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PWYP International Conference: Civil Society Statements
Conférence internationale PCQVP: Déclarations de la société civile
Conferencia Internacional de PWYP: Declaraciones de la sociedad civil

16 – 18 Nov 2009
Montreal, Canada

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Novembre 2009

1. L'AACC a fait partie des ONG signataires de la déclaration constitutive de PCQVP en 2002

En 2002, une coalition internationale d'associations et d'ONG du monde entier, dont l'**Association algérienne de lutte contre la corruption**, lançait un appel aux gouvernements des pays riches en ressources naturelles et aux compagnies minières visant à instaurer la transparence des revenus issus de l'exploitation de ces ressources. Cet appel, "Publiez ce que vous payez", eut un écho considérable et s'est élargi depuis à plus de 300 organisations de la société civile.

Cette déclaration a connu une très large diffusion en Algérie, tant dans les réseaux de l'AACC et de ses partenaires, qu'auprès des pouvoirs publics, que dans les médias.

De 2002 à ce jour, l'AACC et le secrétariat international de PCQVP (Londres) entretiennent des contacts d'information via Internet principalement, contacts très insuffisants.

2. L'AACC a participé à l'AG de PCQVP en 2006

Les représentants de 300 ONG, dont l'Association algérienne de lutte contre la corruption, se sont réunis à Oslo du 13 au 15 octobre 2006 autour de l'initiative "Publiez ce que vous payez" dans le secteur des industries extractives. Initiée en juin 2002 et appuyée aujourd'hui par plus de 300 organisations non gouvernementales — l'Association algérienne de lutte contre la corruption a fait partie des premiers signataires —, la campagne "Publiez ce que vous payez" a pour principal objectif d'aboutir à ce que les compagnies extractives (pétrole, gaz et ressources minières) publient, de façon systématique et transparente, le montant des taxes et redevances de toute nature qu'elles versent aux Etats des pays dans lesquels elles sont présentes.

3. Coalition nationale de PCQVP en Algérie

L'AACC n'a toujours pas constitué autour d'elle une "Coalition nationale" de PCQVP : les conditions objectives pour le faire ne sont toujours pas réunies, et ce, malgré la disponibilité potentielle de nombre de partenaires associatifs et syndicaux acquis au projet. L'AACC a toujours pour objectif de mettre en place ce projet. Des contacts sont déjà entrepris et 2010 pourrait être l'année de création de cette "Coalition" malgré un contexte très difficile en matière de libertés en Algérie.

L'AACC est en contact régulier avec les "Coalitions nationales" de Mauritanie et du Niger.

Des contacts avec des multinationales pétrolières installées en Algérie ont eu lieu (avec BP notamment et à sa demande), contacts qui n'ont pas connu de suite, au vu d'obstacles dressés par les pouvoirs publics et par crainte de représailles de la part de ces Compagnies.

Est-il possible aujourd'hui en Algérie de mettre en place une « Coalition nationale » PCQVP ?

L'AACC depuis son adhésion à la déclaration fondatrice de PCQVP n'a cessé d'interpeller en Algérie les pouvoirs publics à l'effet d'introduire plus de transparence dans la gestion des ressources naturelles et de faciliter l'accès à l'information dans ce secteur, malheureusement sans beaucoup de succès. Comme elle a essayé d'intéresser le gouvernement afin que l'Algérie adhère à l'EITI, sans succès à ce jour.

L'AACC, à travers une « Coalition » informelle constituée de partenaires associatifs (droits de l'homme, humanitaires, protection de l'environnement, etc.), de syndicats, de journalistes et de personnalités diverses, ambitionne de relancer son action dans l'esprit des objectifs de PCQVP, et d'étudier toutes les possibilités de mettre en place – à moyen terme -, une « Coalition nationale » PCQVP, et ce, malgré un contexte politique très difficile qui limite grandement l'exercice du droit à s'organiser en association et à agir en toute indépendance.

[La participation d'un représentant de l'AACC à la Conférence internationale PCQVP de novembre 2009 à Montréal sera l'occasion :](#)

1. De relancer les partenaires de l'AACC en les impliquant dans la préparation de cette Conférence de la manière la plus démocratique possible ;
2. D'informer les participants à la Conférence de la situation en Algérie, notamment sur les possibilités d'action de la société civile pour la réalisation des objectifs généraux de PCQVP ;
3. D'échanger lors de la Conférence les expériences avec les « Coalitions nationales » en exercice ;
4. D'informer les partenaires de l'AACC des résultats de la Conférence ;
5. D'étudier – après la Conférence -, toutes les possibilités d'en médiatiser très largement les résultats ;
6. De mettre en place un programme d'action dans la perspective de transformer la « Coalition » informelle autour de l'AACC, en une « Coalition nationale » PCQVP en 2010.

AZERBAIJAN

BACKGROUND AT THE NATIONAL LEVEL

NGO Coalition of “Improving Transparency in Extractive Industries in Azerbaijan” was established in 13th may 2004, members’ number reached to 131 for 13th may 2009, 116 of them are NGO, and 15 are individuals.

EITI NGOs Coalition’s mission : to achieve transparency in extractive industries and efficient management of resources by active participation of civil society.

EITI NGOs Coalition’s strategy goals:

- strengthening public control on productive usage of natural resources
- broadening power and possibilities of civil society
- improving government’s and companies’ reporting and transparency
- decreasing corruption in extractive industries
- reduction of poverty and to achieve sustainable economic development.

MAJOR CHALLENGES AND AREAS OF CONCERN

- an interest of government and extractive industry companies is decreasing to EITI, there is no previous intensity in contacts with civil society
- there is a danger to lose potential gained in last years because, donors do not support civil society as before
- dependence from mineral resources growing in EITI implemented countries, investment condition becomes worse, competition ability of national economy gets bad, social difference is increasing in society and corruption is rising
- EITI’s international policy mostly servicing to broadening its geography had a statistic role
- As companies are not inclined to transition to an disaggregate reporting and are satisfied with existing aggregative reporting, ultimately, expected transparency and reporting were not achieved
- EITI initiative was not implemented in all spheres of extractive industries
- Periodical transparency campaign for improving population’s knowledge about EITI was not set up.

PLANNED ACTIVITIES AND GOALS AT THE NATIONAL LEVEL

- To formalization Multi-stakeholder Group and composition Action Plan with active participation of interest groups
- To broaden indicator lists that show report forms
- To apply disaggregate reports of companies by proper changes in memorandum
- To broaden reporting in other spheres of extractive industries

PUBLIC MESSAGE

EITI is not acting to the best of its ability and for the time being can boast of the expansion of it geography rather than the success in every single country.

BOLIVIA

DECLARACIÓN SITUACION EN BOLIVIA

ANTECEDENTES A NIVEL NACIONAL

Se ha procurado despertar el interés del Gobierno Boliviano para que inicie formal e institucionalizadamente conversaciones y diálogo con el sector privado, con instituciones de la sociedad civil y la cooperación externa; orientadas a generar transparencia en la información de las industrias extractivas (minería, hidrocarburos y forestal). Se realizaron reuniones (3) de información y coordinación con funcionarios del gobierno nacional, y se plantearon talleres de capacitación a funcionarios de la empresa petrolera nacional.

El gobierno respondió con algunas manifestaciones de interés por lograr ese objetivo, pero aún no asumió ninguna decisión de carácter político. Ese intento se ve postergado hasta el próximo año debido a las elecciones generales.

A nivel regional también ha habido diversas actividades desarrolladas en lograr la conformación de redes regionales (conformadas por gobiernos departamentales y gobiernos municipales, sector privado, instituciones de desarrollo y movimientos sociales), sistematizando información y capacitando a esos actores sociales (con talleres y seminarios, publicaciones regionales, programas radiales y videos), para lograr una mayor transparencia, control y seguimiento.

RETOS PRINCIPALES Y OTROS TEMAS DE INQUIETUD

- a) El principal reto es generar un clima de confianza entre el sector privado y el gubernamental. Se advierte de parte del Gobierno Boliviano la intención de que sea el sector privado quién transparente todo ante el Gobierno y los movimientos sociales, sin manifestar su intención de reciprocidad.
- b) La falta de información sistematizada y actualizada por parte de las instituciones/empresas petroleras/gas, mineras, y forestales; no sólo a nivel nacional sino también a nivel departamental y municipal
- c) La escasa coordinación entre los gobiernos regionales y las instituciones de la sociedad civil (Instituciones de desarrollo-ONGs- y movimientos sociales) en el tema de la transparencia, reto que hay que encararlo en el futuro inmediato a nivel nacional, regional y municipal.
- d) El escaso conocimiento que tienen los movimientos sociales sobre el Derecho Humano a la información y a la participación; lo que supone disponer de información de la renta generada por las industrias extractivas, sistematizada, actualizada, difundida de forma clara y comprensible, disponer de espacios de análisis y discusión y formación; y posibilidades de monitorear el destino de esas rentas (ingresos, inversiones, etc)

ACTIVIDADES Y METAS PROGRAMADAS A NIVEL NACIONAL

- a) Se insistirá con los intentos para facilitar el contacto-diálogo entre todos los actores que deben participar en iniciativas de transparencia en las industrias extractivas.
- b) Consolidar las redes regionales interinstitucionales en el tema de la transparencia (enfaticando en las actividades programadas como la investigación (ingresos, gastos, inversiones, etc), los talleres de capacitación, publicaciones, programas radiales, videos y otros)

MENSAJE PÚBLICO

Que Bolivia está construyendo un proceso de transparencia diferente y difícil, donde los diversos actores sociales (movimientos sociales, movimientos regionales, gobiernos municipales, gobierno nacional y otros) juegan roles diferentes, enmarcados en usos y costumbres ancestrales pero también cruzado por intereses regionales, sectoriales y políticos; que hay que considerar para lograr una efectiva Transparencia.

CAMBODIA

Cambodian's for Resource Revenue Transparency

BACKGROUND AT THE NATIONAL LEVEL

In January 2008, the five local NGOs such as: Centre for Social Development (CSD), Development and partnership in Action (DPA), Economic Institute of Cambodia (EIC), NGO Forum on Cambodia and Youth Resource Development Program (YRDP) came together with a common aspiration to act jointly as an agent of constructive engagement with government and the private sector to help ensure that revenues from extractive industries are equitably and transparently managed in a way that is understood by the general public. Together, the members offer capacities in economic analysis, budget monitoring, transparency and good governance, and citizen empowerment. And together, they founded a new coalition called Cambodians for Resource Revenue Transparency (CRRT).

The goal of this coalition is to make income and spending of oil, gas and mining revenues transparent for all Cambodians. The activities undertaken so far are as followings:

- Awareness raising and education activities on the potential Revenue from Oil Gas and Mining in the future so that the public are well-informed and empowered to exercise their rights to access to information and are able to participate effectively in open public forum by using reliable data and information to influence decision making.
- Establishing contacts and build relationships with extractive industry companies for promoting resource revenues transparency.
- Support efforts of the Royal Government of Cambodia to manage Revenue from Oil, Gas and Mining (ROGM) transparency to promote implementation of the National Strategic Development Plan (NSDP).

MAJOR CHALLENGES & AREAS OF CONCERN

- NGOs do not feel completely free in the expression of their views on development issues in the country, extractive industry resource management is not an exception.
- NGOs have limitation of knowledge regarding extractive industries.
- Adaptation of NGO Law in the near future might have a big impact on NGOs works- minimize the NGOs' voice.
- At the moment the Royal Government of Cambodia has not agreed to sign EITI but they promised to incorporate the principles of EITI in their strategy for resource revenue management. It will make NGO more difficulty working on revenue transparency.
- The information related to oil, gas and mining are kept in confidential- contract, license, exploration ...etc. All these factors make NGO face difficulty working to promote revenue transparency.

PLANNED ACTIVITIES & GOALS AT THE NATIONAL LEVEL

CRRT has set an ambitious path for itself for 2009-2010. Key activities include:

- Planning and promotion for three Provincial Forums on the extractive industries in Cambodia to take place in Battambang, Sihanoukville, and Mondulkiri in fall of 2009; soliciting contributions to Forum (presentations, publications, etc.) from coalition members.
- Publication of bi-monthly CRRT Newsletter on the extractive industries in Cambodia, beginning in October of 2009.
- Expansion of the membership to broaden CRRT's sector representation and geographic coverage. New members that currently are being discussed include: Advocacy and Policy Institute, Independent Media Training Institute, MEDICAM, Voice of Democracy, and Star Kampuchea.

- A work plan is in place that includes development of a booklet of extractive industry facts and figures for distribution to various forums; provincial level public forums with national media coverage; community awareness raising activities in selected locations; youth leadership development in extractive industry issues; youth-led forums; refresher training for members of the media on covering extractive industry stories; and development and implementation of media and government engagement strategies.
- Develop systems for monitoring, evaluation, and reporting for members who receive funds from CRRT.
- Strengthen linkages with future donors such as Dan church Aid and Misereor. The CRRT chairman will introduce CRRT to those donors. In addition, follow up meetings with the World Bank and Asia Development Bank will be held to explore longer term funding opportunities.
- Provide position papers on Petroleum Law and the revision of the Mineral Law to relevant TWGs, members of National Assembly & donors.
- Provide annual position papers on EI income and expenditure to relevant GoC TWGs, to MPs, and to donors.
- Present papers on EI issues or hold at least one meeting with Representative of at least 10 companies active in 5 Provinces and Phnom Penh.
- Identification of relevant networks or civil society initiative in at least one other country within South East Asia

PUBLIC MESSAGE

- An informed public should participate in open discussions to contribute to decision-making on the financial management of revenues from extractive industries.
- Information should be widely available on operations for exploitation of extractive resources and earned revenues to facilitate public oversight of the extractive industries sector.
- Revenues from extractive industries should be efficiently and fairly used for sustainable development for the benefit of current and future generations.

CAMEROUN

CONTRIBUTION D'AGAGES, MEMBRE DE PCQVP CAMEROUN

Faits à porter à l'attention de la Conférence internationale

Notre déclaration porte sur trois évènements :

1 la « communication en tango », un pas en avant et deux pas en arrière », portant atteinte au droit de l'homme et des communautés à l'information.

2 l'impact très limité jusque là de 4 ans de la mise en œuvre de l'Initiative de transparence dans les industries extractives au Cameroun : on se demande à quoi servirait l'EITI formelle à un pays sans des progrès significatifs réalisés dans ce pays donné pour diminuer le paradoxe de l'abondance ?

3 « la dés-intégration sous régionale » de la gestion des industries extractives.

Ces évènements sur lesquels la conférence internationale peut tirer une sonnette d'alarme pour aider le progrès du Cameroun et notre sous régions des 7 pays tous classés pays riches des ressources naturelles mais paradoxalement classés également par la Banque Mondiale dans la catégorie des PPTTE .

Dans leur marche sur le chemin de la bonne gouvernance des ressources géologiques dans l'intérêt de ses populations qui vise à briser ce paradoxe, ce signal d'éveil en ce moment par vous, Participants de PCQVP, est plus qu'utile : il est nécessaire. En tant que force de proposition mais aussi force de critique et contre poids face aux choix d'options de politiques publiques, la société civile doit forcément créer des espaces d'expression et trouver des voies et moyens pour infléchir les distorsions dans le projet de progrès de l'humanité où qu'on soit.

