√
16	Transfer tax	GRA (IRD)	√	√
17	Stamp duty	GRA (IRD)	√	√
18	Dividends	MoF	√	√
19	Revenues from share disposal	MoF	√	√

20	Social security contributions	NIS	√	√
21	Mandatory and discretionary social expenditure	(*)	√	√

(*) Unilateral disclosure by companies

If forestry is to be included in the scope of Guyana’s EITI, a similar exercise as the table above should be conducted to identify all relevant fees.

On a final note, it is important to highlight that the MoU included in the *EITI Scoping Study* is obsolete and should be taken out or revised. Also the draft work plan included in the study is rather incomplete and should perhaps be taken out of this document or at least revised to reflect international good practices and the evolving realities on the ground in Guyana. The revised version of the draft work plan should ultimately be shared with the G-EITI MSG, which will be responsible for its final review and approval.

D. Guyana Extractive Industries Transparency Initiative Multi-stakeholder Group (G-EITI MSG) DRAFT TERMS OF REFERENCE

Background

Example:

Guyana's economy has demonstrated strong growth over recent years, despite the global financial crisis. It has been boosted, at least in part, by high international gold prices. The Extractive Industries Sector has attracted investment, both domestic and international, fuelled increases in exports, and developed related sectors.

Guyana announced its commitment to implement the EITI programme in May 2010. In May 2012, the Ministry of Natural Resources and the Environment (MoNRE) and the EITI International Secretariat signed a Memorandum of Understanding to assist Guyana in its preparation for EITI candidacy. The work of the Guyana Extractive Industries Transparency (G-EITI) will be a significant challenge for all involved.

I. Objectives and Mission of Guyana EITI

EITI Guyana seeks to introduce greater transparency and accountability in the way Government collects and companies pay taxes and other revenues from extractive industries. Furthermore, EITI Guyana seeks to promote open and permanent dialogue among all relevant stakeholders from the private, public and civil society sectors.

The Guyana Extractive Industries Transparency Initiative Multi-Stakeholder Group (**G-EITI MSG**) provides a platform for companies and civil society stakeholders to engage government in the implementation of EITI in Guyana. In the MSG, all participants are treated as partners in an inclusive decision-making process and are provided the opportunity to participate in the design, development, implementation, monitoring and evaluation of the Guyanese EITI Work Plan. To this end its mandate will encompass:

- Ensuring sustained political commitment for the initiative and mobilizing resources to sustain its activities and goals;
- Setting the strategic direction required for effectively implementing the initiative in Guyana;
- Assessing and removing barriers to its implementation;
- Setting the scope of the EITI process;
- Ensuring that the initiative is effectively integrated in the legal context of the natural resources and any other related government reform agenda.

II. Principles of Engagement

Engagement between government, companies and civil society stakeholders in the Group will be based on the following principles:

- **Local ownership and inclusive dialogue** – provide an environment where all participants can engage freely and openly;
- **Transparency** – provide all parties, as well as the general public, timely, access to relevant and verified information/data, subject to the limits set by law;
- **Accountability** – abide by the policies, standards and guidelines of engagement that may be agreed upon, and fulfil commitments;
- **Integrity** – adhere to moral and professional standards in fulfilling our commitments

- **Inclusivity** – freely appoint their own representatives, bearing in mind the desirability of pluralistic and diverse implementation;
- **Partnership** – cooperate, share responsibilities and uphold mutual respect to ensure that the objectives of the engagement are achieved;
- **Consultation, Capacity-Building and Empowerment** – enhance knowledge-sharing and continuing dialogue;
- **Respect for Internal Processes** – understand and abide by the limitations of stakeholders with respect to the nature of information to be disclosed and the extent of involvement based on institutional/legally imposed limitations;
- **Sustainability** – ensure continuing engagement by instituting progressive policies and operational mechanisms that will promote an environment of mutual trust; and
- **National Interest** – uphold the national welfare above the interests of organizations or individuals.

III. The Multi-Stakeholder Group: Guyana-EITI MSG

The Guyana EITI multi-stakeholder group is an inclusive decision making body that is led by the National EITI Champion. The direction, programs and activities of EITI Guyana will be set by Guyana-EITI MSG. It will be supported by a National Secretariat that will be organized and supported by national government.

