

**REPORT**  
**SPECIAL CAPACITY BUILDING SYMPOSIUM**  
**FOR GYEITI MSG AND NATIONAL SECRETARIAT**  
**HELD 31<sup>ST</sup> MAY, 2017 AT THE GUYANA PEGASUS HOTEL, SAVANNAH SUITE**

Mr. Victor Hart, Chair, TTEITI MSG Steering Committee, Board Member of International EITI and Mr. Sherwin Long, Head of TT EITI Secretariat and National Coordinator, TT EITI were invited to share knowledge, experience and provide relevant guidance to the GYEITI Secretariat and MSG.

The Ministry of Natural Resources provided support and funding for this event.

**The major expenses included:**

- 1) Two (2) return airline tickets for Mr. V. Hart and Mr. S. Long – POS –GEO-POS
- 2) Hotel accommodation at the Guyana Pegasus for Mr. V. Hart and Mr. S. Long for two days (30<sup>th</sup> and 31<sup>st</sup> May, 2017)
- 3) Per diem for Mr. Victor Hart and Mr. Sherwin Long for two days each.
- 4) Venue Rental - Savannah Suite, snacks and lunch for thirty (30) persons, at the Guyana Pegasus Hotel
- 5) Transportation services and special travel needs of overseas participants and MSG members
- 6) Stationery and printing materials

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**Symposium folders to participants included the following:**

1. Draft Organisation Chart for GYEITI National Secretariat
2. Draft Communications Protocol
3. Draft Terms of Reference for National Secretariat
4. Draft List of Requirements for establishing fully functional National Secretariat
5. Unified document reflecting national priorities of each of the sectors of the tripartite MSG
6. Writing pad
7. Pen

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**CAPACITY BUILDING SYMPOSIUM**

The Special Capacity Building SYMPOSIUM for the Multi-Stakeholder Group (MSG) and National Secretariat of the Guyana Extractive Industries Transparency Initiative (GYEITI) commenced at 9.15 am.

The proceedings of the symposium were conducted in accordance with Programme / Agenda as circulated prior to event, and hereto attached.

Each participant was provided a copy of the Programme via email and also in print in each of the folders given to participants.

**Persons present at the Capacity Building Symposium were:**

1. Minister, EITI Champion and MSG Chairman, Hon. Raphael G.C. Trotman (g)
2. Theresa Gaimes (Advisor to Minister Trotman) (departed after a short stay)
3. PS. Joslyn McKenzie (g), Permanent Secretary, Ministry of Natural Resources
4. Johann Earle (Public Relations Officer, Ministry of Natural Resources)
5. Representative of the Government Information and News Agency (Gina)
6. Victor Hart, Chair, TT EITI, SC/MSG
7. Sherwin Long, National Coordinator, Head, National Secretariat, TT EITI
8. Curtis Bernard (cs)
9. Larry Carryl (i)
10. Paul Atkinson (cs)
11. Mike McCormack (cs)
12. Vanda Radzik (cs)
13. Ryan Ramjit (i)
14. Rod Henson (i), incoming ExxonMobil Country Manager sitting in with Jeff Simons)
15. Jeff Simons (i), outgoing ExxonMobil Country Manager, MSG member)
16. Hilbert Shields (i)
17. Ayaana Jean-Baptiste (i)
18. Patrick Harding (i)
19. Allison Butters-Grant (i)
20. Deonarine (Rickey) Ramsaroop (i)
21. Wallace Ng-See-Quan (g)
22. Hema Khan (g)
23. Gillian Pollard (g)
24. Diane Barker (Deputy Coordinator)
25. Rudy Jadoopat (National Coordinator)

**Curtis Bernard of Civil Society chaired the 1<sup>st</sup> of 4 Sessions**

Curtis Bernard welcomed all present and asked everyone to stand as the National Pledge to the Flag of Guyana was recited.

**Curtis Bernard** of Civil Society briefly introduced Minister of Natural Resources, EITI Champion, current MSG Chairman, The Hon. Raphael G.C. Trotman.

