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GLOBAL ASSEMBLY

22-23 February 2016
Lima, Peru
**Introduction**

It has been just over three and a half years since PWYP members last came together as a global coalition – and PWYP has come such a long way since then! The last time that all PWYP members met was in Amsterdam in 2012 where they adopted PWYP’s Vision 20/20 strategy. In 2016, the PWYP Global Assembly (GA) in Lima was a great opportunity to review successes and challenges encountered since Amsterdam. During the one and half days of the assembly, members were able to reflect on PWYP’s progress, to review the PWYP Vision 20/20 strategy, to advance on PWYP’s overall governance and to identify challenges and priorities for the coming years.

The 2016 PWYP GA took place in the context of a leadership transition as Elisa Peter took over from Marinke van Riet as our new Executive Director. Thanks to Marinke, PWYP has become a coalition of coordinated leaders and members from all over the world. In parallel, the Extractive Industries Transparency Initiative (EITI) also saw a change in leadership as Fredrik Reinfeldt, former Swedish Prime Minister, took over the role of EITI Chair from Clare Short.

The PWYP GA took place just before the EITI Global Conference, and PWYP members were able to attend both events. Our GA was hosted by our PWYP partners in Latin America, RLIE and DAR, who gave PWYP a great opportunity to explore the context of the extractive industries in the region. We are very grateful to them for their incredible support and energy throughout!

**Day 1**

**Implementing Vision 20/20**

Marinke van Riet opened the GA by highlighting how far PWYP has come with the implementation of the Vision 20/20 strategy, focusing in particular on the following:

- **Today, mandatory disclosure** rules have been adopted in Canada, the EU, Norway and the US. France and the UK have successfully transposed the EU Directives. In the US, the PWYP coalition successfully defended section 1504 of the Dodd-Frank Act and secured a strong new rule in December 2015. Norway has recently legislated for extended country-by-country reporting.
- PWYP coalitions are increasingly “going beyond the capital,” **engaging local constituencies and affected communities** and conducting advocacy activities at subnational and local levels to meet the needs of those constituencies most affected by extraction.
- **Cross-coalition collaboration** has produced strong results. The campaign to defend Dodd-Frank in the US garnered support from more than 500 PWYP members from 40 countries who signed onto a letter urging the Securities and Exchange Commission to issue a strong rule.
- **PWYP across borders**: Coalitions have demonstrated solidarity with colleagues who have been arrested and threatened for their advocacy work. PWYP coalitions collaborated on national campaigns, knowledge sharing, and using the data.
- Great strides were made after successful advocacy campaigns in several countries on the inclusion of transparency in national mining codes.
- **Building effective coalitions** is not an easy task, yet it is critical for our legitimacy and ability to operate successfully. Many coalitions shared their success stories.

PWYP still has a long way to go, in particular as our work takes place is rapidly changing political contexts. With the collapse of global commodity prices, governments may be emboldened to delay transparency reforms. Securing long-term funding for our coalitions continues to be an issue. The single biggest threat to progress made over the last three years is shrinking civic space. Increasingly, our coalitions and members are seeing their freedom to speak out and demand government accountability over mining, oil, and gas activities being restricted. PWYP is well positioned to confront these challenges and to continue to push the transparency movement forward due to the strength of the members and the credibility of PWYP at international and national levels.
Successes, challenges, and strategies for success: open reflections from coalitions

Members were invited to reflect on successes and challenges that they have encountered, with presentations from four coalitions followed by input from all participants. The four national coalitions reflected on four specific challenges: 
- **motivating coalitions towards long-term goals (PWYP US)**;
- **fighting for transparency** in closed political space (Economic Research Centre, Azerbaijan);
- **coping with the rapid expansion** of a coalition (PWYP Indonesia); and **developing credibility and legitimacy** in new coalitions (PWYP Senegal).

The severe deterioration of civil society rights and freedoms over the last few years has made it almost impossible for the Azeri coalition to operate. Other member countries are facing similar repression. Staying strong during such periods is crucial, in particular by having robust internal governance rules which help maintain the independence and credibility of civil society. A solid funding and support base is also critical, as is maximising members' capacities as PWYP US has done. PWYP Indonesia explained how they dealt with the sudden and rapid expansion of their coalition by using the entire PWYP “chain for change” to attract donor interest and expanding their work beyond the EITI. PWYP Senegal noted that credibility is key and coalitions need to demonstrate this by building trust. With these key ingredients, a PWYP coalition can grow strong and successful and have meaningful impact at the local and national levels.

