



59th Board meeting

Toronto, 29 February - 1 March 2024

Submitted by: EITI International Secretariat

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Minutes

These Minutes capture the discussion and agreed outcomes of the 59th Board meeting.

MINUTES OF THE 59TH EITI BOARD MEETING

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Abbreviations

FC – Finance Committee
GOC – Governance and Oversight Committee
IC – Implementation Committee
ICMM – International Council of Mining and Metals
LAC – Latin America and the Caribbean
MSG – multistakeholder group
OCC – Outreach and Candidature Committee
OECD – Organisation for Economic Co-operation and Development
RRC – Rapid Response Committee
VC – Validation Committee

59-1 Welcome and adoption of the agenda

The **EITI Board Chair, Helen Clark** opened the 59th Board meeting, by warmly welcoming Board members, alternates and observers attending in-person. She reiterated the importance of an in-person meeting, especially for members of the new Board who met briefly in June 2023 at their inaugural meeting following the Global Conference.

Rinaldo Jeanty also extended a warm welcome to those attending the Board meeting on behalf of the Government of Canada, and expressed its pleasure in hosting the EITI Board meeting for the first time. He expressed his appreciation for the preparatory efforts undertaken by the International Secretariat and his own team in Natural Resources Canada, setting a solid foundation for the upcoming discussions. Rinaldo highlighted the importance of face-to-face meetings, advocating for more in-person interactions as essential for fostering effective communication. He proceeded to outline Canada's engagement as an EITI Supporting Country, emphasising its dedication to promoting transparency within the extractive industries.

The Chair of the Board reminded new Board members of the importance of acknowledging the multi-stakeholder nature of the Board, recognising inevitable differences in opinion. She encouraged Board members to contribute to the proceedings on the basis of mutual respect in the interest of arriving at consensus decisions.

The Chair introduced the draft Board meeting agenda which was approved.

The following new members joined the Board:

- Paul GARAYCOCHEA, Director, Sustainable Transformation of Supply Chains, Federal Ministry for Economic Cooperation and Development (BMZ), Germany.
- Antoine Kocouseu MIMBA, Chairman, EITI National Council Côte d'Ivoire.

The following Board members were unable to attend the meeting and sent their apologies:

- Isabel CHUVAMBE, EITI National Coordinator, EITI Secretariat, Mozambique
- Francess ALGHALI, Minister of State, Office of the Vice-President, Sierra Leone
- Melissa SÄILÄ, Programme Director, Taxation for Development Action, Ministry of Foreign Affairs, Finland
- Diana EL KAISY, Advisory Board Member, Lebanese Oil and Gas Initiative
- Nathalie MOGNETTI, Senior Vice President, Tax, TotalEnergies

59-2 Report from the Secretariat

Board Paper 59-2-A Implementation Progress Report: October 2023-January 2024 – for information

Mark Robinson introduced the Implementation Progress Report (IPR) for the period between October 2023 and January 2024, noting that the global economic outlook remains similar to conditions reported in the previous IPR. The global economy continued to experience a slowdown before a potential uptick in 2025. Mark highlighted progress and challenges in EITI implementing countries and noted that conflict and political instability had affected implementation in several countries. The spotlight section focused on beneficial ownership transparency and privacy considerations, in the aftermath of a landmark ruling from the European Union Court of Justice

the CJEU ruling in November 2022. The thematic focus considered next steps in using the EITI to promote gender inclusion in the extractive industries.

Board members commended implementing countries for their continued progress despite ongoing challenges and raised several points during the discussion:

- CSO members commended the progress of Supporting Companies, noting that ninety per cent of the companies had published a policy on gender and disclosed employment data disaggregated by gender. They further highlighted the need for data on gender participation by constituency, noting that women's representation in national multi-stakeholder groups (MSGs) remains far too low, and we should aim for 50% or more and suggested the possibility of including a breakdown by constituency.
- Supporting Countries expressed appreciation for the recent publication of the [Gender policy brief](#), which emphasises the pivotal role of education in fostering equal opportunities for women. They noted additional challenges, including limited access to land and licences, as well as the prevalence of sexual- and gender-based violence in mining areas, Board members highlighted the necessity for comprehensive solutions to tackle gender discrimination in the extractive sector.
- Supporting Countries commended Ukraine's resilience in upholding transparency amid the Russian invasion and its continued commitment to implementation of the EITI Standard.
- Supporting Countries further drew attention to the growing co-operation among Supporting and Implementing Countries, noting that the United States, the Democratic Republic of Congo (DRC), and Zambia had signed a Memorandum of Understanding to enhance electric vehicle battery development. The European Union (EU) Great Lakes Strategy aiming to transform regional mineral trafficking into formal trade to contribute to sustainable development in the region was also given as an example of value addition.
- Several Board members expressed concerns about the situation in the DRC and the Great Lakes and East Africa region where many people have been killed or displaced. They urged the EITI to factor in the broader geopolitical context, particularly regarding critical minerals and their link to conflict in countries in its engagement strategy for new country membership. CSO members noted the need to update EITI's external website for country pages, with updated data on the suspension of countries.
- There was a request to ensure the prompt posting and distribution of committee-related information on both the public and internal EITI websites, as well as a request for the translation of Committee and Board documents in all four languages. The Secretariat acknowledged the need for timely updates on the EITI website. It noted that there were currently some technical issues, but that it is working together with the website developers on resolving these. The Secretariat further clarified that, due to constraints in budget and staffing, it is not feasible to offer all materials in the four languages. In addition to consistent translation of documents from English to French, the Secretariat remains committed to meeting the needs in other languages including Russian, Spanish, Portuguese and Arabic based on requests.
- CSO members emphasised the need for a more comprehensive analysis of the Latin American and Caribbean region in the IPR, pointing out the absence of government commitment to regional implementation of the 2023 EITI Standard, challenges with civic space, and the anticipated impact of upcoming elections on implementation within the region.