**Minister of Natural Resources, EITI Champion and MSG Chairman, Hon. Raphael Trotman** delivered brief remarks and introduced the TT EITI officials, Mr. Sherwin Long and Mr. Victor Hart, who, he said, were on their 5<sup>th</sup> EITI related visits to Guyana, which speaks of their sincere commitment and genuine assistance in ensuring that Guyana becomes an EITI candidate country.

**Curtis** read short biographies of Mr. Victor Hart and Mr. Sherwin Long.

### **Victor Hart's presentation was entitled 'EITI - GOOD NEWS'**

Victor assured the participants that Trinidad & Tobago will stand by Guyana in the EITI Process as he delivered introductory remarks and elaborated his willingness to assist Guyana in becoming an EITI candidate country.

He spoke about the philosophy of EITI and gave some examples of EITI related experiences in various countries. Aspects of his presentation dealt with the following:

#### **Contract Transparency and Beneficial Ownership**

Victor Hart explained the benefits of transparency in revenue collections. He expounded on contract transparency and beneficial ownership, telling the participants that Trinidad & Tobago is embarking on implementing aspects of contract transparency.

#### **Methods of Tax Evasion**

Mr. Hart discussed various methods used to evade transparency, like commodity trade, other intra-company relationships which are specifically designed for tax evasion.

#### **Benefits of EITI to Trinidad & Tobago**

TT benefited from EITI since 2011 since it became EITI compliant. TT was alone without assistance. The nearest EITI country was Guatemala. Language barrier and lack of experience were hurdles which had to be overcome.

Victor emphasized that TT is ready to and will hold the hands of Guyana in the EITI process. TT will also help Suriname. TT will soon propose specific assistance to Suriname EITI, since Suriname was recently accepted as an EITI candidate country.

Mr. Hart expressed great optimism about Guyana becoming an EITI Candidate country.

He concluded with the following expression, "Guyana is on the verge of delivering at last".

### **Curtis Bernard then introduced Hilbert Shields of Industry sector as chair of the 2<sup>nd</sup> Session**

**Hilbert Shields** took the opportunity and provided his introduction of Sherwin Long.

Sherwin offered a power point presentation sharing the TT EITI Experience with the participants as he elaborated on the specific items outlined in the Programme. (see copy of programme)

### **Sherwin Long made a detailed presentation, as he shared the TT EITI Experience of the following:**

#### **Taxes and Defining Materiality**

He pointed out that TT EITI covers over 25 taxes and that in defining materiality TT took into account the number of companies which were responsible for contributing the major portion of the total revenues from extractive industries to government.

## **Independent Administrator**

Mr. Long advised, "You have to prepare a brief to give to the independent administrator" as he promised to share TT EITI reports with participants. (TT EITI Reports and the Power point Presentation used were provided and emailed to all MSG Members and Alternates by Secretariat on 1<sup>st</sup> June, 2017).

Sherwin recommended that the Independent Administrator be hired early so as to get guidance. In order to do this, the Terms of Reference for the Independent Administrator should be prepared as soon as possible.

## **Challenges for TT EITI**

Sherwin said TT tax laws prevent disclosure.

He explained that TT dealt with that by signing MOU. Companies will write a letter saying that the company will provide information to Independent Administrator and to Ministry of Energy. The Ministry then agrees for companies to share information.

## **MSG, Government and Secretariat**

Sherwin emphasized that it must be remembered that *EITI is first and foremost a Government initiative*. He said Government is considered first among equals.

## **Requirement 1.4 states that there is no requirement for equal numbers of representatives in the MSG.**

TT EITI Steering Committee/MSG is not comprised of equal numbers of representatives from the three sectors.

**Minister Trotman** asked how TT resolved the imbalance in the number of representatives.

Sherwin replied saying that TT has not changed its EITI MSG composition. He said, instead the government changed, (laughter). The TT Steering Committee of the MSG remains with the same unequal composition.

## **Financial Disclosure**

MOU was signed between Ministry and Companies. EITI is not mandatory, but voluntary. However, public disclosure is a growing trend in the world as the benefits become more and more obvious.

Many companies now offer data on their websites. Publicly traded companies are mandated to publish their financial statements.

