

Survey of Civil Society Participation in the Extractive Industries Transparency Initiative and the Role of the World Bank

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Introduction

The World Bank Group plays a significant role in shaping the development of the extractive industries around the world. It is estimated that over 100 countries have reformed their mining and hydrocarbon laws over the last two decades under the guidance of World Bank reform programsⁱ. Moreover, the World Bank and International Finance Corporation (IFC) on average provide more than a billion dollars in funding to the extractive sectors annually through direct project investments and other forms of assistance.ⁱⁱ

Through civil society advocacy, the World Bank has come to recognize the importance of transparency and civil society engagement in the development of the extractive industries (EI). A recent assessment by the Bank Information Center (BIC) and Global Witness (2008)ⁱⁱⁱ found that the World Bank Group is involved in promoting EI transparency in one form or another in over 65% of resource-rich countries where the Bank is engaged. Much of this Bank-supported transparency is through the Extractive Industries Transparency Initiative (EITI). An important part of the EITI process is its support and requirement of civil society participation throughout the process of EI revenue disclosure.

However, the same assessment also found that the World Bank does not appear to be assessing the adequacy of civil society engagement incorporated by governments or private sector projects receiving World Bank assistance.^{iv} Moreover, sessions focusing on civil society participation at the World Bank's May 2009 EITI week, demonstrated that many questions exist surrounding the extent, quality, and funding of civil society participation in the EITI process, and specifically, the role of the World Bank.

In hopes of shedding more light and attention on this issue, in 2009 BIC conducted a survey of civil society participation in the EITI. The survey included contributions from civil society organizations (CSOs) and other individuals involved in the process in EITI candidate countries. The survey questions were intended to address important aspects of CSO participation, including: inclusiveness, transparency, independence, and accountability. As such, the survey was divided into four main sections – 1. scope of CSO involvement, 2. independence of CSO participation, 3. quality of CSO participation, and 4. role of the World Bank. The survey was distributed in English, Russian, French, Spanish, and Arabic through the Publish What You Pay (PWYP) network mainly to PWYP members, but also to a few groups and individuals outside of the coalition. A copy of the original survey questions is attached at the end of the document.

Survey Results

The survey received **27 respondents** representing **19 countries** (4 Europe and Central Asia, 2 Latin America and Caribbean, 3 Asia, 1 Middle East - North Africa, 8 Africa, and 1 international). The organizations represented include: 7 EITI Multi-stakeholder Group (MSG) CSOs, 12 non-MSG CSOs, 1

government agency, 2 consultants, 1 company, and 5 CSOs that did not indicate MSG status. Although, it is unknown to what extent this particular pool of respondents is reflective of the overall EITI process, at the very least the respondents provide an important indication of issues that deserve attention and improvement and some recommendations on how the EITI process and World Bank can address weaknesses.

Enhanced CSO engagement in EI – As would be expected, there was a general agreement among respondents that the EITI process has resulted in enhanced CSO engagement in the EI sector, especially related to increased availability of information and government recognition of CSOs as part of the process. Furthermore, in more countries than not, CSO engagement in the EITI process tended to be in the early stages, i.e. allowing for CSO input into the design of important EITI mechanisms, selection processes, and decisions. However, there are still many concerns surrounding the Multi-stakeholder Group (MSG) selection process and in half the countries it was felt that the roles and responsibilities of CSOs within the EITI process remained either unclear or inadequate.

Making EITI more meaningful at the local level - Overall, it appeared clear that CSO engagement would be significantly improved if the EITI process and the reported EI revenue data were made more meaningful at the local level, especially to the extractive industry-affected communities. To begin addressing this concern, it was suggested that more effort needs to be expended: to capture input/involvement from non-MSG groups, to build the capacity of and create the opportunity for local/community-based CSOs to be able to act upon the disclosed revenue data, on public awareness, and on expanding the disclosure of information to include project-level revenue data, social expenditures (especially at the community-level), and contracts. One respondent from a resource-rich country with World Bank-funded EI projects specified that the World Bank EITI training workshops involved a significant number of national-level NGOs, but that there was no outreach to the EI-affected communities.