- Supporting Countries provided an update on recent developments from the EU Court of Justice, emphasising the importance of beneficial ownership disclosure in the extractive sector to combat corruption and money laundering.¹ They urged implementing countries to improve transparency in beneficial ownership registers, with EU Member states offering full support to the International Secretariat for optimal implementation.²
- CSO members expressed concerns about the shrinking space for civic engagement in implementing countries, underscoring the crucial role of the multi-stakeholder groups (MSGs) in monitoring civic participation in the extractive industries. Furthermore, there was a call for more proactive measures to prevent further deterioration of civic engagement in Central Asian countries, with particular focus on the Kyrgyz Republic. The Secretariat acknowledged the challenges of shrinking civic space, recognising it as a wider trend in the region which has been highlighted in recent Validation reports. Capacity-building activities and post-Validation missions are planned to engage with civil society and other stakeholders in the country.
- CSO members raised questions about the number of Validations reported in the IPR and the number of civil society organisations involved in the EITI process, suggesting that the actual figure might be higher. The Secretariat confirmed the accuracy of data presented in the report, noting that five countries, including Angola, the Central African Republic, Ecuador, Gabon and Uganda, which are yet to be validated, are scheduled for this year.

¹For background on the Principle of Transparency in European Law, on the Legal Framework, on the Directive 2015/849 as amended by Directive 2018/843 dated 30 May 2018, on the provisions on GDPR in relation to the legal framework on transparency, as well as on the regime of public access to information on the beneficial owners of corporate and other legal entities => See the Opinion of the Advocate General delivered on 20th January 2022 on the joined Cases C-37/20 and C-601/20 of WM (C37-20) and Sovim SA (C-601/20) versus Luxembourg Business Registers, as published on www.curia.europa.eu/juris/document. Following up on the Ruling of the European Court of Justice. Directive 2015/849 needs to be reviewed to take into account aspects of GDPR. The aspects of Beneficial Ownership and GDPR will be incorporated in the new Regulation and Directive on Anti-Money Laundering, which is to be formally adopted by the EU Council and the EU Parliament in April 2024. Directive (EU) 2015/849 as amended by Directive 2018/843 of the European Parliament and of the Council of 20 May 2018 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing will be repealed and replaced by a new Regulation and a new Directive which have yet to be adopted and published. Article 30(5) of directive (EU) 2015/849 which states that the information on the beneficial ownership is accessible in all cases to any member of the general public will be replaced by article 12 of the new directive. This article concerns specific access rules to beneficial ownership registers for persons with legitimate interest. Any natural or legal person that can demonstrate a legitimate interest in relation to the prevention and combating of money laundering including press and civil society has access to the registers. The article describes to what information the natural or legal person has access and who is deemed to have a legitimate interest. Once adopted, the Regulation will be effective as from the date of publication in the Official Journal and Member States have until summer 2026 to implement the Directive into national law. The aspects of Beneficial Ownership in the Regulation and in the Directive are explained in the reference below. See more information on Anti-money laundering: Council and Parliament strike deal on stricter rules - Consilium (europa.eu) here: <https://europa.eu/IPcTmQB>

- Several Board members urged the International Secretariat to maintain its focus on Artisanal and Small-scale Mining (ASM), advocating for increased formalisation and equitable sharing of benefits, and highlighting the recent publication by the EITI DRC concerning ASM.
- CSO members called for actions including a joint statement to be taken by the Board to release former EITI board member Gubad Ibadoglu from arrest. The Chair of the Board noted that she had issued a statement as an EITI Board Chair on the continued detention of Mr. Gubad Ibadoglu (See the statement [here](#))

The Secretariat thanked Board members for their feedback, including the concerns around efficacy of suspensions as an enforcement mechanism, noting that the Secretariat would report back to the Implementation Committee in due course.

Actions:

- Secretariat to report back to Implementation Committee on various country cases of suspended countries.

[Board paper 59-2-B Outreach Progress Report October 2023-January 2024 – for information](#)

Mark Robinson presented the Outreach Progress Report (OPR), providing updates on country and corporate outreach activities and developments for the period October 2023 through January 2024.

Board members raised the following points:

- Board Members welcomed outreach in the Asia-Pacific region.
- Supporting Companies welcomed a wider representation among metals, mining, oil, and gas companies. They stressed the importance of providing support to new companies joining the EITI, drawing attention to the Outreach Strategy for 2023-2026. They recommended developing value propositions for outreach companies in the OPR to facilitate their navigation of voluntary initiatives.
- Implementing Countries suggested that the Secretariat undertakes a documentary analysis to assess the production values and traceability mechanisms of the extractive resources sector prior to outreach missions. Concern was raised about conflict in eastern DRC, which had led to population displacement. The Secretariat acknowledged concerns regarding political instability in the Great Lakes region and Sahel, and noted that it is carefully considering the potential impact of these developments in ongoing outreach efforts.
- Board members conveyed their appreciation for ongoing outreach efforts in Chile, looking forward to solidifying EITI's presence in Latin America. They advocated for a transparent selection process for wider civil society representation, including indigenous groups, in the Chilean MSG. The Secretariat welcomed the interest of Board members on the expansion of civil society engagement in Chile and sought assistance in identifying contacts with experts on the ground.

- Supporting Companies acknowledged the success of the Secretariat in supporting Chile's membership application, viewing it as a benchmark for middle-income countries that are considering joining the EITI.
- In reference to Equatorial Guinea, CSO members underscored concerns about restricted civic space, emphasising government's exclusion of civil society organisations. They referred to a letter sent to the Outreach and Candidature Committee (OCC) which highlighted that the civil society constituency would not endorse of a membership application form Equatorial Guinea. The Secretariat confirmed that the letter had been received and noted that there was no current candidature application from nor active outreach activities to Equatorial Guinea.
- Supporting Countries welcomed the interest of countries in joining the EITI, particularly highlighting the need for outreach efforts towards European Union member states which have not yet become EITI members. They underscored the importance of adopting a strategic regional approach to outreach activities, noting that regions often collaborate on trade and community initiatives.
- Supporting Countries called for enhancing the visibility of outreach progress on the EITI website, recommending that updates and advancements be more prominently displayed. This would involve a strategic enhancement of the website's content to ensure that the progress in outreach activities and the inclusion of new member countries are effectively communicated to a broader audience, thereby increasing transparency and engagement.
- Supporting Countries highlighted the significance of encouraging EITI membership, emphasising the principle of not allowing the pursuit of perfection to obstruct progress. They discussed outreach targets, specifically focusing on companies headquartered in South Korea and Japan.

