



SEYCHELLES ANNUAL PROGRESS REPORT (APR)

2016

Workplan and examples of the impact of Extractive Industries
Transparency Initiative (EITI) in 2016. The Progress Report
communicates the efforts that Seychelles has undertaken during the year
2016 to meet and/or maintain compliance with the EITI Requirements.
This report also includes the progress made in achieving the objectives set
out in the country's Workplan.

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A Message from the Chairman of the Multi-Stakeholder Group

The Seychelles Petroleum Multi-Stakeholder Group has the pleasure to present its Annual Progress Report for the period January to December 2016. Extractive Industries Transparency Initiative (EITI) implementation and compliance requirements in Seychelles have thus far been a good learning experience especially for members of the Multi-Stakeholder Group (MSG). The process dates back to 2013 with the Government of Seychelles indicating its interest in implementing the EITI principles and process of transparency in the petroleum sector in Seychelles.

The Seychelles Multi-Stakeholder Group worked hard to ensure that Seychelles complies with EITI Requirements. A plan of Activities for the year 2016 was decided upon and implemented. These activities as outlined in this report have enabled Seychelles to learn best practices in the implementation of the process towards meeting EITI compliance.

Perhaps one of the main challenges in the implementation of the EITI in Seychelles is accessibility of data and or relevant information from implementers to ensure accountability and transparency as required by the EITI Standards. It is vital that all stakeholders understand the roles, functions and obligations pertaining to EITI compliance. There is a need to provide accessible, eligible and factual information to best inform partners, the public and other stakeholders of the EITI process.

To ensure that EITI is effectively implemented, there is a need to review and update the relevant Acts and or make the necessary legal provisions, which will bind all actors in this sector. Necessary steps are being undertaken to ensure the existence of legal provisions to enhance compliance and reporting among EITI stakeholders.

The MSG is dedicated to engagement with its partners and the general public and will ensure structures are in place for effective representation in order to enhance decision making processes. I take this opportunity to thank all the stakeholders who have in one way or another contributed to the realisation of all the 2016 activities. Your assistance has been extremely valuable to the process.

Mr. Patrick Payet

Seychelles EITI

ABBREVIATIONS AND ACRONYMS

APR Annual Progress Report

EITI Extractive Industries Transparency Initiative

SEITI Seychelles Extractive Industries Transparency Initiative

MSG Seychelles Petroleum Multi-Stakeholder Group/ National Committee/Multi-

Stakeholder Group

CEPS Citizens Engagement Platform Seychelles

MFTBE Ministry of Finance Trade and the Blue Economy

MFTEP Ministry of Finance Trade and Economic Planning

Mobile Mobile

Tel Telephone

CBS Central Bank of Seychelles

SRC Seychelles Revenue Commission

CSO Civil Society Organisation

TOR Terms of Reference

OAG Office of Auditor General

SNYA Seychelles National Youth Assembly

Seychelles EITI Annual Progress Report 2016

INTRODUCTION

The report focuses on the Extractive Industries Transparency Initiative process, the activities delivered in 2016 and highlights the strengths and weaknesses throughout the year.

In 2013, the Seychelles Government identified the paramount need to enhance transparency and accountability in the extractive industries sector. Consequently, the Republic of Seychelles became the 46th Extractive Industries Transparency Initiative (EITI) Candidate Country on 6th August 2014. Moving ahead in its EITI implementation, the Seychelles Petroleum Multi Stakeholder Group (MSG) was formed to assist and guide the National Secretariat in the implementation of the activities identified in the Workplan.

GENERAL ASSESSMENT OF 2016 PERFORMANCE.

The Seychelles Petroleum Multi-Stakeholder Group (MSG) made minimal progress compared to 2015. Very few activities were realised during the period of January to December 2016. Being an election year in the country 2016 was a challenging year for Seychelles EITI however significant progress is envisaged for the year 2017.

The Annual Progress Report indicates the activities that were realised or that are still ongoing.

