

## PWYP Global Council - 5 April 2016, Brussels/ MINUTES

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### *Global Council*

Aroa de la Fuente, FUNDAR, Mexico - Global Council Liaison (representing Latin America) (AF)  
 Camilo Nhancale, KUWUKA JDA, Mozambique (representing Anglophone Africa) (CN)  
 Jana Morgan, PWYP US, US (representing Europe & North America) (JM)  
 Sihem Bouazza, Tunisian Association of Development & Law, Tunisia (representing MENA) (SB)  
 Simon Taylor, Global Witness, UK (representing organisations with global reach) (ST)  
 Suneeta Kaimal, Natural Resource Governance Institute, US (representing organisations with global reach) (SK)  
 Taran Diallo, Guinean Association for Transparency, Guinea (representing Africa as a whole) (TD)  
 Maryati Abdullah, PWYP Indonesia (representing Asia Pacific) (MA)

### *PWYP Secretariat*

Elisa Peter, Executive Director (EP)  
 Stephanie Rochford, Programme Manager (SR)  
 Caroline Macleod, Finance & Operations Director (CJM)  
 Asmara Klein, EITI Officer (AK)

### *Invitees*

Andrew Clarke, Omidyar Network  
 Alan Detheridge, Board member

### *Apologies*

Tur-Od Lkhagvajav, Transparency International Mongolia, Mongolia (representing Eurasia) (TL)  
 Ibrahima Sory Diallo, La Lumiere, Senegal (representing Francophone Africa) (ID)

## **1 Summary of key actions**

<b>Action</b>	<b>Responsible</b>	<b>Deadline</b>
Update the Governance Manual to reflect revised board rotation for the current board	SR	Next meeting
Assess the optimum number of governance bodies PWYP requires	Governance sub-committee	Next meeting
Circulate job description of PWYP Director of Global Initiatives and Impact with Global Council	EP	April 2017
Update Methods of Work of the Global Council with feedback from the meeting and circulate revised version to GC	Secretariat	May 2017
Have a conversation with ID about his	TD	May 2017

participation in GC meetings		
Identify organisations that should be consulted by the two representatives with global reach (SK and ST) ahead of GC meeting	SK, ST	Next meeting
Share report from civic space workshop organized by CIVICUS in South Africa in February 2017	AK	As soon as report is received
Finalise commitments by each GC member in Annex 1 of the Methods of Work, to allow for annual performance review	All GC members (list to be circulated by Secretariat)	As soon as possible
Engage with donors to secure additional support to develop protection strategies for PWYP activists facing closing civic space	Secretariat and all GC members	Ongoing
Develop a PWYP statement on climate change	Climate Change working group	Next meeting?
Request volunteers from the board to join the working group on climate change	Secretariat	May 2017
Finalise the PWYP Open Data statement in light of comments on the draft and endorse on a non-objection basis	JM, CN and the Secretariat	May 2017
Amend the draft policy in joint fundraising and re-granting in light of comments and circulate again among GC members	Secretariat and working group	May 2017
Seek feedback on draft conduit funding policy with current and also potential new donors	Secretariat	May 2017
Expand on the draft joint fundraising and re-granting policy and develop a to-do checklist for due diligence	Secretariat	
Circulate the full application from coalition in PNG	Secretariat	asap
Further consultations among the membership on the proposed governance framework to assess national coalition governance	Secretariat	Final adoption at the 2019 Global Assembly

## 2 Summary of key decisions

### Governance

- Given the need for continuity on PWYP's board, the Global Council agreed with the board's recommendation to allow for the current board to serve two terms of four years (rather than two terms of three years) with staggered rotation.
- The GC agreed on the need to meet twice a year in person in both 2017 and 2018 in the run up to the launch of the new PWYP strategy
- GC meetings will include a standing agenda item to provide regional updates and leverage the global leadership of the Council
- The Global Council reaffirmed its central role to meaningfully consult with coalitions ahead of each CG meeting to ensure that members' needs and priorities are considered during GC deliberations and to share the outcomes of meetings with members
- The Global Council welcomed the proposed process to develop a framework to assess coalition governance and adherence to PWYP's operating principles and membership standards, with a view to adopting the framework at the next Global Assembly in 2019

### Coalition support

- The GC welcomed the development of the joint fundraising/re-granting policy. It decided to review the implementation of this policy in a year's time to assess its effectiveness.