Sujet A

la communication en tango

1a) Pendant plus de 40 ans après l'indépendance (1960/2000) l'accès à l'information n'est pas un droit garanti, la politique post indépendance consistait à considérer comme tabou et réservé au Chef de l'Etat et aux seuls fonctionnaires désignés par lui pour ces questions tout ce qui touche au pétrole.

Actuellement nous déplorons la persistance de l'absence d'information large du public et même de l'administration publique et du parlement , et le peu d'expérience de la société civile autour de ces questions, Malgré l'adoption formelle d'une stratégie de communication nationale par le COMITE EITI Cameroun depuis plus d'un an , les populations ignorent l'essentiel d'information sur les volumes de pétrole et des produits miniers, sur les bénéfices rapportés à l'Etat, et, pire, sur l'utilisation de ces ressources .Dans le budget ces ressources mentionnées sont employées de manière non retraçable , ce qui n'en facilite pas un suivi participatif par les populations et par les Organisations de la Société Civile (OSC) et qui empêche la jouissance du droit de suivre et d'interpeller leurs gouvernements.

Est déploré également le retard de 2 années , sans publication des rapports, depuis mars 2007 : rapport des chiffres de volumes et revenus déclarés et conciliés, toujours attendu pour les périodes 2006,2007,2008

Ce qui constitue une entorse à l'ITIE car le critère N° 1 de l'EITI dans le Livre Source stipule : « La publication et la diffusion régulières des paiements versés par les entreprises pétrolières, minières et gazières et les encaissements reçus par le gouvernement, au grand public ,dans un langage accessible,de façon complète et compréhensible ».

Pourquoi cette situation ?

2a) Au niveau du pays, l'adoption de l'EITI n'a pas été relayé systématiquement : il n'y a pas eu un relais de cette déclaration pour véritablement donner un signal à la population Camerounaise.

L'EITI pourrait, nous en sommes convaincus, améliorer significativement le bénéfice de la bonne gouvernance de ces ressources, en réduisant nos difficultés d'accès à l'information, en appuyant la nécessaire traçabilité des ressources extractives ou naturelles dans les emplois budgétaires, l'EITI permettrait aux organisations de la Société Civile l'exercice du contrôle social à travers l'activité de suivi budgétaire indépendant et de rapports alternatifs : cette question sera importante à examiner pour nous au Cameroun.

3a) La Conférence Internationale PCQVP de Montréal déclare :

-Au lieu de les harceler judiciairement, le Gouvernement devrait dans ses missions faciliter aux Organisations de la Société Civile en Afrique de jouer leur rôle de plaidoyer, d'interface, d'information, de sensibilisation et de formation auprès des populations à la base, pour les enjeux de paix sociale et de développement dans l'exécution des Contrats Pétroliers et Miniers.

-On peut saluer une avancée d'un tel dialogue de coopération entre les OSCC et le -Gouvernement camerounais : on a beaucoup débattu en 2008 aux réunions du comité EITI et dans les médias, de la divulgation par le gouvernement des revenus apportées par l'activité minière jugée artisanale et non encore industrielle :

- les revenus provenant de l'artisanat minier, à travers les sociétés (danoise, coréennes et sud-africaine) ,
- les revenus issus de l'exploitation du marbre et du calcaire, dans la partie septentrionale du Cameroun
- la divulgation des droits perçus par l'Etat au titre des redevances d'exploration,

Ces compagnies sont impliquées dans le processus d'encadrement des artisans miniers et de commercialisation des produits (or diamant, saphir),

Finalment le gouvernement s'est engagé à les inclure dans les prochains rapports; un acquis annoncé qui tarde cependant à être concrétisé. Ces ressources demeurent donc opaques, malgré les déclarations du gouvernement qui annonçait sa volonté d'instaurer grâce au processus de l'EITI, une culture de traçabilité dans les activités d'exploration et d'exploitation des produits extractifs.

4a) L'EITI semble dépendre du gré de la libre « bonne volonté politique » du gouvernement qui y préside » plus que de la contrainte d'une norme internationale acceptée volontairement. Comment expliquer autrement que se passe 8 mois d'exercice budgétaire avant que survienne le financement public du Plan de Travail du groupe multi partie prenante de l'EITI ?

5a) Il est souhaitable selon la société civile camerounaise, que soit élargi le champ de la transparence : Que le gouvernement accepte que les déclarations des entreprises et du gouvernement mises à la disposition du public présentent des données désagrégées et non pas globalisées des résultats des rapprochements.

6a) Il est hautement souhaitable que le conciliateur et le validateur, de façon libre et professionnelle, fassent des commentaires et donnent des explications sur des écarts entre les déclarations des revenus versés aux gouvernements et celles du gouvernement, en faisant ressortir en détail dans leurs rapports les anomalies éventuelles constatées, en raison de la probité, de la transparence et de la redevabilité, au regard des 12 principes et des 6 critères du Live Source de l'EITI, et des 20 critères principes de la Grille de validation du secrétariat Technique International

7a) L'initiative, par le gouvernement, des dispositions légales et réglementaires qui faciliteraient la transparence dans le secteur des industries extractives contribuerait à garantir le respect des droits de l'homme, y compris les libertés d'expression, d'association et de la presse.

8a) Ancrer dans une loi le mécanisme tripartite interministériel (gouvernement hôte, compagnies, organisations de la société civile) d'information, légaliser les activités paritaires et tripartites d'analyse et d'évaluation des projets de contrats pétroliers et des conventions minières, de nature à faciliter la prise en compte des critères et des principes de l'EITI au profit des populations camerounaises, constituent des tâches dévolues en ce moment au pouvoir régalien.

Renforcer l'ancrage institutionnel des principes EITI dans une loi nationale et collaborer avec les OSC engagées dans la surveillance de la gestion et de la redistribution des richesses pétrolières contribueraient à la démocratisation de la gestion des ressources extractives et au renversement du paradoxe de l'abondance.

Sujet B

l'impact très limité de l'ITIE appliquée

La Société Civile exige

aux Compagnies pétrolières et industrielles : « Publiez ce que vous payez ».

au Gouvernement : « Publiez ce que vous gagnez et Publiez comment vous le dépensez »

1b) Les compagnies travaillent sans communications spontanées sur les ressources qu'elles exploitent, ne rendent pas systématiquement public, de manière détaillée et régulière, tous les impôts, royalties, et autres taxes versés à l'Etat ou aux communautés locales, y compris le paiement de compensations ou l'aide éventuel au développement de ces communautés locales .

2b) Dans les rapports du conciliateur, il est souvent apparu que des sociétés pétrolières n'ont pas communiqué leurs chiffres pour différentes raisons.

3b) Le niveau d'obligation de rendre compte au citoyen pour diminuer la corruption et les détournements de fonds publics demeure très faible dans les pratiques du gouvernement.

4b) Le gouvernement n'a pas non plus pris les dispositions pour que ces entreprises communiquent leurs chiffres dans les délais convenus en se sentant obligées : Il n'y a pas eu de modification de législation rendant obligatoire pour les entreprises la communication de leurs chiffres suivant les critères de l'EITI et les modèles de reporting définis

5b) le gouvernement ne dialogue pas avec elles de manière qu'elles soutiennent les initiatives locales qui appuient l'Initiative de Transparence (l'EITI,) telle que l'initiative de la campagne internationale« Publiez Ce Que Vous payez », Transparency International,et autres organisations de la société civile et des communautés de foi chrétiennes et musulmanes qui constituent des piliers du Système National d'Intégrité. .Au contraire certains membres des services publics les qualifient de politiciens déguisés et les diabolisent pour les fragiliser.

6b) Enfin, le Gouvernement ne prend pas d'initiative pour le débat démocratique qui diminuerait le potentiel de conflit dans les communautés riveraines autour des questions de ressources naturelles, en dépit du principe N° 12 de l'EITI qui stipule « Lorsqu'il s'agit de trouver des solutions, toutes les parties prenantes ont une contribution importante et pertinente à apporter.. »

Sujet C

la « dés-intégration » sous régionale de la gestion des industries extractives »

1c)La transparence et la justice dans la gestion des revenus des industries extractives ne sont pas une pratique réelle et constante, malgré les discours et les textes.

En fait, les revenus des industries extractives sont versés au Gouvernement dont la transparence des pratiques, le sens de la responsabilité et de la justice sont largement insuffisants.

2c) Les ressources extractives n'étant pas pérennes ni éternelles, et appartenant aux citoyens et citoyennes de toutes les générations.

-L'emploi de cette manne minière et pétrolière est aléatoire si l'on ne met en place les conditions régionale d'un développement économique durable,

-Ni d'amélioration des institutions démocratiques, ni d'amélioration des capacités administratives et d'une gestion publique régionale plus responsable préoccupée de la réduction effective de la pauvreté et du chômage, tout en luttant contre les détournements de fonds et l'alimentation de pratiques de corruption.

Ces insuffisances vont à l'encontre du Principe N° 1 « L'exploitation prudente et une bonne gestion des ressources naturelles devraient être le moteur de croissance et de développement durable pour réduire la pauvreté et accroître le développement économique et social.»

C'est pourquoi la Conférence Internationale PCQVP de Montréal

- **recommande** l'harmonisation des stratégies et des outils de la transparence dans les industries Extractives sous- régionales,

-**appelle** la haute considération de ces recommandations au Mécanisme Africain d'Examen par les Pairs,

- **appelle** la haute considération des Autorités de l'Espace économique CEMAC sur la possibilité d'un renforcement de la transparence par la réglementation des Contrats Pétroliers et Miniers et de la facilitation des rôles des interventions tripartites (Gouvernements hôtes, Compagnies, Organisations de la Société Civile de la société civile) pour l'amélioration de la gouvernance des industries extractives dans l'intérêt des peuples de la sous région CEMAC et CEEAC.

BACKGROUND AT THE NATIONAL LEVEL

PWYP International Conference

PWYP Canada is pleased to host the International Conference for the Publish What You Pay Coalition in Montreal from November 16-18, 2009. The conference will explore OECD countries efforts in promoting transparency at home and abroad as well as a large range of experiences in the Global South. It aims to offer a forum for dialogue and engagement between civil society from around the world and a chance for such groups to exchange with Canadian stakeholders, including government agencies, the private sector and regulatory authorities. The International Conference will also discuss governance and strategic direction for the coalition, provide an opportunity for exchange on advocacy and joint work across regions, and also offer some capacity building opportunities.

Research - Canada and the Extractive Industries: The Transparency of Publicly Traded Canadian Companies

Recently, PWYP-Canada commissioned CSR consultant Claire Woodside to undertake research regarding Canadian disclosure requirements for companies listed on the Toronto Stock Exchange and the Toronto Venture Exchange. The report, entitled *Lifting the Veil: Exploring the Transparency of Canadian Companies*, will be presented at the PWYP International Conference in Montreal.

Bill C-300 : An Act Respecting Corporate Accountability for the Activities of Mining, Oil and Gas Corporations in the Developing Countries

In February 2009, Canadian MP John McKay introduced a private members' bill that would impose tighter controls on the provision of government support to Canadian extractive companies. PWYP-Canada strongly supports this initiative. Numerous studies have highlighted the significant environmental and human rights impacts of oil, gas and mining operations overseas. The 2005 report by the Parliamentary Standing Committee on Foreign Affairs and International Trade (SCFAIT) drew attention to the fact that some Canadian extractive companies which are responsible for adverse impacts receive financial and political support from the government.

Bill C-300 reserves eligibility for government support to those extractive companies that comply with environmental, social and human rights standards, and covers services provided by Export Development Canada and the Department of Foreign Affairs and International Trade. The Bill also covers investments made by the Canada Pension Plan in extractive companies.

Ontario Legislature Review

On April 16th 2009 the Ontario Legislature unanimously passed a motion proposed by Liberal MPP Laurel Broten that calls for a review of the current reporting standards of the Ontario Securities Commission (OSC), one that will include both comprehensive stakeholder consultations and recommendations for enhanced disclosure. A report on the review, along with next steps to be taken, will be presented to the Minister of Finance.

The motion has received support from members of the investment community, including the Social Investment Organization and Innovest Strategic Value Advisors.

PWYP-Canada supports the motion proposed in the Ontario Legislature, and welcomes a thorough review by the OSC that considers all relevant stakeholders. This initiative is seen as another step towards increase transparency, as well as social and environmental reporting in the OSC, and has the possibility of encouraging other provinces to conduct reviews of their current reporting standards.

MAJOR CHALLENGES AND AREAS OF CONCERN

- The strong resistance from the Canadian government and companies to implement EITI in Canada;
- Lack of financial resources to undertake additional research and advocacy on the TSX;
- The weakness of the government's strategy *Building the Canadian Advantage* to address issues of transparency and accountability.

PLANNED ACTIVITIES AND GOALS AT THE NATIONAL LEVEL

Activities:

- Series of activities to present the PWYP report *Lifting the Veil: Exploring the Transparency of Canadian Companies* to different stakeholders; NGOs, government and the private sector;
- Organize a series of training sessions in collaboration with PWYP national coalitions on how to interpret the framework for publically available information;
- A conference in 2010 on why Canada should implement EITI;
- To learn more about PWYP-Canada members activities, visit our website: www.pwyp.ca.

Additional activities will be decided during the next PWYP-Canada annual meeting.

Goals:

- Canada to implement EITI;
- More Canadian companies to endorse EITI;
- Develop an agenda on contract transparency;
- More engagement with the TSX, PDAC and securities commissions;
- Capacity building for PWYP members in the Global South.

YOUR PUBLIC MESSAGE

The Canadian government support to the EITI is extremely important in the implementation of this mechanism which, despite its weaknesses, is contributing to greater transparency in the extractive industries. However, PWYP-Canada urges the Canadian government and key provinces such as Quebec and Ontario to Publish What They Preach by implementing the EITI.

In addition, the new government strategy on CSR known as *Building the Canadian Advantage* marks a slight opening, but lacks the vigour to respond to the immense challenges facing Canada as a major player in the extractive sector. In this regard, PWYP-Canada calls on the Canadian government to reconsider its new strategy and bring more substance to it.

To the PWYP members or partners attending the conference, PWYP-Canada will appreciate your efforts to report all Canadian companies' practices (good or bad) to help the national coalition to strengthen its advocacy work.



Coalition Ivoirienne – Publiez Ce Que Vous Payez

CONTEXTE AU NIVEAU NATIONAL

Décrire les activités et les objectifs de la coalition nationale/ des partenaires nationaux PCQVP que vous souhaiteriez mettre en évidence publiquement.