ASSESSMENT OF PERFORMANCE AGAINST TARGETS AND ACTIVITIES SET IN THE WORKPLAN

ACTIVITIES IN THE EITI WORKPLAN	OBJECTIVES	TARGETS	PROGRESS UNTIL DECEMBER 2016
1. Disseminate Results of first Seychelles EITI Reconciliation Report 2013-2014	experiences with	First and second quarters of 2016	The dissemination of information was done through media, press, forum and websites.
2. Sharing of EIT information	To keep the citizens well informed of the process.	May, October and November 2016	The National Secretariat ensured that institutions received copies of current EITI implementation especially brochures on first EITI report and CDs that were given upon completion of Capacity building training with Ambiente. The National Secretariat upon approval from the MSG, created a Facebook Page, to interact with the

3. Establish Legislation for Seychelles EITI and remove legal barriers to EITI disclosure of payments and receipts	To conduct a National Forum to get citizens contribution on the legal barriers related to EITI disclosure	The proposed month was October 2016	citizens and disseminate information on the EITI process. (Please see the link below) https://m.facebook.com/Seychelles- Extractive-Industries-Transparency- Initiative- 1145663435530915/?ref=bookmarks The Workshop with the Members of the National Assembly was not realized. The event coincided with Parliamentary election, which precluded the participation of Parliamentarians and Youths. A Cabinet Memorandum will be prepared to seek further guidance from the Cabinet of Ministers MSG worked on drafts MSG TOR and Bill.
4. Build stakeholders knowledge about EITI and oil sector issues and revenues.	To educate the citizens on the Seychelles Extractive Industries Transparency Initiative process Seychelles Extractive Industries Transparency Initiative and its stakeholders.	Saturday 17 th December 2016 along	The half-day joint session with the Blue Economy Department took place at the Youth Centre on Saturday. Present at the session were representatives from the Seychelles National Youth Assembly, Seychelles Multi-Stakeholder Group, PetroSeychelles and Ministry of Finance.
5. EITI Global Conference in Lima Peru	Focused on highlighting the results from the implementation of the EITI Standard, informing policy dialogue and integrating transparency into how governments and companies operate.	23 rd to 25 th February 2016	Two representatives from Seychelles MSG were sent to Lima and participated in a two-day exhibition of which one of them attended the National Coordinator's meeting.

SOME ACTIVITIES UNDERTAKEN IN 2016

1. BUILD STAKEHOLDERS KNOWLEDGE ABOUT EITI AND OIL SECTOR ISSUES AND REVENUES.

Members of the Seychelles National Youth Assembly (SNYA) are now more knowledgeable on the Blue Economy Concept and the Extractive Industry Transparency Initiatives, EITI, after following a half-day session. The session was organized by the Blue Economy Department, with the aim of engaging and familiarizing the youth on the Blue Economy Concept. It was also aimed at increasing their participation and involvement in the Blue Economy and EITI activities.





Presentations by Blue Economy, EITI, PetroSeychelles and Youths

2. EITI GLOBAL CONFERENCE AND MEMBERS' MEETING

23rd-25th February 2016

LIMA, PERU

Every three years, the Extractive Industries Transparency Initiative (EITI) holds a Global Conference, bringing together all stakeholders of the EITI. During these conferences, a smaller Members' Meeting took place with the three constituency groups: countries (implementing and supporting the initiative), companies (including institutional investors) and civil society organisations. The main task of the Members' Meeting is to appoint EITI Board for the next three years.

To date, there have been six EITI Global Conferences:

- 1. London, United Kingdom, in June 2003
- 2. London, United Kingdom, in March 2005
- 3. Oslo, Norway, in October 2006
- 4. Doha, Qatar, in February 2009
- 5. Paris, France, in March 2011
- 6. Sydney, Australia, in May 2013
- 7. Lima, Peru, in February 2016

The 2016 EITI Conference focused on highlighting the results from the implementation of the EITI Standard, informing policy dialogue and integrating transparency into how governments and companies operate. Speakers and participants included high-level representatives from governments, extractive companies, investors, civil society and international organizations.

Seychelles was represented at the EITI Global Conference by the National Coordinator from the National Secretariat and an MSG member representative from the Civil Society.

During the meeting, the two Seychelles representatives held an exhibit of the Seychelles Extractive Industries Transparency Initiative process (SEITI) from 2014 up to date. Mr. Fredrik Reinfeldt from Sweden was elected as the New EITI Chair.



Ms. Fatime Kante and Mr. Jude Fred from Seychelles EITI with representatives from Fair Links (Mrs. Magali Kreitmann and Mr. Anton de Feuardent)



Mr. Fredrik Reinfeldt the New elected EITI Chair from Sweden.

ASSESSMENT OF PERFORMANCE AGAINST EITI REQUIREMENTS

The table below shows assessment of progress in meeting and/or maintaining compliance with each of the EITI requirements.