Specifically, **Guyana-EITI MSG** will have the following functions:

- Ensure the commitment of the different stakeholders to the implementation of EITI;
- Define the strategic direction and scope of EITI in the Guyana;
- In consultation with key EITI stakeholders, craft and publish a fully costed work plan;
- Endorse the Country Work Plan for approval;
- Establish a mechanism for the EITI reconciliation process;
- Select and appoint the third party validator as prescribed in the EITI Rules;
- Oversee the implementation of the EITI and its Work Plan;
- Direct and supervise the secretariat in its various activities; and
- Through its members, conduct outreach to various sectors in support of the Work Plan
- Communicate and build awareness about EITI, its objectives, the experience and gains of other countries in implementing this, and the progress of its implementation in Guyana

Issues to be discussed within **Guyana-EITI MSG** shall be limited to those related to EITI, unless otherwise agreed upon by consensus of the MSG.

IV. National Secretariat to support Guyana-EITI MSG

a) The National EITI Secretariat, known as the Guyana Secretariat, is set up by the Minister of Natural Resources to support the MSG by carrying out the day-to-day activities related to EITI implementation while the MSG assumes a strategic and oversight role over the EITI implementation.

b) The Guyana EITI Secretariat is accountable to the MSG.

c) The Guyana EITI Secretariat shall be housed within and staffed by the Ministry of Natural resource or any other Institute to be determined by the Ministry responsible for EITI implementation. The activities of the Guyana Secretariat shall be financed at the beginning from the budget of operational activities of the work plan for the country and for the following periods it needs to be decided what the financing mechanism will be. One suggestion is to secure financing from the Ministry of Natural Resources.

d) The Guyana EITI Secretariat will have the following functions:

- Support the MSG Chair and all members of the MSG, including but not limited to providing administrative support in convening MSG meetings and follow-up;
- Coordinate communication activities to promote the use of EITI data, including hosting an EITI website and manage relations with media; The Guyana Secretariat will keep a central record of events and publicity on EITI;
- Coordinate communications between MSG constituencies and broader stakeholders;
- Draft and lead consultations on Guyana EITI MSG work plans;
- Seek funding, and allocate resources for EITI activities;
- Manage the process for recruiting the Independent Administrator;
- For practical reasons, the contract to appoint the Independent Administrator will be between the Ministry of Natural Resources and the Independent Administrator. The national Secretariat will manage the contract on behalf of the Guyana EITI MSG. The Ministry of Natural Resources shall act on behalf of the Guyana EITI MSG, as owner of Intellectual Property Rights in the GEITI Report.

V. Composition of Guyana-EITI Multi-Stakeholder Group

Guyana-EITI MSG will be composed of the following:

Four (4) Government Representatives (senior officials) from the following offices/ institutions:

- ❖ Ministry of Natural Resources
- ❖ Ministry of Finance
- ❖ Ministry of Business and Commerce
- ❖ Office of the Prime Minister

Four (4) Private Sector Representatives

- To be selected through a process initiated by the private sector with the support of the Guyana-EITI Secretariat

Four (4) Civil Society Organizations (CSOs) Representatives

- To be selected through a process initiated by CSOs with the support of the Guyana-EITI Secretariat

Each organization shall formally designate a permanent and alternate representative to Guyana-EITI MSG. The alternate member is expected to participate in the G-EITI MSG meetings only in the absence of the permanent representative.

Each organization, upon the decision of its members and through its own independent process, can replace their representatives in the MSG anytime following their own governance mechanisms.

Guyana-EITI Multi-Stakeholder Group will be chaired by the designated representative selected from the group of MSG, who will be responsible for convening the group. In addition, the Chair will be responsible for organizing a secretariat, which will coordinate the Guyana's EITI- work and organize other related activities.

VI. Guyana EITI-MSG sub-committees

a) MSG may decide that particular issues should be developed by a sub-committee. The Guyana-EITI MSG may create such sub-committees. Each such sub-committee must be led by an EITI Guyana MSG

member who will be supported by one or more other MSG members. The sub-committee's leader may also invite outside experts to participate in the sub-committee, but only with the agreement of all EITI Guyana MSG sub-committee members.

b) The sub-committees shall provide its recommendation to the EITI Guyana MSG members who will consider those recommendations and will seek to make a decision on the basis of consensus.