Activités

- Concertations (4 ateliers) avec les communautés de base, les collectivités locales
- Session de renforcement de capacités pour les ONG, Syndicats et média
- Plaidoyers pour la prise en compte des droits des populations dans les nouveaux codes pétrolier et minier en vue de la prise en compte de leurs points de vue dans l'élaboration de document de politique nationale par le CN-ITIE

Objectifs

- Contribuer à la prise en compte des points de vue, des droits des citoyens et communautés de base et questions environnementales par les nouveaux codes pétrolier et minier ;
- Ouvrir les yeux des communautés locales et les sensibiliser à leurs droits;
- Contribuer à une meilleure connaissance de l'ITIE par les populations riveraines sur l'ITIE;
- Amener les communautés de base à s'impliquer dans la mise en œuvre de l'ITIE;
- Renforcer les capacités d'action, de participation et d'influence de la société civile, des journalistes, des organisations communautaires à la mise en œuvre de l'ITIE
- Conscientiser les Ivoiriens quant à leurs rôles d'acteurs et d'actrices indispensables à une meilleure gestion de leurs ressources naturelles et au développement démocratique de leur pays.

DEFIS ET PREOCCUPATIONS MAJEURS

Décrivez les difficultés auxquelles vous et d'autres membres de PCQVP dans votre pays ont été confrontés en travaillant sur la question de la transparence des industries extractives.

La situation d'insécurité dans le pays depuis la crise militaro-politique de 2002 n'a pas rendu les choses faciles. Nous avons été braqués à deux reprises par des hommes armés en cette année 2009. Le risque d'être enlevé ou assassiné n'est pas à minimiser. Le cas de Guy André Kiffer dans le secteur de café cacao en témoigne. La sécurité des activistes et de tous ceux qui recherchent la transparence reste une préoccupation majeure.

Par ailleurs, il y a toujours une certaine hostilité de l'administration quant à rendre public les informations concernant les données issues de l'exploitation des ressources naturelles et même bien que la Côte d'Ivoire ait adhéré à l'ITIE.

Aujourd'hui, un des défis majeurs reste l'accès aux informations par le citoyen ordinaire.

Enfin, en Côte d'Ivoire la question du financement des activités de la CI-PCQVP reste une préoccupation. La plupart des Ambassades et partenaires qui soutiennent cette campagne dans certains pays notamment anglophones disent ne pas intervenir financièrement dans cette campagne, bien qu'ils soient intéressés par l'ITIE.

Sans soutien financier, il serait difficile à la société civile de mettre en œuvre son plan d'action.

ACTIVITÉS PRÉVUES ET OBJECTIFS AU NIVEAU NATIONAL

Quelles sont les activités que vous allez entreprendre au niveau national que vous aimeriez aborder?

Activités

- Atelier de discussion du rapport de conciliation et explication en des termes compréhensibles
- Campagnes d'explication et de vulgarisation du rapport de conciliation
- Renforcement des capacités de la société civile
- Organisation d'un forum national sur le secteur extractif et l'ITIE en CI

Objectifs

- Donner la position de la société civile sur le contenu du rapport ;
- Sensibiliser, informer les communautés de base et la population dans son ensemble du contenu du rapport

DECLARATION PUBLIQUE

Quel est le message que vous voulez porter à l'attention de la conférence internationale sur base de vos expériences au niveau national?

Nous pensons qu'il est important de prendre très au sérieux la question de protection des activistes de PCQVP. L'ITIE dans sa forme actuelle consiste à déclarer simplement les revenus issus de secteurs extractifs. De ce fait, l'Administration publique a prévenu la société civile de ce que le CN-ITIE ne se tiendra qu'aux déclarations. Nous pensons qu'il est important qu'une révision du livre source soit engagée afin de faciliter le travail de la société civile car en réalité le livre source constitue la seule référence des autorités ivoirienne dans la mise en œuvre de l'ITIE. Cette réforme devra prendre en compte l'utilisation des ressources, car en réalité c'est bien en cela que les conditions de vie des citoyens pourront être améliorées.



Fundación para el Avance de las Reformas y las Oportunidades (Foundation for the Advance of Reform and Opportunity)

Ecuador

ANTECEDENTES A NIVEL NACIONAL

En Ecuador, trece organizaciones de la sociedad civil hemos unido esfuerzos para impulsar una mayor transparencia en el sector extractivo. Entre ellas podemos encontrar tanto organizaciones ambientales, sociales, y de investigación que trabajan a nivel local como nacional, en especial en la Amazonía. Dentro de los logros más importantes, se encuentra la firma de un acuerdo de compromiso por la transparencia con el Ministerio de Energía. Este promueve el monitoreo ciudadano de los recursos mineros y petroleros con el objeto de contribuir a la discusión, evaluación y propuesta de políticas públicas que impulse el aprovechamiento sustentable de los mismos. Con el deseo de afianzar esta relación y fortalecer el trabajo realizado, se ha propuesto conformar una coalición que permita posicionar un criterio unificado de la sociedad civil en el actual debate reformativo del sector extractivo y sus posibles consecuencias futuras.

RETOS PRINCIPALES Y OTROS TEMAS DE INQUIETUD

En la trayectoria de trabajo con el sector extractivo el país ha confrontado ciertos retos para promover la transparencia y la rendición de cuentas. Ecuador es un país que desde los años setenta ha sido eminentemente petrolero, sin embargo el descubrimiento de importantes yacimientos mineros ha promovido el interés por esta industria. A pesar de que la mayoría de los desafíos que hemos encontrado se han concentrado en el sector petrolero muchos de ellos también pueden referirse al sector minero. Entre estos podemos mencionar la vigencia de un marco legal desactualizado y poco claro que ha limitado la política de difusión y uso de los recursos extractivos como la generación unificada y asequible de información estadística. Dado que una adecuada transparencia no puede realizarse sin un correcto acercamiento de la sociedad civil a las instituciones públicas y al sector empresarial involucrado, los retos evidentes en el país son mejorar el conocimiento de la población de las cadenas de valor de los sectores petrolero y minero, la generación de un monitoreo permanente de los mismos y la creación de espacios de discusión y consenso. Este limitado entendimiento y una política poco clara del sector extractivo, ha generado entre otras cosas, una desvinculación entre el desarrollo local y nacional. A esto se suma, que actualmente Ecuador es un país que ha vivido diversas reformas legales y constitucionales lo que ha hecho evidente la falta de mecanismos participativos en el debate del marco normativo del sector. El trabajo por realizar es grande pero existe una importante iniciativa de los actores por mejorar la transparencia del sector.

ACTIVIDADES Y METAS PROGRAMADAS A NIVEL NACIONAL

Ecuador es un país que en los últimos años ha impulsado diversas iniciativas para mejorar la gestión de su sector extractivo. Grupo Faro como representante de la sociedad civil, ha puesto en marcha la generación de estándares de transparencia de difusión de la información petrolera en la cual se involucra a tanto a la sociedad civil, instituciones públicas y empresas privadas. Además de ello, se ha impulsado el monitoreo de la generación y distribución de la renta petrolera ecuatoriana a través de publicaciones periódicas con información ciudadana. El compromiso de la organización es mejorar la discusión y conocimiento de la gestión del sector extractivo para promover una política pública incluyente y participativa.

MENSAJE PÚBLICO

Ecuador es un país que necesita fomentar un desarrollo sustentable y consciente a través de un debate participativo de los actores involucrados en el sector extractivo tanto a nivel institucional como territorial. Dada la coyuntura nacional y mundial, es el momento propicio para que nuestro país se muestre abierto para adoptar mejores prácticas internacionales y para promover la incidencia desde el monitoreo y vigilancia ciudadana tomando en cuenta que está en discusión el marco legal institucional que regirá al sector extractivo. Es además un momento crucial para el país dada su necesidad de tomar una posición entre la decisión de explotar o no el bloque ITT, importante por ser una reserva biodiversa y étnica, y la forma de explotar y gestionar las reservas mineras de nuestro país.

GABON

CONTEXTE AU NIVEAU NATIONAL

Mobiliser la société civile et l'opinion publique sur les questions de bonne gouvernance, transparence, de justice, et d'équité dans la gestion des revenus extractives.

Renforcer les capacités de ces membres

Création d'un observatoire national des prisons au Gabon

Informé et sensibiliser les acteurs de la société civile gabonaise sur l'Initiative de transparence dans les industries extractives (EITI) et la campagne « pwyp »

Former les membres des Ongs engagé dans la lutte contre le non respect des droits de l'homme

Mener des recherches d'informations et d'analyses des revenus et des dépenses relatifs à l'exploitation des ressources extractives

Instituer un dispositif de communication et mettre en place des mécanismes de circulation de l'information entre la société civile, les élus du peuple l'autorité judiciaire , les médias et le gouvernement

DEFIS ET PREOCCUPATIONS MAJEURS

Harcèlement politique, emprisonnement des leaders de la société civile

Restriction sur les libertés fondamentales

Campagne de dénigrement nous présentant comme les valets des puissances étrangère

L'opacité dans l'attribution des contacts (pétrolier et miniers)

Manque d'information sur le fonctionnement des industries extractives présentées comme secrets d'Etat

Evaluation, suivi des projets et programmes sur les industries extractives

ACTIVITÉS PRÉVUES ET OBJECTIFS AU NIVEAU NATIONAL

L'information sur la vulgarisation au niveau national

La lutte contre l'opacité des industries extractives dans l'attribution des contrats pétroliers et miniers

Analyse et suivi budgétaire de l'Etat

Promotion de la bonne gouvernance et des meilleurs pratiques dans la lutte contre la corruption, la pauvreté

Renforcer le partenariat avec les autres partenaires extérieurs.

Séminaires et conférences débats

Voyages d'études , de suivi et d'évaluation.

VOTRE MESSAGE/DECLARATION PUBLIQUE

Les pays africains qui disposent les plus importantes ressources énergétiques sont malheureusement à la remorque du développement.

Ils sont animés par une corruption généralisée caractérisée par la mauvaise gouvernance, le pillage et d'utilisation désastreuse des finances provenant des industries extractives.

Dans ce contexte, la conférence de Montréal doit être l'occasion de renforcer les stratégies de lutte contre la corruption, et l'impunité considéré comme crime contre l'humanité au même titre que les génocides.

Nous considérons que l'Afrique a trop souffert de ces richesses que certains dirigeants partagent inégalement appauvrissant la majorité de la population. Les organisations de la société civile sous la bannière de PWYP, souhaitent la mise en place d'un nouvel ordre mondial contre les dirigeants qui affament leurs peuples .

Il s'agit de ;

Rendre accessible l'argent tiré de l'exploitation du sous sol Africain des pays miniers. C'est une question fondamentale des droits de l'Homme Les droits de disposer des immenses ressources de son pays relève des fondamentaux de la déclaration universelles des droits de l'homme.

La communauté internationale est appelée par cette conférence, à rendre plus contraignante la déclaration de HERIDA

Pour l'instauration du développement humain durable en Afrique les droits de l'homme doivent être respectés ce respect passe par la lutte contre la pauvreté, la corruption, l'insécurité, et le partage équitable de ces revenus de nos ressources. Nous peuples Africains, avons besoin d'être en sécurité à l'intérieur de nos Etats. Il ne s'agit pas d'imposer de l'extérieur des solutions faites mais de répondre aux aspirations profondes les populations locales.

En soutenant notre coalition, PWYP contribuera de manière significative au développement de nos pays.

GEORGIA

BACKGROUND AT THE NATIONAL LEVEL

In the wake of recent political changes in Georgia, central authorities are more supportive of grass-root efforts to influence political and social reforms in the country. These reforms can not evade the issue of revenue transparency from transit industries, considering the great promise this sector hold in improving economic, social and political conditions in the most disadvantaged regions of the country. Moreover, public oversight of revenues is a crucial component of the national efforts to eradicate corruption. The recently set objective to create open source of information on revenues in Georgia is believed to empower the civil sector and demand government's accountability on managing and deploying public resources.

MAJOR CHALLENGES AND AREAS OF CONCERN

The payments to the government from the transit of energy resources through the Georgian territory are not a matter of public record. The deficit of financial information is the result of, on the one hand the lack of knowledge and experience in good practices in accounting for benefit streams in state institutions, and on the other hand the intentionally opaque or misleading practice of reporting that creates opportunities for resource misappropriation. For example, there are no uniform reporting templates in Georgia for the companies operating in the country. The lack of consistency in the measurement and display of the benefit streams creates difficulties in making meaningful comparisons of those benefit streams reported by the government and the companies. Moreover, the legal and administrative framework currently governing all aspects of energy transit activities in Georgia are rather convoluted and not conducive to efficient information gathering and open public access to the data. Due to the problems mentioned above, determining the exact amount of revenue collected in the state budget from the transit of energy resources is a difficult task.

PLANNED ACTIVITIES AND GOALS AT THE NATIONAL LEVEL

The existing EITI initiative aiming at promoting transparency in oil and gas is mainly concentrated on extraction transparency. However, transparency of hydrocarbon transportation is an issue of particular interest to the countries like Georgia and Ukraine. Transit proceeds for Georgia represent a substantial portion of budgetary revenues. It is utterly important that transparent and public reporting of taxes and budget revenues facilitates responsible management of these funds. To this end, there is a need for an agreement between government and private companies active in transportation of hydrocarbons on the territory of Georgia to ensure maximum degree of transparency on revenues generated and their spending. This is a broad objective of the initiative it is currently under implementation. Specific project is set forth with an overall goal to promote the idea of broadening the agenda of EITI to Transit Sector and to pressure Governments of Georgia to launch EITI Transit Initiative

PUBLIC MESSAGE

- raise and extend the EITI transit profile and position with extensive advocacy and International coverage;
- identify opportunities for cooperation with participants of the forum;
- identify next steps of action in regards with EITI transit initiative.

GHANA

The Ghana Coalition has evolved and made enormous progress in its transparency campaign since the last international conference in Oslo. The Coalition held its last Annual General Meeting in January 2009 during which it adopted its work programme for the next three years, and enacted a constitution to regulate its internal activities and external operations. This has been part of a programme of institutional strengthening, which has paid off in the quality of the Coalition's engagement during the period.

In September 2008, PWYP-Ghana organised a CSO roundtable on Ghana's draft oil policy. The roundtable drew participation from a wide range of CSOs, including faith-based organizations, organised labour, media, youth groups, as well as members of parliament. The country's current Deputy Minister for Energy (responsible for oil and gas), Dr. Kwabena Donkor, then in opposition, also took part in the deliberations. Among the issues raised, was the absence of an express declaration of intent to subject the emerging oil sector to the principles and criteria of EITI, and also, the absence of a commitment to contract disclosure. We believe, these concerns, which dominated discussions at the roundtable, and the lobby activities that followed, have in a way, contributed to the new government's decision to extend EITI to cover the emerging oil sector and to make all oil contracts publicly accessible.