Requirements:	Progress:
Revenue management and expenditure (Requirement 5.3)	Not yet addressed
2. Transportation Payments (Requirement 4.4)	Not yet addressed
3. Discretionary Social Expenditures (Requirement 6.1)	Not yet addressed
4. Ad-Hoc Sub-National Transfers (Requirement 5.2)	Not yet addressed
5. Beneficial Ownership (Requirement 2.5)	MSG is of the view that extractive companies should submit beneficial ownership declarations and will be
6. Contracts (Requirement 2.4)	undertaking the necessary internal procedures to prepare for implementation of this requirement. The Petroleum Mining Act 1976 states that:" Every application, and any information furnished therewith, shall be submitted by the Minister for Finance of Seychelles to the Government for final decision and all such information shall be treated as confidential". Moreover, signed contracts are not currently published due to the confidentiality clauses in Oil and Gas contracts. While contract transparency is encouraged, this is not required by the EITI Standard (version 2013) and remains a topic for MSG discussion. Disclosure of petroleum contracts would be relevant for EITI when it involves payments or benefits to the Government or involves the State's participation. The Government may encounter this issue in seeking waivers of the confidentiality provisions in the petroleum contracts and would need to consult with the operators to clarify their disclosure obligations with

respect to such information.

Not yet finalized.

OVERVIEW OF THE MULTI-STAKEHOLDER GROUP'S RESPONSES TO THE RECOMMENDATIONS FROM RECONCILIATION AND VALIDATION, IF APPLICABLE

The table below shows multi-stakeholder group's responses to and progress made in addressing the recommendations from reconciliation in accordance with requirement 7.3.

Recommendations: Status/progress: Oil and Gas Contract Disclosure Disclosure of petroleum contracts would be relevant for EITI when it involves payments or benefits to MSG and PetroSeychelles take this seriously and the Government or involves the State's will be working with the legal advisors in 2017 to participation. propose amendments to the laws to satisfy this request. The Government may encounter this issue in seeking waivers of the confidentiality provisions in the petroleum contracts and would need to consult with the operators to clarify their disclosure obligations with respect to such information. Since the Government of Seychelles has started the implementation of the EITI process, an important follow-up step would be to introduce contract waivers to these agreements in order to address the confidentiality restrictions in the petroleum agreements and to seek participation of Oil and Gas companies as part of MSG. Comprehensiveness of EITI Scope

EITI process includes all extractive industries as defined by the Standard, this should include the mining sector and mineral water extracted from boreholes, tourism and fisheries, in the scope of future EITI reports.

MSG should also endeavour to improve MSG's TOR as well as that of the Independent Administrator by altering its name from "Petroleum MSG" to "MSG" and by widening the Workplan and the EITI activities to include all extractive sectors and by removing any limitations of information access to the oil and gas sector.

Considering the possibility of extending the scope to

The MSG will work in collaboration with other Ministries to facilitate policy decisions and enforcement in that regard.

MSG is agreeable to this recommendation and the same procedure will be adopted for the Independent Administrator during 2017.

This will be further discussed at national level; given Seychelles' parallel engagement towards the FITI process.

primary sectors such as the fisheries sector, given its importance to the economy.

Fiscal regime for State Owned Enterprises

The legislation governing the tax regime for State Owned Enterprises is updated to leave no ambiguity with regards to the taxes applicable and exemptions to newly created entities. This recommendation is still under consideration by the MSG.

As it has policy implications, MSG needs to further consult with the Ministry of Finance and other stakeholders.

<u>Lack of formalization with regards to</u> governance and management

All decisions of the Seychelles MSG are made official and are systematically documented in the minutes.

These minutes should be signed by all members in order to endorse those decisions.

MSG should also appoint a Head of Secretariat officially.

Lack of standard financial reporting framework

In order to improve comparability and usefulness of information, it was recommended that financial statements are made to follow a standard framework. This can only be achieved if the Ministry of Finance imposes such rules to SOEs.

All minutes are always signed and documented by the National Secretariat.

The official appointment of the Head of Secretariat is still pending, but this activity has been included in the Seychelles' EITI Workplan for the year 2017.

re comparability and usefulness of was recommended that financial recommendation with relevant parties before taking a final decision as it moves forward with

the EITI process 2017 and beyond.

Regulation and engagement of stakeholders with EITI Seychelles

Seychelles EITI Secretariat puts in place the legal framework enforcing sanctions against parties which fail to cooperate with the EITI reconciliation process requirements. This measure would encourage more participants to assist and work alongside the Seychelles EITI Secretariat's endeavours in raising awareness regarding the importance of the reconciliation process. This legal framework may include setting up an EITI Act or signing a memorandum of understanding with a view of obtaining firm commitments from extractive companies to disclose information required for the EITI process in Seychelles.