Actions:

- follow-up on further developments in Rwanda in relation to their candidature application OCC to
- Secretariat to work together with Board members on identifying CSO contacts in Chile to add their candidature application
- Secretariat to consider changes to the outreach section on the website.

59-3 Report from the World Bank

Board Chair invited Robert Schlotterer, the newly appointed Manager and Global Head of the World Bank's Extractives Global Unit, to present the World Bank's report to the Board.

Robert thanked the Board for the opportunity to present and reiterated the World Bank's commitment to transparency in the extractives. He highlighted that although the trust fund has evolved over the years, the core mission of providing managed support for transparency and good governance in the extractive sectors of numerous client countries has remained unchanged. He further emphasised that the Bank intends to continue its engagement with the EITI to conduct reviews aimed at renewing and refining the partnership, aligning EGPS-3 with the Bank's new business model focused on larger and more impactful grants.

Board members thanked Robert for the presentation and raised the following points:

- CSO members expressed appreciation for the World Bank's efforts on decarbonisation, acknowledging the necessity of adopting such measures. However, they highlighted the

challenge faced by many African countries, where immediate phase-out is not feasible. They questioned how to ensure these nations can align with global trends and inquired about the incentives the World Bank could offer to countries opting to move in this direction.

- An inquiry was made by Civil Society Board members regarding the mechanism through which support to CSO's would be directly provided. It was acknowledged that an MOU may not be practical. A question was raised about the possibility of guaranteeing that a specific percentage of support could be allocated directly to CSOs from the trust fund, as disbursement to CSOs thus far appears to be ~1%, despite CSOs being a key part of this initiative. Additionally, there was a call to encourage the World Bank's active participation in Board activities and committee discussions.
- Supporting Countries welcomed the report and the support to CSOs in EGPS-2, and requested information about how support to civil society will be continued or improved under EGPS 3. An appeal was made for the realisation of activities to ensure 100% of the agreed-upon earmarked funds are disbursed for EITI implementation. Disappointment was expressed that the presentation lacked detailed information about future support for EITI implementation at the individual country level.
- Supporting Countries acknowledged the apparent shift in focus representing a significant paradigm change for them. They noted that previous framework of cooperation contributed effectively towards achieving the Sustainable Development Goals (SDGs), which many implementing countries still continue to require to move away from fragility. Concern was raised regarding a lack of emphasis on the SDGs and issues of fragility in the current design of EGPS-3, marking a considerable shift in approach. The importance of support for EITI implementation for many implementing countries was stressed, as these countries face challenges in adhering to enhanced governance standards in the extractive sector. Compliance with these standards can be difficult without substantial organisational support, such as that provided by earmarked grants under EGPS-1 and 2.
- Supporting Countries expressed their appreciation for the emphasis on ASM and climate-smart mining initiatives. They also noted the potential of value chain development and the important opportunities presented by the RISE initiative. However, they stressed the importance of ensuring continued support for the EITI implementation under EGPS-3, tailored to meet the varied needs and priorities of each country. This approach should include support for countries that depend on fossil fuel production until they can transition to more sustainable alternatives as these are not explicitly covered in the draft concept note. Focus was made on inclusivity and poverty alleviation, in keeping with the objectives of the Paris Agreement.

Robert thanked Board members for their feedback and clarified that the World Bank's support aligns with the Paris Agreement, acknowledging the challenges in fund allocation. He noted that while earmarked support for EITI implementation is not being categorically ruled out, it has become increasingly challenging to provide in the form of small recipient-executed grants. He stated that all options remain open for discussion, despite challenges in adapting to and delivering under World Bank guidelines and encouraged learning from on-the-ground experiences to inform future grant making.

On the issue of earmarking funds for EITI implementation, Robert noted the World Bank's focus on larger but fewer operations. He indicated that larger grants through EGPS-3 could be available to MSGs, with the appropriateness of such an approach still under consideration. The possibility

of individual grant support for countries was confirmed as a subject for further dialogue at the June meeting of EITI national coordinators.

59-4 Report from the Implementation Committee

Board paper 59-4-A Status of Extension requests – for decision

Gregory McGuire, Co-Chair of the Implementation Committee (IC), introduced the main elements of the paper and summarised Committee's recommendations in relation to seven countries, namely Chad, the Dominican Republic, Ghana, Madagascar, Niger, Peru and Suriname. The recommendations were unanimously approved without any objections.

Actions:

- Secretariat to inform the governments of Chad, the Dominican Republic, Ghana, Madagascar, Niger, Peru and Suriname of the Board decision and update the country pages on EITI.org
- Secretariat to publish Board decisions regarding Chad, the Dominican Republic, Ghana, Madagascar, Niger, Peru and Suriname.

Board paper 59-4-B Myanmar's status as an EITI Implementing Country – for decision

Gregory McGuire outlined the key components of the paper and shared the Committee's recommendation, emphasising that due to the ongoing political instability and conflict in Myanmar, the Committee advised the Board to delist Myanmar as an EITI implementing country. This recommendation is made in light of a three-year temporary suspension following breaches of the civil society protocol stemming from political instability and conflict in Myanmar. Gregory further noted that, pursuant to paragraph 3 of [Article 9 of the EITI Standard](#), Myanmar may reapply for admission as an EITI implementing country if conditions improve.

The Committee further recommended to the Board that, in making this decision, it should recognise the leading role that Myanmar EITI played in improving extractive sector governance in Myanmar prior to the coup in February 2021. This includes acknowledging the efforts of the previous MSG's efforts to improve SOE transparency and beneficial ownership transparency. Additionally, the Committee highlighted how the EITI served as a vital platform for civil society to participate in natural resource governance prior to the military takeover in 2021.

Board members raised the following points:

- Acknowledging the significant efforts made by Myanmar's civil society, a Board member representing the civil society constituency expressed support for the recommendation noting that the decision is appropriate considering the prevailing circumstances.
- A Board member representing the civil society constituency questioned the timeline for the Board's deliberation on the situation in Afghanistan. The International Secretariat responded that Afghanistan would be on the agenda for the June Board meeting, with preparations for the paper already underway.

The recommendation was unanimously approved without objections.

Actions:

- Secretariat to inform the government of Myanmar of the Board decision and to update the country page.

- Secretariat to publish Board decision on EITI.org.

