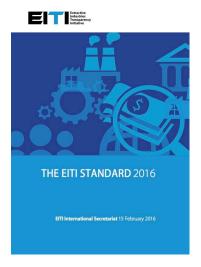


## **Overview of the EITI Standard**

Workshop for civil society, Dili, 25 April 2017





2

### **One Standard**

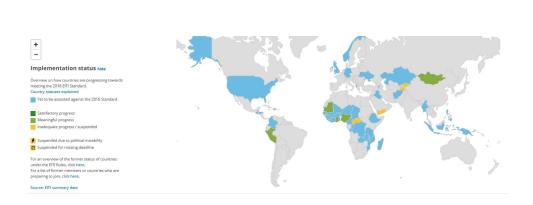
Guiding 51 countries to improved governance and accountability







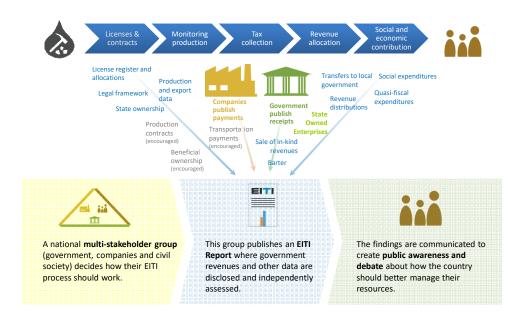
EITI



3

## **EITI Standard**





## How can EITI information impact change?

Multi-Stakeholder Dialogue ·Creates neutral space for building trust and (MSG) facilitating discussion Links EITI to broader national policy **Objective Setting** priorities (Work plan) **Disclose Relevant Information** Useful in evaluating and diagnosing pressing policy questions & challenges (Scoping, Reconciler TOR & EITI Report) Enables informed public understanding & **Analysis of Information** policy debates (CSO & Media Analysis)

Increases accountability & development

### **EITI Validation**

Links to Policymaking &

Institution building (Parl., Min., Reg.)





No programs. All or nearly all appets of the requirement remain outstanding and the broader objective of the requirement has not been implemented and the broader objective of the requirement has not been implemented and the broader objective of the requirement has been implemented and the broader objective of the requirement has been implemented and the broader objective of the requirement has been implemented and the broader objective of the requirement has been implemented and the broader objective of the requirement has been implemented and the broader objective of the requirement has been implemented and the broader objective of the requirement has been implemented and the broader objective of the requirement has been implemented and the broader objective of the requirement has been implemented and the broader objective of the requirements.

\*\*Example of the country has prove being on the requirement has been implemented and the broader objective of the requirements.

\*\*The requirement has not provide and or recommended and should not be also into account in assessing compliance.



## **Emerging topics in the EITI**

Workshop for civil society, Dili, 25 April 2017





**Beneficial ownership** 

#### Who is a beneficial owner?

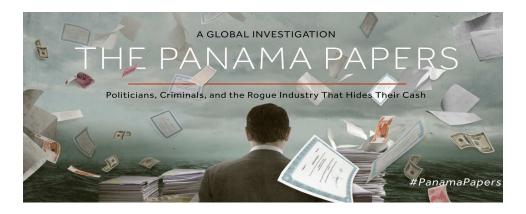


"A beneficial owner in respect of a company means the **natural person(s)** who directly or indirectly ultimately **owns** or **controls** the corporate entity"

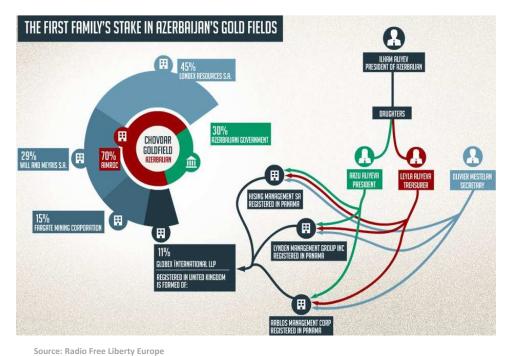


# Why is beneficial ownership transparency important?





Source: International Consortium of Investigative Journalists https://panamapapers.investigativecenters.org/#stories



http://www.rferl.org/content/azerbaijan\_gold-field\_contract\_awarded\_to\_presidents\_family/24569192.html

# Benefits of beneficial ownership transparency



"Beneficial ownership information enables Nigerians to expose corruption and nepotism in the acquisition process. Besides asking companies to voluntarily disclose information on their ownership structure, including any politically exposed persons, going forward NEITI has also put into effect a mechanism that would enable it to capture ownership of divested wells, license holders, lease holders and companies bidding for extractive industry contracts. In short, beneficial ownership in the extractives sector in Nigeria begins to scratch where it itches."