VII. Roles of the Members of Guyana-EITI Multi-Stakeholder Group

General Roles of the MSG members:

- Ensure an open and transparent functioning of Guyana-EITI
- Address confidentiality concerns in implementing EITI
- Communicate and provide linkages and facilitate dialogue with the different organizations and groups regarding related issues
- Help determine parameters of EITI implementation
- Be involved in communicating updates and results to their respective constituencies and to the general public
- Implement capacity building and other knowledge exchange activities for those less familiar with EITI

Role of Government Representatives:

- Provide political leadership and support such as creating a unit which will provide secretariat and technical support to Guyana EITI
- Ensure the full participation of national government agencies and local government units in the implementation of EITI and create an enabling policy environment for the same
- Ensure the full participation of extractive companies
- Encourage the full participation of civil society
- Provide a legal basis for implementation of EITI as well as identify and address legal barriers and regulations that block the proper implementation of EITI
- Disclose government revenues and relevant data in an accurate and timely manner and at a level of detail to be agreed upon by the MSG

Role of Private Sector Representatives:

- Help ensure the full participation of extractive companies
- Disclose payments and relevant data to government, IPs and other stakeholders in an accurate and timely manner at a level of detail to be agreed upon by the MSG
- Communicate to relevant industry stakeholders the progress of the EITI process in Guyana

Role of CSO Representatives:

- Communicate and consult widely with a diverse set of stakeholders including those outside the steering group and build capacities on EITI
- Ensure full participation of relevant CSOs
- Monitor the disclosures done by the government and extractive companies

VIII. Terms of the Members of Guyana EITI Multi-Stakeholder Group

The Chair should be appointed after an election between the members of the MSG and shall serve for a period of one report (one year) until his/her replacement by another elected member.

All members of the MSG shall serve for a term of 3 years or the equivalent of 2 reporting cycles. This is to ensure that there will be institutional memory within the MSG. Representatives may be reappointed: the members of each sector shall identify who among them shall continue for subsequent terms.

IX. Code of conduct

a) All G-EITI MSG members, whether principal members or alternates shall at all times act in the best interest of the EITI and not for interests such as personal and private benefits or financial enrichment.

b) All attendees to G-EITI MSG meetings, whether principal members, alternates, observers, experts or nominated people shall respect and not discuss outside of the MSG meetings any information, which is not already in the public domain, and is deemed confidential.

c) Any attendees, whether principal members, alternates, observers, experts or nominated people should declare any conflict of interest to the Chair a week before attending a G-EITI MSG meeting.

d) All Members of the G-EITI MSG, whether principal or alternate, should excuse and abstain themselves from discussion or decisions on matters in which they have a conflicting interest, unless resolved otherwise by the remaining members of the MSG. This fact shall be appropriately recorded.

e) Members hereby undertake to uphold the core values of transparency, integrity and enterprise in all dealings on behalf of G-EITI and to ensure that they have sufficient time available to devote to their duties as G-EITI MSG Members.

f) In the event that any G-EITI MSG Member assumes a position or duties incompatible with the independence and objectivity of their membership and function on the G-EITI MSG, they shall immediately notify the remaining members of the G-EITI MSG through the Chairperson.

h) In the spirit of openness, the G-EITI MSG has chosen to rely on the International EITI's Code of Conduct which says:

Confidentiality: EITI Office Holders shall not use any information that is provided in his or her role as EITI Office Holder and which is not already in the public domain in any manner other than in furtherance of his or her duties. EITI Office Holders continue to be bound by this obligation for two years after termination of their mandate.

i) This will be in addition to the Openness Policy which is included in the EITI Standard. All instances of failure to adhere with these principles would be reviewed by the G-EITI MSG and may result in exclusion from any further participation in G-EITI MSG meetings.

X. Guyana-EITI Multi-Stakeholder Group Meetings and Decision Making

The Multi-Stakeholder Group will meet once every two months or as often as necessary. The Chair will call and preside the MSG meetings while notices shall be sent out by the Guyana-EITI Secretariat a minimum of one week before the date of the meeting. The secretariat shall also handle the documentation and preparations of the minutes of the meetings. The highlights, agenda, minutes of the meetings and all supporting documents shall be circulated to the members of the group one week after the meeting. The members will also have one week to send their comments and no comment will be considered approval. Implementation of the decisions made by the MSG will be reported by the Secretariat and will be discussed in the subsequent MSG meeting.

For urgent matters where decision is needed, necessary information shall be circulated through email so that decisions can be made electronically, also by consensus.

