

Minutes

These Minutes capture the purpose and agreed outcomes of the 54th meeting of the EITI Board.

MINUTES OF THE 54TH EITI BOARD MEETING

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54-1 Welcome and adoption of the agenda

The **EITI Board Chair, Rt Hon. Helen Clark** opened the 54th EITI Board meeting welcoming Board members and observers to Oslo for the first time in almost three years. She also welcomed the National Co-ordinators observing the Board meeting, who had been holding their National Co-ordinators meeting on 10-11 October prior the Board meeting. She highlighted the importance of such meetings taking place and welcomed feedback on the outcomes of the meeting ahead of the Board deliberations and after the approval of the agenda.

The draft Board meeting agenda was approved.

The Chair welcomed new Board members to the Board meeting:

- Mike Anderson, Kosmos Energy, as an alternate Board member replacing Matt Gobush who became a full Board member following Stuart Brooks' retirement, representing the companies' constituency.
- Nick Cotts, Newmont Mining, as an alternate Board member replacing Carlos Aranda representing the companies' constituency.
- Carl Watson, US State Department, as a Board member replacing Kimberly representing the supporting countries sub-constituency; and
- Dani Kaufmann, as a Board member temporarily stepping in for Erica Westenberg.

The Chair expressed gratitude to Board members leaving the Board:

- Cielo Magno, representing the civil society constituency Ruslan Baimishev, representing the implementing country constituency
- Taco Westerhuis and Sören Dengg representing the supporting countries' constituency
- Stephen Douglas representing the industry constituency

Apologies were noted from:

- Fernanda Ávila
- François Gave
- Richard Morgan
- Erica Westenberg
- Matt Gobush.

The Chair invited Norway's State Secretary for Foreign Affairs, Bjørg Sandkjær, to make opening remarks. Ms. Sandkjær welcomed the Board to Norway, noting the importance of ongoing discussions and the support of the Norwegian Government to the EITI's agenda. She reiterated the Government of Norway's commitment to both supporting and implementing the EITI Standard.

Before opening the Board meeting, the Chair invited the implementing country constituency co-ordinator, Minister Awa Marie Coll-Seck, to provide an overview of the National Co-ordinators meeting held on 10-11 October. Minister Coll-Seck noted that the National Co-ordinators meeting had brought together representatives from implementing countries to share their experiences of and lessons learnt on EITI implementation. She also noted that implementing countries would welcome more frequent meetings of a similar nature, and invited four National Co-ordinators to share their experiences with the Board:

- Mohamed Lemine Ahmedou, EITI National Coordinator, Mauritania, shared [Mauritania's experience on systematic disclosures](#).
- Pamela Morales, EITI National Coordinator, Argentina, highlighted Argentina's experience on flexible reporting and adapted implementation.
- José Jabalera, EITI National Coordinator, Mexico, provided feedback on Mexico's experience with EITI Validation.
- Jean-Jacques Kayembé, EITI National Coordinator, Democratic Republic of the Congo, shared examples [of thematic reporting on artisanal and small Scale mining \(ASM\), state-owned enterprises \(SOEs\) and resource backed loans from China \(Sicomine\)](#).

Board members welcomed the presentations, and sought clarifications on the use of data, systematic disclosures, artisanal mining, and opportunities for peer-exchange between countries working on similar issues.

54-2 Report from the Secretariat

54-2-A Implementation Progress Report (IPR)

Mark Robinson introduced the Implementation Progress Report for the period June to September 2022, noting that over this period, the global economy continued to bear the strain of Russia's war in Ukraine and the ongoing COVID-19 pandemic. He recognised the challenges linked to political instability or conflicts in countries such as Afghanistan, Burkina Faso, Chad, Ethiopia, Guinea, Mali, and Myanmar, and reported on implementing countries' progress with publishing reports. He also provided updates on the Secretariat's work on thematic areas of the EITI Standard.

Mark added that the military government of Myanmar, through the Deputy Minister of Planning and Finance, had informed the Secretariat that the State Administration Council had reorganised the Ministry of Electricity and Energy and amended the notification for the formation of the Myanmar EITI Leading Committee (the multi-stakeholder group in Myanmar). The Secretariat responded by emphasising that Myanmar remained suspended and reiterated the conditions that Myanmar should meet before suspension could be lifted. The Chair read a statement of condemnation of the arrest and incarceration of Vicky Bowman, Director of Myanmar Responsible Business and former British Ambassador to Myanmar. Board members noted that Vicky has been a strong supporter of the EITI, and that her arrest is further evidence of the stifling of civil society voices by the military regime. It was agreed that the Secretariat will undertake an assessment on Myanmar's status as an EITI implementing country and provide a report to the Board through the Implementation Committee with updated recommendations based on that assessment.

Mark provided an update on the status of several complaints received by the Secretariat pursuant to the EITI Policy on Voicing Concerns:

- A complaint alleging harassment of a member of the civil society organisation (CSO) group HEDA in Nigeria was submitted to the Secretariat on 7 June 2021. Mark noted that this case was referred to the MSG in Nigeria in line with the raising concerns policy. Following the withdrawal of the Government's charges against the CSO representative, the Nigerian

EITI committed to several follow-up actions designed to safeguard civil society space in the country. The Secretariat considers this case to be closed.

- A complaint from Myanmar CSOs to the Board concerning alleged conduct of TotalEnergies and Chevron in Myanmar was submitted to the Secretariat on 22 May 2022. In the absence of a functioning MSG in Myanmar the case was discussed by the Governance and Oversight Committee (GOC) in July and August and the outcome was communicated to the relevant stakeholders. The case is considered closed.
- A complaint concerning the actions of Repsol in Peru in response to an oil spill was received on 5 June 2022. In line with the [EITI Policy on Voicing Concerns, the Secretariat has referred the matter to the MSG in Peru](#). The case is considered closed.

Mark noted that the processing of these complaints has drawn attention to several shortcomings in the existing policy, particularly concerning the scope of the mandate of the EITI to address certain complaints and the process of closing them. A request was made for the GOC to revisit the policy to address these shortcomings.

Board members thanked the Secretariat for a comprehensive report. They noted the importance of the IPR in providing critical context on the ongoing issues and opportunities and asked the Secretariat to continue to put a spotlight on emerging issues, in addition to a macroeconomic overview of ongoing issues around the world. The following points were raised:

- Board members praised the ongoing EITI implementation in Ukraine in the face of wartime conditions and expressed solidarity with and support to Ukraine.
- Concerns were raised about slow progress on disclosure of contracts in implementing countries. Board members recognised that only a small number of countries are currently complying with certain aspects of [Requirement 2.4](#) and noted that that most MSGs do not have actionable workplans towards compliance, and that very few countries are disclosing lists of active licences and determining the materiality of exploration contracts. Civil society voiced concern that only 3 countries have successfully compiled a list of active contracts as required, without which countries cannot verify what progress has actually been achieved (or not). Board members flagged their availability to work closely with implementing countries on contract disclosures to ensure the use of resources available before contracting external consultants. Proposals were made to develop contingency plans, should the current approach not lead to desirable outcomes. The Secretariat clarified that 31 countries have been assessed as fully met/satisfactory progress and 7 as going beyond on contract transparency. It further noted that at least 14 countries are either creating or about to create plans for publishing contracts. The low compliance rate with this aspect of Requirement 2.4 is due to lack of clarity of what is required/encouraged/recommended, as well as lack of resources on the part of some MSGs to undertake a comprehensive mapping exercise. The Secretariat noted that it would continue targeted efforts, update its guidance, conduct international and national studies, and facilitate peer-learning through training and contract transparency networks. The Secretariat also noted that it would encourage further Board discussion and welcome champions from the EITI Board on the topic.
- Concerns were raised around slow progress in systematic disclosures in implementing countries. As with contract transparency, Board members highlighted the need to work more closely with implementing countries on furthering efforts to systematically disclose EITI data. The Secretariat agreed that further progress is needed on systematic disclosures and noted that it would ramp up efforts in the data strategy that will cover the period 2023 - 2025. The Secretariat will also support MSGs on the development of national disclosure policies and on the consistent use of data standards.