Nigeria EITI Secretariat

- Improve investment climate
- Reduce reputational and other risks
- Prevent corruption and illicit financial flows
- Improve rule of law
- Increase trust and accountability
- Enhance revenue collection

# Beneficial ownership requirements



As of 1 January 2020, it is required that implementing countries request, and companies disclose, beneficial ownership information for inclusion in the EITI report.

This applies to corporate entity(ies) that bid for, operate or invest in extractive assets and should include the identity(ies) of their beneficial owner(s), the level of ownership and details about how ownership or control is exerted.

# BO transparency and relevance to Timor-Leste



#### 1. Assessment of relevance and prioritisation :

- Is lack of beneficial ownership transparency an issue in Timor-Leste? What are the challenges associated with hidden ownership, if any?
- Could the EITI help address these challenges by disclosure of information about beneficial ownership?
- What level of priority does civil society assign to beneficial ownership transparency?



### **Contract transparency**

### **Contract disclosure benefits**



Contracts represent the agreement between the government and the extraction company about how, when and at what cost the extraction occurs. They represent the "deal" the government gets in exchange for mineral rights. Citizens of the country are co-owners of natural resources and have a right to understand the terms of the extraction.

When contracts remain secret...

- ...citizens and oversight actors cannot properly monitor the implementation of the deal.
- ...the country is at high risk of corruption and leakage.
- ...it puts states at a disadvantage in contract negotiations.
- ... it reinforces a culture of impunity in which public officials are not held accountable for questionable deals they make.

#### **Contract disclosure benefits**



Stakeholder	How contract transparency benefits each stakeholder
Civil society organizations	Increased ability to analyze government decisions     Increased access to information on management of public resources     Reduced corruption or unequal distribution of wealth as contracts are made more focused on national development     Easy access to contract terms enables checks on company and government compliance with the contract
Government	Increase of trust between government and citizens Increase in independent analyses of contracts Increased capacity in contract monitoring Increase in government's reputation for investors, with subsequent increase in investment, access to credit and decrease of investor risk Increase in popular support for contract renegotiations and reviews Increase in information to bring to future negotiations
Companies	Better relationships and increased trust with communities     Decrease in community complaints     More stable contracts and decreased pressures to renegotiate     Decreased risk of corruption in negotiations and follow-up

### **Contract disclosure trends**



- Since the release of the 2013 EITI Standard, nine new countries released contracts, and nine enacted laws that require contract disclosure.
- More than 2/3 of all EITI member countries have disclosed at least some contracts and licenses.



MARCH 2017



# Contract disclosure requirements



#### What must be disclosed:

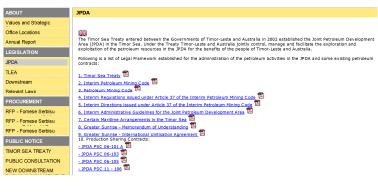
- Policy on contract disclosure, actual disclosure practice and reforms underway
- Information on how contracts can be accessed, if applicable

#### **Encouraged:**

 Disclosure of the full text of any contract, concession, PSA, license or other agreement which provides the terms attached to exploitation of oil, gas and minerals

# **Contract transparency and relevance to Timor-Leste**





Priority three: Reforming	the legal framework and maintain contract	t transparency vithin extra	active industries and	other revenues genera	te in Timor-Leste.	
Promote EITI principles in new oil and gas regulation and/or PSC and new draft mining law	MSG's active participation in discussions e.g provide comments/input to draft law/ regulations			Relevant pillar in MSG	No funding foreseen. Require time and effort	In Progress

## **Contract transparency and relevance to Timor-Leste**



#### 1. Assessment of relevance and prioritisation:

- Are all PSA disclosed in Timor-Leste? Is any information related to the PSAs, such as full terms or addendums missing? Are the contracts available in a user-friendly format? Is there a legal requirement to publish new contracts?
- Could the EITI help address these challenges by disclosure of additional information about contract transparency?
- What plans do civil society have for analysis and use of the contracts that have been published?
- What level of priority does civil society assign to contract transparency?

