

# BACKGROUND & ISSUES

## CIVIC SPACE

EITI PARIS CONFERENCE 2019



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# 50+

Number of EITI implementing countries

# 40

countries have seriously restricted civic space

# 25

of 40 have been obstructed and 6 with narrowed civic space

# 36

of the 50+ EITI implementing countries have been the site of attacks on activists

## Key Points

Civic space is closing globally, including within EITI countries.

- Data (as of June 2019) provided by the CIVICUS Monitor indicates that out 50+ EITI implementing countries, 40 have seriously restricted civic space, including 2 listed as closed, 13 repressed, 25 obstructed, and a further 6 with narrowed civic space and 5 as open.
- Activists working on transparency in the extractives sector are among the most targeted globally.
- Attacks against activists working on transparency in the extractive industries include killings, torture and disappearances as well as criminalization for their activities.
- The Business & Human Rights Resource Centre has identified attacks on human rights activists working on business-related activities in approximately 36 of the 50+ EITI implementing countries in the last three years.

## Key Issues

- 1 **Independent Review.** The EITI Board should initiate an independent, external review of EITI's tools for assessing civil society participation (Requirement #1.3) at three key junctures:



**Sign-Up**  
(when a country applies to EITI)



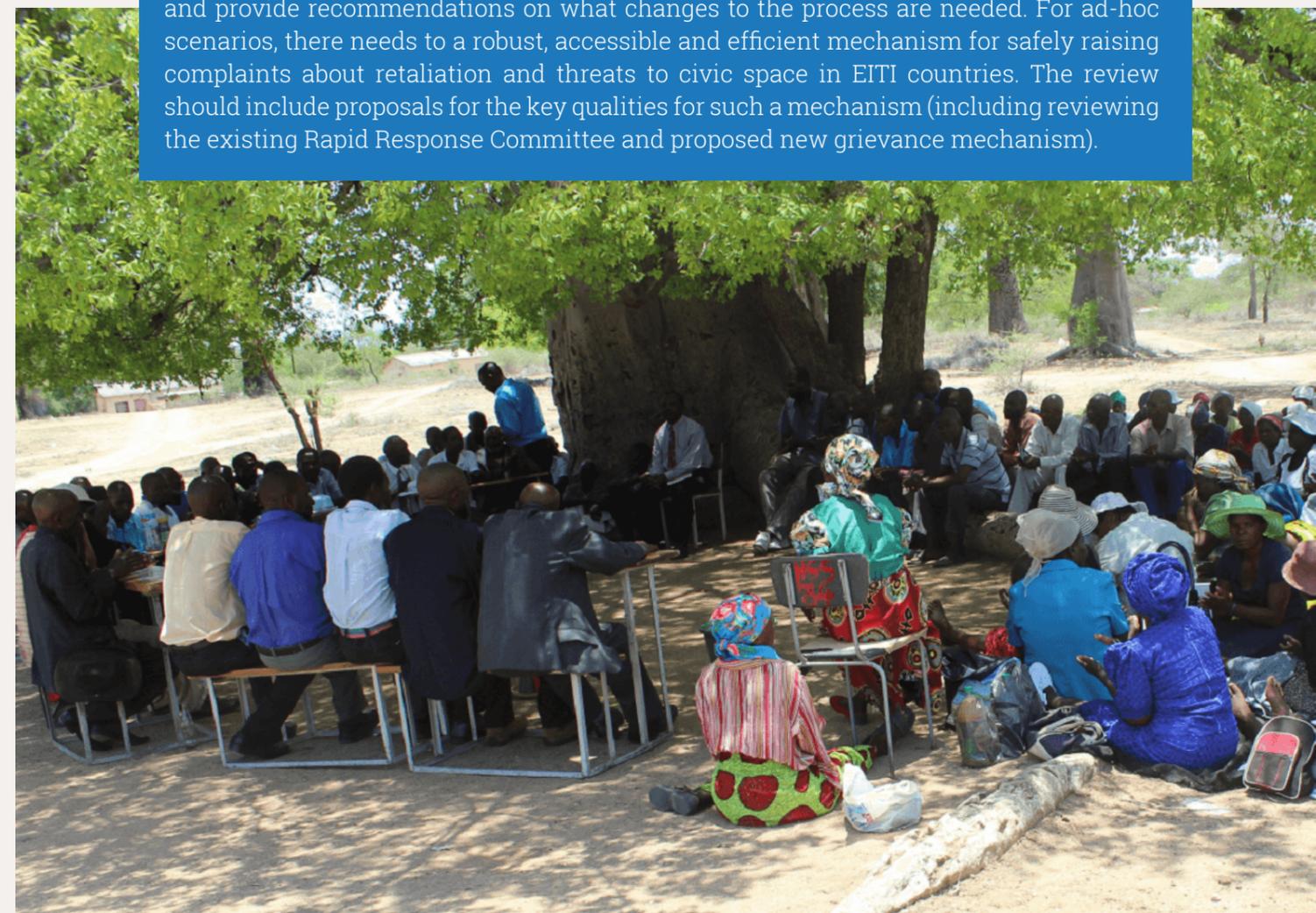
**Validation**  
periodic assessments of compliance with the EITI Standard



**Ad-hoc basis**  
when problems arise between validations

**Why this issue?** Participation of civil society is an integral part of EITI and has been since the initiative's creation in 2002. However, how to interpret and enforce EITI requirements for civil society participation has been a contentious and recurring issue over the years, including in Equatorial Guinea, Ethiopia, Azerbaijan and Niger and now again with the validation process of Myanmar.

**Details:** EITI should consider an independent review of the three junctures listed above against the background of international law norms and principles, undertaken by an expert chosen by the Board. Specifically, this would include review of sign-up and validation processes to understand why threats to civic space are not always accurately detected and provide recommendations on what changes to the process are needed. For ad-hoc scenarios, there needs to a robust, accessible and efficient mechanism for safely raising complaints about retaliation and threats to civic space in EITI countries. The review should include proposals for the key qualities for such a mechanism (including reviewing the existing Rapid Response Committee and proposed new grievance mechanism).



## 2 Myanmar Validation. Myanmar should receive 'meaningful progress' (rather than 'satisfactory progress') on validation of civil society participation Requirement 1.3.

**Why this issue?** Myanmar represents a test-case for how the Board assesses Requirement 1.3, and will be a bell-weather for similar scenarios in countries like the Dominican Republic. It is important to uphold EITI's commitment to review the broader environment in which EITI operates, and to assess whether the broader objective of the Civil Society Protocol has been fulfilled. Per the Protocol and as reaffirmed in Berlin, this includes non-MSG members of civil society expressing views related to natural resource governance.

**Details:** At the Berlin Board meeting in 2018, the Board discussed how to apply section 8.3.c.i, which outlines penalties for non-compliance with Requirement 1.3 - specifically when and how to award 'satisfactory progress' versus 'meaningful progress' during the Validation process. The Board considered whether to assess this requirement with a broad scope (i.e. specifically considering the wider environment in which civil society can operate) but lowered sanctions, versus a narrow scope with higher sanctions. The Board opted for assessing the broader civil society environment in return for applying lower sanctions. This must not now be reinterpreted in the case of Myanmar's validation as a narrow scope and lower sanctions.



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