- Board members sought more clarity on ongoing issues around subnational implementation and requested that more detail be provided in subsequent reports.
- Civil society representatives sought further analysis of COVID-19 implications on implementing countries, noting many countries' performance have deteriorated. It was further suggested that there be better use of country data in IPRs that better illustrate the trends in implementation.

Actions:

- The Secretariat to undertake an assessment of Myanmar's status as an EITI implementing country, and to provide a report to the Board through the Implementation Committee with a recommendation based on the assessment.
- The GOC to consider reviewing the raising concerns policy with a view to clarifying the scope and mandate of the EITI to address certain complaints and the process for closing them.
- The Secretariat to consider further trend analysis of the country data that could adversely affect EITI implementation in future IPRs.
- The Secretariat to provide more information on subnational implementation in subsequent IPRs.

Board paper 54-2-B: Outreach Progress Report (OPR)

Mark Robinson presented the report, providing an update from the Secretariat on country and corporate outreach activities and developments for the period of June to October 2022. He noted progress in outreach efforts to the Governments of Chile, Jamaica, and Australia. He also noted focused outreach activities to stakeholders in South Africa as well as recent interest in EITI implementation from stakeholders in Namibia.

Board members raised the following points:

- Board members asked for clarification on due diligence with regard to corporate outreach targets. The Secretariat was urged to use caution in its corporate outreach efforts to ensure that the EITI is not engaged with companies engaged with or supporting the Russian war against Ukraine. The Secretariat clarified that it did not undertake any active outreach to Russian companies. Outreach within 2020-2022 follows the Board approved [Outreach Strategy](#) which is updated as circumstances change. The Outreach and Candidature Committee (OCC) is currently drafting EITI's new Outreach Strategy for the Board to consider in subsequent meetings.
- Board members asked for clarity on the outreach efforts to the United States of America. The Secretariat noted that the progress on US outreach has been slowed down due to several issues, including the delay of the SEC consideration of regulations implementing Dodd Frank 1504 (related to project-level reporting) which is expected to be considered in early 2023.

Actions:

- The Secretariat to prepare an updated Outreach Strategy for OCC review, including clarity on potential corporate outreach targets.

Report on findings and recommendations from the Independent Evaluation – for information

The Chair invited Mark to provide an overview of the findings and recommendations from the Independent Evaluation. Mark noted that the Board had received a summary report through the Board Papers pack ahead of the meeting, and that the Report provides a brief overview of the evaluation's background and outcomes. This is the evaluation's final report and is presented to the Board for discussion and for consideration of how the evaluation findings might be used to strengthen EITI implementation. He invited Sefton Darby and Tim Grice from the evaluation team to make a short presentation (presentation can be found [here](#)).

Board members thanked the presenters, noting the importance of the outcomes of the Independent Evaluation. They recognised the impact of the report in re-thinking fundamental issues around quality, capacity, the role of the MSGs, subnational implementation, and the overall impact of the EITI. In addition, Board members raised the following points:

- They proposed approach of modular implementation of the EITI Standard was noted with caution, recognising the challenges around identifying core modules for all countries.
- They welcomed the focus of the report on subnational implementation, recognising the challenges flagged in the report around capacity constraints in implementing countries.
- They sought feedback on how to re-energise stakeholders on the ground and asked for more information on company engagement.
- They sought feedback on the selection criteria of countries. *The evaluation team clarified that diversity was one of the main factors as they sought to include countries at the early stages of implementation, as well as those which have been implementing the EITI since its early days. Capacity on the ground was also considered, alongside regional diversity, to ensure that the evaluation covered a variety of issues relevant to most EITI countries.*

The Secretariat thanked the Board for its guidance and noted that all final outcomes from the Independent Evaluation would be made available within the next two weeks. Mark suggested several potential follow-ups on recommendations from the report, including a paper to the Implementation Committee in regard to subnational implementation, reinvestment in MSGs, re-energising constituency engagement in MSGs, consideration of the modular recommendation during the ongoing work of the working group on refinements to the Standard, and dedicated conversations with the company constituency in order to respond to the findings and recommendations regarding industry engagement.

Actions:

- The Secretariat to disseminate the final Independent Evaluation outputs, and to revert to relevant Board committees with recommendations on appropriate next steps.

54-3 Report from the Implementation Committee

Board Paper 54-3-A Update on refinements to the EITI Standard

The Chair invited Ian Mwiinga, Co-Chair of the Implementation Committee, to present an update on refinements to the EITI Standard. Ian noted that the paper reflects three areas of refinements discussed by the working group and the Implementation Committee since the Board meeting met last in June: energy transition, gender, and anti-corruption. He explained the structure of the paper and noted that the list of refinements will further be refined by the working group and the Implementation Committee. Ian proposed that the discussion at the Board level focuses on areas of little consensus.

Board members raised the following points:

- Risk management and cost implications for the EITI and implementing countries are important considerations when determining refinements to the Standard. Board members requested that the Secretariat provides more detail on cost implications for proposed changes before they are agreed.
- Implementing country representatives noted growing concern about the speed at which the Standard is evolving, and urged against introducing new requirements, saying that country consultations suggested a clear need for simplification and clarification of the Standard, rather than inclusion of new requirements.
- Civil society representatives noted growing concern about perceptions of EITI not keeping pace with real-world change and lagging behind the main challenges of our times – particularly energy transition – and urged the Board to ensure that the 2023 Standard is fit for purpose and relevant to present and future circumstances.
- Board members encouraged working together with existing organisations to ensure complementarity, especially on areas such as energy transition and anti-corruption.
- Board members sought further clarification on consultations leading up to the proposed changes to the Standard.

The Secretariat thanked the Board for the steer and clarified that the Board mandated the Implementation Committee to cover cross-cutting issues: energy transition, anticorruption, gender, the objectives of each EITI Requirement and terminology. The latter was discussed within the working group in terms of requirements being required, expected, and encouraged. The working group agreed that decision on these would need to be taken at the end of the process. The Secretariat noted that the Implementation Committee was also mandated to consider whether the following areas should be included in the refinements, namely the disclosures of reserves, Nationally Determined Contributions, production and export data, data timeliness, illicit financial flows, tax evasion, and cost.

The Chair thanked the working group and the Implementation Committee for the work done so far and asked for updates on the process by the next Board meeting in March 2023.

Actions:

- The Secretariat to include detail on cost implications of proposed refinements to papers presented to the Board.
- The working group, through the Implementation Committee, to present the list of refinements to the Standard at the 55th Board meeting for agreement in principle.

Board Paper 54-3-B Countries experiencing political instability and conflict

The Chair invited Ian Mwiinga, Co-Chair of the Implementation Committee, to present the paper. Ian reminded the Board that this paper was a follow-up to the Board's discussion at its 53rd meeting in Brussels. It included two sets of recommendations to distinguish the EITI's response in cases where (i) there is an overthrow of government, and (ii) where there is no overthrow of government, but the political situation in the country makes EITI implementation not feasible. The underlying principle for these recommendations is the need to assess these incidents on a case-by-case basis, balancing the need for flexibility and consistency and framed by a clearer set of procedures. These recommendations also take into account that varying country contexts could sometimes require a sufficient period to allow developments to evolve before drastic measures such as suspension or delisting could be taken. He noted that the safety of EITI stakeholders is also a paramount concern.

Board members welcomed revisions to paper and raised the following points:

- Implementing country representatives welcomed the case-by-case approach to assessing countries undergoing political instability. They stressed the need for the EITI to ensure the safety of its stakeholders, and for it to have parameters for when the Board should consider suspending or delisting a country experiencing a political instability or conflict. They emphasized that any decision of the Board on suspension causes a reputational risk for implementing countries and establishing parameters for suspension should be consistent with fairness and due process. They cautioned against using this process to legitimize interference in the domestic situation of any implementing country experiencing conflict.
- Civil society proposed adding clarity to proposed categorization as the current proposed list of does not include cases when a country is attacked by another, e.g., Russian aggression against Ukraine.
- Industry representatives urged against automatically suspending countries undergoing military coups. Civil society representatives called for establishing suspension as the default approach to countries undergoing military coups, unless conditions for implementation continued to exist.