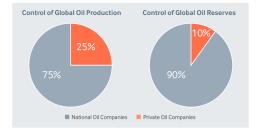


**Governance of State-owned enterprises** (SOEs)

### **Governance of SOEs**



 SOEs may own and operate projects, either outright or in joint ventures. State equity is used by many countries to secure additional government take (beyond tax revenue) from extractive projects, sometimes motivated by non-fiscal concerns such as: a desire for direct government ownership, a "seat at the table," or to facilitate the transfer of knowledge.



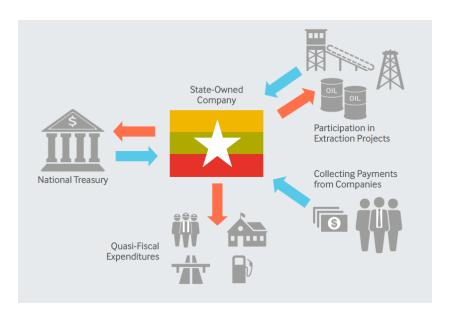
### **EITI Requirements for SOEs**



- Disclosure of rules governing SOE-government financial relationship
- Disclosure of SOE quasi-fiscal expenditures
- Disclosure of SOE ownership
- Disclosure of financial transfers between SOEs and other government agencies

### **Revenues and roles for SOEs**







#### PRESS RELEASE :

TMOR GAP. E.P. and Timor Resources PTY, Ltd sign Production Sharing Contracts with ANPM for two Onshore Blocks in Timor-Leste

Date: 7th April 2017

TIMOR GAP, E.P. (The State Oil Company of the Republic Democratic of Timor-Leste) is pleased to announce that through its wholly

# SOE governance and relevance to Timor-Leste



#### 1. Assessment of relevance and prioritisation:

- Are there any challenges with state-participation in the oil sector in Timor-Leste? What role does SOEs – Timor GAP – play in Timor-Leste? Is the governance structure and appointments transparent? Is information about financial performance of the SOE publicly available? Is the SOE given preferential treatment – e.g. access to PSAs, access to financial resources –compared to other companies? Is the SOE involved in funding projects, e.g. infrastructure?
- Could the EITI help address any challenges by disclosure of additional information about SOE governance and operations?
- What level of priority does civil society assign to SOE governance?



**Project level reporting** 

# Benefits of project-level reporting



- Enables assessment of whether payments are consistent with contractual obligations – «what ought to be paid».
- Shows the economic contribution of each field or project.
- Can help curb transfer pricing.



Cielo Magno, the Philippines

Publish What You Pay members work to see extractive companies publish more information about payments they make to governments where they operate – for instance how much royalty tax they paid for a mining project.

They seek to do this by monitoring legal developments where they do not currently exist or are not yet implemented and by participating in the improvement of existing rules in countries where extractive companies are listed or registered: currently most of these countries are in the global north.

Companies and developed countries profit hugely from the global extractive sector, they have a responsibility to diminish the opportunities for corruption or mismanagement. Publish What You Pay members in resource-lich countries want to change the odds, odds that are stacked against activists and that are favourable to secrecy. Publish What You Pay is working to enable citizens to follow the money and hold their governments to account.

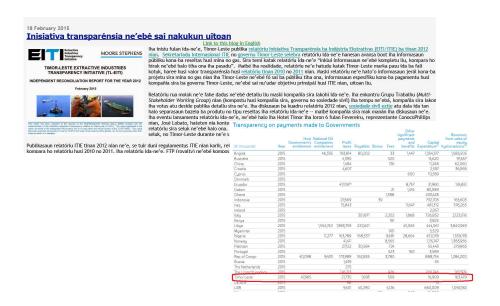
### EITI Requirements on projectlevel reporting



- The national multi-stakeholder group should devise and apply a definition of the term project that is consistent with relevant national laws and systems as well as international norms.
- Project level reporting is required for all reports covering fiscal years ending on or after 31 December 2018.

# **Project level and relevance to Timor-Leste**





# Project level and relevance to Timor-Leste



#### 1. Assessment of relevance and prioritisation:

- Are there any challenges with publishing revenue data disaggregated by project in Timor-Leste?
- Could publication of project-level revenue data help address any challenges?
- What level of priority does civil society assign to project-level reporting?



### Mainstreaming

## Why mainstreaming?



Transparency should be an integral part of how governments manage their sector. EITI reports are not the only tool for bringing about transparency.

