February 25, 2019

To the members of the EITI Board,

Re: Options for changes to Requirement 2.4 on contract disclosures

We are writing to urge the EITI Board to strengthen the EITI Standard to require the publication of contracts and licenses which provide the terms attached to the exploitation of oil gas and mineral resources. Contracts and licenses are vitally important documents that lie at the heart of several important issues spanning the entire scope of EITI, including exploration and production rights; taxes, transfers and other payments; infrastructure and barter arrangements; and social spending.

In the six years since the EITI Standard was changed to “encourage” contract disclosure by member countries, the world has changed. According to the International Monetary Fund, the publication of contracts is now established as an international norm alongside project-level disclosure of resource revenues.[1] Contract disclosure is required for extractive industry clients of World Bank’s International Finance Corporation and Multilateral Investment Guarantee Agency and for petroleum sector clients of the European Bank for Reconstruction and Development.[2] It has also been endorsed by the United Nations, International Bar Association, the B-Team, the OECD, and the International Council of Mining and Metals.[3]

Uptake within the EITI community of practice has been strong. Already 31 of 51 implementing countries have already disclosed contracts and 24 have laws requiring disclosure.[4] Within the private sector, at least 16 EITI supporting companies have made statements supporting contract disclosure. This includes seven out of the 10 extractive industries companies on the EITI Board.[5]

The EITI Standard should keep pace with the leading edge of practice of its members and with global norms. If the EITI Standard fails to change with the times, this would threaten the credibility of EITI as a governance initiative, and the credibility of those organizations who support and promote it.

We therefore strongly recommend that the EITI Board protect EITI's global leadership and reputation, by strengthening the Standard to require contract disclosure.