The Chair thanked the Board for inputs and recognised that further consultations needed to take place before an agreement was reached. She asked that the Implementation Committee considers comments made at the Board meeting and agrees revisions to the paper before submitting it to the Board.

Actions:

- The Implementation Committee to revise the proposals made in Board Paper 54-3-B, reflecting the comments made at the Board meeting.

Board Paper 54-3-C Update on EITI Implementation in the Philippines

The Chair asked Board members and observers from the Philippines to recuse themselves and invited Ian Mwiinga to present the paper. Ian presented the background and the Implementation Committee's recommendation on the Philippines. It was proposed that the Philippines is granted an extension of 15 months or up to 1 January 2024 for the review of corrective actions. This would allow the new Government of the Philippines to address the corrective actions on Requirements 1.1 and 1.3, subject to close monitoring of progress and reporting to the Implementation Committee as needed, and to undergo full Validation of other requirements. It would also enable the International Secretariat to manage the Validation schedule alongside other validations planned in the Asia region. Accordingly, the Validation due to commence on 1 October 2022 for Requirements 1.1 and 1.3 and full Validation due to commence on 1st April 2023 would be subsequently postponed to January 2024.

Board members expressed their support to the proposal and welcomed Philippines' continued implementation of the EITI. Civil society Board members requested regular monitoring of the CSO situation to ensure that corrective actions on [Requirement 1.3](#) are being addressed.

Actions:

- The Secretariat to write to the Government of Philippines, to communicate the Board decision.
- The Secretariat to closely monitor the implementation of corrective actions related to Requirement 1.3 in the Philippines and regularly report to the Implementation Committee and the Board.

54-4 Report from the Validation Committee

Board Paper 54-4 Report from the Validation Committee

The Board Chair invited Rinaldo Jeanty, the Chair of the Validation Committee to present the Committee's report.

Validation of Malawi

Rinaldo introduced the Committee's recommendation on the Validation of Malawi, [with the support from the Secretariat](#), and welcomed Board members' views. Board members welcomed the assessment from the Validation Committee and agreed that Malawi achieved a 'moderate' overall score in implementing the 2019 EITI Standard, with a score of 80 points out of 100 and 24 months before the next Validation.

Validation of Mongolia

Rinaldo introduced the Committee's recommendation on the Validation of Mongolia, [with the support from the Secretariat](#), and welcomed Board members' views.

Board members welcomed the assessment and agreed that Mongolia has achieved a 'moderate' score on implementing the EITI Standard, with a score of 70 points out of 100 and 24 months before the next Validation. Board members emphasised the importance of continued monitoring of the environment for civil society engagement in public debate on natural resource governance to ensure no further deterioration of civic space.

Validation of Sierra Leone

Rinaldo introduced the Committee's recommendation on the Validation of Sierra Leone, [with the support from the Secretariat](#), and welcomed Board members' views.

Board members acknowledged the leadership provided by Minister of State Frances Piagie Alghali of the Republic of Sierra Leone and welcomed the assessment that Sierra Leone has achieved a 'high' score on implementing the EITI Standard, with a score of 87.5 points out of 100 and 24 months before the next Validation. The Chair commended Sierra Leone for its strong performance and encouraged Sierra Leonean stakeholders to sustain the momentum.

Validation of Chad

Rinaldo introduced the Committee's recommendation on the Validation of Chad, [with the support from the Secretariat](#), and welcomed Board members' views.

Board members agreed with the assessment that Chad has achieved a fairly low overall score in implementing the 2019 EITI Standard, with a score of 64.5 points out of 100 and 18 months before the next Validation. The Board urged the Secretariat to enhance its efforts to support stakeholders in Chad to make progress on the corrective actions, particularly related to Requirement 1.3 on the environment for civil society engagement in the EITI process.

Validation of the Democratic Republic of the Congo

Rinaldo introduced the Committee's recommendation on the Validation of DRC, [with the support from the Secretariat](#), and welcomed Board members' views.

Board members raised the following points:

- A supporting company representative expressed reservations around the high score in this Validation given ongoing extractive industry governance challenges in the DRC. The Secretariat acknowledged the observation and noted that the challenges faced by the DRC are recognised and documented in the Validation report but highlighted the DRC EITI's role in investigating these challenges. The Secretariat also noted that the Committee had discussed the ongoing challenges in the DRC and expressed hope for

improved governance in the extractive industries driven by EITI implementation and reinforced by this Validation.

- Implementing country representatives recognised the negative sentiments around the mining sector and encouraged more positive messaging around the impacts of mining, particularly at the level of host communities.

Board members agreed with the assessment that the Democratic Republic of the Congo has achieved a high overall score in implementing the 2019 EITI Standard, with a score of 85.5 points out of 100 and 24 months before the next Validation.

Validation of Mali

Rinaldo introduced the Committee's recommendation on the Validation of Mali, [with the support from the Secretariat](#), and welcomed Board members' views.

While acknowledging the military coup in Mali and the challenges that the EITI stakeholders face in the country, Board members agreed with the assessment that Mali has achieved a fairly low overall score in implementing the 2019 EITI Standard, with a score of 65.5 points out of 100 and 12 months before the next Validation. The Board further highlighted its support to stakeholders in Mali in strengthening EITI implementation and agreed that given the concerning civic space in the country, Mali would be re-evaluated in 12 months.

Revised Validation schedule

Rinaldo introduced the draft recommendation on the revised Validation schedule. The Board Chair invited comments from Board members:

- Implementing country representatives requested a revision of the process for a public call for views on stakeholder engagement ahead of Validation to ensure that relevant stakeholders are provided with more advance notice prior to the commencement of Validation.
- Implementing country representatives asked to take country circumstances into consideration in proposing Validation schedules as well as deadlines for corrective actions, especially when countries go through elections. Rinaldo agreed and noted that country circumstances are taken into consideration when the Validation Committee considered the timeframe for the next Validations. He also noted that timeframes for Validation are extensively discussed at the committee level and constituency representatives are asked to coordinate representation of their views through their constituency representatives in Board committees.
- Civil society representatives commented on the postponement of Validations when there is inadequate MSG preparation. The Board was encouraged to consider undertaking targeted reviews of adherence to [Requirement 1 of the EITI Standard](#) on oversight by the MSG in cases where there was inadequate MSG preparation for Validation.
- Civil society representatives expressed concern about the deferral of a number of Validations in 2021 as well as 2022, noting that this could affect the credibility of the EITI.

Board members agreed on the revised Validation schedule.

Actions:

- The Board Chair to write to the governments of Malawi, Mongolia, Sierra Leone, Chad, DRC, and Mali to communicate the Board decisions.
- The Secretariat to publish Board decisions on Validations of Malawi, Mongolia, Sierra Leone, Chad, DRC, and Mali.
- The Secretariat to publish the revised Validation schedule.

54-5 Report from the World Bank

Sven Ulrich Renner, Extractives Global Programmatic Support (EGPS) Trust Fund, presented the World Bank's report to the Board, highlighting the areas of their focus since the 53rd EITI Board meeting. Board members thanked Sven for providing detailed information on the Bank's priority areas and raised the following points:

- Civil society representatives welcomed confirmation of a grant to CSOs and the inclusion of information on how EGPS funds could be granted to local civil society organisations. A proposal was made that consultations be held between the World Bank and the EITI Board Committees before overall updates on EGPS are provided to the Board.
- Civil society representative sought feedback on EGPS's support towards energy transition efforts in EITI implementing countries. Sven clarified that while the EGPS funds are mainly used to fund research to understand the implications of shifting markets, other funds within World Bank could fund energy transition efforts in implementing countries.