#### Some benefits:

- Flexibility in approach to disclosure method of EITI data
- Cheaper avr. cost EITI Report \$130k
- Data more up-to date
- Strenghtens government systems
- Avoids duplication

- No change to disclosure requirements.
- No compromise on reliability and comprehensiveness of data.

## The challenge Timor Leste case study





Source: Timor-Leste Institute for Development Monitoring and Analysis, <a href="http://www.laohamutuk.org/">http://www.laohamutuk.org/</a>

### Mainstreaming transparency

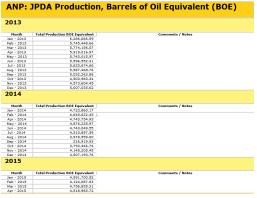




## Mainstreaming transparency







National Petroleum Authority, <a href="http://www.anp-tl.org/webs/anptlweb.nsf/pgLafaekDataGasListHT">http://www.anp-tl.org/webs/anptlweb.nsf/pgLafaekDataGasListHT</a> ML

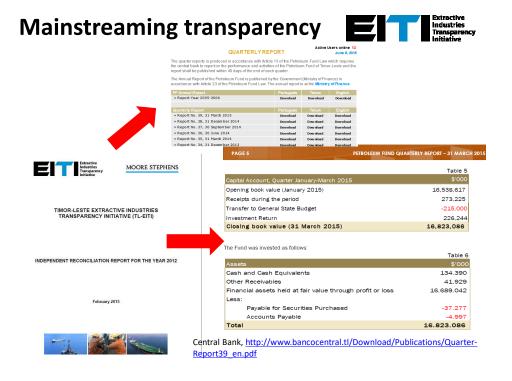
## Mainstreaming transparency



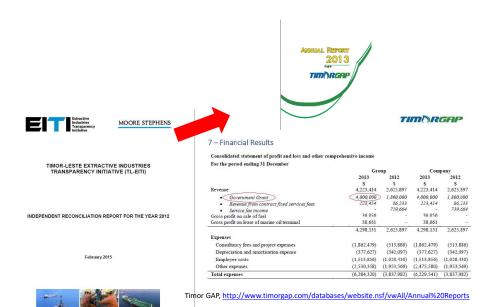


Feb	-2015			
	Description	Total	Timor-Leste	Australia
BU	Interest Received	\$707.27	\$636.54	\$70.73
BU	LPG FTP	\$776,250.48	\$698,625.43	\$77,625.05
	Bank Charges	\$-264.28	\$-237.85	\$-26.43
BU	Condensate FTP	\$1,477,046.93	\$1,329,342.24	\$147,704.69
BU	BU Droy Profit Oil & Gas Jan 15	\$6,328,528.61 \$28,026,905,21	\$5,695,675.75 \$25,224,214.69	\$632,852.86 \$2,802,690,52
	BU Prov Profit Oil & Gas Jan 15 BU Final Profit Oil & Gas Dec 14	\$28,026,905.21	\$25,224,214.69	\$2,802,690.52
	r-2015	\$11,504,163.21	\$10,713,766,69	\$1,190,416.02
	Description	Total	Timor-Leste	Australia
BU	Final Profit Oil & Gas Jan 15 Interest Received	\$13,363,162.95 \$627.49	\$12,026,846.66	\$1,336,316,29
80	Prov Profit Oil & Gas Esh 15	\$44,121,164,00	\$39,709,047,60	\$4,412,116,40
BU	I DG FTD	\$842.041.83	\$757.837.65	\$84,204,18
BU	ING FTP	\$7,436,113,04	\$6,692,501,74	\$743,611.30
BU	Condensate FTP	\$1,761,783.07	\$1,585,604.76	\$176,178,31
80	Bank Charges	\$-156.68	\$-141.01	\$176,176.33
Apı	-2015			\$ 13.07
•	Description	Total	Timor-Leste	Australia
BU	Description Final Profit Oil & Gas Feb 15	\$17,977,920.72	\$16,180,128.65	Australia \$1,797,792.07
BU BU	Description Final Profit Oil & Gas Feb 13 Condensate FTP	\$17,977,920.72 \$1,614,037.66	\$16,180,128.65 \$1,452,633.89	Australia \$1,797,792.07 \$161,403.77
BU BU Kitan	Description Final Profit Oil & Gas Feb 15 Condensate FTP Kitan Royalty	\$17,977,920.72 \$1,614,037.66 \$1,538,126.72	\$16,180,128.65 \$1,452,633.89 \$1,384,314.05	Australia \$1,797,792.07 \$161,403.77 \$153,812.67
BU BU Kitan	Description Final Profit Oil & Gas Feb 15 Condensate FTP Kitan Royalty LPG FTP	\$17,977,920.72 \$1,614,037.66 \$1,538,126.72 \$835,894.70	\$16,180,128.65 \$1,452,633.89 \$1,384,314.05 \$770,305.23	Australia \$1,797,792.07 \$161,403.77 \$153,812.67 \$85,599.47
BU BU Kitan BU BU	Description Final Profit Oil 8. Gas Feb 15 Condensate FTP Kitlan Royalty LPG FTP LInterest Received	\$17,977,920.72 \$1,614,037.66 \$1,538,126.72 \$855,894.70 \$303.05	\$16,180,128.65 \$1,452,633.89 \$1,364,314.05 \$770,305.23 \$272.75	Australia \$1,797,792.07 \$161,403.77 \$153,812.67 \$85,589.47 \$30,33