Other Fundamental Concerns – Unfortunately, in many EITI candidate countries there are some worrying fundamental concerns that have a detrimental effect on civil society engagement in the EITI process. At least five countries reported recent cases of threats made to or arrests of CSOs or journalists who work on extractive industry issues. It was further requested by one respondent that the World Bank intervene and take a public position when actors involved in the EITI process are intimidated. In addition, nine out of twelve responding countries indicated that CSOs have no or limited ability to follow up on EITI report recommendations, and often CSOs have to apply through the government to get access to World Bank funds intended for CSO EITI capacity building.

Strongest agreement on World Bank role and expansion of EITI - In addition, the survey revealed two areas that received the strongest level of agreement across all respondents. Both of which have implications for the World Bank's engagement in the extractive sectors and EITI. First, it was an almost unanimous opinion (with only one negative response) that once a country has endorsed EITI, the World Bank should play a role in making sure all parties comply with EITI requirements. For example, in resource-rich countries and any country with World Bank Group involvement in the extractive industries, the World Bank needs to ensure the EITI requirement of adequate CSO engagement. Thus, the Bank needs to begin monitoring and assessing such participation and holding governments and project clients accountable, which it currently does not do.

Secondly, respondents were unified in their desire to expand the scope of EITI to include other types of information instead of using other mechanisms for this purpose. Other types of information specified by respondents included contracts, social payments/spending, project-level revenues, and government expenditures. This overall survey finding supports longstanding requests from broader civil society for

the World Bank and International Finance Corporation (IFC) to specify expanded minimal revenue reporting requirements for extractive industry projects and to require contract disclosure of all extractive industry projects, regardless of size or estimated contribution to government revenues.

The following represents a short list of individual survey findings:

- A majority of the surveyed CSOs were engaged at an early stage in the EITI process, however there are complaints that it is a very limited number of CSOs.
- More attention is needed to capture input/involvement from non-MSG CSOs and especially to include CSOs representing extractive industry-affected communities. Countries in the survey tended to have engagement with a broader set of CSOs when the MSG selection process was considered transparent and inclusive.
- The MSG selection process still needs a lot of work in many countries to be more transparent and more inclusive of CSOs. In addition, the decision-making process within the MSG needs to become more transparent and there needs to be the creation of a mechanism to address CSO grievances. At least two countries suggested that the EITI Validation Indicators on CSO participation should be amended to include that each constituency should have the right to choose their own representatives to the MSG (in several case the government selects CSO representatives).
- Many EITI candidate countries are still struggling with issues of access to information, CSOs' ability to operate without fear, and well functioning media. Efforts to make the general public aware of EITI and, more importantly, EI revenue reporting are sorely lacking.
- In about half the countries, the roles and responsibilities of CSOs within the EITI process (e.g., work plan) are not clearly defined or adequate.
- CSOs in most countries had access to parliament, government agencies, and foreign sources of funding. However, 5 to 6 countries still did not have access to their parliaments or government, which is important for CSOs to be able to follow up on their participation in EITI.
- Many respondents directly or indirectly indicated that the EITI-generated revenue information is a very important first step, but that it needs to be enhanced to be truly meaningful. In 7 out of 11 responding countries, CSOs do not find the EITI-generated revenue information to be especially meaningful yet.
- The top three measures CSOs need to improve the meaningfulness of revenue information include: disaggregated information by company and project; reporting of all forms of payments (including social payments, rents,...), and strengthening the resources/capacity of CSOs.
- The two areas most appreciated/enhanced by World Bank assistance have been greater CSO knowledge and convincing government of the importance of CSO participation in EITI. Although, in about half of the countries, it is believed that the government is not yet treating CSOs as a legitimate partner in the EITI process.
- The three most prevalent concerns with World Bank assistance are: funded activities are too restrictive; assistance is too short-term and, thus, unsustainable; and the WB tends to be unresponsive to actual CSO priorities.
- Respondents' overall main concerns included: lack of benefits to EI-affected communities, inability of CSOs to influence decisions, lack of financial support to implement EITI both for CSOs and government, security of civil society, reported data is not comprehensive enough, political will of government, CSO capacity to analyze and act upon EITI reports, and lack of compliance with workplan with no options for recourse.