The Emerging Oil Sector

Ghana is currently faced with the challenge of putting in place an appropriate policy, legal and regulatory regime before oil production begins in the last quarter of 2010. PWYP-Ghana has had cause to express concern over the lack of clarity on the regulatory arrangements in the emerging oil and gas sector. It appears the regulatory functions are split among a number of agencies: Ministry of Energy, Ghana National Petroleum Company, National Petroleum Authority, and Energy Commission. The situation, in the coalition's view, comes with the risk of role conflict in the event of functional overlaps. Besides, assigning regulatory functions to the national oil company, GNPC on the basis of its accumulated technical competence, though understandable, flies in the face of international best practices. GNPC, established by law as a commercial entity couldn't be a player and a referee in a game in which it has a stake. The Coalition therefore has been calling for the separation of GNPC's commercial and regulatory functions. The call appeared to have been heeded when the immediate past government introduced into parliament, a bill purporting to set up a National Petroleum Regulatory Authority, with the intent of passing it into law under a certificate of urgency, before leaving office, an idea that was scuttled by the re-run of the last presidential elections. Advocacy action to get the law passed, with some revisions is on-going. The new government says it is studying the draft bill and might make substantial revisions. For the coalition, the concern is how to ensure the independence of the future regulator, such that it is able to resist undue executive influence in championing the national interest. This no doubt has implications for how it is to be funded, and the security of tenure of its head, and key staff. The current provision has the Chief Executive Officer of GNPC represented on the Board of the Authority. This again, creates a conflict of interest situation, as the Authority is supposed to be regulating the GNPC as well.

This and many other concerns have found expression in an Oxfam-ISODEC report on Oil's Challenge to Ghana's Democratic Development, released at the beginning of the year and launched in London, Doha, Washington, and Accra. The report has provoked a lot of debate both at the country-level and internationally, around issues of petroleum sector governance in Ghana.

The Ghana coalition has also had to engage the IFC over its consideration of loan applications from Tullow Oil and Kosmos Energy, raising objection on the grounds of improper categorization of the environmental risk of the project, non-compliance to environmental impact assessment requirements, among others.

Terms of Reference of EITI Audit

PWYP-Ghana has continued to interrogate Ghana's EITI audit reports in terms of its consistency with the national objective for implementing the initiative. In the view of the Ghana coalition, the three audit reports produced so far, though meet the international minimum standard is a far cry from the objective of ensuring an enhanced development outcome of Ghana's mineral extraction. As a result, the coalition has championed the revision of the Ghana EITI audit Terms of Reference to include, an audit of capital allowances claimed by the companies in order to establish the appropriateness of such claims, identification of the incidence of transfer pricing, and other tax avoidance, as well as tax evasion practices etc.

Challenges

The major challenge faced by the Ghana coalition relates to the extension of EITI to the country's emerging oil sector and therefore the need to expand the MSG while ensuring that it does not become unwieldy.

Our Message to this Conference

Fellow campaigners, we believe the time has come to have a holistic view of the extractive sector of our national economies. We have often said, and maintain that, the EITI framework is an incomplete balance sheet. On one hand, we get to know how much revenue has accrued to the resource owner, but NOT how much the extraction has cost the resource owner. We draw attention to the need for social and environmental audit of natural resource extraction. Citizens need to know how much extraction is costing them. In Ghana, a study by the Environmental Protection Agency puts the environmental cost of mining at 4% of GDP annually. A study by the World Bank puts it at about 10%. Set against a national growth rate of 6%, Ghana's real GDP growth could be anywhere between 2% and -6%

We also call on this fraternity to pay some attention to the issue of tax justice in the natural resource sector. We must throw our search light on the tax practices of extractive industry companies, as our countries lose a great deal of potential revenue through transfer pricing, tax havens, excessive capital allowances, the incidence of tax avoidance and tax evasion yearly.

INDONESIA

BACKGROUND AT THE NATIONAL LEVEL

- PWYP-Indonesia has actively pushed government Indonesia to joint EITI this year. Although there is no final decision been taken so far (the presidential decree on EIT) yet but there is a clear positive movement to the direction that the decree will be released sometime this year. PWYP-Indonesia is actively engage in the discussion of the draft and in developing the provisional work plan.
- Activities of the members of PWYP-Indonesia have increased significantly comparing to the previous years. The scope of the works range from develop alternative counting for national revenue, highlight state's loss due to inaccurate number applied officially or measure that been taken by government agencies. Some also utilise the newly enacted freedom of information act for campaign for contract transparency. Other (EISR) starts to broaden the campaign to regional (ASEAN) level.
- In term of coalition development, last August we have set the Statute of PWYP-Indonesia as an association (although has not legally registered yet), we have formed the Supervisory Board and all desicion making and financial management mechanism.

MAJOR CHALLENGES AND AREAS OF CONCERN

- The slow pace of government decision making process.
- Low political back-up for adoption EITI
- Political calendar and political turn-over (?) that catch most of media and policy makers' concern
- The resurgence of domestic private companies in extractive industries with low level of transparency
- Limited resources for coalition to be able to undertake bigger movement, in national and local level

PLANNED ACTIVITIES AND GOALS AT THE NATIONAL LEVEL

- Closely monitor the enactment of presidential decree, taking part on the work plan development; and if the decree finally released monitor its implementation and compliance.
- Facilitate the election of civil society representative in Indonesia EITI Board (Coordinating Team), and appoint PWYP-Indonesia liaison officer to the Secretariat
- Monitor the deliberation of the draft of State Secrecy Act.
- Monitor four government regulations for the implementation of newly enacted Mining Law, especially in the issue of defining mining area, environmental standard, and renegotiation of existing contract and divestment of foreign companies' shares to national entities.
- Continue public campaign for the implementation of FOIA especially in extractive industry
- Push for the establishment of national Petroleum and Mining Policy, and the equal policy in some resource rich regions
- Monitor national budget deliberation, supreme state audit agency report, and revenue transfer from central to local government.
- Carry out research in certain areas, both in national level and in local level, to be able to have initial database for further look

Joint statement of Kazakhstan’s civil society organizations - members of the Publish What You Pay coalition.

Civil society organizations have been actively promoting revenue and budget transparency in Kazakhstan since 2004, when a group of 13 local NGOs, including the Soros Foundation-Kazakhstan, established the coalition “Oil Revenues Under Public Oversight!” and applied for membership in the “Publish What You Pay” global coalition. The primary goal of the “Oil Revenues Under Public Oversight!” coalition was to achieve endorsement of the Extractive Industries Transparency Initiative (EITI) by Kazakhstan through advocacy aimed at key EITI stakeholders. Since then the coalition has grown into the nation-wide network of civil society organizations. In June 2005, this goal had been successfully accomplished and the coalition’s work became focused on ensuring knowledgeable civil society’s participation in the implementation of EITI in Kazakhstan – chiefly through the establishment of and participation in the work of the National Stakeholders Council on EITI (the multistakeholders group). Currently, coalition “Oil Revenues – Under Public Oversight!” holds two out of three seats on the NSC reserved for the NSC and actively participates in the work of NSC, its achievements limited to the boundaries of any multi-stakeholder and consensus-driven institute.

In June 2009, a group of NGOs – members of the “Oil Revenues – Under Public Oversight!” coalition set up a new civil society association called “Azamattyk Kuriltay”. The new association (also member of the “Publish What You Pay” global coalition) is focused on promoting sustainable development through transparency and civil society’s participation. It differs from the “Oil Revenues – Under Public Oversight Coalition” by its focus on all aspects of sustainable development and by an alternative organizational procedure. Another civil society coalition called “EITI+” was announced in the summer of 2009 with the declared goal to work along the whole extractive industries value chain. These networks are currently exploring ways of working jointly in the NSC to broaden EITI’s mandate.

Individual organizations who are members of either “Oil Revenues – Under Public Oversight!” coalition or “Azamattyk Kuriltay” association have been engaged in the promotion and implementation of initiatives along the whole extractive industries value chain including contract and budget transparency.

The biggest challenges faced by all civil society organizations involved in promoting revenue transparency in Kazakhstan include:

- **Lack of understanding and commitment to EITI among the government officials.** Although EITI has been supported at the highest level in Kazakhstan, its progress so far has been limited because the government seems not to be treating EITI seriously enough. E.g. currently EITI reports produced in Kazakhstan cover 95% of revenues received from petroleum companies and only 65% of revenues received from mining companies;
- **Difficulty of presenting EITI to other stakeholders as a flexible and evolving initiative.** Because EITI is a relatively new initiative, there is insufficient clarity in defining its scope, and implementing countries are free to develop their country-specific approaches to EITI. While such flexibility can be seen as an advantage in countries where EITI is being regarded very seriously, in other countries it effectively leads to limiting EITI to the basic disclosure requirements. E.g. it has been difficult to encourage EITI stakeholders in Kazakhstan to increase transparency of social payments or revenues received from transport or transit of energy resources;
- **Lack of motivation with other stakeholders to go beyond the minimal EITI disclosure requirements in a period following EITI validation.** It seems there are still few incentives for governments and

extractive companies to go beyond the minimal EITI requirements. The civil society demands are not sufficiently matched by investors' or regulators' requirements;

- **Limited capacity of civil society organizations working to promote revenue transparency.** While a lot of NGOs are well experienced in advocacy and have become knowledgeable about EITI within the civil society networks, topics like contract transparency, corporate governance, management of sovereign wealth funds and budget performance evaluation remain difficult for many organizations. There is also a big gap in research capacity of civil society organizations which is exacerbated with relatively poor links to the local and international expert community;
- **Need to mediate and overcome internal conflicts – within and between the civil society networks – and learn to work jointly, as a big team for the sake of the common goal.** Conflicts (especially interpersonal ones) seriously impede effectiveness of all efforts by the civil society networks. By going beyond the networks itself they severely damage the civil society's reputation and reduce the influence which the civil society can exert over other stakeholders.

In 2010-2011, civil society organizations promoting revenue transparency in Kazakhstan will work to address the above challenges by setting the following main common goals:

- Kazakhstan achieves **compliance with all EITI validation indicators** and the civil society organizations agree that a meaningful progress has been achieved by Kazakhstan. The current status of EITI implementation in Kazakhstan does not allow us to admit that Kazakhstan has become fully compliant with all validation indicators, Therefore, regardless of the validator's conclusions following the assessment, we hope that the validator will make a series of concrete recommendations to stakeholders on how the implementation can be improved. Civil society organizations and group will work to ensure that these recommendations are comprehensive and that they are seriously addressed by all EITI stakeholders;
- EITI stakeholders agree to **broaden the mandate of EITI in Kazakhstan** or set up auxiliary initiatives which will aim at increasing transparency along the whole extractive value chain. Specifically we will aim our efforts at increasing transparency of future and existing extractive industry contracts, social investments made by extractive companies, revenues generated as a result of transport and transit of energy resources, and, finally, transparency of companies' activities focused on the protection of the environment, enhancing labor safety and increasing local content. These issues can be addressed through the establishment of regional citizens advisory councils in the resource-rich provinces of Kazakhstan;
- Civil society organizations involved in implementation of EITI and in the promotion of other revenue or budget transparency initiatives **work professionally** and have established links to the local and international expert communities as well as other PWYP coalitions to bridge their capacity gaps, especially in research and analysis;
- Different civil society organizations and groups **act as a united front** in their interactions with other stakeholders being able to overcome interpersonal conflicts and reach consensus on major issues (while being free to have disagreements on minor issues). This requires having a special arrangement which will provide all interested organizations with an opportunity to be nominated to any groups which will be responsible for the design and implementation of revenue transparency initiatives.

Members of the "Publish What You Pay" coalition in Kazakhstan greet their colleagues from all over the world who gathered in Montreal to participate in the international Publish What You Pay conference. We believe that the challenges facing the civil society organizations in Kazakhstan should be familiar to many colleagues of ours in other countries. We therefore hope that the conference participants will be able to carefully consider and discuss the above-mentioned challenges and develop practical recommendations to the civil society organizations in Kazakhstan and elsewhere on how these challenges should be best addressed.

The statement of Kyrgyz Consortium on EITI promotion

Consortium on EITI promotion in Kyrgyzstan has been created in 2004 and consists of 20 organizations, including NGOs from mining regions of the country. Public receptions of the Consortium in 3 regions of Kyrgyzstan which inform on the Initiative were created and carry out monitoring on places. The Consortium members participated in legislation discussion on the mining industry, made suggestions on EITI implementation plan in Kyrgyzstan. Creation of Fund of local development in Chatkal area after carrying out visiting meeting of Consortium was one of positive results of the previous activity. The companies working in region have agreed to do input in social programs in region. Thanks to regular requests to the government and to regular dialogue with all stakeholders and the international organizations, the Government of the Kyrgyz Republic in 2008-2009 speeds up works on EITI. In September, 2009 Kyrgyz EITI Secretariat had been presented to the National EITI Council audited EITI report for 2008. At the international EITI conference, that was held in Kyrgyzstan on September, 15-16th, 2009, the report has been presented to the wide public. Members of the Consortium gave their evaluation of the report. EITI secretariat of Kyrgyz Republic prepared and discussed validation plan. Members of the Consortium have given their recommendations on validation plan in Kyrgyzstan.

Recently member of the Working Group of Consortium has prepared the analysis of transparency and availability of the information on contracts and agreements in the mining industry in Kyrgyzstan.

Permanent dialogue of the Consortium with other interested parties has revealed presence of some problems on promotion EITI in Kyrgyzstan. In particular, the presentation of last report on EITI has shown that the companies and local authorities have methodical difficulties in preparation of EITI reports. Preparation of a clear and simple manual in Russian and Kyrgyz languages, and also training of the companies on preparation of EITI reports is necessary. Recent visiting meeting of the Consortium in the remote Naryn mining region has shown, that local residents have noted difficulties at receiving of the information on deductions of the companies to the local budget and presence at them licenses.

Members of the Consortium will be actively trace further validation process in the country. The working Group of the Consortium considers, that the further step to promotion of transparency of activity of the mining industry are disaggregated EITI reports, and also inclusion of an ecological and social component in the Initiative.

Kyrgyz NGO Consortium on EITI promotion suggests to study a problem and the international practice (including the best mining standards of a transparency and the accountability); together with legislative and executive branches of the power to develop principles of the contract law in sphere of the mining industry; to create a database for citizens, organizations, governmental bodies and for population of mining areas with the fullest information on the given theme; actively to advance transparency principles so that further they covered also other branches of economy connected with use of a national resource and providing of social services; actively interact with all branches of the government for the sake of achievement of the purposes mentioned above.

NGO Consortium on EITI promotion in Kyrgyzstan

November, 12th, 2009.

Urgent: Additional statement of Kyrgyz Consortium on EITI

Pay or Die?

Disadvantaged children and other vulnerably groups like elderly pensioners will be bearing the brunt of the energy crisis in Kyrgyzstan, and the situation is not being helped by the poor response of the government. On the contrary, beginning from 1 January 2010, urban population will be forced to pay 1050 kgs (about \$ 25) per 1 giga-calorie (central heating and hot water), and beginning from 1 July 2010 - 2500 kgs (about \$ 55) per 1 giga-calorie. One giga-calorie is normally warms one small modest household during one or two weeks - depending on the metric area. Electricity tariffs will be two times higher as well. This is done as a result of the direct ruthless pressure from the World Bank. The news, released on 11 November 2009, caused huge waves of indignation among Kyrgyz people. Despite this, already all documents have been signed - the Kyrgyz government yielded to this rude pressure - without any hesitation, having omitted consultations with parliament or any public bodies.

Imported capitalism has left many Kyrgyz people behind - according to the former Minister of Labor and Social Development Uktomhan Abdullayeva, 35 percent of the population now lives below the poverty line. All successive Kyrgyz governments were presiding over continuous dismantling of all social benefits - healthcare, education, pension system, etc. Now time has come to eradicate central heating and electricity.