### Issues

- A working group on Climate Change was established (ST, AF, JM and MA) to take forward the conversation on climate change
- The GC welcomed the PWYP Open Data statement
- The GC gave a mandate to the Secretariat to bolster short term and medium term responses in recognition to growing threats to civic space and PWYP activists
- The GC welcomed the Secretariat's strategic partnership with OGP at global and national levels in support of civic space and open natural resource governance

### New coalitions

- The GC conditionally approved the affiliation of a coalition in Papua New Guinea, pending satisfactory review of the background material

## 3 Welcome

The Chair (SK) welcomed participants to the meeting and invited AF (who is the Global Council liaison on the board) to present a read-out from the PWYP board meeting. A question was posed about the need for PWYP to maintain both a board and a Global Council (i.e. two separate governance structures), as well as the Africa Steering Committee. It was clarified that the term of the Global Council members is three years, and they are elected during the Global Assembly (which is held every three years). The Chair proposed that the Governance sub-committee address the question about the number of governance bodies PWYP requires as part of the Governance Manual review.

The Chair invited participants to review the GC methods of work document and reminded GC members of the requirement that they consult with their constituencies in advance of GC meetings. JM, MA, AF, SB and CN shared how they approach consultation with the members in their respective regions in advance of GC meetings. Some representatives noted difficulties in getting responses by email to consultation efforts. SK reiterated the importance not only of sending information out to members, but ensuring that engagement and dialogue ensues. This is particularly important as PWYP embarks on the process of developing a new strategic plan in consultation with members.

SK reiterated key aspects of the commitments and working methods to which GC members agreed in the methods of work document. SK noted the need for GC members to commit to both the work and travel (to meetings) which GC membership entails. SK noted that the annual performance reviews of each GC member will be made public. It was noted that any GC member who cannot attend a meeting should appoint and brief a second from within their constituency who can attend the meeting in a timely fashion to avoid undue financial burden and enable prep. It was noted that the two representatives with global reach do not have a formal constituency at this stage. The GC discussed other revisions to the methods of work and revised the document accordingly. SK noted that the methods of work is an active document which is open to ongoing review and suggestions by GC members. GC members were invited to raise any comments or questions relating to the previous meeting minutes. The actions from the last meeting were reviewed and have been completed.

#### **4 Reports from sub-committees**

SB presented an overview of the work of the sub-committee on civic space which has held two meetings since September 2016. SB noted the need for the sub-committee to be able to respond to requests and issues raised on questions concerning civic space. The report produced by PWYP and CIVICUS *Against All Odds* was well received at the OGP Summit (December 2016) and at a small launch event in London in February 2017. The sub-committee will try to promote the report further via various media and social media formats and would welcome support from other GC members. Direct follow up from the report currently includes organising a protection training with CIVICUS in South Africa (June 2017) for local activists; and other research, in partnership with CIVICUS, in advance of the 2018 EITI Validation of certain countries (e.g. Ethiopia and Myanmar).

TD presented key actions from the recent ASC meeting in Conakry in January 2017. The ASC discussed a number of issues including the future direction of the PWYP campaign in Africa, the progress on the review of the Africa Charter, the election process for the upcoming ASC elections and the planning and fundraising required for the Africa Conference in Zambia in July 2017. TD noted the governance and communication difficulties that preceded this meeting of the ASC and which are now resolved.