Recommendations

Recommendations that were suggested by survey respondents, include:

- The World Bank should insist that the entire MSG have jurisdiction over designing WB assistance and distribution of WB funds. This would allow CSOs to have an equal say in how the funds are spent along with the government and companies. At present CSOs often have to ‘apply’ to government to access WB funds for capacity building. This reinforces their position as a less powerful partner. The WB could help remedy this by treating them as an equal partner in the way they lend assistance to the EITI.
- The EITI Validation Indicators on CSO participation should be amended to include that each constituency should have the right to choose their own representatives to the MSG.
- Expand the scope of EITI to include other types of information, including contracts, social payments/spending (including EI-community based payments), company- and project-level revenue, and government expenditures.
- Once a country has endorsed EITI, the World Bank should play a role in making sure all parties comply with EITI requirements. For example, the Bank needs to begin monitoring and assessing CSO participation and holding governments and project clients accountable.

Summary of Survey Responses

Responses to the survey questions are summarized in the following tables and text. Please note that the first figure listed in a response column is the number of individual responses, and when a second figure is provided it indicates the number of different countries represented in the response. Not all questions were answered by each respondent (e.g., not far enough into EITI implementation, etc.), thus the total number of responses for any given question may not add up to the total number of completed surveys.

In addition, it should be noted that not all responses or survey questions are reflected in the summary tables. The complete survey results are obtained by reading all information contained in both the text and the tables. Lastly, individual country responses are not provided to protect the identity of the respondents.

I. Scope of Civil Society Involvement

This section of the survey aimed to gage the overall range of civil society involvement in the EITI process. It looked at the inclusiveness of participation as represented by the different types of Civil Society Organizations, the diversity of the Multi-stakeholder Group (MSG), and the awareness of the general public. It also questioned the timing of CSO engagement in the process, i.e., whether CSOs were involved early enough to influence the design of EITI functions and mechanisms, and whether or not CSOs were involved throughout the EITI process. Findings from this section include:

- A majority of the surveyed CSOs were engaged at an early stage in the EITI process, however there are several complaints that it is a very limited number of CSOs and the process has lacked transparency in some countries.
- More attention is needed to capture input/involvement from non-MSG CSOs and especially to include CSOs representing extractive industry-affected communities. Out of 19 countries, only 4 had involvement from CSOs in EI-affected communities.
- Countries were mixed regarding whether CSOs are actively involved throughout the EITI process, including design, monitoring, and evaluation. Ten countries replied in the positive, but five of

these stated it was only for a limited number of CSOs. Six countries acknowledged that CSOs were not involved throughout the process.

- Efforts to make the general public aware of EITI and, more importantly, EI revenue reporting are sorely lacking.
- Not reflected in the summary tables were comments on the influence of the timing of CSO entry into the EITI process. As would be expected, countries which answered that the CSOs were engaged early in the process tended to experience that early participation lead to better, more inclusive decisions regarding the design of implementation, allowed CSOs to be better prepare to participate, and overall lead to more meaningful and balanced participation. In some cases, early involvement provided CSOs with the opportunity to form coalitions upfront with the ability to represent a broader range of CSOs in the process.
- While early involvement is an important and necessary aspect for more meaningful CSO engagement – as CSOs starting late in the process complained of lacking influence and the need for extra effort by CSOs to catch up to government and business – it is not a guarantee. At least two respondents from two different countries felt that even though CSOs were involved from the beginning, they were unable to have much influence on EITI implementation. In one case, this seemed to be linked to the fact that the respondent felt MSG CSOs were too close to the government and did not provide independent input.

Summary Tables: Scope of Civil Society Involvement

Timing of CSO Engagement		CSO involvement throughout EITI process		Types of CSOs involved in EITI (counted once per country)
Early in process	Later in process	YES	NO	
15 (w/ 1 yes & no) 12 countries	6 5 countries	13 10 countries (with 5 complaining that it is a very limited number of CSOs)	8 6 countries	8 Local CSO 4 CSO in EI-affected communities 10 National-level CSO 10 International CSO 4 Think Tanks 5 Academia

Broader CSO community involved in EITI process (outside of MSG, etc.)			General public aware of EITI and EI reporting		
YES	NO	Sometimes/very limited	YES	NO	Not adequately
9 8 countries (with 4 through a coalition specifically set up to monitor EI)	5 4 countries	9 8 countries	2	10 9 countries	11 8 countries

II. Independence of CSO participation

This section of the survey aimed to gauge the independence and access of CSOs in the EITI process. It looked at the transparency and inclusiveness of the EITI Multi-stakeholder Group (MSG) selection process, the extent of government-based NGOs, and the use of per diems for CSO participation. It also questioned the access of CSOs to information, parliament, government agencies, and foreign sources of funding. Lastly, it asked whether or not CSOs could voice their opinions without fear and if a free and functioning media existed. Findings from this section include:

- CSOs in most countries had access to parliament, government agencies, and foreign sources of funding. However, in 6 countries CSOs still did not have access to their parliaments or government, which is important for CSOs to be able to follow up on their participation in EITI.
- The MSG selection process still needs a lot of work in many countries to be more transparent and more inclusive of CSOs.
- Many EITI candidate countries are still struggling with issues of access to information, CSOs' ability to operate without fear, and well functioning media. At least five countries indicated recent threats directed at CSOs or journalists who work on extractive industry issues.
- GONGOs (government-organized NGO) are an issue in at least 6 countries, with 10 countries having little or no GONGO involvement in EITI.
- CSOs received per diems for their participation in EITI (mainly to cover travel costs) in 7 out of 15 countries that responded to this question. It was mainly felt that the per diems were justified to allow for wider participation of CSOs.

Summary Tables: Independence of CSO Participaiton

Multi-Stakeholder Group (MSG) Selection Process					
transparent, inclusive process	transparent, participation of only an inner circle of CSOs	transparent, government selection	non-transparent, participation of only an inner circle of CSOs	non-transparent, government selection	other
3	7 5 countries	0	5 3 countries (with 3 a mix of CSO & gov selection)	5 3 countries (with 3 a mix of CSO & gov selection)	One case, simply non-transparent In one case, initially a non-transparent, gov selection - then CSOs complained and a more transparent, gov selection resulted. In two cases, selection has not yet taken place, but meetings on EITI thus far have been limited by government or World Bank invitation.

Extent of GONGOs in EITI			CSOs receive Per Diems		Is Per Diem justified?
Significant	Few	None	Yes	No	3 Not justified
8 6 countries	3	9 7 countries	12 7 countries In many cases for travel expenses	8	8 YES 5 countries Mainly because it allows wider participation 3 per diem is too small

Do CSOs have open access to:							
Information		Members of parliament		Government bodies		Foreign sources of funding	
YES	NO	YES	NO	YES	NO	YES	NO
8 5 partially, restrictions on EI	9 8 countries	15 12 countries 2 sometimes	5	12 9 countries 4 sometimes	6	13 11 countries 2 not to a large extent	3

CSO participate, voice opinions without fear			Media has access to EI information and report without fear		
YES	NO	Not completely	YES	NO	Limited
13 10 countries	3 6 examples of intimidation, 3 EI specific	7 6 countries	8 6 countries	8 7 countries	9 7 countries

III. “Quality” of CSO EITI Involvement

It is recognized that judging the “quality” of CSO participation is somewhat arbitrary. This section attempted to measure many issues within the EITI process as some general indicators of quality, including the roles and responsibilities of CSOs, the government’s attitude and treatment towards CSOs, the capacity and influence of and accountability to CSOs within the EITI process, and the usefulness of reported revenue data. Findings from this section include:

- In about half the countries, the roles and responsibilities of CSOs within the EITI process (e.g., work plan) are not clearly defined or adequate. Several respondents indicated that the initiative is mainly government run. In two countries, it was felt that the role of CSOs was almost non-existent, e.g., only invited to two meetings annually.
- In two-thirds of the countries it was felt that CSOs were not well prepared to start the EITI process. It was indicated that, in some countries, initial efforts by the international community (including

the World Bank) to involve countries in EITI first targeted the government, which often resulted in CSOs being behind in the process once they started engagement. It is suggested that it would be most helpful if CSOs were simultaneously engaged when the process starts with the government.