Board paper 59-4-C Considerations for updated Terms of Reference for EITI reporting – for decision

Gregory McGuire introduced the main elements of the paper, noting that the 2023 EITI Standard introduced several innovations, including revisions to Requirements 4.1 and 4.9 on data comprehensiveness and reliability that provide more flexibility to MSGs to design their EITI reporting processes. He further elaborated on the proposed criteria in providing guidance to MSGs in planning their EITI reporting and implementation.

Board members made the following remarks:

- Several Board members agreed with the proposed criteria, highlighting the importance of the data quality assurance, and stressing the importance of balancing flexibility with safeguards and considering their impact on the Validation process.
- Several Board members noted the need for sufficient time for discussion, appropriation, and consultation before the June Board meeting, despite recognising the urgency of the ToRs for implementing countries. It was further suggested that the discussion of the ToRs be included on the agenda of the National Coordinators meeting in Geneva in June 2024.
- Supporting Countries expressed availability to contributing to finalising the ToRs and supported the proposal for forming a working group to delve deeper into the topic before the 60th Board meeting in June 2024.
- A concern was raised about the risks of removing the Independent Administrator, emphasising the need for countries to establish suitable data quality assurance mechanisms.
- Board members asked that the Secretariat consider all potential scenarios that could influence the Validation process when drafting the ToRs, particularly the impact of MSG data prioritisation on Validation.

The Secretariat provided the following feedback:

- The strong support for the criteria on data quality assurance is well noted, and the issue of the Independent Administrator remains to be resolved in developing the full-fledged terms of reference. The Secretariat acknowledged that the Independent Administrator would remain a valid data quality assurance mechanism in some country circumstances, but that the scope of the work would be subject to review.
- The proposal assumes continuity with the current EITI Validation model. It aims to promote a longer-term perspective for MSGs in planning and designing EITI reporting, with Validation accommodating this approach. The Validation process already considers the latest available data on all aspects of the EITI Standard. It remains uncertain whether this approach would incur higher costs compared to the current method, particularly regarding systematic disclosures.
- The importance of time needed to implement systematic disclosures is acknowledged and has been a recurring theme in Board discussions since the mandate on systematic disclosures around 2016. The proposal suggests exploring innovative approaches to incentivise progress in strengthening systemic disclosures by both government entities

and companies. The Implementation Committee, supported by the Secretariat, is expected to launch work on this after the 59th Board meeting with a focus on leveraging lessons learned and input from constituencies.

The recommendation was unanimously approved.

Actions:

- Secretariat to publish Board decision on EITI.org.
- Implementation Committee to develop ToR template based on draft outline included in Annex A of paper.

59-5 Report from the Rapid Response Committee

Board paper 59-5 Update on political instability in Gabon and Niger – for decision

James Ensor, Chair of the Rapid Response Committee (RRC), presented two recommendations from the Committee:

- For Gabon, the recommendation was to not suspend it in accordance with Article 8.2 of section 1 of Part 2 of the EITI Standard and to resume regular monitoring.
- For Niger, the situation was more complex, leading to a recommendation for temporary suspension in accordance with Article 8.2 of section 1 of Part 2 of the EITI Standard, 'political instability and conflict'. However, considering Niger's previous suspension for late reporting (see item 59-4-A), in consultation with the Chair, James outlined an alternative option. In light of Niger's suspension for late reporting, rather than levy two suspensions, the Board decision could reflect both the late report and civic space issues, and keep Niger under enhanced scrutiny.

Board members raised the following points:

- Implementing Countries endorsed the idea of applying enhanced scrutiny in Niger, showing support for a more nuanced approach. The Board Chair moved the motion to acknowledge the earlier decision suspending Niger and continue with enhanced scrutiny as a tailored response to its specific circumstances.
- In the case of Gabon, the Board Chair moved the motion to not suspend the country, instead resuming regular monitoring activities.

Actions:

- International Secretariat to inform Governments of Gabon and Niger of the Board decision and publish it on the EITI.org
- The Board tasked the International Secretariat to closely monitor Niger's commitment to and progress in adherence with the EITI Principles and Requirements

59-6 Report from the Validation Committee

Board paper 59-6-A Report from the Validation Committee

Rinaldo Jeanty, Chair of the Validation Committee (VC), presented the four Validation recommendations, specifically for the Kyrgyz Republic, Madagascar, Cameroon, and Ghana, and

one targeted assessment recommendation for Mali. He also introduced an item for discussion regarding the matters to be considered in updating the Validation model in accordance with the 2023 Standard.

Validation of the Kyrgyz Republic

The Board Chair requested observers from the Kyrgyz Republic to recuse themselves from the discussion. Subsequently, the Committee Chair, Rinaldo Jeanty, with the support from the Secretariat presented the recommendation from the VC to the Board. The recommendation was put forward to recognise the Kyrgyz Republic for achieving a fairly low overall score in implementing the 2019 EITI Standard, with a score of 57.5 points out of 100. It was emphasised that this overall score is an average of the component scores for 'Stakeholder engagement,' 'Transparency,' and 'Outcomes and impact.' The Kyrgyz Republic has achieved a 'fairly low' score on both the 'Stakeholder engagement' and 'Transparency' components, and a 'low' score on the 'Outcomes and impact' component. It was noted that the Validation Committee's assessment identified gaps relating to a wide range of issues, notably significant concerns over the Validation's findings of breaches of the EITI protocol: Participation of civil society, related to freedom of expression. The compromise reached by the Validation Committee was to extend the period for addressing corrective actions before the next Validation to 36 months, with provisions for the Board to consider the need for a targeted assessment of specific EITI Requirements after 18 months if progress in addressing corrective actions is insufficient.

Board members expressed appreciation for Secretariat's thorough support and work carried out throughout the Validation decisions, enabling the Board to take informed decisions. They raised the following points:

- Civil society members expressed concern over shrinking civic space in the Kyrgyz Republic, noting that the trend becoming apparent in other Central Asia countries. They predicted that the introduction of the law on foreign agents was likely going to hinder further CSO participation in the extractives sector and called for an issuance of a Board statement on the matter.
- Industry representatives acknowledged the decreasing level of leadership support in the country, due to various shifts within the Government and encouraged Board members' overall support in gaining leadership support in furthering the EITI in the Kyrgyz Republic, as well as other countries struggling with implementation. They further encouraged flexibility in assessing countries, particularly through targeted assessments, to enable them to succeed, with support from the Secretariat and the Board.