Energy industry, non-transparent and dependent on government support, had eaten up lots of energy loans, much of funds having been mismanaged or stolen in the process - with the World Bank and other IFIs watching happily in anticipation while deliberately neglecting its oversight policy. Now is the right moment - amid fewer financial resources flowing into national economy due to the world economic crisis, IFIs can leap forward and ruin the last achievement of a social welfare state. Evidently, this solution is not going to satisfy Kyrgyz people. Like in all similar situations (of combined pressure from the part of irresponsible government and IFIs), social mobilization of different protest groups will be fast and fierce. Confronted with equally bad choices (to pay for the governmental debts or die from winter cold in their dark houses) people will find other alternatives. And this will surprise all those false "partners in development", who were contributing to our hardships since early nineties.

We demand broadening of EITI and include transparency of energy loans.

Natalia Ablova, Bureau on Human Rights and Rule of Law
Zulfia Marat, Bureau on Human Rights and Rule of Law
Kalia Moldogazieva, Human Development Center "Tree of Life"
Anara Dautalieva, NGO "Taza Tabigat",

14.November, 2009

*This short media and policy analysis was prepared by the **Bureau on Human Rights and Rule of Law***

We request Kalia Moldogazieva to use this text and make an additional statement in Montreal in order to suggest urgent broadening of EITI (to include transparency of energy loans).

MONGOLIA

BACKGROUND AT THE NATIONAL LEVEL

1. Publish What You Pay and Receive Mongolia is called as “TAH” in Mongolian language or PWYPR or “Publish What You Pay and Receive” civil society coalition in English, which is constituted of over 20 independent NGOs operating in various different areas of NGO sector and more NGOs are going to be member of our coalition.

To name few recent activities and goals of PWYP Mongolia and its partners have undertaken are below:

- 1.1. Open Society Forum Mongolia, PWYP Mongolia, US Asia Foundation, and Mongolia Civil Society Coalition of Environmental Protection have jointly invited Mr. Richard Male from US and organized a workshop/training for NGOs in Mongolia on a subject of “Strategic Planning and Organizational / NGO Growth” during Nov 2-6, 2009. Richard Male is a recognized leader, trainer, and consultant, both regionally, nationally and internationally, in the fields of leadership development, fundraising, community organizing and public policy for non-profit organizations, faith-based entities, private foundations local municipalities and schools. For 35+ years he has conducted training sessions, provided consultation, coached and mentored, and been a keynote speaker, teacher and facilitator to literally thousands of organizations. In 1997, the Colorado Association of Non-Profit Organizations awarded Rich their highest honor, the William Funk Award for Building Community. With Rich as director, the work of Community Resource Center has been highlighted on the NBC Today Show, NBC News with Tom Brokaw, Denver Post, Chronicle of Philanthropy, Colorado Public Radio, Austrian Radio and Television and other media.
- 1.2. PWYP Mongolia members have participated in “Regional Meeting of Civil Society Organization Coalitions on Enhancing and Broadening Extractive Industries Transparency Initiative”, which was held in Baku, Azerbaijan during October 11-12, 2009. This conference comes as a logical continuation of the CSO efforts in the Eurasia region to take most advantage of the currently existing sole multistakeholder platform of addressing issues of transparency and accountability in resource rich countries. Multistakeholder platform of the Extractive Industry transparency Initiative consisting of the government, extractive companies and the civil society is an opportunity of equal and open dialogue to assist more sustainable and predictable economic and social development in the countries of the initiative. High level delegates from Soros Foundation, PWYP International including Board members have joined all representatives of national PWYPs and Mongolian delegates provided comprehensive information and updates of Mongolian civil society participation in EITI and contributed to the proposed extension ideas of EITI such as improving sub-national level EITI advocacy.
- 1.3. PWYP Mongolia Coordinator is selected as NGO sector representative to the Evaluation Committee for Selecting independent auditing company for national III EITI consolidated report. PWYP Mongolia would like to emphasize the inclusive and active cooperation of national EITI Secretariat and national Working Group.
- 1.4. PWYP Mongolia members organized sub-regional conference in Khuvsgul province in Mongolia in order to advocate “EITI Extension at Local Level” during September 24-25, 2009 with the focus on improving transparency in exploration and mining license issuance in the area of strategically important phosphorus deposits discovered along the mountains near to Mongolian purest lakes – Khuvsgul Lake (in fact one of the world’s pure water lakes). The coalition members encouraged local communities’ active participation in decision making process relevant to extractive industry and disclosed the facts of illegal license issuance and broadcasted balanced TV program series about this issue. Certain licenses were issued without the consent and approval of local communities or Local Citizens’ Representatives in the province’s reserved areas and later on the Minister of Nature, Environment and Tourism admitted the fact that certain licenses had been

issued in advance of license issuance and without the prerequisite of Environmental Impact Assessment. Other side of interest groups who want to establish substantial chemical industry together with Chinese investment is also released to keep the balanced information for public. At the same time PWYP members including Ms. Sengelmaa have provided comprehensive scientific facts about other countries' practice of mining phosphorus for agricultural fertilizer, which is consuming the mineral faster than geological cycles that can replenish it. They also brought currently effective trans-border water agreements established between Mongolia and Russia to the attention of other group of interests that urges excessive extraction of phosphorus to be exported to China and an establishment of chemical industry near the Khuvsgul Lake. The intricate reason to avoid potential damage to environment due to lack of state of the art technology is also advocated in relation to recent NASA and Canadian scientists' discovery made after 37-year long study that have scientifically approved the negative impact of fertilizer runoff and wastewater discharge that have contributed to the uncontrolled blooms of cyanobacteria. They deplete the water of oxygen and slowly choke aquatic life, producing "dead zones". More than 400 dead zones now exist worldwide.

MAJOR CHALLENGES OR AREAS OF CONCERN

The three stakeholders of the initiative defined the goals of their cooperation and job descriptions to be performed jointly or independently by each stakeholder and signed a Memorandum of Understanding in March, 2007, formalizing their agreements. However EITI National Council's meeting is held less often than NGOs' expectation, whereas National Working Group has been very active and smoothly and continuously organized its periodic multi-stakeholders' meeting.

Another challenge is lack of financial resource of majority of our individual member NGOs could lead their time and effort to other donor funded projects and programs for the institutional survival reasons and it is hard to neglect this issue. Also legal and diplomatic support or backup system is probably needed to foster our members' improved trust and confidentiality about individual's security as a member of EITI supporters.

One of the key challenge or perhaps the key opportunity if corrected in future is to improve our members' knowledge and practice about capital and wealth management, in specific corporate social responsibility related legal aspects. It would be efficient to have them involved in international level training/workshop/study tour in these areas to know more about Mergers and Acquisition problems that had been more or less closed to public.

PLANNED ACTIVITIES AND GOALS AT THE NATIONAL LEVEL

PWYP Mongolia members are already well capacitated and confident to keep pursuing their conceptual advocacy approach inclusive to the establishment of local multi-stakeholder EITI counsels at sub-provincial level. This approach has been noteworthy success in past, which supported trust building among the government, extractive companies and local communities. This approach has led the local governors to further advocate local EITI to other foreign invested companies than that which already pursue and implement responsible mining.

At the same time, advocacy of interdisciplinary approach that can be fostered for improving past/present/upcoming contract transparency in mining sector is needed in future inclusive to budget transparency, external and internal effects of non efficient negotiation with transnational corporations and domestic monopolistic oligarchy groups. However abovementioned approach would require various discipline scientists, international and national experts in modern sustainable development agenda, and UN system organizations specialized in multilateral trade such as UNCTAD or environmental experts such as Oxfam consultants. It is needles to mention that budget sustainability experts who are always in need for educating NGOs in developing countries.

PUBLIC MESSAGE

EITI can be more trust building platform if your multi-stakeholder advocacy at national and sub-national level literally accompany those active and talented journalists and correspondents of major national TV broadcasting companies. More money for TV broadcasting or radio can be reflected in your annual budget considering the fact that 60-80% of information release does reach public through major TVs. We believe that national level implementations can be shared in future through transnational broadcasting, documentary program sharing or live telecommunication etc besides web based approach. International collaboration on EITI extension would require abovementioned ideas of effective and continues live communication besides traditional approach. Some of our members including Honoured Land of Mongolia, Centre for Human Rights and Development, and Steps without Boundary have succeeded in strategic advocacy support at Supreme Court level representing local communities' right to reside in environmentally safe place after the incomplete mine closure. It is also important to mention and congratulate our member - Onon-Uls River Movement NGO, who had just got honoured as the Winner of Gaia Prize of the SBS Eco Water Award that is addressed by South Korean environmental organization - Korea Federation for Environmental Movement, Seoul Broadcasting System (SBS) and Ministry of Environment, Republic of Korea.

Our member, Centre for Human Rights and Development's call to all Mongolian NGOs on supporting the first ever Trade Council of Employees that had unexpectedly fired from one of the 100% foreign invested gold mining company almost 10 years earlier that what was agreed had indeed supported by hundreds of NGOs of Mongolia as well as some other NGOs in Asia Pacific.

PUBLISH WHAT YOU PAY (PWYP) NIGERIA **A Summary of Strategic Focus**

Background to the Organisation

PWYP Nigeria was launched on 17th of February 2004 in Port Harcourt. This coalition which is an affiliate of the global campaign for transparency in the extractive industry comprises of civil society organisations and community based organisations drawn from the six geo-political zones of Nigeria from different socio-economic and cultural backgrounds. Since its inception, the Coalition has grown from 17 to 160 members. This growth has provided PWYP Nigeria with wide advocacy expertise and project implementation skills in the area of transparency in the extractive industry.

PWYP Nigeria is the lead Civil Society network engaged in the Nigeria Extractive Industry Transparency Initiative (NEITI) process and is comprised of CSOs, Faith-Based Organisations and Community-Based Organisations from the six geo-political zones of Nigeria working in different thematic areas such as health including HIV/AIDS, education, poverty alleviation, gender, youth, human and environmental rights, economic justice and community development among others.

For the past five years, PWYP Nigeria has engaged key institutions and stakeholders within the Nigerian extractive industries to ensure that transparency and accountability is institutionalised in the management of this very important sector of Nigeria's economy. These institutions include the Central Bank of Nigeria (CBN), the Department of Petroleum Resources (DPR), the National Agency for Petroleum Investments and Management Services (NAPIMS), the Nigeria National Petroleum Corporation (NNPC) and the Federal Inland Revenue Service (FIRS).

Efforts have also been made to enlighten the civil populace and buy grassroots support for the campaign for transparency and accountability in the extractive sector of the economy through Town Hall Meetings and consultative meetings in all the six geo-political zones of Nigeria. We intend to sustain these approaches in the future.

In December 2008, PWYP held its Annual General Meeting with 128 Civil Society Organisations in attendance. A new management structure was put in place with a new Executive Board (Directors) inaugurated after dissolving the old Steering Committee. This was done in order to better re-position the coalition for enhanced effectiveness and to meet new challenges. This new Board has reformed the Secretariat of the Campaign and engaged highly qualified personnel with specialisation in project management, finance and media advocacy to ensure effective and efficient management of the activities of the coalition, improve on past performance by re-positioning the campaign for better project implementation and accountability.

Key achievements and strengths of PWYP

- Wide coverage of the country: PWYP has members spread across the country which gives it the national legitimacy.
- CSO members of the campaign work on a wide range of thematic areas which ensures that contextual realities are factored into the programme and ensuring effectiveness.
- The NEITI Act is in existence and can be used as strong advocacy point.
- The global nature of the campaign enhances the possibility of international information sharing and strong networking.
- The Nigerian campaign enjoys good working relationship with the mass media, both print and electronic. This foundation of working with the mass media has been laid and will be nurtured and built upon.

- The Management of the campaign has been re-energised with the election of a new dedicated 7-Man Executive Board headed by **Ms Faith Nwadishi**, a respected and well-experienced civil society activist with vast knowledge of critical issues necessary to take the campaign for transparency and accountability in the extractive industries to the next level.
- CSO members of the campaign have acquired some skills through capacity building over the years to deal with the technical nature of the campaign. These skills include budget tracking, advocacy and campaigning.
- PWYP held an interactive meeting with Prof. Assisi Asobie, Chair NSWG of NEITI

Major Challenges of PWYP Nigeria

- The oil, gas and mining sector is very technical and has lots of affiliates. Over the years, members have limited capacity to engage with the sector to ensure transparency.
- The freedom of Information bill has not yet been passed into law in Nigeria.
- The Petroleum Industry bill is yet to be passed
- One of the key challenges faced by the programme in the past few years is the limited capacity of partners in policy and advocacy work especially in the management of the advocacy cycle, measuring success in advocacy work and documenting lessons for disseminations.
- There is no stringent measure in place to determine who becomes a member of the campaign or not. This also has allowed some members that may be said to be not too serious and committed to the campaign.
- Limited fund over the years to execute the activities of the campaign and push it to greater heights in achieving its objectives.
- Limited ability of members to raise fund on their own to execute activities from their organisations that are linked to the campaign.
- Lack of fund to support the implementation of planned activities.
- PWYP Nigeria is presently out of place to call secretariat in the Federal Capital Territory, even though we have qualified management staff to ensure a more efficient administrative and financial management of the activities of the campaign, we have not been able to pay their salaries for over 9 months.

Future Plan

Our future plan is to carry out the following over a period of five years:

- Increase transparency and accountability of Nigerian government and its institutions involved in the oil, gas and mining sector.
- Strengthen the capacity of Civil Society Organisations in our coalition in the design and implementation of oil, gas and mining policies and framework in Nigeria.
- Promote the culture of accountability within the oil, gas and Mining companies in Nigeria.
- Promote learning and sharing in building linkages and alliances for PWYP campaign in Nigeria

Specifically, we intend to achieve the following among others:

- Procure a space for office
- Do a shadow report of the validation process in Nigeria
- Raise awareness and gather inputs from communities for inclusion in the petroleum Industry Bill (PIB)
- Hold quarterly interaction with the Civil society representative of the National Stakeholders Working Group (NSWG)
- Build the capacity of members on both technical and non technical issues so that they would be better positioned to engage in the campaign
- Constitute a think tank that will carry out research for the campaign for evidence based advocacy

- Promote accountability and transparency within and among civil society organisations, especially members of the campaign.
- Promote the full implementation of the NEITI Act and review the act for possible amendment.
- Create all necessary linkages between private companies, government institutions and members of PWYP to improve the quality of the campaign and for efficient results.
- Support the setting up and sustainability of mechanisms for sharing experiences and good practice, locally, nationally and internationally on issues surrounding oil, gas and mining in Nigeria.
- Facilitate participatory monitoring and evaluation and impact assessment of interventions and processes of civil society and donors.
- Enhance information, communication and documentation skills of the campaign at different levels.

Methodology

It is our plan to adopt the following strategy in order to achieve the above:

- Research (Baseline)
- Capacity building for both staff and Civil Society Organisations in the campaign
- Advocacy through visits, Town Hall Meetings and Media engagements.
- Networking with private, public and civil society stakeholders in the extractive industries transparency initiative locally and internationally.