Fifty percent (50%) of the members, with at least one representative from the government, CSOs and business sector, shall represent the quorum of the Multi-Stakeholder Group. The MSG will, in good faith, make decisions by consensus.

In cases where general agreement cannot be reached, a formal vote will be taken at the discretion of the Chair and voting rules will be applied. While consensus is not always possible, decision-making principles are designed to build the greatest possible consensus.

The Decision-making will occur by a system as follows:

A. Consensus. The Chair will seek to achieve consensus for all decisions. If this is not achieved, then modified consensus will be sought.

B. Modified Consensus. The decisions of the MSG shall be made by two third of votes of members present and includes a minimum of 2 representatives from each constituency. In any case in which there is an equality of votes, the Chair or the member appointed to preside over the meeting, as the case may be, shall in addition to an original vote, cast the deciding vote.

If this is not achieved, a working group will be formed comprising equal representation from each constituency, to discuss and negotiate a recommendation to proceed to the MSG. This may occur at the meeting; post meeting (with the intention to provide a recommendation by the next MSG) to be considered out-of-session. Once the sub-group has provided its recommendation, the MSG will seek to make a decision on the basis of consensus or modified consensus.

If a modified consensus is not possible, then a consensus is not possible.

E. Guidance and Key Points for Defining an EITI Work Plan

Note: For the full document with more detailed information go to: https://eiti.org/files/Guidance-Note-workplan-final_EN.pdf

What is the EITI Work plan:

- Based on the EITI Standard and discussions about challenges and priorities for the extractive industries, the multi-stakeholder group, in consultation with key stakeholders, should develop a work plan that sets out why the EITI is being implemented and what issues the EITI process will seek to address.
- Requirement 1.4 of the EITI Standard sets out a number of requirements on what the work plan must contain.
- Work plan shall include: (1) Identify national priorities for the extractive sector; (2) Define objectives for implementation; (3) Agree the activities needed to achieve the objectives; (4) Endorse and publish the work plan; and (5) Monitor and revise.
- EITI work plan requirements:

Requirement 1.4 of the Standard requires that the multi-stakeholder group maintains a current work plan, fully costed and aligned with the EITI reporting and Validation deadlines established by the EITI Board.

The work plan must:

- a) Set EITI implementation objectives that are linked to the EITI Principles and reflect national priorities for the extractive industries. The multi-stakeholder group is encouraged to explore innovative approaches to extending EITI implementation to increase the comprehensiveness of EITI reporting and public understanding of revenues, and encourage high standards of transparency and accountability in public life, government operations and in business.
- b) Reflect the results of consultations with key stakeholders, and be endorsed by the multi-stakeholder group.
- c) Include measurable and time bound activities to achieve the agreed objectives. The scope of EITI implementation should be tailored to contribute to the desired outcomes and impact that have been identified during the consultation process.
- d) Assess and outline plans to address any potential capacity constraints in government agencies, companies and civil society that may be an obstacle to effective EITI implementation;
- e) Address the scope of EITI reporting, including plans for addressing technical aspects of reporting, such as comprehensiveness and data reliability (Requirements 4 and 5); and
- f) Identify and outline plans to address any potential legal or regulatory obstacles to EITI implementation, including, if applicable, any plans to incorporate the EITI Requirements within national legislation or regulation.
- g) Identify domestic and external sources of funding and technical assistance where appropriate in order to ensure timely implementation of the agreed work plan.
- h) Be made widely available to the public, for example published on the national EITI website and/or other relevant ministry and agency websites, in print media or in places that are easily accessible to the public.
- i) Be reviewed and updated annually. In reviewing the work plan, the multi-stakeholder group should consider extending the detail and scope of EITI reporting including addressing issues such as revenue management and expenditure (3.7-3.8), transportation payments (4.1.f), discretionary social expenditures (4.1.e), ad-hoc subnational transfers (4.2.e), beneficial ownership (3.11) and contracts (3.12). In accordance with Requirement 1.3 (g)(viii), the multi-stakeholder group is required to document its discussion and decisions.

- j) Include a timetable for implementation that is aligned with the reporting and Validation deadlines established by the EITI Board (see 1.6, below) and that takes into account administrative requirements such as procurement processes and funding.