- In about half of the countries, it is believed that the government is not treating CSOs as a legitimate partner in the EITI process. One respondent indicated that the government only artificially considers CSOs’ opinions to satisfy donor expectations/conditions.
- In many countries, the decision-making process within the MSG needs to become more transparent and there needs to be the creation of a mechanism to address CSO grievances.
- In 7 out of 11 responding countries, CSOs do not find the EITI-generated revenue information to be especially meaningful yet.
- The top three measures CSOs need to improve the meaningfulness of revenue information include: disaggregated information by company and project; reporting of all forms of payments (including social payments, rents,..), and strengthening the resources/capacity of CSOs. For more suggestions of improvement, please see summary table below.
- Nine out of twelve responding countries indicated that CSOs have no or limited ability to follow up on EITI report recommendations.
- **Almost all respondents desired to expand the scope of EITI to include other types of information (mainly contracts, social spending, and expenditures) over using other mechanisms for this purpose – 16 respondents representing 12 countries indicated yes with only 1 respondent against expanding EITI’s scope.** Some respondents indicated that CSOs want the ability to verify whether the revenues reported are what should have been paid under the terms of the contracts.
- Main CSO concerns: In addition to what is reflected in the summary tables below, respondents listed their overall main concerns, which included lack of benefits to EI-affected communities, inability of CSOs to influence decisions, lack of financial support to implement EITI both for CSOs and government, security of civil society, reported data is not comprehensive enough, political will of government, and lack of compliance with workplan with no options for recourse.
- EITI Validation – A survey question not reflected in the summary tables involves the adequacy of the EITI Validation Indicator Grid’s measures to assess CSO participation. Of 9 respondents, 4 believed the indicators are adequate/suffice, 3 stated inadequate, and 2 responded that the indicators were unclear. **Two respondents specified that Validation Indicators should include that each constituency should have the right to choose their own representatives to the MSG, which responds to the above concerns on MSG selection.** Another suggestion was to incorporate the “lessons learned” from the validation process into actual recommendations.

Summary Tables: Quality of CSO EITI Involvement

CSOs well informed & prepared for EITI engagement			Roles and responsibilities of CSOs (e.g. in EITI workplan)	
YES	NO	Limited or	Clearly defined	Adequate

		uneven across CSOs	YES	NO	YES	NO
8 7 countries	6	8	9 8 countries	7	8 7 countries	8

Government considers CSOs a legitimate partner in EITI			Government sincerely considers CSO views		
YES	NO	Sometimes	YES	NO	Sometimes
9 8 countries	7 6 countries	3	8 7 countries	10 9 countries	2

Note: One response stated that the government only artificially considers CSOs to satisfy donor expectations/conditions.

How do CSOs find the decision-making process within the EITI Multi-Stakeholder Group (MSG)?					
Decisions always transparent to all stakeholders		All stakeholders a equally represented		A mechanism exists to ensure significant concerns are fairly addressed	
YES	NO	YES	NO	YES	NO
7 6 countries	8 7 countries	8	5 (plus 1 not always)	6 5 countries (plus 2 partially)	8 6 countries

Note: One response stated that the decisions made within the EITI/MSG are transparent, but not very meaningful.

Is EITI-generated revenue information meaningful?		CSOs able to follow-up on EITI report recommendations		CSO influence on EI revenue management	
YES	NO	YES	NO	YES	NO
5 4 countries (plus 1 partially)	9 7 countries	3 (plus 2 limited)	8 7 countries	2 plus 1 partially	5 3 countries

Note: Several respondents directly or indirectly indicated that the EITI-generated revenue information is a very important first step, but that it needs to be enhanced to be truly meaningful.

Problems with or needed enhancements to EITI reporting						
More disaggregated company,	Not all types of payments	Reports not timely, data too	Inadequate dissemination	Incomprehensible	Lack of public/parliament interest	Lacking CSO capacity

project level	reported	old				
13	12	8	8	4	7	12
8 countries	8 countries	5 countries	5 countries	3 countries	4 countries	7 countries

Other concerns include: lack of resources, lack of conflict resolution capacity (handling of CSO grievances); CSO participation does not influence decisions; general public does not trust reliability of reports; **no local content**; lack of company skill to prepare reports; not all companies take part, security of CSO members; and inclusion - only strong, influential CSOs involved.

Do CSOs want to expand the scope of EITI to include other types of information (e.g., contracts) or would other mechanisms be more effective?		
Expand EITI	Use other mechanisms	Specified information needed
16 12 countries	1 (note: respondent is NGO consultant on public finance)	Contracts, social spending, expenditures, making EITI legal not only voluntary

IV. Role of the World Bank towards enhancing CSO participation

This section attempted to measure how the World Bank’s involvement in EITI and assistance to CSOs affected overall CSO participation in EITI. The survey included questions to determine the nature of World Bank involvement in each country, what types of activities and information the World Bank was providing, the inclusiveness of World Bank engagement with CSOs, and the main CSO concerns and benefits associated with World Bank assistance. Findings from this section include:

- Along with other international actors, the World Bank played a role in getting 14 of the countries in the survey to sign up to be an EITI Candidate. In one case, the World Bank initially included EITI as a condition for a Poverty Reduction Support Credit (PRSC) program. However, this initial condition was met with government resistance, and the subsequent program was weakened to only “consider” joining EITI. As such, this particular government still has not endorsed EITI and the PRSC program continues with World Bank funding.
- World Bank assistance mainly took the form of meetings, training/education, and travel expenses. Overall, 8 respondents (in 7 countries) feel CSO experience with the World Bank has been positive and 6 respondents (in 5 countries) state that it has been a negative experience. Some CSOs complain of difficulty in gaining access to World Bank staff and sometimes EITI-related meetings can only be attended by a limited number of CSOs invited by the Bank.
- The two areas most enhanced by WB assistance have been greater CSO knowledge and convincing government of the importance of CSO participation in EITI. In a couple cases, the Bank was also credited with increasing inclusiveness of CSO engagement.
- The three largest concerns with WB assistance are: funded activities are too restrictive; assistance is too short-term and, thus, unsustainable; and the WB is unresponsive to actual CSO priorities. Other prevalent concerns include: a lack of CSO participation in the design of Bank assistance programs, the government’s involvement in the distribution of Bank funds, and the Bank’s relationship with the government and/or extractive industry.

- **An important suggestion from the survey that speaks to several of the prevalent CSO concerns with Bank assistance included that “the World Bank should recognize the MSG as the governing body of the EITI in each country and, as such, insist that the entire MSG have jurisdiction over designing WB assistance, distribution of WB funds, etc. Thus, the decision of how WB funds and assistance should be utilized would be made by the entire MSG. This would allow CSOs to have an equal say in how the funds are spent along with the government and companies. At present CSOs often have to ‘apply’ or ‘make a case’ to government to access WB funds for capacity building or outreach activities. This reinforces their position as a less powerful partner. The WB could help remedy this by treating them as an equal partner in the way they lend assistance to the EITI.”**
- Although the Bank was seen as being instrumental in providing more EITI-related information to CSOs, the Bank was not forthcoming with providing information on the Bank’s EI-related activities in a country. Only 2 out of 13 responding countries indicated that the Bank provided some information on their own EI activities – with 11 specifically stating that the Bank provided no information on this front.
- Five countries stated that it was easier to get information from the Washington-based Bank staff than it is from the local-based Bank staff. Two countries complained that local staff only meet with the “Secretariat”.
- The experience with World Bank consultants was mixed. Two respondents indicated positive experiences, including that the consultant “brought a huge contribution to the process in the form of active participation in the working groups on validation and in the preparation of documents.” Unfortunately, five countries had a less than positive experience with Bank consultants. There was a general feeling that the consultants were more willing to listen to company and government officials or interacted with CSOs in isolation from the government. Also mentioned was a concern over consultants (who gain a certain level of authority through their association with the WB) who make statements that do not recognize or appreciate the difference of opinion between CSOs, governments, and companies.
- **Almost all respondents strongly agreed that once a country has endorsed EITI, the World Bank should play a role in making sure all parties comply with EITI requirements** – 16 respondents representing 13 countries said yes with only 1 respondent against it. Most respondents added emphasis to their “yes”, such as “most definitely,” “absolutely,” and “big yes.” One respondent made the following important points: “Particularly in those countries where the WB is involved in extractive projects or is supporting EITI implementation (financially or otherwise) they have a responsibility to make sure all parties are complying. This could include advising stakeholders and/or the MSG on how to comply with EITI requirements, alerting them when the WB thinks they are NOT complying with EITI requirements or putting limits on use of WB funds if stakeholders are not complying. This last point should be a decision ideally backed by the EITI Board/Secretariat and not left to the WB.”
- Other World Bank EI Issues: CSOs had this to say in response to the general survey question: “Are there other significant areas where the World Bank’s role/activities clearly impact EITI implementation or extractive industry issues that civil society seeks engagement on?” – Two respondents in as many countries requested that although the EITI initiative is voluntary, the World Bank Group should require all of their supported extractive industry projects to be EITI compliant in a disaggregated manner and make this a condition for WB involvement. Two respondents also reiterated the request for disclosure of contracts by requesting that the World Bank require it for all of their extractive industry-related projects. There was a request for the World Bank to put pressure on the government of one country to engage local CSOs more effectively and for the Bank to provide more financial support. Lastly, one respondent requested that the World Bank intervene

and take a position publicly when the government stops, intimidates, or harasses civil society actors involved in EITI.