The value of close interaction between international and national campaigns, which leverages the links between the global and national coalitions, is a key lesson learned. Strong internal governance brings us legitimacy and credibility. It also allows tensions within coalitions to emerge constructively, shape the strategic direction of national coalitions, and, ultimately, strengthen the network.

**Thematic parallel sessions**

**Changing the rules: lessons learned from legislative changes**

*Facilitator: Erica Westenberg (NRGI)*

*Contributors: Taoufik Ain (Association Basin Minier, Tunisia), Jean Claude Katende (ASADHO/PWYP DRC), Darlington Muyambwa (PWYP Zimbabwe), Olena Pavlenko (Dixi Group)*

Political transitions and changes can be used as opportunities to mobilise legislative change. In Ukraine there are current attempts to push for legal reform in the form of an EITI bill. In Tunisia, a newly reformed constitution (established in the aftermath of the Arab Spring) includes articles on the good governance of natural resources. However, these are still to be mirrored by the Tunisian legal framework. An important aspect of coalitions’ work on changing the rules is the nurturing of political allies. For instance, Tunisian civil society collaborated closely with several members of the energy committee in the Tunisian parliament in 2014 to push for the inclusion of the above mentioned articles in the reformed Tunisian constitution. Moreover, participants recognised the importance of collaborating more with other sectors of civil society and the media. Finally, it was noted that civil society should avoid spreading itself too thin: the Iraqi participants highlighted the possible dangers and side effects of having legal reforms passed. If the changes aren’t closely followed and monitored by civil society to ensure proper implementation, they may prove useless and may be used instead to silence civil society.

**Tax Justice in the Extractive Industries: A possibility or a dream?**

*Facilitator: Tatu Ilunga (Oxfam America)*

*Contributors: Edmond Kangamungazi (PWYP Zambia), Issaga Fofana (Association Malienne des droits de l'homme - AMDH), Foune Berthe Cisse (STOP-SAHEL), Nouhoum Diakite (PWYP Mali), Cecilia Mattia (National Advocacy Coalition on Extractives)*
Participants in this session assessed the best-case scenarios for the tax justice movement in the extractive industries. It is not uncommon for extractive companies to enjoy tax incentives even if there are already enough economic incentives for them to make investments in different countries. Participants of this session shared similar practices from various countries, including Mali, Zambia and Liberia, and agreed on the importance of:

- Promoting an inclusive approach on tax justice for all stakeholders to be able to participate;
- Advocating for the adoption of a mining code at the regional level, particularly in western Africa;
- Advocating to reduce tax competition between countries;
- Advocating to remove fiscal incentives;
- Promoting country by country reporting to strengthen collaboration between governments as well as the automatic exchange of information;
- Monitoring budget expenditure at the local and national level.

Data: how to use it and what to demand?

**Facilitator: Anton Ruehling (Open Oil/PWYP Data Consultant)**

**Contributors: Munkhjargal Enkhaaatar (Transparency International Mongolia), Marco Sanchez Zaplan, (Bantay Kita/PWYP Philippines), Jessica Webb (WRI), Dewi Yuliandini Hasibuan (PWYP Indonesia)**

During the session, attendees had the chance to learn about the PWYP “Data Extractors” programme, a year-long programme launched in November 2015 through which 12 members of PWYP’s national coalitions are being trained on finding and using data meaningfully, in particular data from the EU's Mandatory Disclosure laws. Attendees were introduced to PWYP’s ongoing data projects in Indonesia, the Philippines and Mongolia, and learned how data gathered by drones could win court cases (Indonesia), how a powerful mining transparency index was created (the Philippines), and how beneficial ownership can be visualised (Mongolia). This led to a stimulating discussion on how PWYP fits into the open data movement by demanding an open data policy. Though more discussion is needed, there was agreement on the following positions:

- Referencing: we shouldn’t try to reinvent the wheel, but instead reference existing and proven definitions/policies, such as the open definition.
- Technical openness: the policy should have a technical side to it, covering recommended publication formats (e.g. CSVs as opposed to PDFs), among others.
- Legal openness: a legal side, meaning that certain licenses should be recommended.