## **Materiality and Disclosure Challenges**

**Mike McCormack** asked about the difficulty in defining materiality as the data is not often available. Sherwin said there is a way out of this. He pointed out that you can approach the companies directly.

TT EITI has a Technical Committee that prepares materiality brief.

He suggested that in the TOR of Independent Administrator GYEITI specifies that he must assist the GYEITI Technical Committee. He recommended that GYEITI establishes a 'Technical Committee' to deal with all the technical details, necessary for the EITI processes.

### **Government and the MSG**

**Jeff Simons** asked how the government MSG EITI representatives were identified.

Victor said the TT government was asked to provide representatives and they did. The International EITI body does question the involvement of cabinet in the affairs of the MSG.

### **EITI is Voluntary but avoiding it raises questions**

5 out of 53 countries have mandates for companies to participate in EITI process.

Voluntary participation is key, but avoiding the EITI would raise questions.

### **Production data accessibility**

**Allison Butters-Grant** asked a question on the derivation of production data. Sherwin said the TT 2014 and 2015 reports show aggregated production figures.

### **How to bring companies into the fold of EITI**

**Hilbert** said Guyana oil and gas is way out for now, but Guyana has gold and diamond and not all the gold is reported to the authorities. The EITI objective is to bring as many companies as possible companies into the EITI fold. What are your suggestions on this subject? How does EITI deal with this?

**Patrick Harding** said in Guyana companies are mandated by current Guyana Laws to declare gold and mining production.

### **Verification of production data**

**Sherwin** mentioned that in TT there is no independent verification of production. TT government depends on the GOOD WORD of the companies.

He pointed out that the Independent Administrator will ask questions on this.

### **Understanding EITI reporting**

We should understand that EITI is reporting and identifying the weaknesses at the same time.

- The license processes must be mapped.
- Capacity building for MSG is a good idea.
- The MSG can highlight gaps to government.
- It's a voluntary process. However, we should consider incentives for small companies to participate.

Sherwin suggested that the MSG may want to start with larger players and then move to others, the small-scale miners.

The TT EITI asked the TT Minister of Energy to write letters to the companies asking them to cooperate with the EITI request for information. Some companies report and some don't.

### **Capacity Building for National Secretariat**

It was clarified that the National Secretariat reports not to the Minister or Permanent Secretary, but maintains an arms-length relationship with government, keeping in mind that EITI is a government initiative.

In his power point presentation Sherwin shared TT EITI organization chart with participants.

- TT EITI SC MSG
- TT EITI Secretariat
- Legal and Tender Subcommittee
- Technical Sub Committee,
- Communications Outreach Subcommittee

### **Staff and Functions of TT EITI Secretariat**

The communications subcommittee deals with communications issues and it can also approve public campaigns.

TT EITI Secretariat uses legal advisory staff of the Ministry of Energy.

It was disclosed that the capacity of TT EITI is limited in its functions, as it operates with the following limited staff:

1. National Coordinator
2. Policy Coordinator – service providers for 3 months at a time
3. Project coordinator – service providers for 3 months at a time
4. CSA and Communications Officer
5. Administrative Assistant

### **SOP, Subcommittees and Code of Conduct**

EITI MSG Highlights Gaps in reports. Forms subcommittees.

In TT EITI Subcommittees can comprise of MSG members and also non MSG members.

TT EITI SC / MSG does not include non-citizens. However, Guyana does not discriminate against non-Guyanese who are nominated to the GYEITI MSG.

Declaration to integrity commission is not required in TT for EITI personnel.

The International EITI Code of Conduct is necessary to be observed by all MSG members and staff of the Secretariat.

## **World Bank, IADB provided funding to TT EITI**

**Minister Trotman** pointed out that there seems to be something unclear as to why the EITI can receive funding from foreign governments with associated mandates / instructions, but receiving funds from your own government raises questions.

Foreign governments also stipulate, so why not allow your own government to stipulate.

## **Hiring of National Coordinator**

**Hilbert Shields** asked Sherwin to elaborate the process through which the EITI National Coordinator is hired by government. Sherwin explained that the vacancy was advertised, the interview was conducted with the knowledge of Civil Society and Industry representatives, and no sector had objected.