PWYP Nigeria needs the support of all stakeholders in the extractive industries, especially our development partners to assist in the implementation of its laudable objectives. Similarly, we look forward to continue cooperation from our international colleagues.

While counting on the continue support of our donor community, the new executive Board has also, strategically, decided to look inwards for additional financial support by approving payment of membership subscriptions by CSO members of the campaign. This, we believe, will facilitate self-sustainability of the network and enhance the commitment of its members.

Faith Nwadishi (Ms)

Chairperson, PWYP Nigeria

November 2009

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DECLARACION DE INSTITUCIONES DEL PERU PARA LA CONFERENCIA INTERNACIONAL PWYP, 2009

ANTECEDENTES A NIVEL NACIONAL

El proceso de democratización que empezó en el año 2000, así como la reforma descentralista, han traído avances en materia de transparencia y acceso a la información pública y creado mecanismos para la participación ciudadana en diferentes espacios de la gestión pública, como es el presupuesto participativo a nivel subnacional.

Entre 2002 y 2008 la economía peruana ha mostrado un crecimiento económico sostenido impulsado principalmente por las inversiones en el sector extractivo, especialmente la minería que gozó de una coyuntura de precios muy favorable que se tradujo en el fuerte crecimiento de las utilidades de las empresas y también de los pagos (tributarios y no tributarios) que éstas realizan al Estado.

Este proceso estuvo acompañado del aumento constante de los conflictos socio-ambientales entre las comunidades locales y las empresas, principalmente porque una consecuencia de la expansión de las concesiones mineras y petroleras a las empresas es que las comunidades ven afectadas sus derechos de acceso a los recursos naturales que sustentan sus medios de vida, principalmente el agua y la tierra. Es que el Estado expresado por gobierno actual - en su afán por promover las grandes inversiones en las actividades extractivas - está abandonando su rol de marco institucional encargado de hacer que se respeten los derechos de todos y se cumplan las obligaciones de todos, favoreciendo abiertamente a las empresas que invaden terrenos de las comunidades y afectan sus recursos y haciendo caso omiso de su compromiso de consultar a las poblaciones afectadas, tal como está estipulado en el Convenio 169 de la OIT que el Perú ha suscrito y que tiene fuerza de ley en el territorio de la república.

Uno de los temas más discutidos en torno al sector extractivo en el país en los últimos años ha sido el de la aplicación de un impuesto a las ganancias extraordinarias que obtenían las empresas gracias a los altos precios de los minerales. El resultado de la negociación entre el Estado y las empresas en torno a este tema ha sido el denominado Programa Minero de Solidaridad con el Pueblo, mediante el cual las empresas acordaron con el gobierno del presidente García, realizar un aporte anual de 150 millones de dólares por año, en lugar de pagar entre 1500 y 2000 millones de dólares en impuestos a las sobre-ganancias.

Un segundo tema ha sido el del derecho a la consulta previa e informada a las comunidades campesinas en los procesos de concesión de tierras para exploración y explotación minera y de hidrocarburos. Como se ha señalado antes, la falta de información a las comunidades y a las autoridades locales sobre las nuevas concesiones que se entregan y los nuevos contratos que se negocian, así como la falta de voluntad del Estado y de las empresas de consultar realmente con las poblaciones acerca de los proyectos que se piensa desarrollar, han hecho que los conflictos entre poblaciones locales y empresas extractivas sean casi el 50% de todos los conflictos que hay en el país.

Un tercer tema ha sido el de la corrupción. El destape de la manera corrupta como altos funcionarios del sector público petrolero, inversionistas interesados y lobistas con llegada a las más altas esferas del gobierno, eran parte de una conspiración para favorecer a la empresa Discover Petroleum de Noruega en la asignación de un número de lotes petroleros, han puesto en el centro del debate el problema de la corrupción en el sector. De la misma manera, el destape de las modificaciones irregulares en el contrato y en la legislación del Gas de Camisea para dar paso a la exportación de petróleo que debían abastecer al mercado nacional, confirman la manera como los intereses empresariales privados se anteponen al interés nacional con apoyo de autoridades del gobierno central y lobistas del sector.

Frente a esta situación, se pone en el debate ya no solo el monitoreo desde la sociedad civil a la manera como las empresas pagan sus impuestos y la manera como el estado usa esos recursos, sino que también se plantea el reto de monitorear el gasto social directo de las empresas y el proceso de asignación de concesiones y de negociación de contratos. Finalmente, los conflictos entre comunidades y proyectos de inversión hacen indispensable que la atención pública y la acción de monitoreo se dirija también a las razones por las que el Estado promueve inversiones en territorios que valiosos en términos de biodiversidad y en términos de recursos renovables que sustentan el desarrollo y el bienestar de poblaciones locales.

RETOS PRINCIPALES U OTROS TEMAS DE INQUIETUD

Los principales retos de las instituciones que hacemos monitoreo al sector extractivo son:

- 1, Profundizar la iniciativa EITI Perú, logrando incluir en su agenda la transparencia del Aporte Voluntario y de los Fondos sociales, y la transparencia de los procesos de concesión y de los contratos
- 2, Que la iniciativa EITI tenga carácter obligatorio a través de una norma emitida por el Congreso de la Republica, convirtiéndose así en política de Estado, en coherencia a la política de transparencia impulsada por este.
- 3, Realizar análisis y monitoreo de los contratos mineros y de hidrocarburos, así como de su cumplimiento en los temas ambientales, sociales y tributarios
- 4, Promover un proceso de Ordenamiento Territorial Nacional a través de herramientas como la Zonificación Económica Ecológica y los Planes de Ordenamiento Territorial, entendidos estos como herramientas para asignarle a la minería y los hidrocarburos un rol en el desarrollo nacional y regional; exigir del estado estudios de costo beneficio de los proyectos que impulsa, promover mecanismos reales de participación ciudadana para evaluar su pertinencia y coherencia con los planes de desarrollo locales y regionales, si consideramos que estas actividades se realizan en territorios de propiedad de poblaciones indígenas, exigir los procesos de consulta previa e informada mandados por el Convenio 169 de la OIT.

ACTIVIDADES Y METAS PROGRAMADAS A NIVEL NACIONAL

- Profundizar los alcances del EITI Perú mediante: establecer por Ley la participación de todas las empresas y la publicación desagregada de sus cifras; incluir en su agenda la transparencia del Aporte Voluntario y de los Fondos Sociales; incluir en su agenda la transparencia de los procesos de concesión y de los contratos,
- Análisis de los contratos y monitoreo del cumplimiento de sus compromisos en materia social y ambiental, así como de los pagos tributarios y no tributarios, y de otros compromisos como el de modernización tecnológica de sus propias instalaciones
- Promover la realización de estudios de Zonificación Económica Ecológica y Planes de Ordenamiento Territorial en algunos gobiernos regionales, como herramientas para discutir y ubicar el rol de las actividades extractivas,

MENSAJE PÚBLICO

El proceso de implementación de la iniciativa EITI en el Perú muestra un lento avance, debido al escaso involucramiento del Estado y de un sector importante de las empresas extractivas con el tema de la transparencia de los pagos tributarios y no tributarios que realizan. La discusión y condicionamiento de su participación en el proceso de manera agregada y desagregada muestra una distancia entre el discurso y la práctica en materia de transparencia.

Es por ello que producto de la implementación de la iniciativa EITI, independientemente si el Perú logra calificar o no como país cumplidor a principios de 2010, el Estado debería ser consecuente con su política de transparencia y promover dentro del sector empresarial algo similar, en donde la sociedad civil pueda tener acceso de manera rápida y clara, de los ingresos generados por las industrias extractivas, así como del destino y uso de los mismos.

Desde el monitoreo independiente que realizamos desde la sociedad civil hemos generado información, análisis y aportado al debate público sobre temas clave: sobre ganancias e impuesto a las ganancias, distribución y uso de la renta en los gobiernos subnacionales, regalías y aporte voluntario

En el Perú la inversión minera crece aceleradamente respondiendo a un modelo económico que prioriza las actividades extractivas como fuente de generación de renta, pero que genera muy poco empleo y tiene impactos sociales y ambientales considerables que afectan la gobernabilidad, El Perú siendo un país con alta bio diversidad en sus tres regiones naturales (costa, sierra y selva) necesita discutir en profundidad hasta donde puede avanzar y donde las actividades mineras y de hidrocarburos

Sugerimos que PWYP incluya en su agenda de temas toda la cadena que implican las actividades extractivas, es decir, desde la decisión de extraer o no extraer el recurso hasta la evaluación de los impactos de la aplicación de la renta en la calidad de vida de la gente, pasando por los temas de generación y distribución de la renta. Así mismo, en Perú la actividad forestal y la pesca son muy importantes y debieran ser incluidas como temas de preocupación de la iniciativa.

Grupo Propuesta Ciudadana
Cooperación
Labor Pasco
Cedep

THE PHILIPPINES

'BANTAY KITA' NETWORK, PHILIPPINES

The Philippine equivalent of the Publish What You Pay (PWYP) is being formally organized in the Philippines. Action for Economic Reforms (AER) and *Alyansa Tigil Mina* (ATM), in cooperation with PWYP, Revenue Watch, and 11.11.11, organized a two-day workshop on 13-14 October 2009 towards forming a network that likewise serves as an institute that will advocate transparency of contracts, revenues, spending and the whole value chain of the extractive industries. Given, the pressing concerns, the composition of the group, and the resource constraints, the focus of the advocacy, at least on the early stage, is mining.

Thirty-two (32) representatives, representing 19 organizations participated in the two-day workshop. The participating individuals and organizations came from different sectors. Some are environmental groups; others focus on transparency issues. A few individuals or groups work on economic issues (e.g., taxation) And a significant number are groups opposed to or critical of the way extractive industries are being done in the Philippines.

GOALS

Among the goals of *Bantay Kita* are:

Institutionalize transparency in the extractive industries, contributing to good institutions, which are a sine qua non to sustainable and development-oriented resource extraction.

Maximize people's benefits, especially revenue gains, from the extractive industries.

Build the capabilities of communities and civil society organizations in engaging the extractive industries at each stage of the value chain.

CHALLENGES

At present, the Philippines does not obtain significant revenues from the mining industry. The revenue collection from the mineral industry (as a proportion of gross production value) from 1997 to 2007 was 7.5 percent, way below the national average for revenue effort (revenue as a proportion of GDP) for the same period, equivalent to 16 percent. This is appalling, considering that the Philippine revenue effort is likewise low, in comparison to the performance of similarly situated countries.

The low revenue collection from mining is a result of very generous fiscal incentives given to the industry and the practice of tax evasion, which is rampant in the Philippines.

An urgent task for the network then is to reverse fiscal policy on fiscal incentives that are redundant at least in relation to the mineral industry. The incentives are unnecessary because the investors will anyhow invest because they want the resources. In other words, incentives in resource-seeking industries are undesirable. In this regard, the network will support the legislation that will rationalize fiscal incentives in the Philippines.

Furthermore, the Philippine government, especially the current administration, lacks transparency. It is for example, very difficult for a citizen or a public interest to access public information on contracts, revenues, and audited statements. In this regard, various civil society organizations and the enlightened segment of the

media have campaigned for a Freedom of Information Act. *Bantay Kita* will benefit from such legislation, and hence it will likewise join the advocacy for the passage of the bill that is still being deliberated in the Philippine Congress.

Last but not least, *Bantay Kita* will prepare for any eventuality that the EITI (Extractive Industries Transparency Initiative) will be formed in the Philippines. *Bantay Kita* will be the vehicle for the participation of NGOs and civil society in the EITI process.

PLANNED ACTIVITIES

The workshop in mid-October 2009 has provided the legitimacy and the mandate for the formalization of *Bantay Kita*. An interim Board has been formed. The interim Board is composed of representatives of a) development groups engaging the mining sector, b) mining communities, c) transparency initiative, and d) economic reform advocacy. Its preliminary tasks include appointing a coordinator, revising the strategy paper based on the workshop's inputs and proposals, and mobilizing resources, including approaching institutional donors.

The formal launching of *Bantay Kita* is scheduled in mid-2010.

MESSAGE

In the Philippine context, extractive industries, especially mining, have not contributed to development. In fact, the supposed gains from revenues have not materialized. It has been shown that bad institutions—manifested in corruption, regulatory capture, opacity, and low tax collection—explain why extractive industries in the Philippines have become a “resource curse.” Thus, in building good and string institutions, we view as crucial the national advocacy for transparency, better revenue collection, maximization of benefits for the communities and the taxpayers, and building of capacities of citizens' groups. Such advocacy deserves support from the international community in the same manner that the Philippine advocacy will supplement the international advocacy for transparency and good rules.

The Philippine advocates under *Bantay Kita* value PWYP membership. PWYP, for instance, has been instrumental in facilitating the formation of *Bantay Kita*. We expect greater, more fruitful cooperation in the international as well as national campaigns between PWYP and *Bantay Kita*

I. Constat au Niveau National

1. Le constat National en République Démocratique du Congo est caractérisé par :

- Après plusieurs mois de léthargie, les actions menées par la société civile ont conduit à la mise en place des nouvelles structures de l'ITIE ;
- Intimidation, arrestation et détention des militants de la société civile engagés dans la transparence ;
- Collecte des données pour la publication du premier rapport ITIE ;
- Absence de l'appropriation de l'ITIE par le Gouvernement ;
- Insatisfaction de la société civile par rapport au processus de révisitation des contrats miniers ;
- Lenteur dans la mise en place des structures de l'ITIE ;
- Absence d'une loi sur la transparence ;
- Forte implication de la société civile sur les questions de transparence.

2. Les objectifs de la coalition :

- Accompagner le processus ITIE ;
- Sensibiliser les entreprises pour qu'elles publient ce qu'elles paient à l'Etat ;
- Sensibiliser le Gouvernement pour qu'il publie ce qu'il reçoit des entreprises ;
- Mobiliser les populations pour la transparence des revenus issus des industries extractives ;
- Renforcer les capacités de la société civile sur les questions de transparence.

3. Les activités :

- Formation des députés provinciaux sur l'ITIE
- Réunion de la société civile du 03 octobre 2009 pour évaluer le processus ITIE ;
- Evaluer le processus de révisitation des contrats miniers ;
- Réunion africaine sur l'intégration de l'approche genre dans l'ITIE ;
- Vulgariser et sensibiliser les femmes députées nationales sur l'ITIE ;
- Campagne Publiez ce que vous payez adressé aux entreprises minières avec la participation du Ministère des mines de juillet à aout 2009.

II. Défis et préoccupations

Les défis et préoccupations suivantes sont à signaler :

- Non appropriation de l'ITIE par le Gouvernement congolais
- Lenteur dans la mise en place des structures de l'ITIE ;
- Le mécanisme d'accès au trust fund inconnus des autres parties prenantes ;
- Absence d'une loi sur la transparence ;
- Mauvaise coordination des parties prenantes
- Manque de moyens pour la société civile
- Non évaluation du processus de révisitation des contrats miniers

III. Message

La société civile de la République Démocratique du Congo va faire passer le message qui reprend les points suivants :

- Que la campagne publiez ce que vous payez au niveau international soutienne la coalition nationale pour la mise en œuvre effective de la transparence ;
- Le soutien de la communauté internationale l'élaboration, vote et promulgation de la loi sur la transparence ;
- Que les pays d'origines (Canada, France, Afrique du Sud, Chine, Belgique, Allemagne...) des multinationales fassent pressions sur ces dernières respectent les exigences de l'ITIE.