Are there viable alternatives to extraction?

**Facilitator: Carlos Monge (RLIE)**

**Contributors: Jaybee Garganera (PWYP Philippines), Titus Kwamende (Oxfam)**

People have the right to be consulted regarding large scale projects that will have an impact on their territories and livelihoods. This right to be consulted includes the right to say no as much as the right to say yes. And both need to be respected.

The right to say “yes” means:

- Negotiations with extractive companies on the conditions (economic, social, environmental) of their presence in the area
- Development of small scale mining directly by local people

The right to say “no” includes:

- The right to protest if authorities/companies do not take the locals’ opinion into account
- The need to propose better alternatives when the existing social condition is one of poverty

The participants concluded that there is a need to further discuss comprehensive alternatives to the choice of extractive activities as the engines of economic growth and wellbeing. It would also be interesting to see how PWYP coalitions in other countries foster debate and develop alternatives in the line of the Economic Commission for Latin America and the Caribbean (ECLAC)’s Compacts for Equality and civil society’s “Post Extractivist” Strategy.
Improving EITI MSG governance

Facilitator: Amelia Evans (MSI Integrity)
Contributors: Miles Litvinoff (PWYP UK), Starjoan Villanueva (Bantay Kita/PWYP Philippines), Allan Barnacha (Bantay Kita/PWYP Philippines), Anila Hajnaj (Albanian Centre for Development and Integration)

Participants of this session identified best practices from EITI civil society actors. These included:

- Make a checklist of good practices for civil society selection, nomination and participation in MSGs, as well as for MSG governance/terms of reference, for example drawing from the MSI Integrity report, as well as any country examples
- Create videos or case studies of good practice/success stores regarding EITI civil society participation / MSG governance (e.g. Philippines, DRC)
- Make sure that minutes from MSG meetings are available online
- Encourage greater oversight from the EITI Board on civil society selection to the MSG / governance rules
- Longer-term: change validation to focus on this more deeply

Changing times, changing climates: What are the environmental effects of extraction? How can we measure them?

Facilitator: Jaybee Garganera (Bantay Kita/PWYP Philippines)
Contributors: Johnny West (Open Oil), Julia Cuadros (Cooperaccion), Mariana Castillo (GFLAC)

Looking at the nexus of mining-climate justice-disaster risk reduction and the efforts to define a "resiliency of mining-affected communities", participants discussed issues of linking mining advocacy to specific climate-justice demands, including mitigation, adaptation and financing. With the end of the commodities super-cycle and the “race to the bottom” where countries, especially from Latin America, are hugely dependent on income from extractive industries, environmental standards are lowered to continue attracting foreign investments. Not only does this have an impact on climate and the environment but also the well-being of communities.

Ways identified to address this include:

- Intensifying advocacy of transparency and accountability as part of assisting community actions, and using science, especially in collecting data to ascertain rights of communities.
- Importance of linking climate change initiatives at the local, regional as well as global levels. This can include knowledge/awareness raising, capacity-building, policy reforms and joint advocacy and mobilisations. Advocates and campaigners must be able to assist communities in linking the impacts they confront to the global root-cause of the climate change emergency.
- PWYP can add value to climate change advocacy by calling for the inclusion of disclosures and reporting elements in the EITI that address environmental/climate change/renewable energy issues.

Why should I care about Commodities Trading?

Facilitator: Lorenz Kummer (Swissaid)
Contributors: Alexandra Gillies (NRGI), Gubad Ibadoghlu (Economic Research Center, Azerbaijan), Michel Yoboue (Groupe de recherche et de plaidoyer sur les industries extractives), Juan Jose Herrera (Grupo Faro)

Starting with the “what, why, where and who” of commodity trading transparency, participants discussed typical transactions between a National Oil Company (NOC) and buyers, different in-kind revenue streams, the size of the payments at stake, governance risks involved, and the countries / governments / actors involved.

This was followed by exploring what has been done in pursuit of transparent trading:

- Figures on the size of the world trade in commodities were given, and the importance of certain commodities trading hubs were emphasised
- An overview of existing reporting practices
- EITI requirement 4.2 and the aims of the EITI working group on commodity trading
• Potential for mandatory home country reporting in Switzerland, the EU (UK mainly), and the US

Participants agreed that the information they would like to see disclosed, cargo-by-cargo, includes the volume, grade, date, price paid and revenue received, plus additional contextual information on selection of buyers and related contracts. Sharing best practice examples would also be useful.