## **Legal Status of TT MSG – TT Experience and advice for Guyana.**

**Gillian** asked, “What is your corporate structure? Do you have Articles of Association?”

Sherwin said that when the TT EITI legislation comes into being, it will require that the TT EITI SC/MSG become a legal entity. He said, the “TT EITI SC/MSG cannot enter into contracts because we are not a legal entity”. The Ministry of Energy signs all contracts.

## **Corporate entity or not? What is recommended?**

Do you recommend a corporate separate entity? Sherwin answered in the affirmative.

Discussion highlighted that a statutory body reports to parliament. Statutory bodies exist in accordance with provisions in the Constitution.

## **The Secretariat**

Victor would like to see the National Secretariat as a separate entity. Sherwin said there are some advantages having the secretariat in the government building as services can be leveraged if needed.

## **Public Perception of TT EITI**

**Curtis** asked, “What is the public reception to TT EITI?” and “How do you improve it?”

Sherwin said they make EITI reports and EITI processes more palatable for public use. Studies have been carried out. He told the symposium that many analysts access and use the EITI reports.

Certain specific information and data are easily available to everyone in the EITI reports.

Victor mentioned that a Trade Union strike was averted by the use of TTEITI reports which were quoted.

## **Methods for Promoting EITI**

**Question:** How do you advertise that your TTEITI was posted and published?

**Answer:** Via Ads in the media etc.

Victor further emphasized that Civil Society is the watch dog for the EITI.

“You have to find strategies to get the Civil Society to be more involved. Civil Society must be encouraged to buy in to the EITI”.

**Mike MC Cormack asked**

**Question:** Apart from publishing the report, do you publish any other documents? Do you analyse, criticise and write articles in addition to writing reports?

**Answer:** Yes, we write articles.

**Regular Public Debates are integral to EITI**

The 2016 Standard EITI Requirement 7, speaks of the necessity for public debates. It states, “Regular disclosure of extractive industry data is of little practical use without public awareness, understanding of what the figures mean, and public debate about how resource revenues can be used effectively”.

It is important to ensure that you link issues in the report to everyday questions.

Developing a participatory democracy via EITI reports, Victor said, is one of the advantages of EITI

In TT the TT EITI is considered of the positive platforms for comprehensive improvement in governance.

**Revenue Allocation**

**Vanda Radzik** opined that the population is more concerned about revenue allocation.

**Sherwin** said the EITI Standard requires that the report includes revenue allocation and outlines corporate social responsibilities.

**Victor:** The TT EITI report has appendices with a lot of details. Some of this provide explanations on revenue allocation.

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**EITI WORK PLAN**

Sherwin Long provided a power point presentation explaining the EITI Work Plan processes and how TT EITI formulated its Work Plan. Victor Hart provided clarifications and detailed explanation to issues arising during this entire session.

He discussed how TT EITI identified its work plan objectives and mentioned that this was done on the basis of national priorities formulated by the three sectors of the TT SC MSG.

**Sherwin advised that when preparing the work plan GYEITI should consider the following:**

- Sources for funding GYEITI programmes
- How to create and drive interest in GYEIYI among the population
- Making people more and more interested in the GYEITI reports, as they will be useless if people are not interested in it.
- Defining clear objectives
- Stating clear mission
- Elaborating the GYEITI Vision

**EITI Requirements must be linked to Work Plan Objectives**

Poor Natural Resources Management

- a) Weak institutional and legal framework
- b) Stakeholders not aware of & do not have EITI experience
- c) Lack of innovation in EITI
- d) Lacks sufficient capacity

Strategy is based on approved work plan (not ad hoc). There must be a measurement of success.

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The first EITI report will be due 18 months after acceptance of EITI candidature application.

Budget for secretariat should reflect activities to be undertaken in order to successfully achieve the work plan objectives. The Initial set up cost for the can be identified within the work plan.

Identify funding opportunities is important. There are many available sources of funding including the Multi-Donor Trust Fund, World Bank, Inter-American Development Bank, Carter Center, Canadian Government, UK Government and the US Government.