GC members were invited to comment on the reports from the sub-committees. AF noted an initiative in Mexico to address issues relating to civic space and highlighted the importance of the *Against All Odds* report. AK reported back from her participation at a civic space workshop in South Africa in February 2017. A coalition called Vuka (which means “Stand up” in Zulu) has been established to create a broad movement to better protect civil society.

TD noted some informal discussions that had taken place during the ASC relating to the EITI and PWYP's efforts to maintain direct relations with communities to disseminate EITI report data, but noting that this data is often very old and no longer very useful to address community needs.

EP noted that the situation for one of PWYP's board members who was under threat has improved and a grant was secured to provide some protection to him. However, it was noted that several PWYP activists in various countries face concerning security situations. The sub-committee should consider strategies in the short to medium term to be able to address these issues more proactively. AC noted that civic space is a systemic issue which should also be addressed via financial resources and encouraged the GC to discuss opportunities with donors. AC offered to discuss the issue with other donors in the field. EP noted that PWYP is not traditionally a human rights organisation but that issues relating to human rights are becoming core issues in the transparency and accountability field. SK noted that the GC and Secretariat should continue to consider how PWYP can leverage connections with human rights organisations and existing and new donors to better address these problems.

## **5 Report on climate change survey and next steps**

ST reported on the recent membership survey, interviews and research that was conducted by a consultant for PWYP on climate change in November 2016 - March 2017. He reminded participants of the urgency of the climate change crisis and the commitments that governments made to curb CO2 emissions at the 2015 Conference of the Parties of the UNFCCC in Paris.

The report produced by the consultant recommended four actions to the Global Council:

- 1- To publicly acknowledge that climate change threatens to reverse development gains and is intimately associated with the fossil fuel industry, e.g. through a PWYP position statement.
- 2- To include the issue of climate change in PWYP's "Chain for Change", Step 3 ("to extract or not to extract"), to ensure that communities are fully informed of the consequences, impacts and benefits of extractives projects before they go ahead
- 3- To advocate for climate risk disclosure by extractives companies as a disclosure requirement in the EITI and explores how this could be integrated in mandatory disclosure laws
- 4- To liaise with tax justice campaigns and organisations to develop a narrative around fair deal, fossil fuel subsidies, corruption, disclosure of climate risks and stranded assets.

JM noted a desire to consult in more detail on the first and second recommendations. JM noted a strong interest to work with tax justice groups on specific issues. MA noted the need to consider the issue of climate change within the different country contexts of PWYP's members, and possibly to develop country level reports of how transparency intersects with energy transition issues and identify concrete actions for PWYP as a global movement. AF supported the idea of issuing a PWYP statement on climate change. AD recommended engaging with scientists on climate change and extractives. He also noted that most major extractive companies produce aggregated reports on environmental and climate impacts of the extraction process but that information disclosure at the local level was missing.

It was agreed that a small working group on climate change be established with ST, AF, JM and MA to consult further with the members and contribute to developing a PWYP narrative demonstrating

the nexus of accountability/climate change/tax justice/environmental issues and coming back with a plan of action ahead of the next GC meeting.

## **6 Cooperation with strategic partners**

EP noted that there is an active OGP process ongoing in approximately 20 countries where there are PWYP coalitions. Countries identified as having potential for more focused collaboration between PWYP and OGP are Burkina Faso, Tanzania, Philippines, Colombia and Peru. PWYP is sitting on the Openness in Natural Resources Working Group, focussing particularly on disclosure of environmental and social data, beneficial ownership, open contracting and open data. A joint OGP and PWYP communications group has also been established to enhance messaging, including around open data.