54-6 Report from the Governance and Oversight Committee

54-6-A Nomination of the EITI Board Chair Board

The Chair recused herself. The Chair of the Governance and Oversight Committee (GOC) Oleksiy Orlovsky introduced the paper, providing the background to this nomination process. He noted that ahead of the next ordinary EITI Members' Meeting in June 2023, the EITI Board shall recommend a candidate for the EITI Chair for the 3-year period from June 2023 to June 2026. The process for electing the EITI Chair is spelt out in the EITI Articles of Association and allows for the term of an EITI Chair to be renewed once. At the last EITI Board meeting in June 2023 in Brussels, Oleksiy asked the current EITI Chair if she would be willing to serve another term. She expressed her willingness to do so. The GOC considered renewal of Helen Clark's term as EITI Chair for the 3-year period and consulted their respective constituencies to ensure consensus on this proposal. The proposal received support from all constituencies. Following that, the GOC recommended that the EITI Board agrees to propose Helen Clark as the recommended candidate for the EITI Chair for a fresh 3-year term from June 2023 to June 2026. The Board's recommendation for Helen Clark to continue as EITI Chair would be made to the next ordinary EITI Members' Meeting in June 2023, should the Board endorse the nomination. The Members' Meeting would elect the EITI Chair at that time.

Board members endorsed this motion, and the Board Chair re-joined the Board meeting. She was informed of the Board decision to nominate her for a fresh term at the Members' Meeting in June

2023. The Board expressed gratitude for Helen's leadership since 2019 and welcomed continued engagement with her as the EITI Board Chair going forward.

Actions:

- The Secretariat to publish the Board decision on Rt Hon. Helen Clark's nomination as the recommended candidate for EITI Chair for a second term from 2023-2026, in the Board register.

54-6-B Review of Observer Policy for EITI Committees

Oleksiy introduced the paper, noting that the GOC reviewed the Observer Policy for EITI Committees to address a couple of concerns raised by committee members and staff at the Secretariat about regular observers of EITI Board committees and the confidentiality of committee papers and discussions. The GOC has agreed minor recommended revisions to the Observer Policy to address these concerns. Oleksiy invited the Secretariat to provide an overview of proposed changes and welcomed Board members' views on the matter. Board members raised the following points:

- Civil society representatives expressed concern about what they saw as a growing trend for the work of EITI to become more confidential. They expressed discontent with definitions proposed in the paper and noted that committee meetings do not currently provide enough information well in advance for observers to flag their interest in joining committee meetings.
- Industry representatives noted that while the importance of openness was acknowledged, periodic confidentiality is needed in meetings to be able to have frank discussions.
- Implementing country representatives asked for a change of the current procedure from having to reach out to the committee Chair directly to the International Secretariat for them to then pass on the request to the Chair.

Board members and the Chair acknowledged the substantive remarks made by Board members and requested another round of consultations by the GOC on the Observer Policy.

Actions:

- The Governance and Oversight Committee to undertake further consultations on the Observer Policy.

54-6-C Review of EITI Association Code of Conduct

Oleksiy provided the background to the revisions proposed on the EITI Association's Code of Conduct. He reminded the Board that it adopted the EITI Association Code of Conduct in March 2014. It is part of the EITI Standard and applies to all EITI Board Members and Alternates, Members of the EITI Association, Secretariat staff (national and international) and members of MSGs. Considering that the Code of Conduct has been in place for nearly ten years, the GOC 2022 Work Plan included a review of the Code. Oleksiy reported that the GOC conducted a scoping exercise to identify areas for potential revisions to the Code of Conduct, after which the Secretariat was tasked with providing recommended revisions resulting from the scoping exercise. Recommended revisions were discussed at several GOC meetings and agreed for the

Board paper. Oleksiy noted that the GOC recommends that the EITI Board agrees the recommended revisions to the EITI Association Code of Conduct. He invited the Secretariat to provide an overview of the proposed changes and welcomed Board members' views.

Board members asked for clarification of 'lobbying activities' identified in the Code of Conduct. *The Secretariat noted that there is currently no definition of 'lobbying activities' but that this could be developed under the guidance of the GOC and added to the Code of Conduct*

Revisions to the Code of Conduct were approved.

Actions:

- The Secretariat to publish revised Code of Conduct on the EITI website once finalised and communicate it to relevant stakeholders
- The Governance and Oversight Committee to review the definition of 'lobbying activities' noted in the EITI's revised Code of Conduct via Board Circular.

54-6-D Revision to the EITI Key Performance Indicators (KPIs)

Oleksiy introduced the paper, noting that it was a product of several months of review and consultations undertaken by the Secretariat. This work began following a decision by the Board in November 2021 to review whether the EITI KPIs were fit for purpose as accountability and management tools. The resulting paper recommended a restructuring, reduction, and simplification of the existing KPIs. If endorsed by the Board, this approach would be applied to the 2023 Secretariat Work Plan. Oleksiy invited the Secretariat to provide an overview of proposed revisions to the KPIs and welcomed Board's views.

Board members welcomed the reduction of the number of KPIs, and noted that the current list responds to the needs of EITI stakeholder in reviewing and monitoring the impact. They raised the following points:

- Board members asked how the findings from the Independent Evaluation were being captured in the revised KPIs. They also asked how the KPIs were being tracked throughout the year. *The Secretariat noted that the proposed revisions to the KPIs were based on early recommendations from the Independent Evaluation (reduction of KPIs, inclusion of company engagement, methods of real-time monitoring, etc.) The next step in developing the workplan is detailing the operational workplan which would provide additional information requested by the Board.*
- Civil society representatives at the Board welcomed the paper and commended the rigorous work done by the Secretariat. They recognised the high-quality technical work performed by the Secretariat. Requests were made for focused monitoring of civic space, drawing on the wealth of information provided through the Secretariat's Implementation Progress Reports (IPRs).
- Civil society representatives sought feedback on how revised KPIs would respond to refinements to the EITI Standard and/or any other changes in the future and requested that the Secretariat maintain flexibility on how the KPIs are applied, adapt the KPIs based on the process of implementation, and alert the Board to any significant changes to the KPIs adopted during the 2023 work planning and implementation process.

- Civil society representatives proposed the potential use of additional global indicators for measuring country contexts at the global level, including the WGI's measure for regulatory quality.
- Supporting country representatives sought feedback on the types of data used as a basis for measuring KPIs.

The Board Chair welcomed the comments and requested the GOC to incorporate them before presenting the revised paper for Board's approval via Board Circular.

Actions:

- Governance and Oversight Committee to incorporate comments raised by the Board on the Revisions to the Key Performance Indicators (KPIs), and share them with the Board for approval via Board Circular.

54-6-E Draft International Secretariat Work Plan 2023

The Board Chair invited chairs of the GOC and Finance Committee (FC) to introduce the Secretariat draft 2023 work plan and budget. They outlined a two-step procedure for discussion and subsequent decision regarding the work plan and budget. Oleksiy noted that the two committees met jointly on 26 September to discuss the draft work plan and budget for 2023. The Finance Committee also met the day before the Board meeting to discuss the draft budget for 2023. He provided the highlights of the 2023 budget and flagged that it includes the costs of and funding for the Global Conference. It is anticipated that the Global Conference will be funded through a combination of fresh contributions from supporting companies and supporting governments, and a drawdown on the cumulative surplus realised at the end of 2022 fiscal year. The Secretariat provided more details on the figures presented in the draft work plan and welcomed Board members' views.

Board members raised the following points:

- Experience with past virtual Board meetings has proven to be successful and while it is reassuring to see a high number of countries wishing to host Board meetings, supporting country representatives urged the Secretariat to consider holding at least one of the Board meetings virtually in order to avoid some expenses associated with travel and hiring of the venue and catering.
- Supporting country representatives sought feedback on whether planned activities are sufficient to increase performance around systematic disclosures. The Secretariat agreed that there has been insufficient progress with systematic disclosures, and that the issue will be a high priority in 2023.
- Civil society and implementing country representatives expressed interest in seeing sensitisation activities on civic space. Noting the importance of the Civil Society Protocol, they sought feedback on how the Secretariat is planning to support it further. The Secretariat responded that while activities related to civic space were not sufficiently highlighted in the workplan, it remains a big part of Secretariat's work through its regional strategies. The Secretariat agreed that the updated work plan will highlight these activities.