BU BU Kitan BU BU	Description Final Profit Oil & Gas Feb 15 Condensate FTP Kitan Royalty LPG FTP Interest Received Kitan Profit Oil	\$17,977,920.72 \$1,614,037.66 \$1,538,126.72 \$855,894.70 \$303.05 \$-648,420.81	\$16,180,128.65 \$1,452,633.89 \$1,364,314.05 \$770,305.23 \$272.75 \$-583,578.73	Australia \$1,797,792.07 \$161,403.77 \$153,812.67 \$85,589.47 \$30.31 \$-64,842.06
BU BU Kitan BU BU Kitan	Description Final Profit Oil & Gas Feb 15 Condensate FTP Kitlan Royalty LIPG FTP Interest Received Kitan Profit Oil Bank Charges	\$17,977,920.72 \$1,614,037.66 \$1,538,126.72 \$835,694.70 \$303.05 \$-648,420.81 \$4-62.57	\$16,180,128.65 \$1,452,633.89 \$1,384,314.05 \$770,305.23 \$272.75 \$-583,578.73 \$-56.31	Australia \$1,797,792.07 \$161,403.77 \$153,812.67 \$85,389.47 \$30.31 \$-64,842.06 \$-6.25
BU BU Kitan BU BU Kitan	Description Final Profit Oil & Gas Feb 15 Condensate FTP Kitan Royalty LPG FTP Interest Received Kitan Profit Oil	\$17,977,920.72 \$1,614,037.66 \$1,538,126.72 \$855,894.70 \$303.05 \$-648,420.81	\$16,180,128.65 \$1,452,633.89 \$1,364,314.05 \$770,305.23 \$272.75 \$-583,578.73	Australia \$1,797,792.07 \$161,403,77 \$153,812.67 \$85,389.47 \$30.33 \$-66,842.00 \$456,179.33
BU BU Kitan BU Kitan BU	Description Final Porti Ol & Gas Feb 15 Condensate FTP Kidan Koyoley Lucy FTP Kidan Koyoley Lucy FTP Kidan Koyoley Lucy FTP Kidan Koyoley Lucy FTP Resided Kidan Popt Gol B Rank Charges Lucy FTP Provi Self Col & Gas Mar 2015	\$17,977,920.72 \$1,614,097.66 \$1,536,126.72 \$855,894.70 \$303.05 \$-648,420.81 \$-62,57 \$4,541,793.22 \$42,464,145.52	\$16,180,128.65 \$1.452,633.89 \$1,384,314.05 \$770,305.22 \$272.75 \$-583,578.73 \$-56.31 \$4,087,613.90 \$38,217,730.97	Australia \$1,797,792.07 \$151,403.77 \$153,812.67 \$25,359.47 \$20,31 \$-64,842.08 \$-6.26 \$454,179.82 \$4,246,414.55
BU Kitan BU Kitan Kitan BU BU	Description Final Portific Old Gas Feb 15 Condensate FTP Condensate FTP Description For FTP Location FTP Loca	\$17,977,920.72 \$1,614.037.66 \$1,538.126.72 \$855,094.70 \$303.03 \$-648,420.81 \$-62,57 \$4,541,793.22 \$42,464,145.52	\$16,180,128.65 \$1,452,633.89 \$1,384,314,05 \$770,365.23 \$272.75 \$-583,578.73 \$-56,21 \$4,007,613.90 \$38,227,730.97	Australia \$1,797,792.07 \$151,403,77 \$153,3812.67 \$35,389.47 \$30,31 \$-64,842.06 \$454,779.32 \$4,246,414.55
BU Kitan BU Kitan Kitan BU BU	Description Plead Port Cl 8 Gas Feb 13 Control could PTP Control c	\$17,977,920.72 \$1,614,037.66 \$1,738,126.72 \$155,894.70 \$55,894.70 \$5-648,420.81 \$-648,420.81 \$4,547,732.22 \$42,464,145.52	\$16,180,128.69 \$1,452,633.89 \$1,384,314.05 \$770,305.23 \$272,75 \$-585,576,73 \$-56,31 \$4,087,613.90 \$38,217,730.97	Australia \$1.797,792.07 \$151,403.77 \$153,812.67 \$153,812.67 \$150,319.47 \$10,31 \$-64,842.06 \$-6.26 \$454,179,32 \$4,246,414.55
BU Kitan BU Kitan BU May	Description Final Portific Old Gas Feb 15 Condensate FTP Condensate FTP Description For FTP Location FTP Loca	\$17,977,920.72 \$1,614.037.66 \$1,538.126.72 \$855,094.70 \$303.03 \$-648,420.81 \$-62,57 \$4,541,793.22 \$42,464,145.52	\$16,180,128.65 \$1,452,633.89 \$1,384,314,05 \$770,365.23 \$272.75 \$-583,578.73 \$-56,21 \$4,007,613.90 \$38,227,730.97	Australia \$1,797,792.07 \$153,812.67 \$95,569.47 \$20,31 \$-64,842.08 \$454,246,414.53 \$4,246,414.53 Australia \$2,903,686.61 \$2,794.552.23