## **7 Secretariat programme of work 2017**

EP presented a snapshot of the 2017 programme of work to provide clarity on where the Secretariat is focussing its time and resources this year, including on EITI engagement, mandatory disclosures campaigns and fostering a data culture to ensure that transparency leads to accountability. It was noted that there is increasing cross-over between countries implementing EITI and countries where there are PWYP coalitions, although the capacity within the PWYP Secretariat to support coalitions working on EITI has not grown simultaneously. For this reason and others, a larger discussion around PWYP's engagement with EITI will take place with Global Council members and other stakeholders following the GC meeting. EP reiterated the role of the Secretariat to serve the members and asked that the GC be engaged and communicative to ensure that needs and concerns are integrated into the Secretariat's annual work plans.

It was noted that the 2017 work plan is very ambitious and the Secretariat has done a good job in putting it together. Clarification was requested about the countries that have been suggested as OGP/PWYP priorities; how the Secretariat's support to the Africa Conference features in the work plan as well as the role of the Regional Coordinators; the development of a monitoring and evaluation framework and the extent to which it can be shared with national coalitions.

EP clarified that the OGP priority collaboration countries were identified because they are currently in the process of developing their action plans and they are countries where PWYP has strong coalitions/members. The Africa Conference is a priority for the Secretariat, and it was noted that it will be an opportunity for the renewal of the Africa Steering Committee members. The M&E work that the Secretariat intends to develop will be focussed on demonstrating the impact of the coalitions. The Secretariat confirmed that the work of the Regional Coordinators is included in the detailed work plan.

## **8 PWYP Open Data position**

JM presented the Open Data position paper including the key commitments. AC suggested that the position be more explicit about how open data fits in with PWYP's priorities; what the implications would be for PWYP coalitions; include an exemptions or 'do no harm' policy (for example where information might not be published in order to protect individuals); and provide more clarity on

what information PWYP is committing to publish and why it is important. MA highlighted the opportunity of this policy for PWYP to practise what we preach and identified the importance to mainstream open data within EITI. TD requested additional capacity building on open data in general. SK suggested that the document be called a 'statement' rather than a policy.

## **9 Joint fundraising and re-granting policy**

SR presented the draft fundraising and re-granting policy that aims to provide clarity and transparency to all stakeholders about how the PWYP Secretariat undertakes fundraising and how funds are being re-granted to national coalitions. Feedback on the draft policy had been received from the Board and the Global Council. The policy clarifies the principles, eligibility criteria, approval processes and thresholds/maximums for 1) joint fundraising for project support; 2) for re-granting of PWYP's core funding to coalitions, and; 3) for conduit funding from major donors to national coalitions through the PWYP Secretariat. The policy will be published once it has been approved by the Global Council. The Secretariat will also provide an annual summary of the proportion of its budget that has been re-granted to national coalitions. ST raised a point about the level of thresholds and suggested those should be based on the nature of the project. A point was also raised regarding ways to support coalitions in countries where foreign funding is banned or difficult to access for local organisations. MA encouraged proactive fundraising by national coalitions and asked whether the Secretariat could be proactive in sharing information about potential fundraising opportunities. It was suggested that we seek feedback on this policy from existing as well as from potential new donors on the most effective ways to ensure conduit funding. Questions were raised about the financial and other reporting obligations and division of tasks and responsibilities for joint fundraising. It was suggested to establish a rule regarding the maximum share of a national coalition's annual budget (e.g. not more than 30% - 50%) while also retaining the flexibility to fund the entire budget of a coalition, especially in countries/regions difficult to fundraise in.

## **10 Coalition status update**

Global Council members were invited to share one challenge and one recent achievement in their respective regions.