Summary Tables: Role of the World Bank towards enhancing CSO participation

Type of World Bank assistance to CSOs					
Non-financial	Financial*	meeting/conference	training/education	travel expense	outreach communications
4 countries	9 countries	6 countries	6 countries	4 countries	3 countries

*The survey attempted to differentiate between World Bank grants/funds and funding coming from the EITI MDTF. However, it appeared that at times the respondents were not specifying or did not know for sure, so we have lumped all financial support together.

Did any WB assistance ever provide info on WBG EI activities in your country?		How did WB assistance enhance CSO participation?			
YES	NO	Greater CSO knowledge	More inclusive participation	Necessary financial resources	Convincing government of CSO importance
2	13 11 countries	7	4	5 4 countries	6

Main concerns with World Bank assistance						
Funded activities too restrictive	Lack of CSO participation in design	Short-term assistance, unsustainable	Gov involvement in funds distribution	Gov involvement in TA activities	WB relationship with gov or EI industry	WB unresponsive to CSO priorities
12	8	10	7	6	6	9
9 countries	7 countries	8 countries	6 countries	4 countries	4 countries	7 countries

Other: Do better at engaging CSO, government and companies in regular tri-partite forums on EI-related issues.

Overall CSO experience with WB		Did WB directly obtain CSO input to EITI		WB CSO engagement	
Positive	Negative	YES	NO	National only	Both – national & local
8	6	6	9	8	5
7 countries	5 countries		8 countries	6 countries	

Specific comments, include: WB listened to us carefully and respectfully, but there is nothing done beyond that. WB takes CSOs into account but do not implement anything.

WB conducted discussion on quality of CSO engagement with government?		WB held joint meeting(s) between government and CSOs		Once a country has endorsed EITI, WB has a role in making sure all parties comply with EITI requirements	
YES	NO	YES	NO	YES	NO
6	6	8 9 countries mainly through EITI-MSG	5 4 countries	16 13 countries (plus 1 in some cases)	1

Survey on Civil Society Participation in the Extractive Industries Transparency Initiative

Survey Questions

Most of the following questions require only a yes or no answer, or a short explanation. However, we will be very pleased to receive as much information as you are willing to provide. The questions are mainly aimed at civil society organizations (CSO) that are involved in the EITI process. Additionally, we would like to obtain input from individuals not directly engaged in the EITI process, but who may follow the process and be able to offer an outside point of view. Given the varying levels of EITI involvement by groups, it is understood that many questions may be left blank.

Please note that individual responses will remain absolutely confidential. When you have completed the survey, please send it to Heike Mainhardt at hmainhardt@bicusa.org

What country do you represent? _____

Organization type: ___ CSO participant in the EITI Multi-stakeholder Group (MSG)
 ___ CSO, non-EITI MSG member
 ___ Government – what agency? _____
 ___ Consultant – please explain _____
 ___ Other – please explain _____

I. Scope of Civil Society Involvement

1. At what point in the EITI process have CSOs been engaged?

- ___ Early in the process – involved in the design of how EITI would be implemented, including the EITI workplan, the country framework, and how the Multi-stakeholder Group would be selected.
- ___ Later in the process – for example, the country was already an EITI candidate and the EITI Country Work Plan was already developed. Please elaborate other:

2. How did the timing of CSO engagement have an affect on the ability and influence of CSO participation?

3. Are CSOs actively involved throughout the EITI process, including design, monitoring, and evaluation?

4. What types of CSOs are engaged in the EITI process (please indicate below)? Are they inclusive enough, i.e. a wide range of CSOs that can provide informed comments?

- local groups
- local communities that are directly affected by EI projects
- national groups
- international NGOs
- think tanks
- academia
- other (please list)

5. Is the broader CSO community engaged by the EITI process (e.g., there is active outreach to groups outside of the EITI MSG)?