BU Kitan BU Kitan BU BU BU BU BU	Description Final Broit 6.8 Gas Feb 19 Final Final Feb 19 Final Fi	\$17,977,920.72 \$1,614,037,66 \$1,538,126,72 \$955,894,70 \$203.08 \$-648,420.81 \$4,541,793,22 \$42,464,145,52	\$1.6,180,128,69 \$1.452,633,89 \$1.384,314,05 \$770,305,23 \$272,79 \$-585,576,73 \$-56,21 \$4,687,613,90 \$38,217,730,97	Australia \$1,797,792.07 \$151,403,77 \$153,812,67 \$45,580,47 \$-6,842,05 \$44,246,414,55 \$44,246,414,55 \$42,794,592.25 \$2,794,592.25 \$379,233,688.65
BU BU Kitan BU BU Kitan BU BU BU BU BU BU BU BU BU	Description  Descr	\$17,977,920.72 \$1,614,037.66 \$1,538,126.72 \$955,894.70 \$503.08 \$-648,420.81 \$-648,420.81 \$4,541,793.22 \$42,464,145.52 Total \$29,036,586.15 \$27,345,522.26 \$3,792,538.58	\$16,180,128,69 \$1,492,633,89 \$1,384,314,05 \$770,305,23 \$232,73 \$180,756,31 \$4,087,613,90 \$38,217,730,97 Timor-Leste \$24,610,970,03 \$24,410,970,03 \$34,412,84,72	Australia \$1,797,792,07 \$161,403,77 \$153,812,67 \$85,598,47 \$40,31 \$4,246,414,52 Australia \$2,903,686,63 \$2,794,523,68 \$42,794,523,68 \$42,794,523,68 \$42,794,523,68 \$42,794,523,68 \$44,794,523,68 \$44,794,523,68
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BU Kitan BU Kitan BU	Description Final Broft 61 & Sax Feb 13 Final Broft 61 & Sax Feb 13 Final Broft 61 & Sax Feb 13 Final Broft 61 & Feb 13 Final Broft 61 & Feb 14 Final	\$13,977,920,72 \$1,614,037,66 \$1,538,126,72 \$855,894,70 \$200,05 \$44,941,793,22 \$43,941,793,22 \$42,464,145,52 \$72,345,522,65 \$43,941,793,22 \$43,941,793,22 \$43,941,793,22 \$43,941,793,23 \$43,943,943,943,943,943,943,943,943,943,9	\$16,100,128.63 \$1,926,233.99 \$1,1394,314.05 \$272,035.23 \$272,035.23 \$272,075.23 \$44,027,613.30 \$44,027,613.30 \$18,217,730.97 \$28,613,920.23 \$28,613,920.23 \$28,613,920.23 \$44,175,467,79 \$44,175,467,79 \$44,175,467,79	Australia \$10,1,403,77 \$15,1,403,77 \$15,1,403,77 \$15,199,47 \$15,19
BU BU BU BU BU BU BU BU	Description Final Portific II & Gas Feb 15 Final Portific II & Gas Mar 2015 Final Portific II & Gas Mar 13 Final Portific II	137,977,920,72 \$1,614,037,66 \$1,538,126,72 \$935,994,70 \$-648,420,61 \$-648,420,61 \$-64,420,61 \$4,541,793,22 \$22,016,386,13 \$22,036,582,26 \$4,642,2036,582,26	\$16,100,128.63 \$1,926,33.99 \$1,1384,314.05 \$177,305.22 \$195,305.23 \$195,305.23 \$195,507.73 \$195,517.73 \$195,217.73 \$195,217.73 \$195,217.73 \$195,217.73 \$195,217.73 \$195,217.73 \$195,217.73 \$195,217.73 \$195,117.73	Australia \$1,797,792.07 \$151,403.77 \$153,812.67 \$25,359.47 \$20,31 \$-64,842.08 \$-6.26 \$454,179.82 \$4,246,414.55
BU B	Description Final Portific II & Gas Feb 15 Final Portific II & Gas Mar 2015 Final Portific II & Gas Mar 13 Final Portific II	137,977,920,72 \$1,614,037,66 \$1,538,126,72 \$935,994,70 \$-648,420,61 \$-648,420,61 \$-64,420,61 \$4,541,793,22 \$22,016,386,13 \$22,036,582,26 \$4,642,2036,582,26	\$16,100,128.63 \$1,926,33.99 \$1,1384,314.05 \$177,305.22 \$195,305.23 \$195,305.23 \$195,507.73 \$195,517.73 \$195,217.73 \$195,217.73 \$195,217.73 \$195,217.73 \$195,217.73 \$195,217.73 \$195,217.73 \$195,217.73 \$195,117.73	Australia \$1,797,792,07 \$16,1403,77 \$15,1403,77 \$15,299,47 \$15,299,47 \$15,299,47 \$15,299,42,06 \$46,42,09 \$46,44,45 \$15,299,486,62 \$27,789,522,28 \$47,248,48 \$47,2