- Civil society representatives expressed interest in seeing more activities around subnational implementation and how the revised KPIs are aligned with MSGs workplans. *The Secretariat agreed on the importance of adding activities around subnational implementation to the work plan but noted its capacity constraints in doing so at this time.*
- Civil society representatives sought feedback on the impacts of energy transition in implementing countries. *The Secretariat noted the need for developing a clear set of objectives in country implementation, ensuring that it follows the Board approved mandate in equipping countries to deal with changes that affect EITI's core mission.*
- Industry representatives asked for an overview of areas where the EITI makes the biggest impact. *Secretariat noted that the biggest impact so far is through EITI Validations, domestic resource mobilisation and revenue management, as well as through fighting corruption.*

The Chair thanked the Board for its comments and tasked the Governance & Oversight and Finance committees with considering the comments raised and updating the draft work plan before presenting it to the Board for provisional approval via Board Circular. It was agreed that the final work plan would then be endorsed at the 55th in-person Board meeting in March.

Actions:

- Governance & Oversight and Finance committees to incorporate the Board members' feedback on the draft EITI 2023 work plan before presenting it for provisional approval via Board circular in December 2022. The budget would then be formally approved at the 55th in-person Board meeting in March 2023.

54-7 Report from the Finance Committee

54-7 EITI Quarterly Q2 Accounts and Q3 2022 Forecast

Christine Detaille, Chair of the Finance Committee, presented the paper from the Committee, as well as updated figures for the Q3 accounts, noting that the budget for 2023 and 2022 accounts were interlinked and would therefore need to be presented together. Christine invited the Secretariat to present the detailed accounts. The Secretariat flagged that its finances remain stable, and that while a small deficit was flagged in Q2, the reserves remain untouched. The Secretariat noted that it has since recovered from the deficit caused by cash flow challenges earlier in the year and that the figures are now updated. Secretariat's Finance Manager Espen Fausko-Johansen presented the figures.

Board members raised the following points:

- Industry representatives sought clarity on the reduction of the budget contingency from 3% to 1,5%, despite the increased risks flagged by the Secretariat. *The Secretariat confirmed that the budget takes into account the risks known to the Secretariat.*
- Further clarity was requested on a large reduction in project consultancy and whether this reduction was feasible with the activities in 2023 draft work plan. *The Secretariat clarified that it would see a reduction of project activities in 2023, especially as some of the*

projects and consultancies undertaken in previous years would not be repeated (e.g., Independent Evaluation) in 2023.

- Information around cost implications was requested to be added to Board papers presented for approval, similar to programme budget implications (PBIs) used by some international organisations. *The Secretariat noted that each Board paper currently presented to the Board had a section on cost implication. It acknowledged that this section needs more detail and confirmed that this action would be followed up on by the Secretariat and Board committees.*

54-8 Any other business

Mark Robinson provided an update on the dates of 2023 Board meetings:

- The 55th Board meeting will take place on 1-2 March 2023 in Argentina, Buenos Aires.
- The Government of Senegal has agreed the dates for the 2023 Global Conference and the meeting is confirmed to take place on 12-14 June 2023 followed by a day of peer-exchange and learning on 15 June 2023.

Supporting countries constituency thanked Sören Degg for his exceptional support to the EITI in the past couple of years and expressed gratitude for direction he provided to the constituency.

The Chair of the GOC, Oleksiy Orlovsky, reminded the Board members of the self-evaluation it performs every 18 months and noted that the survey will soon be shared with them.

Annex A – List of actions from 54th Board meeting

54-2-A	The Secretariat to undertake an assessment of Myanmar’s status as an EITI implementing country and to provide a report to the Board through the Implementation Committee with a recommendation based on the assessment.
54-2-A	The GOC to consider reviewing the raising concerns policy with a view to clarifying the scope and mandate of the EITI to address certain complaints and the process for closing them.
54-2-A	The Secretariat to consider further trend analysis of the country data that could adversely affect EITI implementation in future IPRs.
54-2-A	The Secretariat to provide more information on subnational implementation in subsequent IPRs.
54-2-B	The Secretariat to prepare an updated Outreach Strategy for the OCC review, including clarity on potential corporate outreach targets
54-2	The Secretariat to disseminate the final Independent Evaluation outputs, and to revert to relevant Board committees with recommendations on appropriate next steps.
54-3-A	The Secretariat to include detail on cost implications of proposed refinements to papers presented to the Board.
54-3-A	The working group, through the Implementation Committee, to present the list of refinements to the Standard at the 55 th Board meeting for agreement in principle.
54-3-B	The Implementation Committee to revise the proposals made in Board Paper 54-3-B, reflecting the comments made at the Board meeting,
54-3-C	The Secretariat to write to the Government of Philippines, to communicate the Board decision.
54-3-C	The Secretariat to closely monitor the implementation of corrective actions related to Requirement 1.3 in the Philippines and regularly report to the Implementation Committee and the Board.
54-4	The Board Chair to write to the governments of Malawi, Mongolia, Sierra Leone, Chad, DRC, and Mali to communicate the Board decisions.
54-4	The Secretariat to publish Board decisions on Validations of Malawi, Mongolia, Sierra Leone, Chad, DRC, and Mali.
54-4	The Secretariat to publish revised Validation schedule.
54-6-A	The Secretariat to publish the Board decision on Rt Hon. Helen Clark’s nomination as the recommended candidate for EITI Chair for a second term from 2023-2026, in the Board register.
54-6-B	The Governance and Oversight Committee to undergo consultations in finalising the next iteration of the Observer Policy before presenting to the Board for approval.
54-6-C	The Secretariat to publish revised Code of Conduct on the EITI website once finalised and communicate it to relevant stakeholders.
54-6-C	The Governance and Oversight Committee to review the definition of ‘lobbying activities’ noted in the EITI’s revised Code of Conduct.
54-6-D	Governance and Oversight Committee to incorporate comments raised by the Board on the Revisions to the Key Performance Indicators (KPIs) and share them with the Board for approval via Board Circular.
54-6-E	Governance & Oversight and Finance committees to incorporate the Board members’ feedback on the draft EITI 2023 work plan before presenting it for provisional approval via Board circular in December 2022. The budget would then be endorsed at the 55 th in-person Board meeting in March 2023.

Annex B – Board country decisions

Board decision on the Philippines

The Board agreed that the Philippines is granted an extension of 15 months or up to 1 January 2024 for the review of corrective actions from its Validation. This will allow the new Government of the Philippines to address the corrective actions on Requirements 1.1 and 1.3, subject to close monitoring of progress and reporting to the Implementation Committee as needed, and to undergo full Validation of all requirements. It will also enable the International Secretariat to manage the Validation schedule alongside other validations planned in the Asia region. Accordingly, the Validation due to commence on 1 October 2022 for Requirements 1.1 and 1.3 and full Validation due to commence on 1st April 2023 is subsequently postponed to January 2024.

Board decision on Malawi

Malawi has achieved a moderate overall score in implementing the 2019 EITI Standard (80 points). The overall score reflects an average of the three component scores on Stakeholder engagement, Transparency, and Outcomes and impact.

The EITI Board commends Malawi for achieving a moderate score on Outcomes and impact (84 points). Malawi continued using EITI implementation to further extractive industry accountability, including through a comprehensive work plan that aligns with national priorities, including supporting the country's anti-corruption efforts. Malawi EITI has also strengthened dissemination and outreach activities despite the COVID-19 pandemic. The Board acknowledges Malawi EITI's (MWEITI) efforts to expand the scope of EITI reporting to the forestry sector, an important sector of the economy that is of significant public interest. The Board also welcomes Malawi's use of flexible EITI reporting to analyse the impact of the COVID-19 pandemic on the extractive industries. The Board encourages Malawi to develop a more robust mechanism for monitoring outcomes and impact of the EITI and to further strengthen outreach and dissemination activities. Malawi was awarded one additional point for the effectiveness and sustainability of EITI implementation.