ROMANIA

BACKGROUND AT THE NATIONAL LEVEL

The Soros Foundation Romania doesn't have PWYP as a per se program. However, many of the foundation's activities are similar to those specific to PWYP.

The Soros Foundation Romania has been started to work extensively in the field of natural resources management with respect to its legal framework since 2007. Our goal is to promote responsibility and transparency within the extractive sector in line with the principles of sustainable development.

Our activities include, among others:

- Monitoring the legality of all decisions made by the local Romanian authorities, exposing corruption, breaching of legislation and bad enforcement, infringements to individual rights and abuses against the local community;
- Public interest advocacy and strategic litigation both inside Romania and within the whole region;
- Coalition-building with other civil society organizations both inside Romania and within the whole region.

MAJOR CHALLENGES AND AREAS OF CONCERN

The major challenges that the foundation has encountered with respect to promoting the above mentioned principles in the extractive industry are weak and insufficient legislation, poor enforcement, ignorant and frail government representatives and judiciary. It's a mix that we found out to be favouring actions that go against public interest, defying basic rights of individuals and communities.

PLANNED ACTIVITIES AND GOALS AT THE NATIONAL LEVEL

The Soros Foundation Romania's work in terms of transparency and accountability promoting within the management of natural resources includes:

- Raising awareness for the need to improve the specific legislation and advocacy within the stakeholders;
- Providing expertise and knowledge to the Romanian authorities in the likeness of research and analyses for public policies and legislation improvement;
- Identification and promotion of alternatives for socially and environmentally-responsible development in all the affected areas.

PUBLIC MESSAGE

Our message to be brought in the attention of all participants at the conference is as follows:

Since 2006 we have tackled a specific case study of a gold mine planned to be developed in Western Romania which revealed that public administration at all levels in Romania is incapable to defend public interest when confronted with a private group of interests that have both the means and willingness to by-pass the law. Other case studies in terms of different natural resources exploitation added as we went deeper with the research. The same pattern of defective legislation combined with inexperienced officials and overcrowded judiciaries lead to the overlooking of the best interest of the citizens.

By exposing all the illegalities that have been committed, we intend to offer the public opinion the opportunity to be impartially informed and to take action. Thus, upon prior and thorough information we hope the citizens to become active in the decision making process. By providing strong proof expertise to the authorities and sharing similar case studies from foreign countries with them we intend to make them aware of the need to change the legal framework and the approach with respect to responsible natural resources management.

SUDAN

BACKGROUND AT THE NATIONAL LEVEL

Many of the indigenous Civil Society Organizations (CSOs)/NGOs currently operating in South Sudan were formed during the war by displaced South Sudanese based in neighbouring countries. At the time, they operated primarily in areas under the control of SPLA/M (Greater Equatoria, Upper Nile, Bahr el Ghazal, Southern Blue Nile and Southern Kordofan (Nuba Mountains). Lack of institutional capacity was, and continues to be, widespread among them. In 2000 a group of them created “New Sudan Indigenous NGOs network known as NESI-Network. The purpose was to form a strong unified voice for indigenous NGOs in South Sudan, a network that would share and communicate information across a large geographic area which had minimal infrastructure, serve as important link between indigenous organizations and the world including the donor community. At the time of their formation, there were widespread human rights abuse and need for humanitarian assistance in South Sudan and the other areas under the control of SPLM/A. Therefore, the network’s advocacy was naturally focused on issues that required urgent need for pressurizing the warring parties and international community to address. These included issues related to human rights protection and quality consultative service provision by international humanitarian agencies. Following the Comprehensive Peace Agreement (CPA) between SPLA/M and the government of Sudan in 2005, indigenous Sudanese CSOs were faced with the problem of relocation to South Sudan. At the same time governance of the petroleum industry and revenue management and sharing, became of paramount importance. Having seen the need for strong civil society network in promoting sustainable development NPA’s Civil Society Development Program, among other civil society development efforts, supported the relocation and establishment of NESI in Juba and continues to support its revamping as well as projects related to transparency and accountability in Sudan’s petroleum industry.

Since its relocation to Sudan, NESI whose primary goals related to Sudan’s petroleum industry are promotion of transparency, accountability and good governance, conducted several activities. This includes a project that brought together various stakeholders including Government of Southern Sudan (GOSS) officials, Unity State government officials, local community actors, women groups, environmentalists, indigenous and international NGOs, UN agencies and civil society representatives among others. It created a platform for civil society and other stakeholders to identify key issues in the industry. These encompassed transparency in the process of transparency award, petroleum revenue management/governance, forced displacement of communities from oilfields and the issue of compensating them, environmental and social impacts management plans, corporate social responsibility policies, their implementation and monitoring mechanisms all of which needed advocacy. Recently NESI has also worked on revamping its network comprised of about 70 indigenous NGOs to enhance its capacity to conduct planned advocacy activities. In the week of November 9th 2009, it will hold another consultative oil conference in the State of Jonglei.

MAJOR CHALLENGES & AREAS OF CONCERN

Sudanese civil society has faced many challenges in working on issues of extractive industry transparency and accountability. Lack of information in the Sudanese petroleum industry denied civil society the data on which to build cases for advocacy for transparency and accountability. Until recently Sudan’s petroleum industry, mainly founded on petroleum from South Sudanese oil fields, was blanketed with secrecy as it was closely linked with what the Sudanese government regarded as national security and foreign policy. For this reason it was risky for civil society to even ask for data or information pertaining to the industry. Weak coordination of efforts between South and North Sudanese CSOs working on issue of extractive industry is another challenge. Even within South Sudan, there is need for more closely knit coalition of actively participating member organizations readily available to lend their individual expertise and talents for the achievement of their common goals. Another challenge of even greater magnitude is the political uncertainty as the CPA along with its wealth sharing and security arrangements protocols approach their end. This is further complicated by the

fact that the referendum, which could result into an independent South Sudan, is rapidly approaching. Such unpredictable political climates have made it impossible for civil society to plan long-term advocacy strategies.

PLANNED ACTIVITIES AND GOALS AT THE NATIONAL LEVEL

NESI's planned work includes formation of an oil taskforce that will advocate for the consultative formulation of institutional frameworks (policy/legal) for the petroleum industry governance. The taskforce will also advocate for the creation of compensation mechanism and approaches, addressing human rights and socio-economic development and the impacts of petroleum industry activities on environmental and socio-economic development as well as security and peace in relation to the petroleum industry in Sudan. It is NESI's plan to expand its membership over the coming year to enhance the network's advocacy strength. Some members of civil society organizations have expressed the desire to launch a national PWYP coalition and explore the possibility of pushing for Sudan's participation in EITI in the future. NPA's Civil Society Development Program will consult with the rest of its partners, including NESI-Network to assess the need for launching such an initiative and work with them as necessary.

PUBLIC MESSAGE

Based on our experience in South Sudan, where national civil society don't have the capacity to advocate effectively in enhancing transparency and accountability in the extractive industries, international advocacy groups can play a very crucial role. Therefore, cooperation between such groups and national CSOs that have the advantage of grassroots networks and support will take the collective advocacy efforts a long way toward achieving their common goal. We also consider regional cooperation among national networks or coalitions of CSOs as very important for the success of advocacy to improve transparency and accountability in the extractive industries. This is because emerging national CSO networks, for example in post-conflict environments or those incapacitated by repressive governments, could benefit from jointly formulated regional strategies. Such cooperation could dampen the impacts of capacity gaps on the effectiveness of advocacy work that young national networks launch in those countries. Regional cooperation among national coalitions could also foster cross boundary advocacy and have the ability to provide capacity support for needy emerging coalitions in those regions.

TANZANIA

PWYP-Tanzania Statement at the PWYP International Conference Montréal Canada

BACKGROUND AT THE NATIONAL LEVEL

Tanzania is currently working to establish PWYP national coalition. The information workshop held in September (10th -12th 09) in Dar es salaam resolved to launch the coalition in December 2009. The 13-member working group of active and potential PWYP members in Tanzania, formed at the workshop, will have finalised the PWYP country work-plan by December 2009. The workshop was co-funded by RWI and AfDB. By November 1, there are 5 PWYP active members in Tanzania; the number is expected to rise to 50 by December 09.

Tanzania is EITI candidate since February 09; the two year validation period is expected to last by 15th February 2011.

MAJOR CHALLENGES OR AREAS OF CONCERN

The challenges are many, but would like to take serious note on the following;

1. Only few CSOs working on Extractive Industries (EI) in Tanzania; hence low level of awareness on EI.
2. CSOs challenged by capacity limitations regarding EI downstream and upstream issues.
3. The Mining Development Agreements (MDAs) entered by Government and the Mining Companies were secretly negotiated without even the minimum level of transparency, remain the confidential/top secret Government documents. Nor can even the Parliament get access to MDAs. Many Tanzanians feel being cheated; losing huge incomes to the foreign Mining Companies.
4. Both the 1997 Tanzania Mining Policy and the 1998 Tanzania Mining Act are weak and porous. Efforts to review the policy and the law that started way back in 2008 have largely marginalised civil society participation; centrally controlled by Government, and possibly negotiating behind the scene with foreign mining interests.
5. Tanzania EITI process has been very slow to start; not even the Multi-Stakeholder Group (MSG) had once formally met since it was formed in January 2009. MSG chairperson has not been nominated by the President yet.

Tanzania EITI MSG members, especially those representing civil society, have serious capacity gap.

PLANNED ACTIVITIES AND GOALS AT THE NATIONAL LEVEL

1. Tanzania PWYP national coalition launch by December 09
2. Tanzania PWYP campaign work-plan ready by December 09
3. Capacity building to understand EI and advocacy strategy to build awareness and promote transparency in resource governance is agreed as one of key contents in the work-plan.
4. Tanzania CSOs have agreed the PWYP campaign to include oil, gas, minerals, forestry (together with wildlife and land) and fisheries.
5. **Goal:** to mobilise, reinforce and coordinate stakeholders efforts geared to foster transparency and accountability in extractive industries in Tanzania.

PUBLIC MESSAGE

Tanzania has just started and is moving in the right direction towards promoting transparency in the governance of EI. However, CSOs would like to clearly and openly state their openness and eagerness to learn from fellows with vast experience in EI transparency campaign.



Public Statement
9th/11/2009

1. Publish What You Pay-Uganda (PWYP-U) is currently comprised of 29 Uganda NGOs who are committed to promote transparency and accountability in the management and utilization of revenues generated from natural resources in Uganda. As a coalition, we believe in engaging with other stakeholders including government, parliament, judiciary, private sector and others to promote the common good for the benefit of the citizens.
2. As PWYP-U, our main aim is to promote EITI in the country and our strategies are informed by the fact that the country is currently ranked as the 3rd most corrupt country in the world by the Transparency International and most of the institutions of governance are very weak. We therefore believe that the EITI initiative will restore public confidence and trust in the government and its leaders.
3. We recognize that for PWYP global campaigns and the EITI initiative to deliver and succeed especially in countries where there are weak institutions and high corruption, our campaign strategies must take into account the unique challenges that poor countries in Africa face. We need to come up with relevant strategies which bare in mind that in countries such as Uganda and others where over 40% live below poverty line, over 70% has no formal education, over 85% live in rural communities and many others, the urgent need is to empower the citizens.
4. The EITI should not only focus on getting as many resource rich countries sign on EITI without any major efforts to sale the advantages of the initiative to the population or beneficiaries themselves.
5. Our PWYP campaigns must aim at empowering the citizens to create real demand on the government/leaders to deliver on the common good. In our country Uganda, we observe that there is lack of political will for transparency, corruption is institutionalised and leaders conceive natural resources as personal resources. Without mobilizing the population to oppose this think, it becomes difficult to see how such leaders on their own can allow EITI to succeed.
6. It is important to recognize that the PWYP global community has created opportunities where national coalitions and NGOs are facilitated to come to these conferences, workshops and trainings in Canada, USA, UK, Norway, Qatar and others where we get skills and experiences which can transform our communities, but what plans do we have to go back to our respective communities and empower at least 50% of the population.
7. The PWYP community should urgently go beyond town meetings to rural communities and sensitise, educate and explain to the citizens that they have powers over their leaders and that it's their responsibility to demand for accountability.

8. We must make the citizens understand that it's in their best interest to support pro-poor initiatives such as EITI in order to improve the life they live.

9. Without popular demand, a country like Uganda may adopt and pretend to implement EITI but this may never translate into real and practical benefits for the citizens.

10. We appeal to the PWYP to focus on the following;

- NGOs in poor countries must work together with their partners in the north to empower the citizens and create real demand for accountability and transparency from the leaders,
- We need to look at the popular support for EITI as a major tool to ensure effective EITI implementation.
- We need to expose and a shame International Financial Institutions (IFIs) which continue to provide funding through grants and loans to corrupt companies and governments for the exploitation of natural resources even when they very well know that the projects are lacking in transparency.
- If in this meeting, we recognize that the African problem must be solved by the Africans themselves, then, ladies and gentlemen, let's ask ourselves what this problem is, and look at what it needs to prepare the Africans to solve that problem.
- Let's take our campaigns to rural people in our respective countries and we shall succeed if at least 50% of the population get to understand the initiatives we are promoting.
- Let's translate these good presentations, research papers and proceeding reports into local languages for our people to understand.
- Lets work with local communities and resist against companies that are corrupt and those which have no respect for human rights.
- And finally, lets have few of these meetings in Canada, USA, UK and other developed countries, and instead, we go to rural communities in Africa where the poor and vulnerable people who most need our services live.

Yours sincerely,



DICKENS KAMUGISHA

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PO BOX 34913, Kampala-Uganda

Dr. Albankoha Pat6rick; Chairman-PWYP-UGANDA

UNITED KINGDOM

BACKGROUND AT THE NATIONAL LEVEL

- Lobbying for country by country disclosure, in particular calling for the International Accounting Standards Board to introduce a reporting standard for the extractive industries.
- Commenting on the UK's new Draft Bribery Bill and pushing for it to be enacted in this parliamentary session. We are lobbying for a strong bill that includes new offences of bribing a foreign public official and corporate liability for foreign bribery. This would apply to all companies registered in the UK. We would also like to see the territorial provisions of the Bill extended to cover foreign subsidiaries part or wholly owned by UK companies and joint ventures with UK companies.
- Lobbying to ensure that the UK government has a joined up anti-corruption strategy
- Lobbying for a transparent and effective review mechanism for the UN Convention against Corruption.
- Support to partners in Timor, Philippines, Cambodia, Peru , Zambia and other countries
- Lobbying individual companies to be more transparent, .e.g. BHP Billiton, Anglo Gold Ashanti, Goldcorp
- Lobbying the UK government and others to press for a more effective Financial Action Task Force, which has the responsibility for ensuring that banks do not launder corrupted public funds (including oil and mining revenues)

MAJOR CHALLENGES AND AREAS OF CONCERN

- Lack of transparency and accountability of the International Accounting Standards Board
- Slow timetable for the development of an extractives standard by the IASB
- Lack of political will to introduce new anti-bribery legislation
- Political situation in the UK, with lame-duck government and the key minister generally hostile to new regulation, limits the scope for lobbying at the moment

PLANNED ACTIVITIES AND GOALS AT THE NATIONAL LEVEL

- Continuing advocacy work aimed at the IASB. PWYP UK is making common cause with other civil society groups that push for country-by-country disclosure of revenues for all corporations, not just oil and mining firms.
- Continued advocacy with the current UK government and opposition parties for strong anti-corruption law and for better regulation to prevent money-laundering by banks and other UK financial institutions.
- Advocacy in the UK parliament for the UK to consider a transparency law similar to the ESTT Act in the United States.