National Petroleum Authority, <a href="http://www.anp-tl.org/webs/anptlweb.nsf/pgLafaekFTPListl">http://www.anp-tl.org/webs/anptlweb.nsf/pgLafaekFTPListl</a>

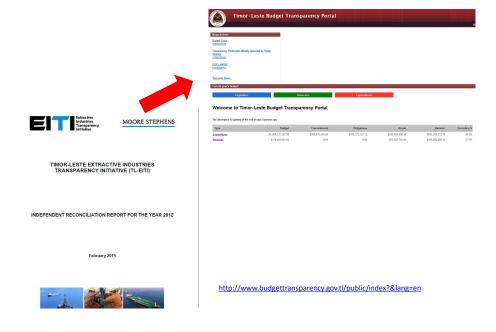






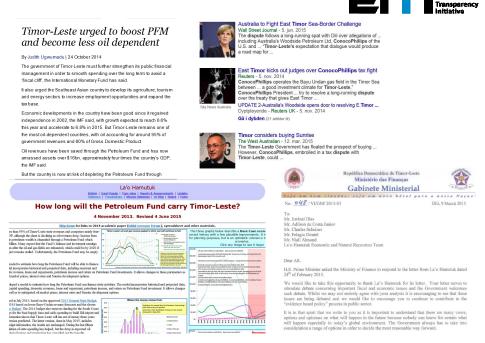






#### EITI - still important platform for dialogue





# Mainstreaming and relevance to Timor-Leste



#### 1. Assessment of relevance and prioritisation:

- What are the challenges and benefits of moving publication of EITI data online in Timor-Leste, drawing on existing data?
- Is it desirable to continue reconciliation of payments and revenues?
- Is it desirable to continue the MSG governance of the EITI?
- What level of priority does civil society assign to mainstreaming?

### **Next steps**



Based on our assessment of relevance and priorities, can we design a strategy for civil society engagement in EITI Timor-Leste?