On Transparency, Malawi also reached a moderate score (70 points). Malawi has used its EITI reporting to strengthen transparency of the mining, petroleum, transportation, and forestry sectors. Malawi's recent EITI reporting provides more detailed information on license and contract allocations, distribution of revenues as well as social and environmental expenditures. However, there is scope for further improvements on disclosing data on extractive licensing activities, including transfers and non-trivial deviations from statutory procedures, transparency in the full texts of licenses and contracts, and beneficial ownership disclosure. In the context of systematic disclosures, the Board challenges Malawi to further its efforts related to routine and timely extractive industry disclosures through government and company systems. There is scope for Malawi to use its

EITI implementation as a diagnostic tool of government and companies' audit assurance practices and to strengthen project-level reporting to support improvements in domestic resource mobilisation. There is an opportunity for MWEITI to develop alternative approaches to EITI reporting built on an assessment of systems and risks specific to the country's extractive sector and governance challenges.

Malawi achieved a high component score on Stakeholder engagement (86 points). The Board welcomes the continued government and civil society engagement since the previous Validation, which has enabled a balanced multi-stakeholder oversight of the EITI process. While there have been considerable improvements in industry engagement in the EITI, including new representation from the oil and gas sector, there is potential for further strengthening company reporting of EITI data and industry's role in coordinating the broader constituency of extractive companies.

The Board has determined that Malawi will have until a next Validation commencing on 1 January 2025 to carry out corrective actions regarding Industry engagement (Requirement 1.2), Contract and license allocations (Requirement 2.2), Contracts (Requirement 2.4), Beneficial ownership (Requirement 2.5), Comprehensiveness (Requirement 4.1), Disaggregation (Requirement 4.7), Data quality (Requirement 4.9), Distribution of revenues (Requirement 5.1), Social and environmental expenditures (Requirement 6.1), Data accessibility and open data (Requirement 7.2), and Outcomes and impact (Requirement 7.4). Failure to demonstrate progress on Outcomes and impact, Stakeholder engagement or Transparency in the next Validation may result in temporary suspension in accordance with Article 6 of the EITI Standard. In accordance with the EITI Standard, Malawi's MSG may request an extension of this timeframe or request that Validation commences earlier than scheduled. Full Board decision and a set of corrective actions is available [here](#).

Board decision on Mongolia

Mongolia has achieved a moderate overall score in implementing the 2019 EITI Standard (70 points). The overall score reflects an average of the three component scores on Stakeholder engagement, Transparency and Outcomes and impact.

The EITI Board commends Mongolia for achieving a moderate score on Outcomes and impact (75.5 points). This reflects Mongolia's use of its EITI implementation to further reforms in contract disclosure, beneficial ownership transparency and quasi-fiscal expenditures, driven by a civil society constituency that has made efforts to improve the accessibility of data disclosed through the EITI on extractive contracts, beneficial ownership, and mining information of importance for local communities and herders. Mongolia has continued to review outcomes of EITI implementation and its planning on an annual basis, although there is scope for a more dedicated impact assessment with a view to strengthening annual EITI work planning. Mongolia is urged to strengthen the consultations with key stakeholders in developing the annual EITI work plan. The Board acknowledges Mongolia EITI's

efforts to overcome the impact of the pandemic through online outreach and dissemination, although it notes that insufficient engagement by government and industry has weakened the Mongolia EITI efforts to support public debate on the extractive industries. The Board encourages Mongolia to develop a more robust mechanism for follow-up on EITI recommendations to strengthen the EITI's contribution to extractive industries and public finance management reforms. Mongolia was awarded 3.5 additional points for the effectiveness and sustainability of EITI implementation.

On Transparency, Mongolia reached a fairly low score (67 points). Mongolia has used its EITI disclosures to provide a diagnostic of extensive systematic disclosures on government portals, although there is scope for returning to previous practices of the EITI's annual diagnostic of practices in licensing, subnational transfers of extractive revenues and companies' social expenditures, areas of significant public interest in Mongolia. In the context of broader e-government reforms, the Board challenges Mongolian stakeholders to develop innovative approaches to EITI disclosures that build on systematic disclosures and the Mongolia EITI eReporting platform. The Board expresses concern at the decline in transparency in state-owned enterprises' (SOE) expenditures during the COVID-19 pandemic and urges Mongolia to use EITI disclosures to improve transparency and accountability in SOE transactions, particularly related to their collection of extractive revenues not recorded to the national budget, quasi-fiscal expenditures, and resource-backed loans.

Mongolia achieved a fairly low component score also on Stakeholder engagement (67.5 points). The Board expresses concern at the weakening of government and industry stakeholders' engagement since the previous Validation, which appears to have happened following the transfer of the senior government leadership for implementation and amidst significant mobility restrictions due to the pandemic. While leading mining companies and industry associations have remained engaged in the EITI, participation in the EITI from the broader constituency, particularly from mid-sized mining companies and from the oil and gas sector, has weakened. While civil society has remained proactively involved in the EITI process, there appears to have been some constraints on their access to public decision-making that are at least partly attributable to the government, for instance in deviations from legal provisions requiring public consultations in the formulation of policy and legal reforms related to the extractive industries. The Board expresses concern over proposed legislative reforms that could curb civil society's freedom of expression and operation in relation to natural resource governance. The weakening stakeholder engagement has led to gaps in the National Council's and MSG's oversight of the EITI process, as well as imbalances in the Mongolia EITI national bodies' internal governance.

The Board has determined that Mongolia will have until a next Validation commencing on 1 January 2025 to carry out corrective actions regarding government engagement (Requirement 1.1), industry engagement (Requirement 1.2), MSG oversight (Requirement 1.4), contract and license allocation (Requirement 2.2), contracts (Requirement 2.4), beneficial ownership (Requirement 2.5), state participation (Requirement 2.6), comprehensiveness

(Requirement 4.1), barter agreements and infrastructure provisions (Requirement 4.3), transactions related to SOEs (Requirement 4.5), direct subnational payments (Requirement 4.6), disaggregation (Requirement 4.7), data reliability (Requirement 4.9), distribution of revenues (Requirement 5.1), subnational transfers (Requirement 5.2), social and environmental expenditures (Requirement 6.1), SOE quasi-fiscal expenditures (Requirement 6.2), public debate (Requirement 7.1), follow-up on EITI recommendations (Requirement 7.3) and review of outcomes and impact (Requirement 7.4). Failure to demonstrate progress on Outcomes and impact, Stakeholder engagement or Transparency in the next Validation may result in temporary suspension in accordance with Article 6 of the EITI Standard. In accordance with the EITI Standard, Mongolia's MSG may request an extension of this timeframe or request that Validation commences earlier than scheduled. Full Board decision and a set of corrective actions is available [here](#).

Board decision on Sierra Leone

Sierra Leone has achieved a high overall score in implementing the 2019 EITI Standard (87.5 points). The overall score reflects an average of the three component scores on Stakeholder engagement, Transparency, and Outcomes and impact.

The Board commends Sierra Leone for the progress it has made in implementing the EITI Standard. The very high component score on Outcomes and impact (94 points) reflects Sierra Leone's efforts to ensure that EITI implementation contributes to public debate and policymaking related to the extractive sector. The EITI work plan sets out priorities and establishes a clear framework for monitoring outcomes. Sierra Leone EITI's focus on subnational disclosures and impact at the local level has increased the relevance of EITI implementation in contributing to ongoing national peacebuilding efforts. Sierra Leone was awarded two additional points on the Effectiveness and sustainability indicators. Sierra Leone is encouraged to institutionalise good practices for following up on EITI recommendations and acting upon lessons learnt.