Following the discussion, the Board agreed that the Kyrgyz Republic has achieved a fairly low overall score in implementing the 2019 EITI Standard.

Actions:

- The Board Chair to write to the Government of Kyrgyz Republic to communicate the Board decision.
- The Secretariat to publish the Board decision on Kyrgyz Republic's Validation.

Validation of Madagascar

The Board Chair requested observers from Madagascar to recuse themselves from the discussion. Subsequently, the Committee Chair, Rinaldo Jeanty, with the support from the

Secretariat, presented the recommendation from the VC to the Board. The recommendation was put forward to agree that Madagascar has achieved a fairly low overall score in implementing the 2019 EITI Standard, with a score of 67 points out of 100. The overall score reflects an average of the three component scores on 'Stakeholder engagement,' 'Transparency' and 'Outcomes and impact.' Madagascar has achieved a 'fairly low' score on the 'Outcomes and impact,' 'Stakeholder engagement' and 'Transparency' components. Outstanding gaps relate to a wide range of requirements.

Board members agreed that Madagascar has achieved a fairly low overall score in implementing the 2019 EITI Standard.

Actions:

- The Board Chair to write to the Government of Madagascar to communicate the Board decision.
- The Secretariat to publish the Board decision on Madagascar's Validation.

Validation of Cameroon

The Board Chair requested observers from Cameroon to recuse themselves from the discussion. Subsequently, the Committee Chair, Rinaldo Jeanty, with the support from the Secretariat presented, the recommendation from the VC to the Board. The recommendation was put forward to agree that Cameroon has achieved a fairly low overall score in implementing the 2019 EITI Standard, with a score of 53 points out of 100. In accordance with Article 5 of Section 4 of the 2019 EITI Standard, Cameroon would be suspended for having achieved 'partly met' on Requirement 1.3 related to civil society engagement if this score remains unchanged in the final Validation report. It was noted that the overall score reflected an average of the three component scores on 'Stakeholder engagement,' 'Transparency' and 'Outcomes and impact.' Cameroon has achieved a 'moderate' score on the 'Transparency' component, a 'low' score on the 'Outcomes and impact' and 'Stakeholder engagement' components. Outstanding gaps cover a range of requirements.

Board members raised the following points:

- Implementing Countries noted the complexities of implementing the EITI Standard and encouraged the Secretariat to support the MSG in meeting the requirements.
- While agreeing with the overall assessment, Supporting Countries expressed concern over the outcome of the Validation. They thanked the Secretariat and welcomed further support to the Government of Cameroon in addressing the corrective actions from the Validation.
- Board members expressed interest in discussing further the implications of the assessment of 'fairly low' outcomes of Validations. Board and Committee Chairs encouraged continuation of the discussion under item 59-6-B on lessons learnt from Validations.

Board members agreed that Cameroon has achieved a fairly low overall score in implementing the 2019 EITI Standard. In accordance with Article 5 of Section 4 of the 2019 EITI Standard, Cameroon would be suspended for having achieved 'partly met' on Requirement 1.3 related to civil society engagement.

Actions:

- The Board Chair to write to the Government of Cameroon to communicate the Board decision.

- The Secretariat to publish the Board decision on Cameroon's Validation.

Validation of Ghana

The Board Chair requested observers from Ghana to recuse themselves from the discussion. Subsequently, the Committee Chair, Rinaldo Jeanty, with the support from the Secretariat, presented the updated recommendation from the VC to the Board. Rinaldo noted that the recommendation was updated following the VC meeting a day prior to the Board meeting, following the comments received from the MSG members on the Validation Report. The VC recommended that Ghana has achieved a moderate overall score in implementing the 2019 EITI Standard, with a score of 83 points out of 100. The overall score reflects an average of the three component scores on 'Stakeholder engagement,' 'Transparency' and 'Outcomes and impact.*Ghana has achieved a 'high' score on the 'Outcomes and impact' component, and a 'moderate' score on the 'Outcomes and impact' and 'Transparency' components.

Board members raised the following points:

- Implementing Countries encouraged the Secretariat to include the export figures in their future presentations as those were important in understanding of commodity trading to countries' economies.

Board members reached a consensus, agreeing that Ghana has achieved a moderate overall score in implementing the 2019 EITI Standard.

Actions:

- The Board Chair to write to the Government of Cameroon to communicate the Board decision.
- The Secretariat to publish the Board decision on Cameroon's Validation.

Targeted assessment of Mali

The Board Chair requested observers from Mali to recuse themselves from the discussion. Subsequently, the Committee Chair, Rinaldo Jeanty, with the support from the Secretariat, presented the recommendation from the VC to the Board. The recommendation was put forward to agree that Mali has achieved a 'mostly met' score on Requirements 1.1 and 2.3 on government engagement and licence registers, and a 'partly met' score on Requirements 1.3, 2.2 and 2.4 on civil society engagement, contract and license allocations and contract disclosure.

The Committee recommended that Mali has achieved 'mostly met' on Requirements 1.1 and 2.3 on government engagement and license registers, and 'partly met' on Requirements 1.3, 2.2 and 2.4 on civil society engagement, contract and license allocation, and contract disclosure. The recommendation was made that Mali be suspended in light of breaches of the 'safeguard' provisions of Article 5 of Section 4 of the 2019 EITI Standard related to the assessment of Requirement 1.3 as 'partly met'. Findings of the targeted assessment noted near complete lack of engagement on substantive corrective actions from previous validation and regression on all five requirements assessed.

Some Board members expressed concern regarding the recommendation put forward and made the following observations:

- Whilst acknowledging that CSO participation has been waning in recent months, one Implementing Country Board member pointed out that a lack of implementation funding has been a pivotal factor, and Mali has witnessed positive developments, which ought to be considered when evaluating its status.

