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**21 August 2020**

**PWYP Global Council calls on EITI Board to strengthen the validation process  
of the Civil Society Protocol**

The PWYP Global Council welcomes the review of the EITI validation process. Validation is a critical feature of the EITI, which enables EITI stakeholders to take stock of progress in implementing the EITI standard and to agree on measures to improve the governance of oil, gas and mineral resources. An integral part of the standard is the requirement to ensure that civil society is fully engaged in the EITI process at the country level. Governments of EITI implementing countries are expected to provide an enabling environment for civil society and to respect the fundamental rights of civil society expressing views related to natural resource governance, including but not restricted to members of the multi-stakeholder group (MSG).

This space is protected through the EITI Civil Society Protocol. Validation of this protocol seeks to document and assess freedom of expression, operation, association and access to decision-making of civil society representatives in their activities related to extractive sector governance.

Yet, the validation of the Civil Society Protocol has historically been a contentious issue and validation has thus far had limited success in expanding civic space in the extractive sector in EITI implementing countries and upholding the principles of the Civil Society Protocol. The on-going validation review led by the EITI Board provides a unique opportunity to consolidate this aspect of the validation process and strengthen the integrity of the EITI by supporting implementing countries to genuinely engage civil society on extractives governance.

We believe that, as per the terms of the Civil Society Protocol, the assessment of civic space in EITI should not be limited to the MSG and the participation in official EITI activities. Civil society engaging in public debate about the extractive sector and communities hosting extractive operations are covered by the Civil Society Protocol. While EITI in implementing countries may have created space for civil society to engage, the greater political context in a country will certainly have an effect on the extent and quality of civil society participation in EITI. We cannot deny that repressive laws and policies create an atmosphere of intimidation. Civil society in the extractive sector is certainly not immune from this.

With this in mind, we urge the EITI Board's validation review working group to agree to the following changes in the validation process:

**The wider civic space context should be included in the validation report**

A framework for the validation of the Civil Society Protocol was produced by PWYP and the International Center for Non-profit Law (ICNL) and shared with the two co-chairs of the validation working group in July 2020. This framework sets out relevant benchmarks and assessment questions relating to each of the



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tests specified in the Protocol, pertaining to expression, operation, association, engagement, and access to decision-making. This framework also explains how assessment of these benchmarks should be synthesized to form an overall assessment of civil society engagement in the EITI process. This framework should be incorporated in the validation guide and procedures to support a coherent approach to the validation of the civil society protocol across EITI implementing countries.

**The wider narrative context on civic space forms the presumption**

In implementing countries with limited civic space, it is the responsibility of the government to demonstrate the progress being made to work towards accountability and a genuine democratic space for its citizens in general and in the extractive sector in particular. Alternatively, when findings on the EITI-specific section are unclear (for example when self-censorship by civil society is suspected), the wider context section should be considered in order to help make a decision on the score.

**The Civil Society Protocol’s coverage of civil society “expressing views related to natural resource governance” should be applied during validation**

The civil society protocol explicitly applies not just to MSG members and to members of the civil society coalition engaging in EITI activities, but rather to all civil society “expressing views related to natural resource governance”, which includes communities affected by extractive activities. EITI promotes transparency and public debate about governance reforms in the extractive sector. All individuals engaging in and affected by extractive activities are part of its constituency and therefore should be able to exercise the principles, which the EITI is upholding.

Overall, the EITI validation process should encourage and incentivize progress, innovation and genuine commitment to positive change. However, the EITI also should recognize when governments and supporting companies are not upholding the principles of the EITI and the Civil Society Protocol. The EITI should not allow itself to be used to cloak corrupt and repressive behavior of governments, and destructive acts by the extractive industries.

**The PWYP Global Council:**

**Abdou Mariatou Amadou, ROTAB, Niger**  
**Adnan Bayan, Aked Cultural Insitute, Iraq**  
**Dupleix Kuenzob, World Dynamic of Young People, Cameroon**  
**Chadwick Llanos, Bantay Kita, Philippines**  
**Miles Litvinoff, PWYP UK**  
**Athayde Motta, IBASE, Brazil**  
**Isabel Munila, Oxfam America**  
**Olena Pavlenko, Dixi Group, Ukraine**  
**Joseph Williams, Natural Resource Governance Institute**