Upon completion of its Mission in Seychelles, in December 2015, the Legal Consultant from Fair Links submitted a draft EITI Act to the MSG for review and additional comments.

A draft policy paper was prepared during 3rd Quarter and 4th Quarter of 2016, hoping that in 2017 it would be submitted to Cabinet for further review and approval.

MSG thinks that once this is achieved, it will facilitate their work.

An environmental fund may enable the Authority responsible for the environment to follow the activities of extractive companies in order to ensure that safety standards and procedures are properly Further discussions at MSG level and consultation with other Stakeholders to be included on the MSG Agenda for 2017.

implemented within the exploration and exploitation areas. Such fund may also be used to recover the administrative costs of the Environmental Impact Assessments and to develop methods and projects to protect living resources of the sea, prevent pollution, water contamination: provide for safe disposal of waste, especially of drill cuttings and mud.

MSG Communication

MSG's Workplan includes a proven and practical Action Plan in order to create awareness about the EITI Programme in Seychelles.

This Activity is ongoing and should be completed in 2017. A local consultant is assisting the MSG finalise its Communication Strategy, and accompanying Action Plan.

Lack of skilled resources at government level

Seychelles Revenue Commission and PetroSeychelles should ensure that both technical and financial capacities exist in order to be able to implement spot-checks and verification of companies. Part of their respective revenues may be allocated to assessment purposes as well as a capacity building program and training on tax verification for key officials.

Human Resource and capacity constraint is a challenge in all sectors. MSG has taken note of this recommendation and will be discussing further on the way forward.

Incomplete EITI Database

We recommend that, in the first instance, the Secretariat should update its database following this reconciliation exercise. The Secretariat should then liaise with all relevant Government Entities to ensure it obtains relevant information regularly and updates its database accordingly. To this end, the IA believes it is vital that any new entrants to the Oil and gas sector are registered with the EITI Secretariat as part of the process, as they obtain their license or agreement. A review with PetroSeychelles of the list of extractive is also recommended.

Each extractive company and Government Entity previously included in the reconciliation work must appoint a focal point to take responsibility for comprehensive EITI reporting and the company should update and notify the Secretariat of the name, position and contact details of that focal person.

The importance of accurate data and its appropriate recording is duly recognized. The National Secretariat with the guidance of the MSG will be reviewing this recommendation further and coming up with possible way forward to address this weakness.

Government Audit

MSG arranges for a timely request to be made to Office of the Auditor General (OAG) in order that the latter is in a position to plan and to give its opinion on the reporting template for the 2013/2014 reconciliation.

Also recommend for the future that OAG should be invited to the workshop during which the templates and the reporting guidelines are presented.

Further recommend that OAG provides a letter of confirmation on the accuracy of the EITI declarations with audited government accounts.

MSG is in the process of presenting a Cabinet Paper to present in 2017 to formalize the inclusion of the OAG on the MSG.

Private and State Owned Enterprises Audit

All extractive companies comply with this practice and ensure that their auditors submit an opinion on the data provided in the reporting templates.

Prior to the start of the reconciliation phase, MSG should inform these companies of this practice and encourage that their auditors make the necessary certification, despite the additional costs that it may bear.

All information stipulated by the EITI Standard is included in the Licenses register in order to ensure that all records are kept up to date. This would then allow reports of all licensed operators, with relevant details, to be easily generated for EITI and other purposes. An online cadastral system should also be made available to the public, which should include information on coordinates of concessions as well as fees paid.

MSG is seeking further engagement with Government and other Stakeholder to design a way forward for this.

SPECIFIC STRENGTHS OR WEAKNESSES IDENTIFIED IN THE EITI PROCESS

Weaknesses

- Members of the MSG need more capacity building for the purposes of discussing technical issues at the MSG level.
- Some members have attended one or two meetings with others not having participated in the MSG meetings during 2016. The absence of key representatives in these meetings has limited the MSG's ability to effectively address and engage on the spectrum of EITI issues and requirements as they pertain to the MSG's context.

o Lack of EITI Database in Seychelles EITI

As EITI is in its early stages in Seychelles, it is important that extractive companies be informed of their EITI requirement during their initial introduction to Seychelles. With past extractive industry companies that were operating in Seychelles the communication between the companies and EITI Secretariat was difficult. This also hindered data collection process during the preparation of EITI reconciliation reports.