The discussion focused on how future advocacy in home countries (such as in cases of non-transparent trading or how transparency would help) would be tremendously welcome, as well as more mutual information sharing on what’s going right and wrong in this respect. NGOs in EITI MSGs in relevant countries are encouraged to get involved and raise the issue in their MSGs, including in potential pilot countries.

Following the money at the community level - a user’s guide!
Facilitator: Iris Olivera (DAR)
Contributors: Maryati Abdullah (PWYP Indonesia), Reinford Mwangode (PWYP Malawi), Lizardo Cauper (AIDESEP Ucayali, Peru)

During this session participants looked at best practices on how to follow the money generated by extractives projects. Ensuring fair assessment, distribution and allocation of money for the affected communities remains one of the common challenges. There are interesting local experiences around the world to make the process more transparent. For example, in Indonesia field drones verify the actual extent of the interventions of extractive activities, which are contrasted with the information given by the state. In Malawi, it is difficult to track the money that is intended for local communities since information on the local investment is considered as confidential. As a result, it is difficult to speak about transparency of expenditure by local governments.

Measuring the impact of the EITI: what can PWYP do?
Facilitator: Salimata Soumare, Open Society Initiative for West Africa (OSIWA)
Contributors: Mamadou Taran Diallo (PCQVP Guinea), Cecelia Danuweli (PWYP Liberia), Michel Yoboue (PCQVP Cote d’Ivoire)

Participants identified key methods for monitoring the EITI's success or failure. At the start of the discussion, it was recognised that the EITI is a major instrument of good governance and a tool for transparency, even if the transparency remains a big challenge in the mining sector. The EITI has an important role in creating strong tools for advocacy by civil society and the media based on the EITI reports. Moreover, participants noted that PWYP continues to be an essential forum for this same civil society to work together on campaigns. There was a consensus that improving transparency and multi-stakeholder dialogue has been a positive result of the EITI. Significant advances have been made in the transparency of the sector in the target countries of the EITI.

However, the release of information is a crucial issue to better assess the impact of the EITI process. Information in the reports needs to be better understood and used - in particular by civil society - to ask for change. This needs to happen through stronger engagement with communities, in particular those affected by extraction, by for instance making information from EITI reports more accessible and organising of community campaigns. This can only work if civil society improves its own capacities in regards to the EITI.

Extracting Equality: getting women to the negotiating table
Facilitator: Carol Kiangura (PWYP Secretariat)
Contributors: Noreen Nampewo (PWYP Uganda), Wallis Yakam (CIMC Papua New Guinea) and Lynda Obiageli (Gender and Development Action, Nigeria)

Studies have shown that women are often the first to bear the negative impact of extraction, as they lose the land they work on and still have to find ways to provide for their families. Participants looked at making the extractive sector more gender inclusive. PWYP should do more work to push for women to be involved in policy making processes at national levels. PWYP should work towards policies and practices that ensure women's voices are included at all steps of the chain for change. PWYP should advocate for
public education to focus on urban and rural women alike. For this, PWYP needs to have a gender agenda at the national coalition level. Our advocacy should not be about changing roles but sharing responsibilities among men and women, e.g. responsibilities for knowledge. Some solutions include: policies on gender being budgeted for by extractive companies and through government policies; advocating for male champions for women in extractive programmes; and creating a PWYP networking and sharing platform (e.g. through the current Extracting Equality mailing list).

**Elections for the Global Council**

During the GA, members were responsible for electing the PWYP Global Council, whose role it is to advise the Board and the Secretariat on policy, strategy and membership standards. Ahead of the Lima event, PWYP coalitions were invited to nominate candidates and a selection took place during the Global Assembly in Lima. During the GA, members were divided up into regional caucuses during which most – with the exception of Francophone Africa and some in West Anglophone Africa – elected their regional representatives on the Global Council. is the following people were elected to the Global Council, and there are currently two vacant seats:

- Africa as a whole: decision delayed until further notice
- Anglophone Africa: Edmond Kangamungazi (Zambia)
- Asia-Pacific: Starjoan Villanueva (Philippines)
- Eurasia: Tur-Od Lkhagvajav (Mongolia)
- Europe and North America: Jana Morgan (US)
- Francophone Africa: decision delayed until further notice
- Latin America: Aroa de la Fuente (Fundar, Mexico)
- MENA: Sihem Bouazza (Tunisia)
- Global Reach: Sunetta Kaimal (US) & Simon Taylor (UK)

African coalitions were in the process of establishing a follow-up process in order to select their two missing representatives as this report was going to press.