- One Supporting Country representative noted that there have been new developments in the freedom of expression reported by civil society in Mali which meant that the assessment of self-censorship no longer seems to hold, and voiced concerns about the potential suspension, noting that it could compromise CSOs' contribution to the EITI process.
- A civil society board member, while commenting on the region generally and not Mali specifically, noted that a coup does not necessarily mean political instability, thus civil society engagement with the process could still be ongoing.
- Validation Committee members noted the concern that the critical civil society voices heard in the Validation of 2022 were no longer reachable in this targeted assessment, reinforcing the finding of self-censorship. They encouraged Board members to consider the findings, which reflected the situation in late 2023.
- Board members from each constituency expressed concern about the opposition to postponing a decision on the targeted assessment and re-opening a case that had been studied in detail by the Validation Committee.

After discussion and enduring disagreement, the Board Chair tasked the Validation Committee, with support from the Secretariat, to consider recent developments in Mali and present an updated recommendation to the Board at the 60th Board meeting in June 2024.

Actions:

- The Validation Committee to consider recent developments in Mali and present an updated recommendation to the Board at the 60th Board meeting.

Board Paper 59-6-B Lessons learned from implementation of 2021 EITI Validation model

Rinaldo Jeanty, with the support from the Secretariat, introduced the Committee's recommendation on the updates to the Validation model. The Committee recommended that the Board takes note of its plans to agree updates to the Validation model to reflect the 2023 EITI Standard in a recommendation to the Board for decision at its 60th meeting in June 2024. It was noted that these updates were considered to be procedural, to reflect new provisions of the 2023 EITI Standard in the Validation Guide, procedure and data collection templates. The Committee also recommended that the Board discuss lessons learned from implementation of the 2021 EITI Validation model to date. Rinaldo noted that the Committee expected to continue considering the need for potentially broader revisions to the Validation model beyond June 2024, and welcomed Board input on areas for consideration.

Board members welcomed the updates shared by the Committee and the Secretariat. No particular issue for consideration of a wider review of the Validation model was raised. One Validation Committee member noted that the expectation is that the changes are expected to be minor.

59-7 Report from the Finance Committee

Board Paper 59-7-C Three-Year Outlook 2024-2026 – for discussion³

The Board Chair, with the support from the Finance Committee and the International Secretariat, introduced the paper, welcoming a discussion on Secretariat's strategic development over the next three years. The Chair added that while the Secretariat is active in fundraising efforts, the involvement of all Board members is pivotal in reaching these objectives together. Board members were encouraged to consider the paper in a holistic manner in conjunction with the strategic priorities, annual work plans processes and KPI's. Additionally, they were invited to engage in discussions about the impact of project funding in relation to EITI's core operations, while seeking clarifications on the expected increases in income from implementing countries and companies. It was suggested that a comparison with the outcomes of 2023, particularly with regard to expenditure by function, would be beneficial for an informed analysis.

Board members raised the following points:

- Supporting Countries sought clarification on what the Secretariat would need to prioritise and how this would impact support to implementing countries.
- Supporting Countries voiced concerns regarding the steady increase in the budget over recent years. With supporting countries anticipating potential budget reductions in the coming years, a more cautious approach to forecasting income from these countries for the three-year outlook was recommended. A development of a risk mitigation strategy was advised, in the event the anticipated income fails to materialise, to better understand of how such a shortfall might affect fixed costs.
- Supporting Companies questioned the low budget figures on Validation and capacity building activities. This observation was made in light of feedback from implementing countries and the 2023 financial results, which have signaled an urgent requirement for more robust capacity building and support in response to the newly introduced 2023 Standard.
- Further need was highlighted for a more explicit and coherent link between the overarching strategy, the strategic retreat discussions, and the projections laid out in the three-year outlook, stressing the importance of consistency and clarity in both planning and implementation efforts.
- A Civil Society member requested a detailed breakdown of fixed costs, especially staff expenses, and percentages for fixed and variable costs. They also suggested that the Secretariat consider investment strategies if the cash balance allows, given the high interest rates. The Secretariat noted that it included an estimated yearly salary increase of 4% and a Consumer Price Index increase of 2.7%. It explained that the rise of fixed costs over three-year period is modest and attributed partly to project costs.

³ Board Paper 59-7-C was presented ahead of the 59-7-A and 59-7-B.

- Supporting Countries proposed a discussion on the influence of the World Bank on both the International Secretariat's operations and the support provided to implementing countries.

The Secretariat thanked the Board for feedback and made the following points:

- The level of support to implementing countries should be considered alongside future support from the World Bank trust fund.
- It highlighted the continued demand for BO transparency efforts and raised concerns about their continuity post-2026 with the conclusion of the current phase of the Opening Extractives (OE) programme, with early discussion on the future of the programme already underway.
- The demand for local expertise in domestic resource mobilisation (DRM) was acknowledged.
- Systematic disclosure, while currently supported, relies significantly on project funding, signalling a call for enhanced backing.
- The impending Validation under the 2023 Standard is expected to increase the demands, with potential challenges posed by a reduced budget and the uptick in targeted assessments. Although not always officially classified as such, activities like missions and Validation exercises are integral to capacity building.
- The necessity to enhance capacity building within National Secretariats and MSGs continues to be a top priority that the current scenarios do not sufficiently address, with both aspects likely to be adversely affected in the low and medium scenarios.

The Board Chair summarised that there is a recognised need to harmonise the three-year outlook with strategic priorities and other Board documents. The Secretariat was tasked with devising a plan which aligns these elements and collaborating with the Finance Committee to prepare an updated document for the next Board meeting in June 2024.

Actions:

- The Secretariat, supported by the Finance Committee, to present an updated document at the next Board 60th Board meeting.

Board Paper 59-7-A EITI 2023 Annual Accounts and 59-7-B 2023 Audited accounts – for decision

The Board Chair, with the support from the Finance Committee and the International Secretariat, introduced the two papers, Board Paper 59-7-A EITI 2023 Annual Accounts present the annual results in USD. Board Paper 59-7-B Audited accounts presents the annual results in NOK.

Board members raised the following points:

- A Civil Society member noted a low spend on capacity building in 2023. An opportunity to increase support going forward could be through Board and Committee support.

The Chair concluded that the Finance Committee has reviewed and recommends the Annual Accounts and the Audited accounts to be approved by the Board. Based on feedback received by the Board members, the Chair recommended the Board to approve the 2023 Annual Accounts, noting that the Governance and Oversight Committee will review and approve the independent audit together with the Audited Accounts. The Board approved the 2023 Annual Accounts.

