

Contract Transparency Network

Draft terms of reference for EITI network on contract transparency

Background

In 2013, the EITI Standard began encouraging countries to publicly disclose any contracts and licenses that provide the terms attached to the exploitation of oil, gas and minerals. Five years on, over half of EITI implementing countries disclose at least some contracts, and 18 major extractive companies have made statements supporting the practice in some form. As these changes have taken place, the debate around disclosure has shifted away from *why* contracts should be published towards the question of *how* disclosure can be achieved and *what* needs to be done to bring the greatest benefits. Recognizing that these questions and challenges have been addressed in different ways by the many governments within the EITI community of practice, the EITI network on contract transparency will seek to provide a forum for governments to share experiences and examine they can achieve the expectations set out in the EITI Standard.

Objectives of the network

The network on contract transparency provides a forum for governments to share experiences, provide expertise and champion the publication of contracts within EITI. Wider support for the network is included in section 3.1.2 of the EITI work plan for 2019.

The group is expected to:

1. Champion contract transparency, develop messaging and encourage statements of commitment by governments and other EITI stakeholders.
2. Discuss policy issues related to contract transparency and provide leadership in shaping the global narrative on these issues, including any possible recommendations for EITI's work in this area.
3. Work towards improving contract transparency in EITI countries and improve quality and usability of contracts disclosed.
4. Examine common challenges that countries with policies on contract transparency face in publishing contracts and identify solutions that countries can adopt to move toward disclosure.
5. Identify and share the most effective approaches to embed contract disclosure in government systems.
6. Determine how governments can work together to share contractual information and reduce asymmetries of information

Composition and expectations:

1. The network is composed of government officials at the political and technical level from EITI countries who:
 - a. Currently have a policy of full or partial contract transparency;
 - b. Are in the process of adopting a full or partial contract transparency policy;
 - c. Are considering reforms on contract transparency.
2. The group selected a high-level government representative to lead the group during its initial phase
3. The group meets via conference calls or in person at least once every quarter. Subject to availability of resources, an event on contract transparency shall be organized at least once a year.
4. The EITI Secretariat shall provide the technical and logistical support for the meetings of the working group, including arranging conference calls, documenting the discussions and drafting papers if needed. NRGi, Oxfam America and other partners shall provide technical assistance.
5. The group's responsibilities are expected to evolve as the discussions on contract transparency progress. Deliverables for 2020 might include:
 - a. Recommendations for how to strengthen the EITI's contribution to contract transparency, including guidance on how to implement EITI Requirements on contract transparency by 2021 in accordance with the 2019 EITI Standard and the EITI open data standard.
 - b. A high-level joint statement of support to contract transparency
 - c. Co-hosting with EITI a Forum on contract transparency led by the CNH in Mexico, as well as other major events hosted by other partners
 - d. Platforms (forums, webpages) to share best practices, discuss issues and shape the global narrative on contract transparency