**Day 2**

The sessions during the second day were dedicated to making governance decisions and achieving consensus around PWYP’s governance direction, on behalf of the entire membership. These included:

- Who to accept funding from?
- The membership structure: is there a need for a review?
- EITI Vision Paper
- PWYP Business Plan

Below are the results of the members’ votes on some key strategic questions.

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<thead>
<tr>
<th>Question</th>
<th>Yes (%)</th>
<th>No (%)</th>
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<tr>
<td>Should the PWYP Secretariat undertake a review of the coalition membership model before the next Global Assembly?</td>
<td>83%</td>
<td>17%</td>
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<tr>
<td>Should the PWYP Secretariat accept any direct funding (project or institutional) from the extractive industry?</td>
<td>79%</td>
<td>21%</td>
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The Secretariat will follow up on these results, in particular the need to discuss the coalition’s membership model and structure.

**Meeting Fredrik Reinfeldt**

Fredrik Reinfeldt, new EITI Chair taking over from Clare Short, joined the PWYP Global Assembly to meet with PWYP members. He emphasised the role of civil society, explaining that the EITI would not be where it is today were it not for the work of civil society around the world. He added that it’s important that civil society continues in its quest for accountability using the EITI as a tool. Looking ahead, he explained that a priority would be to make EITI implementation in the 51 EITI countries more streamlined. When asked why corruption still prevails so strongly in some EITI countries he noted that transparency alone cannot solve everything and that the EITI is one of several tools to reduce corruption – strong legal systems and political will are also needed.

**Introducing Elisa Peter**

Our new Executive Director Elisa Peter was warmly welcomed to the PWYP family by the participants and the Chair of PWYP’s Board, Carlo Merla, during the second day of the Global Assembly. As she took the stage, she shared her priorities for PWYP with the members. These include working at the local level with communities directly affected by extraction. She said that more efforts are needed to protect civic space and to protect activists, which is an area she wants to prioritise. Exploring economic diversification and alternatives to extraction, especially in light of climate change, will also be part of Elisa’s PWYP priorities. Finally, PWYP members asked Elisa to prioritise PWYP’s governance, corporate social responsibility, environmental impact, the EITI and to protect PWYP’s brand. Everyone was very excited about the years to come!

**Poster & Photo competition**

We asked every coalition to develop a poster to highlight key achievements, key lessons learned and plans and strategy for the future. These were displayed during the GA in addition to the 15 shortlisted photos in our competition. A striking photo submitted by PWYP Tajikistan showing a young girl (the ‘Coal Girl’) placing her coal smeared hand in front of her smile was chosen as the winner of the competition!

**A note on the EITI Global Conference 2016**

On the eve of the 2016 Global EITI conference, members of the PWYP civil society coalition took a joint and principled stance to boycott the EITI members’ meeting, the highest governing body of the EITI. This decision was made during the PWYP Global Assembly due to the improper and illegitimate interference in civil society’s right to self-select their representatives to the EITI International Board through the addition of a civil society candidate to the list of civil society nominees, without the support of the broad civil society constituency. The additional candidate was added in violation of the agreed procedures for...
nominating civil society representatives to the board. Instead the meeting carried on without a majority of civil society present.

A common priority throughout the EITI Global Conference was the importance of protecting the voices of citizens and civil society activists. It was addressed in numerous sessions organised by PWYP’s associated members and partners. There was a clear demand for the inclusion of social-environmental data in the EITI standard in the future and a focus on how to use the data emerging from EITI reports for greater accountability. Our new Executive Director, Elisa Peter, used the opportunity of a podium spot at the EITI Stakeholders’ Forum to highlight how critically important it is to protect civil activists and civic space as we face a worrisome trend of crackdowns on activists around the world. She also took the opportunity to reiterate the need for all actors to work together within the EITI, welcoming its new chair Fredrik Reinfeldt.