Stakeholder engagement has improved since the previous Validation, which is reflected in the high component score on Stakeholder engagement (90 points). The Government of Sierra Leone has taken effective leadership and involved new government agencies in EITI implementation. Civil society has revitalised its engagement in the EITI and diversified its representation on the MSG. Industry engagement has strengthened, although it continues to be focused on the largest mining companies. The multi-stakeholder group serves as a forum for dialogue and effectively steers the EITI process. The MSG has considered gender equality in its composition and activities. Sierra Leone is encouraged to leverage the EITI process to foster discussion about the impact of the energy transition on the extractive sector, broaden industry engagement and to strengthen citizen participation beyond the EITI.

Sierra Leone achieved a moderate component score on Transparency (78 points).

The Board commends Sierra Leone for significantly improving disclosures related to subnational payments and transfers, as well as social expenditures, which are of high interest to stakeholders. The MSG succeeded in achieving comprehensive and reliable revenue disclosures through the flexible approach to EITI reporting. There are opportunities to further strengthen systematic disclosures, which would allow Sierra Leone to address disclosure gaps in relevant data in a cost-effective and timely manner. Cognisant of recent inroads that have been made, Sierra Leone is encouraged to institutionalise the practice of contract disclosure and beneficial ownership to facilitate the collection and disclosure of comprehensive data. The increasing role of the state in extractive activities and developments in the petroleum sector should be addressed in future disclosures.

The Board has determined that Sierra Leone will have until a next Validation commencing on 1 January 2025 to carry out corrective actions regarding Contract and license allocations (Requirement 2.2), Contracts (Requirement 2.4), Beneficial ownership (Requirement 2.5), Production data (Requirement 3.2), Export data (Requirement 3.3), Disaggregation (Requirement 4.7), and Revenue distribution (Requirement 5.1). Failure to demonstrate progress on Transparency in the next Validation may result in temporary suspension in accordance with Article 6 of the EITI Standard. In accordance with the EITI Standard, Sierra Leone's MSG may request an extension of this timeframe or request that Validation commences earlier than scheduled. Full Board decision and a set of corrective actions is available [here](#).

Board decision on Chad

Chad has achieved a fairly low overall score in implementing the 2019 EITI Standard (64.5 points). The overall score reflects an average of the three component scores on Stakeholder engagement, Transparency, and Outcomes and impact.

The Board commends Chad for achieving a moderate score on Transparency (72.5 points). Chad EITI has had a tangible impact in disclosing all active oil and gas contracts, although not yet in mining. The Board welcomes Chad's use of flexible EITI reporting to perform a more detailed assessment of government entities and SOEs' disclosures, although there is significant scope to use the EITI as a mechanism for strengthening audit and assurance practices. The Board notes that Chad has used EITI reporting to strengthen transparency in transactions related to state-owned enterprises (SOEs) in the oil sector and on the off-budget management of oil revenues used to fund quasi-fiscal repayment of resource-backed loans and electricity subsidies. These disclosures on off-budget oil revenues and resource-backed loans are an example of best practice, even if additional transparency around the oil-for-electricity swaps is needed. Chad is urged to institutionalise transparent disclosures within the SOEs in the oil and gas sector, given their dominant role in revenue collection from the extractive industries. Chad is encouraged to address gaps in subnational transfers and companies' disclosures of data on social expenditures, environmental management, and beneficial ownership to meet robust public demand for this

information.

Chad achieved a fairly low component score on Stakeholder engagement (60 points). Chad EITI has provided a key forum for discussing natural resource governance, including the environment for civil society engagement in public debate on natural resource governance. The Board commends the continuation of EITI implementation in Chad despite the successive crisis that have hit the country since 2018, including the security crisis, the Covid-19 pandemic, the fall of oil and gas prices and the death of President Idris Déby leading to the suspension of the Constitution and the resulting impact on government institutions. However, the Board expresses concern at the weakening of government and industry engagement in the EITI in recent years and its detrimental impact on EITI implementation and follow-up on recommendations. The Board welcomes civil society's continued engagement in the EITI but expresses concern at continued breaches of the EITI protocol: Participation of civil society related to freedoms of expression and of operation. The government and MSG are urged to pursue their efforts to ensure that the legal framework governing civic space does not constrain civil society's engagement in all aspects of the EITI process, including public debate on natural resource governance.

Chad has achieved a fairly low score on Outcomes and impact (61 points). Chad EITI has had some impact on public debate over subnational transfers of petroleum revenues, although efforts on public dissemination and outreach and on regularly assessing outcomes and impact of EITI implementation have been weak. While EITI data has been published in open format, the mechanism for follow-up on EITI recommendations has weakened since the previous Validation. The Board encourages Chad to draw on the views of the broader government, industry, and civil society constituencies to more closely align objectives for EITI implementation with national priorities. Chad was awarded one additional point for the effectiveness and sustainability of EITI implementation.

The Board has determined that Chad will have until a next Validation commencing on 1 July 2024 to carry out corrective actions regarding Government engagement (Requirement 1.1), Industry engagement (Requirement 1.2), Civil society engagement (Requirement 1.3), MSG governance (Requirement 1.4), Work plan (Requirement 1.5), Contract and license allocations (Requirement 2.2), License register (Requirement 2.3), Contracts (Requirement 2.4), Beneficial ownership (Requirement 2.5), State participation (Requirement 2.6), Production data (Requirement 3.2), Barter agreements and infrastructure provisions (Requirement 4.3), Transportation revenues (Requirement 4.4), Disaggregation (Requirement 4.7), Subnational transfer (Requirement 5.2), Social and environmental expenditures (Requirement 6.1), SOE quasi-fiscal expenditures (Requirement 6.2), Public debate (Requirement 7.1), Data accessibility and open data (Requirement 7.2), Follow-up on EITI recommendations (Requirement 7.3), and Outcomes and impact (Requirement 7.4). Failure to demonstrate progress on Outcomes and impact, Stakeholder engagement or Transparency in the next Validation may result in temporary suspension in accordance with Article 6 of the EITI Standard. In accordance with the EITI Standard, Chad's MSG may request an extension of this timeframe or request that Validation commences earlier than scheduled. Full

Board decision and a set of corrective actions is available [here](#).

Board decision on DRC

The Democratic Republic of the Congo (DRC) has achieved a high overall score in implementing the 2019 EITI Standard (85.5 points). The overall score reflects an average of the three component scores on Stakeholder engagement, Transparency and Outcomes and impact.

The EITI Board commends the DRC for achieving a very high score on Outcomes and impact (95.5 points). This reflects the DRC's use of its EITI implementation to generate debate and support reforms in, for example, contract disclosure, subnational payments and quasi-fiscal expenditures despite restrictions linked to the COVID-19 pandemic. The DRC EITI has followed up on recommendations with impetus from the highest levels of government, including the Presidency, which has yielded tangible reforms. The DRC EITI has regularly taken stock of the outcomes and impact of implementation and has adapted outreach activities to the impacts of the COVID-19 pandemic to further generate the use of extractive data and stimulate vibrant public debate. The Board commends all three constituencies for their efforts to improve the accessibility of data disclosed through the EITI on extractive contracts, barter agreements, license allocation and state-owned enterprise (SOE) transactions. There is also evidence of use of EITI data by researchers, and strong cooperation between government institutions such as the Ministry of Hydrocarbons and the MSG. The DRC was awarded 3.5 additional points for the effectiveness and sustainability of EITI implementation.