Actions:

- The Secretariat to publish 2023 Annual Accounts.

59-8 Report from the Governance and Oversight Committee

Board Paper 59-8-A Summary of the 2023 EITI Key Performance Indicators (KPIs) – for decision⁴

The Chair of the Governance and Oversight Committee (GOC), Olena Pavlenko, reminded the Board that the EITI's key performance indicators (KPIs) were revised and approved by the Board in April 2023, after significant consultations and discussion. The revised indicators replaced those from 2018 and reduced the number of indicators from 92 to 48.

The report submitted to the Board showcased the data gathered in 2023 under the newly implemented KPI framework. The GOC advised the Board to endorse the KPI data for 2023. Additionally, the GOC proposed that the Board should conduct a review of the KPIs for the 2024-2026 period, taking into account the following considerations:

- Align KPIs with EITI strategic plans and documents, including the Three-Year Outlook 2024-2026.
- Evaluate KPIs with a focus on their impact.
- Consider the 2023 EITI Standard, with a broader scope and requirements.
- Acknowledge new challenges related to security, environment and climate, as well as global trends.
- Strive to streamline the number of KPIs to enhance the efficacy and focus of Validations.

The Secretariat delivered a brief PowerPoint presentation summarising the 2023 KPI data.

Board members raised the following points:

- Supporting companies urged the Secretariat to further reduce the number of indicators into a more concise and impactful set. They also recommended setting specific targets for each indicator to transform them into effective instruments for measuring impact and fostering progress.
- Supporting Companies further recommended that the Secretariat should interpret the data in a manner that reflects its significance.
- Supporting Companies also requested statistical analysis on how the EITI utilises KPIs to guide decision-making processes. Furthermore, they enquired about the criteria for

⁴ This item was discussed after Board Paper 59-8-B

success: what constitutes effective performance, and what specific outcomes are being targeted?

- A CSO board member in discussing the KPI's asked about the current relevance of the indicator concerning the embedding of EITI in national legislation or laws. The Secretariat responded that this indicator is relatively new, designed to assess the significance of EITI in the national arena, particularly among legislators, and that it requires additional analysis to ascertain its relevance and measurement.

The Board agreed the 2023 KPI data.

Actions:

- The Board further agreed that the GOC will proceed with a review of the KPIs for 2024-2026 to align them with the Three-Year Outlook 2024-2026 and the 2023 EITI Standard and to ensure the KPIs are fit-for-purpose, adequately assessing impact and as streamlined as possible.

Board Paper 59-8-B Audit and 59-7-B 2023 Audited accounts – for decision

Olena Pavlenko reminded the Board that it had appointed KPMG to audit the EITI International Management Account and to deliver a written audit report to the Board. Stian Tørrestad from KPMG presented the 2023 Audit report to the Board via videoconference, explaining that the auditor noted that management implemented the auditor's recommendations from previous years' audits, which had led to an improved internal control environment, fit for purpose for the EITI. The auditor found no control deficiencies in the 2023 audit, indicating it was a clean audit.

Board members thanked the auditor and the Secretariat for the report and approved it. Board Chair reminded the Board members that they would be asked to electronically sign the 2023 Audited Account report.

Actions:

- Board members to electronically sign the 2023 Audited Account Report.
- The Secretariat to publish the Audited Accounts after approval by all Board members by electronic signature.

Board Paper 59-8-C Board Manual – for discussion

Olena Pavlenko introduced the paper, explaining that the GOC last reviewed the Board Manual in the spring of 2023 and that a further update and review had been undertaken to align the Manual with recent changes to the EITI Articles of Association and 2023 EITI Standard. The Secretariat explained the minor recommended changes to update the Manual. The GOC recommended that the Board agree the recommended changes to the Board Manual.

The Board agreed the recommended changes to the Board Manual.

Actions:

- Secretariat to publish the Board Manual on EITI.org

59-9 Any other business

The GOC Chair requested that the Secretariat provide a brief summary of its follow up to EITI Supporting Companies not fully meeting the Expectations for EITI supporting companies. The follow up was agreed by the Board in November 2023.

The Secretariat explained, as tasked by the Board, that it had followed up with each company not fully meeting the Expectations to explain how the company could make further progress in meeting the Expectations and to encourage such progress. The Secretariat reported on the level of responses from companies received by the Board-set deadline of 29 February 2023. The Secretariat noted that in accordance with the Board's decision in November 2023, responses from companies would be published by the Secretariat by the end of May 2023.

The Board Chair extended an invitation to Rinaldo Jeanty to offer some reflections before the conclusion of the meeting, as this session marked his last as a member of the Board. Rinaldo conveyed his appreciation to his fellow Board members for their collaborative spirit over the recent years and also thanked the Secretariat for their assistance in striving towards a common goal. The Board members acknowledged Rinaldo's professionalism and his leadership within the Validation Committee, expressing their gratitude for his contributions.

The Chair then expressed gratitude to the Government of Canada for hosting the meeting and thanked the Board members, observers, the interpreters, and the Secretariat for their role in the Board meeting.

Mark Robinson provided an update regarding the upcoming Board meetings, noting that further information would be shared via Board circulars. He reminded the Board that the dates for the 60th Board meeting have been agreed to take place from 18-20 June. The 60th Board meeting is expected to be hosted by the Government of Switzerland in Geneva. Furthermore, he informed the Board about the ongoing deliberations regarding the possibility of convening a National Coordinators meeting in Geneva, in parallel with the 60th Board meeting. He also noted that more information would be provided in due course regarding the 61st Board meeting in November, which is anticipated to take place virtually on November 11-12.