Significant achievements included the second round of payments-to- governments reports from EU listed companies and the first round of payments-to-governments reports from Canada-listed companies, closer cooperation with tax justice groups in the US, the Philippines and Indonesia. In Asia Pacific, members have been successful in maintaining the space to engage on EITI, especially in Papua New Guinea. The Philippines made significant progress in engaging with communities and indigenous peoples affected by extractives. In Indonesia, the PWYP coalition succeeded in getting mining licenses revoked on protected areas. In MENA, good progress has been made in Tunisia, Iraq and Lebanon, which recently announced it is joining the EITI. In Africa, the redynamisation of the PWYP African Steering Committee was a positive development. In Tanzania the renewed PWYP coalition has secured new funding. A new application for affiliation from Gabon was received days before the GC meeting, and will be considered in the coming weeks. In Southern and East Africa, South Africa has a new PWYP Coordinator and the Alternative Indaba meeting in Cape Town earlier this year provided an opportunity for several PWYP coalitions to meet and promote the domestication of the African Mining Vision. The upcoming Africa conference in Livingstone on 11th-



14th July 2017 will provide further opportunities to strengthen the campaign throughout the continent. In Latin America, members are trying to combat the 'race to the bottom' in light of the fall in commodity prices which has led to the weakening of norms in order to encourage investments; and the associated criminalisation of activists. A further challenge is the ongoing campaign to include social and environmental disclosures in EITI implementation.

Challenges included the voiding of the implementing rule of section 1504 of the Dodd Frank Act in the US, widespread co-option and capture of democratic space by corporate (extractives) interests in many countries, and issues relating to engagement at the national MSG level in various EITI processes. In the Philippines and to some extent also in Indonesia, the political context presented challenges for civil society's meaningful engagement with the government on issues related to corruption in the extractive sector. In Australia, the lack of funding is a challenge. In MENA, the situation in Yemen and Libya remains challenging. In Africa, a number of coalitions are facing challenges. The Africa Conference will be an opportunity to share good practices more widely in the network. In Latin America, the united efforts of civil society across the region demanding greater transparency in the extractive sector is a significant achievement. The RLIE network has also strengthened its institutional processes and operations.

The meeting considered an application from a coalition in Papua New Guinea to affiliate with PWYP and requested that the full application be circulated before a final decision be taken. In the interim, the GC conditionally approved the affiliation of the new coalition, pending satisfactory review of the full application.

## **11 Governance Manual revision update**

SR presented the outcome of the work of the joint GC/Board governance sub-committee on two priority areas: 1) National coalition governance: membership standards and operating principles, and 2) election process for the Global Council members. Vision 20/20 defines ten operating principles and five membership standard criteria but there is currently no framework to assess whether coalitions are upholding these principles and standards. The sub-committee's proposal is to develop and consult on a framework to assess whether the principles are being upheld. The framework would define indicators for each principle, together with means of verification. It would entail defining a minimum threshold with which all coalitions must comply, define monitoring responsibilities and processes and consult with national coalitions. One question is how to carry out assessments/self-assessments, peer reviews and take decisions in an independent way. Another question is how to ensure the strong engagement of GC members in that process.

The discussion focused on the administrative burden on the Secretariat and the coalitions in administering this process and the importance to remain realistic regarding capacity. A suggestion was made to consider external audit/validation/review of the process (possibly funded by donors) to test the framework through a pilot at an early stage of implementation. Other questions included the timeline of the process and the Secretariat and other bodies' support for the assessment process as well as how this links to members' benefits (such as access to joint fundraising/re-granting) and how to assess which coalitions are eligible for re-granting while the assessment framework is being developed. ST cautioned against developing a system that's too complex and rigid. Other organisations that have gone through a similar process should be consulted by the Secretariat. It was



recommended that this process be aligned with the African Charter review and that the African Steering Committee be kept informed of developments.

The Global Council reviewed and agreed the major points to include in their meeting communique.

SK thanked Taran Diallo, the first Chair of the Global Council for his commitment and support, and noted that this would be his last Global Council meeting due to the upcoming elections of the Africa Steering Committee in July. Taran noted the challenges and the successes that had been achieved since the establishment of the Global Steering Committee in 2013 (now the Global Council) and expressed his certainty that the future of the campaign was in good hands, and hoped that PWYP would continue to advance on all its strategic objectives. SK was thanked for her exemplary chairing of the meeting.