Source: EITI Standard, p. 14-15

SIMPLY PUT, THE WORKPLAN SHOULD DEFINE AND EXPLAIN:

1. **What** the MSG wants to achieve through the EITI.; Which issues does the MSG want to address and why? How does the MSG aim to meet the requirements of the EITI Standard?
2. **How** the MSG plans to achieve these objectives: which actions will it take, which activities it will organize, how it will surpass obstacles, and which assistance may it need
3. **When** the MSG plans to undertake these activities
4. **Who** is responsible for the activities?
5. **How much** the implementation activities are expected to cost and how the process will be financed

OVERALL THE WORK PLAN MUST:

1. *Identify national priorities for the extractive sector*
 - Set EITI implementation objectives that are linked to the EITI Principles and reflect national priorities for the extractive industries” (Requirement 1.4.a) and “reflect the results of consultations with key stakeholders” (Requirement 1.4.b). In order to identify national priorities for the extractive sector, the MSG is advised to:
 - Identify and consult EITI stakeholders regarding their views on the priorities for the management of the extractive sector. Consultations could be conducted through national or regional workshops, or through an active and open invitation to all citizens through national and local media.
2. *Define objectives for EITI implementation*
 - Based on the priorities identified, the MSG should develop objectives for implementation. These objectives must set out what the MSG wants to achieve through EITI, and reflect priorities identified. When formulating the objectives have in mind these methodologies:
 - Consider applying a SMART (is the objective Specific, Measurable, Achievable, Relevant, Time-bound) design.
 - Consider complementing the objectives with a short narrative explaining the rationale.

Examples of workplan objectives :

- **Mauritania:** Show the direct and indirect contributions of the extractive industries to the national economy, and how these contribute to sustainable development.
- **Philippines:** Strengthen business environment and increase investments
- **Madagascar:** Improve transparency with regard to procedures for awarding mining permits
- **Kyrgyz Republic:** Develop a monitoring and reporting mechanism for local authorities regarding the use of resources allocated for infrastructure development. *Rationale:* A new type of non-tax payment was introduced in 2012 for extractive industries companies. The distribution of this payment between provincial, district and local budgets has not been fixed. It is unclear where these resources are going to be spent.

3. Agree on the activities needed to fulfill the objectives and priorities including:

- Ensure that the work plan reflects activities related to the various aspects of EITI reporting, including disclosure of contextual information, technical aspects of reporting, comprehensiveness and data reliability and plans for communicating and disseminating EITI data.
- Identify any potential constraints (capacity, finance, legal, administrative) that may affect the implementation of the activities.
- Assign responsibilities for the various activities and products
- Elaborate a time frame for implementing the activities. The time frame must take into account deadlines by the EITI Board for production of EITI Reports, annual activity reports and Validation.
- Estimate the cost of the activities and how they will be funded.

Examples of workplan activities linked to objectives :

Objective: Provide timely, comprehensive and reliable information about how licenses are awarded in [country]. This will enable stakeholders to understand on what basis rights to exploit natural resources are granted.

Activity 1: Produce an overview of blocks that are being awarded in [country's] 10th licensing round, including the applicable process, criteria (if any) and guidelines.

Activity 2: Publish a list of bidders.

Activity 3: Produce a template for disclosing information about how each block is awarded, in accordance with requirement 3.9 and 3.10 of the EITI Standard, and collect information from the relevant parties.

4. Endorse and publish the work plan

EITI requests that “the work plan must be made widely available to the public, for example published on the national EITI website and/or other relevant ministry and agency websites, in print media or in places that are easily accessible to the public”.

MSG may find helpful to organize the work plan in a format easy to use, monitor and revise such as a table of diagram.

The MSG may decide that they wish to attach narrative reports, or other complementing documents to the work plan such as:

- Gantt chart presenting the project schedule
- Long term work plan and one-year excerpt
- Running calendar with dates, activities and events.
- Key performance indicators to monitor progress
- A communications plan

5. Monitor and revise the work plan annually and look for progressivity, meaning that each revision considering including requirements or other activities that were not establish in the previous work plan.

“In reviewing the workplan, the multi-stakeholder group should consider extending the detail and scope of EITI reporting including addressing issues such as revenue management and expenditure (3.7-3.8), transportation payments (4.1.f), discretionary social expenditures (4.1.e), ad-hoc subnational transfers (4.2.e), beneficial ownership (3.11) and contracts (3.12)”. (Requirement 1.4.f)