Sincerely,

Global coalitions:
  Publish What You Pay
  Transparency International

Other organizations:
  ACADHOSHA - Democratic Republic of Congo
  Acción Ciudadana - Guatemala
  ACIDH – RDC
  ACOMB – Togo
  Action Collective Contre la Pauvreté - Togo
  Action Mines Guinée - Guinée
  Action pour la Défense des Droits Humains ( ADDH ) - Democratic Republic of Congo
  ADREMGUIL - Guinée
  Africa Center for Energy Policy - Ghana
  Akad Cultural Institute - Iraq
  Alliance pour la Promotion des Energies Renouvelables - Tunisia
  Amis de la Justice - Democratic Republic of Congo
  ASADHO-KAT - Democratic Republic of Congo
  ASPRODEL - Senegal
  Association Tunisienne de l’Environnement et de la Nature de Gabes - Tunisia
  Bantay Kita - Philippines
  BZBT - Mongolia
  Canadians for Tax Fairness - Canada
  CartoCrítica - Mexico
  Centre Africa Obota - Togo
  Centre d’Action pour le Développement Social - Côte d’Ivoire
  Centre du Commerce International pour le Développement-CECIDE - Guinée
  Centre for International Corporate Tax Accountability & Research (CICTAR) - Australia
  Centre Pour L’information Environnementale et le Developpement Durable – Central African Republic
  Centro de Integridade Publica (CIP) – Mozambique
  Centro Terra Viva - Mozambique
  Civil Society Platform on Oil and Gas - Ghana
  Clean Trade – UK
  Coalition Guineenne Des Femmes Pour Les Mines Et Le Developpement Durable - Guinée
  Coligacao Cívica Sobre A Industrias Extractiva (CCIE) - Mozambique
  Columbia Center on Sustainable Development – Global
  Community Development Interest - Timore Leste
  Conselho Cristão de Mozambique – Mozambique
  CooperAccion - Peru
  Crude Accountability - USA
  Crudo Transparente – Colombia
  Democracy Monitor - Azerbaijan
  Derecho, Ambiente y Recursos Naturales (DAR) - Perú
  DixiGroup - Ukraine
  Dynamique des femmes des mines (DYFEM) - Democratic Republic of Congo
  EG Justice - Equatorial Guinea
EITI Azerbaijan NGO Coalition - Azerbaijan
Engineers Without Borders Canada - Canada
Environics Trust - India
ETADEP - Timor Leste
Feto Hadomi Familia - Timor Leste
Foro Nacional por Colombia - Colombia
Friends of the Earth France - France
Fundación Jubileo – Bolivia
Fundar, Centro de Análisis e Investigación - Mexico
Fundasaun Baluos - Timore Leste
Global Witness - Global
Goa Foundation - India
Habaran Institute - Timor Leste
Haburas Foundation - Timor Leste
HAK - Timor Leste
HakiRasilimali - Tanzania
HDC "Tree of Life" - Kyrgyzstan
Human and Environmental Development Agenda – Nigeria
I WATCH - Tunisia
Instituto Mexicano para la Competitividad, A.C. (IMCO) - México
Interpares - Canada
Jeunesse du Monde – Democratic Republic of Congo
Justice Pour Tous - Democratic Republic of Congo
Kdadalak Sulimutuk Institute - Timor Leste
KEOH – Senegal
KUWUKA JDA - Mozambique
l’Association Tunisienne de Droit du Développement (ATDD) - Tunisia
La’o Hamutuk – Timor Leste
Lebanese Oil and Gas Initiative - Lebanon
Ligue des consommateurs du Togo - Togo
Lumiere Synergie pour le Developpement - Senegal
Luta Hamutuk - Timor Leste
Maison des Mines du Kivu - Democratic Republic of Congo
Mata Dalan Institute - Timor Leste
Media Bureau of Investigative Journalism - Kyrgyzstan
Médiations ressources naturelles et droits des communautés-Guinée (MERCOM GUINEE) - Guinée
Mesa Colombia - Colombia
México Evalúa - México
Mining Watch Canada - Canada
Mongolian Association for Conservation Nature and the Environment - Mongolia
Myanmar Alliance for Transparency and Accountability (MATA) - Myanmar
Naryn Municioal Resource Centre – Kyrgyzstan
Network of Eco Journalists - Mongolia
NGO Liberty – Kazakhstan
Observatoire d’Etudes et d’Appui à la Responsabilité Sociétale et Environnementale – Democratic Republic of Congo
OBSERVATOIRE DE LUTTE CONTRE LA CORRUPTION ET LES MALVERSATIONS ECONOMIQUES(OLUCOME) – Burundi
Observatoire Gouvernance et Paix - Democratic Republic of Congo
Observatoire pour la Bonne Gouvernance du Secteur Extractif en Côte d'Ivoire - Côte d'Ivoire
Ombudsman Energía México - Mexico
One - Global
Open Contracting Partnership – Global
Open Oil – Global
Organisation Afriquevision.info
ORJEDEC (Organisation Jeunesse pour le Développement Communautaire) - Togo
PAFED - TOGO
Partenia 2000 - France
Penplusbytes - Ghana
Permatil - Timore Leste
PFM Network - Ghana
Public Administration New Initiative - Mongolia
Public association Echo - Kazakhstan
Radio Espace Fm - Guinée
Recherches, Conseils et Réseaux pour le Développement - Togo
REFED/S – Togo
Réseau National de la Société Civile pour l'environnement et le Développement Durable (RENASCEDD) - Guinée
Resource Matters - Belgium
RHTO - Timore Leste
Rights and Accountability in Development (RAID) – United Kingdom
RRN - Democratic Republic of Congo
SDN - Nigeria
SEKELEKANI - Mozambique
Sherpa - France
Social Survey Timore Leste – Timore Leste
SOMASI NTB - Indonesia
Sos-Développement - Togo
Steps Without Borders - Mongolia
SWISSAID - Switzerland
Tax Justice Network - United Kingdom
The Andrew Lees Trust UK - Madagascar
The Carter Center - Global
Transparent Governance – Azerbaijan
Wacam – Ghana
Women Environmental Programme - Togo