Given the clear demand for better protection of civil society, the 2016 EITI Standard, launched at the conference, includes several useful refinements—including rearranging provisions to align with the extractives decision chain and a strengthened Civil Society Protocol to ensure that civil society can fully and freely participate in EITI processes. This should make the new standard a more useful tool for countries seeking to improve natural resource governance. Some positive steps were taken at the Board meeting at the end of the EITI conference including a willingness by the new board to look at the issues raised by civil society. So we look forward to a future EITI (which now counts 51 countries following the acceptance of two new Candidate countries, the Dominican Republic and Germany) with improved internal governance under the leadership of the new chair; stronger protection of civic space; better reporting relating to contracts and projects; and the inclusion of the socio-environmental impact of the extractive industries in its standard. The EITI needs to practise what it preaches, starting by being a true multi-stakeholder initiative.

What’s next – a message from Elisa Peter, Executive Director

As the dust settles on our meeting in Lima, a few things have become clear to me: we are a worldwide coalition with unrivalled talent and passion among our activists. But, like any family, we also have our internal fights and tensions. Our priority in the weeks and months to come is to rebuild the trust, the sense of common purpose and the cohesion that have united us over the past 13 years from Africa to Asia, Europe and the Americas. Without cement, we will be weak, ineffective and vulnerable to external interference. In practice, this means continuing to improve our own systems of governance, to practise what we preach, to join forces when we come under attack and to design and implement high-impact advocacy campaigns while ensuring that our most promising coalitions get the support they deserve to deliver results on the ground. We owe it to the citizens and communities we claim to serve. There is no time to waste, let’s get to work!
Annex 1 - Supporters

Without the support of the following organisations, the fourth PWYP Global Assembly in Lima, Peru, would not have been possible. They are listed in alphabetical order.

11.11.11
DANIDA (Ministry of Foreign Affairs, Denmark)
DAR
EITI Secretariat
Ford Foundation
GIZ Deutsche Gesellschaft fur Internationale Zusammenarbeit (GIZ)
IBIS
Hewlett Foundation
Natural Resource Governance Institute
Omidyar Network
Open Society Foundations
Open Society Initiative for West Africa (OSIWA)
Oxfam America
RLIE
World Bank MDTF
## Annex 2 – Participants

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<tr>
<th>Country</th>
<th>Name</th>
<th>Organization/Position</th>
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<tr>
<td>Albania</td>
<td>Anila Hajnaj</td>
<td>Albanian Center for Development and Integration</td>
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<td>Australia</td>
<td>Jessie Cato</td>
<td>PWYP Australia</td>
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<td>Austria</td>
<td>Walter Palmetshofer</td>
<td>Open Knowledge Foundation</td>
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<td>Azerbaijan</td>
<td>Zaur Akbar, &quot;Youth Club&quot; Public Union</td>
<td>Galib Efendiev, NRGI</td>
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<td>Sahib Mammadov, Executive Committee of Citizens' Labor Rights Protection League</td>
<td>Gubad Ibadoglu, Economic Research Center</td>
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<td>Emil Omarov, PWYP Secretariat</td>
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<td>Zohrab Ismayil, Public Association for Assistance to Free Economy</td>
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<td>Belgium</td>
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<td>Brazil</td>
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<td>GERDES Burkina Faso</td>
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<td>Jonas Hien</td>
<td>Organisation pour le Renforcement des Capacités de Développement</td>
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<td>Cameroon</td>
<td>Michel Bissou</td>
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<td>Coalition Nationale de Guinée - Droit et Citoyenneté des Femmes</td>
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<td>Moussa Iboun Conte</td>
<td>Association Guinéenne des Éditeurs de la Presse Indépendante</td>
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Maryati Abdullah, PWYP Indonesia
Fabby Tumiwa, Institute for Economic and Social Reform
Dewi Yuliandini Hasibuan, PWYP Indonesia
Carolus Tuah, PWYP Indonesia

Iraq
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Cecilia Mattia, National Advocacy Coalition on Extractives
Joseph Rahall, Green Scenery
Mustapha Thomas, University of Sierra Leone

South Africa
Thokozile Madonko, Alternative Information & Development Centre
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