

**AFGHANISTAN EXTRACTIVE INDUSTRIES TRANSPARENCY
INITIATIVE
SECRETARIAT**

DRAFT OF OPEN DATA POLICY

March 2016

1.0 Introduction	3
2.0 Contextual Background	3
3.0 Open Data Objectives	4
4.0 Policy Strategies	5
5.0 Policy Outputs	5

1.0 Introduction

The new 2016 EITI Standard requires that all EITI implementing countries develop an Open Data Policy by January 1, 2017. According to the International Open Data Charter (<http://opendatacharter.net/principles/>), open data is digital data that possesses the technical and legal characteristics necessary to be made available for it to be freely used, reused, and redistributed by anyone, anytime, anywhere.

The EITI Principles declare that “a public understanding of government revenues and expenditure over time [can] help public debate and inform choice of appropriate and realistic options for sustainable development” (EITI Principle 4). The EITI Standard therefore requires EITI Reports that are “comprehensible, actively promoted, publicly accessible, and contribute to public debate” (EITI Requirement 7.1). Improving the accessibility and comparability of EITI data is essential to realize these objectives.

This AEITI Open Data Policy Draft is modeled on the EITI Open Data Policy Document (<https://eiti.org/standard/open-data-policy>), which was approved by the International EITI Board on December 9, 2015. The EITI Open Data Policy Document builds on lessons emerging from national level implementation and international best practices following a global movement focused on open data.

In keeping with the new 2016 EITI Standard, the AEITI Open Data Policy contains recommendations on open data in implementation of the Initiative in Afghanistan. Afghanistan stands to benefit greatly from this Open Data Policy. It aims at ensuring that data relating to natural resources revenue and expenditure is easily accessible, user friendly, understood and should raise public debates. Publishing EITI Reports publically online is an example of Open Data that provides a range of benefits for all extractives sector stakeholders.

2.0 Contextual Background

The government of Afghanistan has embraced fundamental democratic reforms to improve the transparency, accountability, and open and fair governance of public institutions. Article 50 of the Afghanistan Constitution provides every person the right of access to information held by the state or any of its organs at any level of government. Article 2 provides for the establishment of measures that guarantee transparency, accountability and financial probity in order to strengthen confidence in public institutions. The Afghanistan Constitution also has strong constitutional guarantees for freedom of the press. Article 34 of the Afghanistan’s constitution states that press shall have the right to report and publish freely. Open Data supports a free and vibrant press.

Although the country has embraced these fundamental democratic reforms to ensure an open society and improve transparency, accountability, and access to information there are challenges

that need to be managed to ensure that the objectives of the Open Data Policy are achieved and implemented in accordance with the EITI Standard.

During the October 106 Brussels Conference, the Afghan Government set out its vision for the future by presenting the Afghanistan National Peace and Development Framework (ANPDF). The government also described its reform efforts to address the estimated \$300 million that is lost annually through illicit mining, fueling insurgency and driving criminality. The government of Afghanistan states that it will introduce new requirements for the disclosure of beneficial ownership and ensure that revenues from licensed exploitation are collected. To that end, the Access to Information Law was passed which will improve the disclosure of Beneficial Ownership and promote open data in the country.

The Government of Afghanistan also expressed in Brussels that it places great importance on implementing the EITI Standard and identifies EITI as a tool to improve systems and promote transparency within the extractive sector of the country. This commitment to EITI principles also was expressed in the Self-Reliance Through Mutual Accountability Framework (SMAF), which states that amendments to the Mining Law submitted to parliament should include measures such as requiring the publication of mining contracts, the identification of the mining companies' beneficial owners by first half of 2018, and the development of mineral fiscal regime by 2018.

The extractives sector has no comprehensive framework for data collection, documentation and storage. Data is mostly kept in non-electronic formats across the relevant ministries, departments and agencies, making easy access, use, reuse and distribution a challenge. In addition, there often is secrecy regarding beneficial ownership of natural resource companies, worsening the industry's vulnerability to corruption. Tax evasion is also common due to accounting malfeasance. Afghanistan has bodies mandated to promote transparency and accountability. The High Office of Oversight and Anti-Corruption and the Anti-Corruption Justice Center combat corrupt practices and promote the accountability of public officers. An Open Data Policy will support the efforts of these bodies.

It is believed that the EITI Open Data Policy will address the above mentioned challenges and support the successful implementation of EITI. The EITI Open Data Policy will improve the public's access to EITI data, thereby promoting transparency and accountability and enhancing good governance in the extractive industry consistent with EITI principles and standards.

3.0 Open Data Objectives

i. Open EITI data can increase transparency about government and business activities, and increases awareness about how Afghanistan's natural resources are used and how extractives revenues are levied and spent, providing strong incentives for that money to be used most effectively.

- ii. Open data promotes accountability and good governance, enhances public debate, and helps to combat corruption. Providing access to government data can empower individuals, the media, civil society, and business to make better informed choices about the services they receive and the standards they should expect. Open data, can also be a valuable tool for government in improving policy making and sector management.
- iii. Free access to, and subsequent re-use of, open data are of significant value to society and the economy.

4.0 Policy Strategies

- i. Orient government Ministries, Departments and Agencies (MDAs) towards EITI Open Data. It is recognized that there are policies and legislation, in particular pertaining to intellectual property, personally-identifiable and sensitive information, which must be observed;
- ii. Ensure that this data are fully described, so that users have sufficient information to understand their strengths, weaknesses, analytical limitations, and security requirements, as well as how to process the data;
- iii. Release data as early as possible, allow users to provide feedback, and then continue to make revisions to ensure the highest standards of open data quality;
- iv. Release data under an open license that allows users to freely obtain and easily re-use it;
- v. Share technical expertise and experience with other countries to maximize the potential of open data;
- vi. Work to increase open data literacy and encourage people, such as developers of applications and civil society organizations that work in the field of open data promotion, to unlock the value of open data in Afghanistan;
- vii. Ensure that data is interoperable with national and international standards, including adopting data standards approved by the EITI board and additional guidance provided by the International EITI secretariat;
- viii. Where possible use unique identifiers to link data across years of reporting or different sources;
- ix. Work towards mainstreaming the creation of open data for EITI into government systems to ensure timeliness, data quality, reuse and cost effectiveness; and
- x. Provide data in granular, machine-readable formats.

5.0 Policy Outputs

- i. All the reconciled data of the extractive sector of Afghanistan, including all tables and graphs used in EITI Reports, will be published alongside the reports in open formats such as Excel or CSV files.
- ii. These open data files will include data of the beneficial ownership
- iii. Using the web-based computerized Financial Management Information System (FMIS), or equivalent, the Afghan government will make publically available extractives sector information including license information, tender history, (non-proprietary) contract information, identity of person(s) operating the mine, output, and revenue flows.