On Transparency, the DRC reached a moderate score (78 points). The DRC has used its EITI disclosures to make new information on licensing information, barter agreements, SOE financial relations and subnational payments available to the public. Both the mining and petroleum cadastres have been improved since the last Validation in 2019. The Board commends the DRC for the timeliness of its disclosures and for the publication of thematic reports on issues of high public interest such as SOEs, licensing, contract disclosure, beneficial ownership, subnational transfers, mining royalties and barter-type infrastructure provisions of mining agreements. However, new areas of the 2019 EITI Standard such as those related to project level reporting or beneficial ownership are yet to be fully implemented. In many areas, the DRC EITI has gone beyond the mapping of existing disclosures to conduct a diagnostic of current practices, such as disclosing the value of direct subnational payments that should have been transferred to local governments, or the review through an independent study of the infrastructure contract SICOMINES. The DRC EITI regularly meets the robust public demand for EITI data on the country's extensive and complex mining sector. This creates opportunities for the DRC EITI to expand its coverage of areas of increasing public interest in future, such as the environmental impact of the extractive industries, artisanal mining, and local content in the mining sector. The Board encourages the DRC to further expand its use of EITI disclosures to strengthen transparency in the allocation of mining rights, financial relations of SOEs, social and environmental expenditures. The DRC should pursue its efforts to

improve transparency around SOEs' quasi-fiscal expenditures, including SOEs' fiscal advances to the state. The introduction of online reporting and certification systems will help the DRC to increase the reliability of the financial data reported through the EITI and to further improve the timeliness of EITI disclosures.

The DRC achieved a moderate component score also on Stakeholder engagement (82.5 points). Despite the COVID-19 pandemic and some constraints in broader civic space identified in international NGOs' assessments of the DRC, the three constituencies appear actively engaged in all aspects of EITI implementation, and have been renewing their representation on the MSG. The civil society constituency is very dynamic, drives strong public debate on extractives and regularly engages with stakeholders from various organisations outside of those directly participating in the EITI process. The Validation did not find evidence that broader constraints on civic space have curbed civil society's engagement in all aspects of the EITI process.

However, the Board expresses strong concern over the impact of criminal prosecutions against whistle-blowers working on extractive issues on the environment for civil society engagement in public debate on natural resource governance. The Board welcomes the high-level commitment of the Government of the DRC to review its judicial system and to consider appropriate reforms, while preserving the independence of the judiciary. The Board further recognises the government's plans to enact legislation for the protection of human rights defenders and whistle-blowers. The government is urged to publicly explain the circumstances around these prosecutions and ensure that due legal process is followed in such cases. There is scope for the MSG to further strengthen its mechanisms for considering gender balance in the representation of the different constituencies, for strengthening communication with stakeholders beyond the MSG, in particular from industry, and for improving transparency on per diem payment practices. The three constituencies have adapted their communication and coordination methods during the COVID-19 pandemic, allowing them to uphold a high pace and quality of EITI implementation. In the context of broad-based demand and interest for information on the extractive sector, stakeholders engaged in the EITI are considered authoritative sources of information and reliable technical partners for stakeholders including government entities, industry associations and researchers.

The Board has determined that the DRC will have until a next Validation commencing on 1 January 2025 to carry out corrective actions regarding MSG oversight (Requirement 1.4), contract and license allocation (Requirement 2.2), beneficial ownership (Requirement 2.5), state participation (Requirement 2.6), direct subnational payments (Requirement 4.6), disaggregation (Requirement 4.7), data reliability (Requirement 4.9), distribution of revenues (Requirement 5.1), social and environmental expenditures (Requirement 6.1), SOE quasi-fiscal expenditures (Requirement 6.2). Failure to demonstrate progress on Stakeholder engagement or Transparency in the next Validation may result in temporary suspension in accordance with Article 6 of the EITI Standard. In accordance with the EITI Standard, the DRC EITI MSG may request an extension of this timeframe or request that Validation commences earlier than scheduled.

Board decision on Mali

Mali has achieved a fairly low overall score in implementing the 2019 EITI Standard (65.5 points). The overall score reflects an average of the three component scores on Stakeholder engagement, Transparency, and Outcomes and impact.

The Board notes that Mali has achieved a fairly low score on Transparency (66 points). The Board commends Mali for expanding the scope of its EITI disclosures to mining industry sub-contractors, local content and subnational transfers of non-extractive revenues, topics of significant public interest. Mali has established its EITI implementation as a central public repository of information on large scale industrial mining. However, there is significant scope for Mali to use its EITI implementation to tackle other disclosures of public interest such as artisanal and small-scale mining, the informal sector, the links between mining and violent insurgencies in the country, and the management of environmental impacts. The Board urges Mali to strengthen its use of EITI implementation to provide an annual public diagnostic of actual extractive industry governance practices, including in the awarding of extractive rights, the disclosure of extractive contracts and licenses and significant exploration activities. The Board welcomes Mali's establishment of a legal framework for the public disclosure of beneficial ownership data and encourages all stakeholders, particularly the government, to swiftly implement these legal provisions in practice.

Mali achieved a fairly low component score on Stakeholder engagement (60 points). The Board acknowledges that Mali has sought to sustain its multi-stakeholder oversight of the EITI during a period of political change, significant insecurity, and the impact of the COVID-19 pandemic. The MSG continued to meet regularly since the previous Validation, although tensions with the then-National Coordinator in 2020-21 distracted some attention from Mali's priorities for EITI implementation. However, broader constituency coordination mechanisms do not appear to be regular or effective for either civil society or industry. The Board expresses significant concern at the increasing constraints in the environment for civil society participation in the EITI process, including public debate on natural resource governance, in recent years. The Board also expresses concern regarding allegations of broad-based civil society self-censorship on natural resource governance issues covered by the EITI due to fears of government repression, but acknowledges the efforts taken after start of Validation, notably by civil society, to demonstrate ability to publicly engage on sensitive issues. The Board encourages continuation of these efforts, and the government and MSG are strongly urged to swiftly implement corrective actions aimed at promoting an enabling environment for citizen participation in extractive sector governance and addressing any breaches of the EITI protocol: Participation of civil society related to freedom of expression.

Mali has achieved a moderate score on Outcomes and impact (70 points). Mali EITI has deployed considerable resources to analyse the outcomes and impact of its work and perform self-diagnostics of Mali's EITI implementation and

communications. The Board encourages Mali to act on these recommendations to improve the EITI's contribution to public debate, policymaking and ultimately stronger outcomes and impacts. All stakeholders engaged in the EITI are encouraged to strengthen their engagement in following up on EITI recommendations and in disseminating findings of EITI Reports and related thematic studies. Greater alignment of EITI Mali work planning with national priorities for the extractive industries could also help ensure that EITI implementation is serving broader objectives for all three constituencies. Mali was awarded one additional point for the effectiveness and sustainability of EITI implementation.

The Board has determined that Mali will have until a next Validation commencing on 1 October 2023 to carry out corrective actions regarding Government engagement (Requirement 1.1), Industry engagement (Requirement 1.2), Civil society engagement (Requirement 1.3), MSG governance (Requirement 1.4), Work plan (Requirement 1.5), Contract and license allocations (Requirement 2.2), Contracts (Requirement 2.4), Beneficial ownership (Requirement 2.5), Exploration data (3.1), Production data (Requirement 3.2), Export data (Requirement 3.3), Comprehensive disclosures (Requirement 4.1), Disaggregation (Requirement 4.7), Data reliability (Requirement 4.9), Social and environmental expenditures (Requirement 6.1), Contribution to the economy (Requirement 6.3), Public debate (Requirement 7.1), Follow-up on EITI recommendations (Requirement 7.3), and Outcomes and impact (Requirement 7.4). Failure to demonstrate progress on Outcomes and impact, Stakeholder engagement or Transparency in the next Validation may result in temporary suspension in accordance with Article 6 of the EITI Standard. In accordance with the EITI Standard, Mali's MSG may request an extension of this timeframe or request that Validation commences earlier than scheduled. Full Board decision and a set of corrective actions is available [here](#).

Annex C – Participants’ List

Grey = not attending

Chair

Rt Hon. Helen CLARK

Implementing Countries

Ms Viktoriia GNATOVSKA, Director of Energy and Resource Efficiency Policy Formation
Directorate, Ministry of Energy, Ukraine

Alt: TBC

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Alt: **Mr Samou SIDIBE**, National Coordinator, Mali

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