Insufficient technical and industry knowledge

To be able to engage effectively within the complex extractive sector it requires good level of understanding on the sector. Since the sector in Seychelles is very recent, the citizens are still trying to learn more about how it operates and impacts on their livelihoods and economy. Despite few highly skilled and knowledgeable individuals, they require more capacity building in order to obtain the critical mass that can effect meaningful change.

Lack of resources for proper EITI engagement

There is not a lot of promotional materials to support MSG's work in the EITI process in Seychelles.

Funding was a challenge at the beginning of 2016 to finance the study trip in Norway. This
activity was therefore pushed at a later date.

Strengths

- The discussion at the MSG meetings has improved engagement and information sharing between stakeholders.
- The EITI has also improved communication and information sharing between Government agencies.

Recommendations

- Seychelles EITI needs to continuously use media, participate in National and International Exhibitions, use Promotional Materials, TV Adverts and Radio Jingles to win its citizens attention.
- Seychelles EITI and Civil Society assessed the few workshops to be very productive and informative and requested that such workshops be organized again, with invitation sent to more people.
- o A proper MSG and National Secretariat set up
- Allocation of resources and funding to the Secretariat to realize its activities and goals
- o A committed leadership to see through successful realization of EITI in Seychelles

TOTAL COSTS OF IMPLEMENTATION

No cost was incurred for implementation of EITI in 2016.

ADDITIONAL COMMENTS

The Seychelles Petroleum Multi-Stakeholder Group is looking forward to:

- produce a Second EITI Report for the years 2015-2016 by the end of December 2017
- prepare the budget and seek resourcing for the establishment of the Secretariat and the functioning of the MSG
- nominate the Head of Secretariat/members of the MSG
- work towards bringing a legal basis to Seychelles EITI
- disseminate the results of SEITI Report 2015-2016 on the three main islands
- finalise the communication strategy with its Action Plan
- organize a study trip for MSG members at the International EITI Secretariat in Norway, Oslo in 2017 or 2018
- organize National Forums on disclosure of Beneficial Ownership and Open Data Policy

HAS THIS ACTIVITY REPORT BEEN DISCUSSED BEYOND THE MSG?

MSG members and its constituents have reviewed and provided comments to this report.

DETAILS OF MEMBERSHIP OF THE MSG DURING THE PERIOD 2016

Seychelles Petroleum Multi-Stakeholder (MSG) being represented by 14 members at the beginning of the year 2016, ended the year with only 10 members (since 2 representatives from CEPS, 1 from Attorney General's Office, 1 from the private sector left).

Seychelles MSG consists of members from the government, Civil Society, Oil Company and the private sector.

MSG attended 7 meetings on the status of the EITI process in 2016.

Below are the contact details of members of the Seychelles Petroleum Multi-Stakeholder Group for the year 2016 (NB: some MSG members have been replaced by their constituency and modifications were made to some institutions names).

ANNEX

Name	Title	Organisation	Contact details (Phone & Email)
Mr. Patrick Payet	Chair of the Seychelles Multi-Stakeholder Group/ Principal Secretary for Finance	Ministry of Finance, Trade & the Blue Economy (MFTBE) Changed to: Ministry of Finance, Trade & Economic Planning (MFTEP)	2nd Floor, Liberty House P.O. Box 313 Victoria, Mahe Seychelles Tel:+ (248) 4382000 Mob: + (248) 2723766 Email:psf@finance.gov.sc
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PUC

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Ms. Doreen Bradburn (left before the end of the year)

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Assistant Principal State Counsel

Ms. Alexandra Madeleine(left before the end of the year)

National House

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Country Manager	Chair of Life and Water Seychelles
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Citizens Engagement Platform Seychelles (CEPS)					
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Mrs. Germaine Michaud (left before the end of the year)					
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Citizens Engagement Platform Seychelles (CEPS)	Citizens Engagement Platform Seychelles (CEPS)
Commissioner for Environment and Natural Resources	Commissioner Faith-Based Organisations
Mrs. Marie-Thérèse Purvis	Mr. Jude Fred (left before the end of the year)

W.S.	
A CONTRACTOR	

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Senior Legal Officer		Economist/ EITI Coordinator
Ms. Sharon Gerry	ADDITIONAL STAKEHOLDERS	Ms. Fatime Kante

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Approved by MSG:
Date: 30/06/2017