Annex A: Participant List – 59th EITI Board Meeting

Grey = Apologies (attended virtually)

CHAIR

Rt Hon. Helen CLARK

COUNTRIES

Implementing Countries

Mr Mohamed Lemine AHMEDOU, EITI National Coordinator, Mauritania

Alt: **Mr Antoine Kocounseu MIMBA**, Chairman, EITI National Council Côte d'Ivoire

Ms Isabel CHUVAMBE, EITI National Coordinator, EITI Secretariat, Mozambique

Alt: **Ms Francess ALGHALI**, Minister of State, Office of the Vice-President, Sierra Leone

Mr Agus Cahyono ADI, EITI National Coordinator, Indonesia

Alt: **Bayani AGABIN**, Undersecretary, Department of Finance, Philippines

Mr Jean-Jacques KAYEMBE, EITI National Coordinator, Democratic Republic of Congo

Alt: **Mr Florent Michel OKOKO**, EITI National Coordinator, Republic of the Congo

Mr Miguel Angel DÍAZ, Vice-Minister of Mines, Dominican Republic

Alt: **Mr Gregory McGUIRE**, Chairman of TTEITI Steering Committee, Trinidad & Tobago

Supporting Countries

Ms Christine DETAILLE, Head of Unit Transitional Development and Governance, Ministry of Foreign Affairs, Foreign Trade and Development Cooperation, Belgium

Alt: **Ms Melissa SÄILÄ**, Programme Director, Taxation for Development Action, Unit for Development Finance and Private Sector Cooperation, Ministry of Foreign Affairs, Finland

Mr Rinaldo JEANTY, Assistant Deputy Minister, Lands and Minerals Sector, Natural Resources, Canada

Alt: **Mr Carl WATSON**, Director, Office of Policy Analysis & Public Diplomacy (ENR/EGA/PAPD), Bureau of Energy Resources, U.S. Department of State, USA

Mr Jürg VOLLENWEIDER, Head, Macroeconomic Support Section, State Secretariat for Economic Affairs (SECO), Switzerland

Alt: **Mr Paul GARAYCOCHEA**, Director, Sustainable Transformation of Supply Chains, Federal Ministry for Economic Cooperation and Development (BMZ), Germany

CIVIL SOCIETY ORGANISATIONS

Mr Aliou Ba COULIBALY, President, Publish What You Pay (PWYP) Coalition, Mauritania

Alt: **Mr Kossi KOUGBLENOU**, Executive Director, ACOMB, Togo

Ms Diana EL KAISSY, Advisory board member at the Lebanese Oil and Gas Initiative-LOGI, Lebanon

Alt: **Mr Matthieu SALOMON**, Lead, Anti-corruption, Natural Resource Governance Institute, France

Ms Vanessa CUETO LA ROSA, Environmental Lawyer, Derecho Ambiente y Recursos Naturales, Peru

Alt: **Ms Yessica PRIETO RAMOS**, National directress of projects and research, Crudo Transparente, Colombia

Ms Mariya LOBACHEVA, Executive Director, Echo - Public Association, Kazakhstan

Alt: Ms Olena PAVLENKO, President, DiXi Group, Ukraine

Mr Clancy MOORE, Chief Executive Officer, Transparency International, Australia

Alt: Ms Tamika HALWIINDI, Environmental Governance Officer, Transparency International, Zambia

COMPANIES INCLUDING INVESTORS

Ms Kathryn CASSON, Chief Adviser, Civil Society and Outreach, Rio Tinto

Alt: Mr Richard MORGAN, Head of Government Relations, Anglo American

Mr Chinonso EMEHELU, Senior Director, Public & Government Affairs, Exploration, Strategy & Business Development, ExxonMobil

Alt: Mr Mike ANDERSON, Senior Vice President, Sustainability and External Affairs, Kosmos Energy

Mr James ENSOR, Vice President, External Affairs, BHP

Alt: Mr Nick COTTS, Senior Vice President, Sustainability and External Relations, Newmont Mining

Ms Nathalie MOGNETTI, Senior Vice President, Tax, TotalEnergies

Alt: Mr Roberto NARDI, Head for Consolidated Financial Statements and Reporting, Eni

Mr James NICHOLSON, Head of Corporate Responsibility, Trafigura Group

Alt: TBC

Mr Christopher RICE, Executive Vice President, Tax, Shell International Limited

Alt: Ms Ivanka MAMIC, Senior Vice President, Sustainability, bp

BOARD SECRETARY

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OBSERVERS

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Ms Alena BAASCH, Policy Advisor, Division IVB1, Federal Ministry for Economic Affairs and Climate Action, Germany

Ms Margarita BATLLE, Principal Advisor, Civil Society and Outreach, Rio Tinto

Mr Jan BOLLMANN, Junior-Advisor, Extractives for Development, GIZ, Germany

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Ms Hannah CLAYTON, Just Transition Lead, Strategy & Sustainability, bp

Ms Hevina S. DASHWOOD, Professor, Department of Political Science, Brock University, Toronto, Canada

Ms Sophie DONSZELMANN, Senior Program Officer, The International Council on Mining and Metals Limited, ICMM

Mr Jeff GEIPEL, Managing Director, Mining Shared Value, Engineers Without Borders, Canada

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Mr Vincent HANAPPIER, VP Corporate, Expertise and Methods in Exploration & Production Legal Department – TotalEnergies

Mr David HALSTENBERG, Advisor, Extractives & Development, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, Germany

Mr Don HUBERT, Founder and President, Resources for Development Consulting

Ms Nina INAMAHORO, Operations Officer, Energy & Extractives, World Bank

Ms Mora JOHNSON, Head of Secretariat, Voluntary Principles on Security and Human Rights, Canada

Mr Mykola KOLISNYK, Deputy Minister of Energy, Ukraine

Mr Catur Budi KURNIADI, Policy Analyst, EITI National Secretariat, Indonesia

Ms Anne LAUENROTH, Deputy Head of Department International Cooperation, Security, Raw Materials and Space/ Coordinator Industry Constituency D-EITI, Germany

Ms Isabelle MAGNE, European Commission, Belgium

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Ms Aubrey MENARD, Senior Policy Advisor, Extractive Industries Transparency, Oxfam America

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Ms Marie Louise Djuma YOHARI, Head of Communications & Public Relations, Democratic Republic of Congo

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Mr Nassim BENNANI, Regional Director, Francophone Africa

Ms Christina BERGER, Senior Disclosure Manager

Mr Alex GORDY, Technical Director

Ms Gisela GRANADO, Policy Director

Ms Gay ORDENES, Asia Director & Anti-Corruption Lead

Mr Andrew IRVINE, Legal and Corporate Engagement Director

Ms Joanne JONES, Communications Director

Ms Leah KROGSUND, Office Manager & Board Support

Mr Esteban MANTECA MELGAREJO, Regional Director, Latin America & the Caribbean

Ms Jeanette REINERTSEN, Operations & HR Director