Victor said that Ms. Susana of World Bank can provide assistance and guidance.

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**GYEITI Candidature Application:**

**Discussions ensued on the following:**

**The Process-**

- Outreach and CANDIDATURE committee receives application to EITI Board by June 30<sup>th</sup>, 2017
- The committee then refers it to the EITI Board on 23-24<sup>th</sup> October, 2017
- A board circular paper will be issued round robin.
- Clarifications may be sought.

Victor expressed optimism that Guyana will become an EITI Candidate Country before end of 2017. He commended the GYEITI MSG for their commitment and hard work.

### **How the different sectors participate in the formulation of the work plan?**

- Civil Society must have the ability to select representatives and participate.
- Capacity Building – to be identified in work plan.
- Decisions must be clearly documented.
- Indicate the rationale behind decisions. Why and when...

### **Evidence of Activities to satisfy requirements must be provided with application:**

- What is the legal framework for the operation of the MSG?
- Is it a Presidential decree, a Ministerial memo, a cabinet decision?
- When was it issued?
- Copy of this document is required with signature, date and official stamp to accompany candidature application.
- When and with what legal instrument the MSG was established?
- When and with what legal instrument was the National Secretariat established?
- When and with what legal instrument was the National Coordinator hired? Evidence of a transparent hiring process – newspaper ad etc.
- When and how the government MSG representatives were nominated?
- When and how the Civil Society MSG representatives were nominated?
- When and how the Industry MSG representatives were nominated?
- MSG Terms of reference must reflect the MSG nomination process very clearly.
- MSG TOR must be clear about the process for appointment and replacement of MSG members.

### **How do you conduct public and civil society discussions and solicit feedback and suggestions?**

#### **What is the process used to interact and solicit feedback on work plan?**

#### **Is the website enough to publish the work plan?**

#### **TT EITI ADVICE TO GYEITI**

- Create work plan and hold consultations.
- Tate that all comments received can be dealt with in due course in a more detailed manner.
- Be up front with the groups and let them understand that due to time constraints more discussions will be ongoing and indicate how their issues will be dealt with in due course.

#### **Draft Communications Protocol**

TT EITI said in their opinion, the GYEITI Draft Communications Protocol presented by the GYEITI Secretariat is too rigid and may hinder the much needed rapid EITI public awareness and EITI promotion.

- Establish a communications team to swiftly prepare and approve messages.

**Ms. Diane Barker** asked, “How to determine which tasks are to be for MSG and which for Secretariat?”

**Sherwin** replied, “The National Secretariat is the executive arm of the MSG”.

**Victor Hart** told the Symposium that the International EITI Secretariat is ready to provide advice and support upon request.

**Concluding statements were made by:**

- 1) Curtis Bernard
- 2) Rod Henson
- 3) Patrick Harding
- 4) Deonarine Ramsaroop
- 5) Ayaana Jean-Baptiste
- 6) Hilbert Shields
- 7) Gillian Pollard

Everyone expressed satisfaction with the quality and results of the Symposium and considered it a great success.

Deputy Coordinator Ms. Diane Barker delivered the Vote of Thanks.

**The Special Capacity Building Symposium for GYEITI MSG and National Secretariat concluded at 2.05 pm**

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**TT EITI POST SYMPOSIUM MEETING WITH WORK PLAN WORKING GROUP**

The Work Plan Work Group together with other MSG members held a separate meeting with the TT EITI executives immediately after the symposium. In addition to the sharing of experiences and meaningful discussions, several resolutions were adopted at this interactive session. These include:

- The Secretariat tasked to prepare the first working draft work plan for the work plan working group to commence its work. The National Coordinator accepted the responsibility to get this done before 5<sup>th</sup> June, 2017
- The Secretariat tasked to prepare a list of backup documentations for the EITI Candidature Application and identify what is already obtained, what is missing and identify challenges in obtaining all documents necessary to successfully complete the GYEITI Candidature Application Submission Process by 30<sup>th</sup> June, 2017. The Deputy Coordinator accepted responsibility to get this done.

The intense discussions were considered very meaningful and helpful to the GYEITI. This post Symposium meeting concluded at 4.00 pm