Priorities for strengthening extractive sector governance

Oslo, 5 - 7 September 2018

CONTRACT TRANSPARENCY

Lessons from validation and country opportunities
EITI’s contribution to contract transparency debate

• Creating a forum for debate
• Facilitating disclosures
• Providing access to contracts
• Supporting legal reform enabling contract transparency
Key Findings from Validation

- The EITI has significantly influenced the contract transparency debate in implementing countries.
- Validation has highlighted several benefits of contract transparency for many stakeholders.
- Limited use of contracts for analysis.
Key Findings from Validation

• There appears to be little focus on the EITI’s encouragement of contract transparency in Validation.

• There continues to be a discrepancy between policy and practice in countries that provide for full disclosure.

• Validation has shown a need for clarification of the meaning of confidentiality clauses.
Challenges during Validation

• **Accessibility:** A survey of the initial assessments and EITI Reports shows that little attention has been given to data accessibility and the format in which contracts are disclosed.

• **Conflicting sources and outdated information:** Validation revealed that there is often lack of clarity on which government agency is responsible for publishing contracts and challenging in keeping contract databases up to date.
Challenges during Validation

• **Confidentiality clauses:** Validation has highlighted a need to interrogate the confidentiality of the contracts in further detail.

• **Commercial sensitivity:** The question of commercially sensitive information in contracts was not frequently cited by EITI Stakeholders as a reason not to disclose contracts.

• **Fear of instability:** In some countries, governments officials seem to fear public criticism or instability if contracts were to become public.
Need for Country Support

• Identifying opportunities for reforms (e.g. ongoing legal amendments, revision of model contracts)
• Formulating key messages and arguments, language for legal provisions
• Engaging key people
• Creating platforms for disclosure (extractives hub, contract portals)
• Identifying commercially sensitive information, what could be redacted?
• Use of contracts
Next steps:

1. Joint projects/activities?
2. Priority countries?
3. Targets for the Global Conference
4. Side event for the Global Conference
5. Other suggestions?
Thank you!

www.eiti.org
@EITIorg