UNITED STATES

Publish What You Pay United States Statement Montreal, Canada November 2009

BACKGROUND AT THE NATIONAL LEVEL

PWYP US has grown in the past several years and is now comprised of nearly thirty development, human rights, environmental, and faith-based organizations. We continue to try to leverage our unique position in the US, advocating for increased transparency in the extractive industries by lobbying the US government, international financial institutions, and companies based in the US.

For the past two and a half years, the PWYP US coalition has been focusing primarily on advocating for legislation called the Extractive Industries Transparency Disclosure Act in the House of Representatives and the Energy Security through Transparency Act in the Senate. It was introduced in both chambers in 2008 and was the subject of a legislative hearing, in which all witnesses testified in support of the bill, including a prominent investor and a former Shell executive.

In 2009, we welcomed the bipartisan re-introduction of the Senate bill and are looking forward to the reintroduction in the House of Representatives soon. The bill requires U.S. listed companies (which includes most of the world's major energy companies, both US and foreign) to publish their natural resource revenue payments on a country-by-country basis as part of their annual filing. This would give us an unprecedented amount of information about these historically opaque industries, and we are hopeful about the bill's prospects for passage in 2010. Newmont Mining, the American gold mining company, has publicly come out in support of the legislation.

Aside from the legislation, the coalition has begun a push for increased U.S. transparency, capitalizing on President Obama's stated commitment to transparency and accountability. The PWYP US coalition will ramp up efforts pushing for EITI implementation in the US and improvements in the resource management system.

The coalition also continues to advocate for consistent and meaningful implementation of transparency standards in the International Financial Institutions' programs. Two members, Global Witness and the Bank Information Center published a report highlighting the flawed operationalization of the World Bank and IMF's contract and revenue transparency standards.

In September 2008, members of the PWYP US coalition organized a conference focusing on the issue of extractive industry contracts. It was an unprecedented event, with nearly 200 people participating from all sectors (corporate, NGO, IFIs, and government). Some of the issues covered the myths and realities surrounding contract transparency and case studies of Liberia, Ghana and Peru. PWYP member RWI also launched their newest publication *Contracts Confidential: Ending Secret Deals in the Extractive Industries* at the conference.

MAJOR CHALLENGES OR AREAS OF CONCERN

The major challenges the US PWYP coalition faces stems from the industry's opposition to the legislation. The major oil industry association in the US (the American Petroleum Institute) is campaigning against the bill. Due to the fact that they are heavily resourced and many policymakers are deferential to the API's interests, it poses a major challenge for the coalition.

As is the case with many other coalitions, the PWYP US coalition also faces a capacity/resource barrier and cannot do all the activities it may like to due to a lack of funds. We are currently soliciting funding to try to

expand some of our activities, which may include a corporate campaign or increased work on the international financial institutions.

PLANNED ACTIVITIES AND GOALS AT THE NATIONAL LEVEL

The next year will be largely focused on the push for the legislation mentioned above. We will also be pressing the Obama Administration on resource revenue transparency issues, including increasing support for EITI, EITI implementation in the US, support for the legislation, and a improvement in the US' management of its own extractive industries. Coalition member RWI is exploring the possibility of hosting a conference in early 2010 in collaboration with other PWYP-US members to explore US EITI implementation from an international as well as domestic perspective.

In 2010, the coalition will also continue to be pushing the PWYP principles during the initial phase of the World Bank's Governance in the Extractive Industries program (formerly EITI++), the IFC's review of its disclosure and sustainability policy, and the IDB Replenishment process in the US.

PUBLIC MESSAGE

The U.S. coalition needs your help! We are working hard to get the transparency legislation that will provide information for us all to use in our work. Two of the questions we are often asked when pushing for mandatory transparency requirements are: 1. Who is going to use this information and how? and 2. What do host governments think of the legislation? We are hoping to get statements of support for the Energy Security through Transparency Act/ Extractive Industries Transparency Disclosure Act both from PWYP national coalitions AND from policymakers in your governments (Parliamentarians, members of the Executive Branch, etc.)

One of the main concerns we hear from members of Congress is that they don't want the US to act alone on this issue. We need to demonstrate that there is advocacy for mandatory disclosure occurring in other jurisdictions as well, particular in Europe. Demonstrating progress on this issue in other countries in the next 6-12 months will be crucial to our success in the US.

Thank you!!

Extractive Industries Transparency Initiatives in Yemen (Reality - Challenges)

The Yemen's economic suffering a significant deterioration which was rooted in the nineties of the last century after suffered from the economic consequences of the first Gulf War and the civil war in the summer of 1994 in Yemen. The main reasons for the continuity of the deterioration in the economic situations in Yemen are the large spread corruption and the emergence of a large system of big corruption which drains the main resources in the country. While the Yemen government standing unable to adopt and implement economic strategies and policies able to develop treatments to achieve economic advancement and development, this continued inability to achieve political and social stability impede and hinder the development efforts in various fields. In the current circumstances the country's economy is still depending on oil exports, where oil accounts for more than 90% of export earnings and an estimated 75% of government revenues. This makes the country vulnerable to fluctuations in global oil prices. The Yemen's oil reserves considered modest by Gulf standards, which have been decreasing rapidly from 420,000 barrels per day in 2005 to less than 384,000 barrels at the end of 2006 and expects to be a drain on Yemen's oil reserves in 15 years.

The government commitment towards the initiative

Yemen announced its official commitment in implementing initiative of the Extractive Industries Transparency under the ministers council decision No (111) issued on March 13, 2007, and in September 27, 2007. Yemen was accepted as a candidate country in (EITI).

After signing the execution of the lead and having the four signs of verification matrix of the signature stage, and the ministry of oil and minerals was assigned to be the coordinator in the implementation of that initiative.

The Yemeni council for Transparency in Extractive Industries

As a result of the government's commitment toward the initiative implementing, the Yemen council of transparency was established in August 2008 by the stakeholders including the civil society :(3government, 3 companies, 3 civil society, 1parliament, 1 Member in Anti-Corruption Authority)

To control and facilitate the implementation of the initiative and take the right decisions for it to guarantee the absolute support to accomplish the affiliation working plan of the initiative, during the council meetings in the period between August 2007 and the end of the 2008 and after various deliberation and proposals the approval was made by majority of members:

- 1- Decision-making within the Council by 8 votes minimum.
- 2- Records subject oil companies to match checks to contracts with the selected reconciliation and audit testing of specified transaction.

Because oil companies refused to decide on this matter decision was delayed, although the agreement was around with the companies during the Doha Conference in February 2009 (with the participation of representatives of the EITI and WB), but the companies have been refusing until October 2009 when it began to change its position.

Constraints in the work of the Council:

1. The absence of an independent seat of the Council

2. The absence of a ministerial decision of the council members to complete the legal status of the council.
3. Disrupt the work of the Council for a long time because of the intransigence of some member's okay (2 from the oil companies) and their rejection of all solutions and adjustments.

The role of civil society organizations in the activation of the Yemeni Council for transparency and the implementation of the initiative:

First, from within the Council

Since the initiation of the Council and civil society organizations, strongly supports the EITI in Yemen, and has worked on activating the work of the transparency and complied with all resolutions adopted by it, although it did not meet the level of aspiration. And made sure that the application is right for the initiative and in accordance with the principles of good governance in the areas of revenue from oil and gas and mining activities and work to reduce the negative impact caused by poor management of those revenues to become an important engine of that income to pay long-term economic growth and contribute to achieving sustainable development and poverty reduction.

Most of the members of the transparency represent different parties with civil society organizations made great efforts for more than a year and a half and worked professionally and responsibly to bring the views of the exit decisions to satisfy all parties. civil society organizations has been forced to respond to pressure from various bodies within the Council and the waiver of certain attitudes and decisions taken previously by a majority, for the purpose of activating the work of the Council and pushing it forward 'and so as not to Yemen from the list of downloads of the EITI, which may adversely affect the Yemen. However, the treatment proposals faced rejection by the representatives of the two companies as we have noted which hindered the work of the Council for a long time.

Second, outside of the Council:

The Yemen civil society organizations communicate with a number of relevant international organizations, transparency and control of resources, especially in the extractive industries and in particular the Secretariat of EITI, PWYP and RW, to look for the aspects of cooperation and partnership with and benefit from its long experience to assist in activating the work of the Council and pushing it forward after it reached the Council through dead end.

This has resulted in the following:

- 1 - Held a meeting of civil society organizations, formed in the Council with the donors in Yemen to brief them on the work of the Council and highlighted the challenges faced by the initiative in Yemen and aspects of the various cooperation to support the initiative.
- 2 – An important training workshop was held on the EITI, for 25 participants from civil society organizations and anti-corruption body, and the Council of Representatives, The most important result was the announcement of the initiative of building the Yemeni Coalition for Transparency & Extractive Industries Control (YCTEIC), to support and strengthen the role of the Yemeni Council for transparency in the extractive industries.
- 3 –with an intensive efforts of the Deputy Secretariat of the EITI, who held numerous meetings with representatives of civil society organizations, government, companies and the cooperation of the RW and PWYP the Search start again in controversial issues within the Yemeni Council for transparency and reach some consensus that has revived reiterated that the Council continued its meetings from

October 21, 2009 to decide on the conditions of reference for the company matching selection criteria and other.

The discussions that accompanied the workshop of civil society and the deliberations of the establishment of the Yemeni alliance for the transparency and control of extractive industries have shown some of the observations made by civil society on the work of the Council, including:

1 - objection to the method of selecting civil society representatives in the Council as one of the representatives has been forced, not elected

2 - blocking a lot of information about the nature of the work of the Council and its resolutions and the absence of adequate media coverage of its work and the inadequacy of its tariff to the Convention and accession to its requirements.

3 - Adoption of the corresponding method of payment is just not feasible in the circumstances of Yemen to check the oil and gas revenues, the widespread phenomenon of corruption and lack of transparency means to facilitate evasion of examination of accounts, for that to be adopted one other possible forms of government audit in addition to conformity.

Finally, YCTEIC is looking forward with confidence to what could be posed to support EITI and RW and PWYP, and other organizations concerned with it to develop and implement performance within the Yemeni Council for transparency and outside, the provision of such support is currently an urgent need for the coalition which will provide opportunities for access to the pilot experience to other countries and opportunities for capacity building of organizations working in this area.

By: Abdullah Abdulqader (YOHR) , Albudiji Tawfiq (HRITC).

PRESS RELEASE ON THE ZAMBIA PUBLISH WHAT YOU PAY CAMPAIGN

BACKGROUND AT THE NATIONAL LEVEL

The extractive industries—oil, gas, forest and mining—produce essential inputs (energy, metals, timber and minerals) for both domestic and global economy. Demand for these inputs is likely to increase as the Zambian and global population is increasing as people seek to improve their living standards.

Extractive industries can contribute significantly to Zambia's economic development and provide opportunities for foreign investment and private sector development. These industries can also generate the much needed government revenues, foreign exchange earnings and quality employment. However, experience shows that the presence of extractive industries in an area often breeds underdevelopment, land displacement, violation of human rights, poverty, environmental degradation, health, and social problems, including conflict.

We also realise that the resources that Zambia has are diminishing resource and If we do not protect our minerals nor invest or worse still not collect any revenues from the taxes that are paid by the mining companies through loyalties, cooperate tax etc, we will seriously disadvantage our future generations and deny them of any revenue from the mineral resources.

It is to this regard that the Zambian Publish What You Pay coalition emphasises that the government does not limit their discussion or disagreements on the apportionment of costs and benefits among stakeholders, but about who counts as a stakeholder and about how "costs" and "benefits" are to be conceived with relation to the now generation and the future. As Zambians we should and we are not in a hurry to finish the natural resources that we have.

It is for these compiling reasons that the Zambian Civil Society launched the Publish What You Pay (PWYP) Chapter on 30th June 2009 so as to advocate, research, mobilise, train and lobby for transparency and accountability in the Extractives Sector. The Coalition has 20 Civil Society organisational members

MAJOR CHALLENGES OR AREAS OF CONCERN

The Zambian Government enacted Non-Governmental Organisation (NGO) Act in 2009. The salient issue in this act that we for see as a challenge for the campaign is where the government requires NGOs to register the areas of interest as part of the requirements eligible for them to operate. With this background we fore see most NGOs relent is registering in sensitive sectors and the extractive industry being one of the sectors. The other challenge has been the slow progress in implementation of the EITI process, in particular the complete enrolment of the EITI council as it stands Mining companies are not yet represented. The council has not been ratified, the reasons behind this are quite unclear but the one which is being given is lack of an operational secretariat.

PLANNED ACTIVITIES AND GOALS AT THE NATIONAL LEVEL

The campaign will continue encouraging government to embark on the EITI implementation process through awareness campaigns, dialogue with government, sensitization to the general public on the importance of transparency and accountability in the extractive industries with respect to poverty alleviation and development progression of the country.

PUBLIC MESSAGE

Our message is;

1. To the sponsors of the EITI to encourage countries to implement the EITI in particular to make it mandatory in their respective nations as in the case of Zambia we are seeing most of the investment coming in is Asian in particular Chinese. It is a known fact that China does not promote most of the global initiatives nor is it a signatory hence emphasis on mandatory disclosure of taxes, fees and royalty payments made by extractives companies.
2. The benefits of mineral resources in the country its current situation is inequitable, unacceptable and inconsistent with the principles of the constitution and the Government of Zambia has a sacred responsibility towards the people of Zambia whom it represents not the foreign investors,
3. In negotiating the Development Agreements or mining contracts , the Government must ensure that the process and outcomes of all such negotiations are transparent and accessible to the general public in order to enhance the confidence and trust of the people to whom they said Government owes the ultimate responsibility,
4. The Zambia government needs to develop a mine strategy to guide the activities and the investment behaviour in the sector. The government should consider taking up equity in mining. This will help to reduce heavy dependency on foreign investors who tend to put us at ransom when a crisis as this one occurs.
5. The government should not only embrace the principles of participation, accountability and transparency in mining sector through the Extractive Industry Transparency Initiative (EITI) but it should be duplicated in all other sectors and people found wanting in mis-using or misappropriation should be prosecuted.

With the above issues in mind, we do hereby implore, entreat and demand that our Government, as duly elected representatives of all the people of Zambia, proceed to act with integrity, and without fear and favour to secure an equitable resolution that ensures the well being of the people, and, in so doing, presages a harmonious future for this great nation that is Zambia