6. Is the general public aware of EITI activities and the availability of information?

II. Independence of CSO participation

1. How are CSO representatives selected for the EITI process, i.e. mainly the multi-stakeholder group - MSG?

- transparent, highly inclusive participatory process
- transparent, participation of only an inner circle of CSOs
- transparent, government selection
- non-transparent, participation of only an inner circle of CSOs
- non-transparent, government selection
- other (please explain)

2. What is the extent of government-organized NGOs (or GONGOs) vs. independent civil society organizations in the country overall, and within the EITI specifically?

Is there a commonly accepted definition within the country of what constitutes a GONGO and what constitutes independent civil society? If so, what is that definition?

3. Do any CSOs receive a per diem or other type of payment to participate in the EITI process?
If yes, how much?

How does the per diem/payment influence their participation?

Is the per diem/payment justified?

4. Do CSOs have open access to:

- ___ information, such as through Freedom of Information legislation
- ___ members of parliament
- ___ government bodies
- ___ foreign sources of funding

5. Do CSOs feel that they can participate and voice their opinions without fear or coercion, including express their views on the EITI process in general and raise issues about EI resource management more broadly?

Are there examples of intimidation of or violence against CSO members, specifically related to EI? In such cases, did the World Bank play any role in influencing the host government (please explain)?

6. Are media outlets able to access and report EI data and information without fear or intimidation?

III. Quality of CSO Involvement

1. Overall, have CSOs been well informed and prepared for EITI engagement?

2. a. Are the roles and responsibilities of CSOs in the EITI process clearly defined, such as within the EITI Country Work Plan? b. Are these responsibilities adequate?

3. Does the government recognize CSOs as a legitimate partner in the process and sincerely consider CSO views on issues?

4. Do CSOs find the decision-making process within the EITI/Multi-Stakeholder Group to be meaningful and transparent? Why or why not (please indicate yes or no to the following or provide other indicators)?

- ___ Decisions are always taken in a manner that is transparent to all stakeholders
- ___ All stakeholders are equally represented in the decision-making structure
- ___ In cases where a decision or action is taken that is of significant concern to CSOs, there is a mechanism to ensure that the concern is fairly and adequately addressed

Other indicators:

5. Use of EITI-generated revenue information:

a. In general, is the revenue information provided through the EITI process meaningful for CSOs (see possible indicators below)?

- b. Are CSOs able to follow up on EITI report recommendations (see possible indicators below)?
- c. Have CSOs been able to influence EI revenue management more broadly and raise issues outside of the EITI process (see possible indicators below)? Please provide examples.

Please indicate if any of the following apply:

- Revenue information needs to be more disaggregated, either by company or local project
- Not all types of “material” payments to the government are being reported, such as _____
- EITI reports are not timely, the actual years data represent are typically ___ years old, making it too late to act upon issues that might arise
- Information is not disseminated adequately (please indicate why, e.g. small distribution, lack of translation)
- Information is incomprehensible
- There is not enough interest from the public or parliament
- Civil society does not have enough capacity to follow up
- Other, please explain: _____

7. Do CSOs want to expand the scope of EITI to include other types of information such as relevant contracts, expenditures, and social investments, or would it be more effective to get these additional types of information through other mechanisms?

8. What are the main concerns related to CSO involvement in EITI in your country?

9. Are the measures of “evidence” used by the Indicator Assessment Tools (IATs) to assess CSO participation in the EITI Validation Indicator Grid adequate or do they need to be clarified/strengthened (please refer to the excerpts from the IATs at end of survey)? Do you recommend any specific additional “evidence”?

IV. Role of the World Bank towards enhancing CSO participation

1. Did the World Bank play a role in getting your country to sign up to be an EITI Candidate? If yes, did the World Bank adequately reach out to CSOs and prepare CSOs to begin the EITI process, i.e., providing a comparable starting point to that of government and companies?

2. Did the World Bank provide any type of assistance to build CSO capacity to participate in the EITI process?

If yes, what type of assistance (indicate all that apply):

- non-financial
- financial, World Bank grant/funds
- financial, EITI Multi-Donor Trust Fund (MDTF)

- meeting/conference
- training/education
- travel expense for CSO participation
- outreach communications
- other (please explain)

Was the World Bank assistance provided in collaboration with others who have expertise in the EITI process, e.g. international CSOs, EITI international Secretariat, etc.?

Did any of the World Bank's assistance involve the sharing of information/data with CSOs on World Bank Group project investments and policy lending in the extractive industries in your country?

3. Overall, did World Bank assistance enhance CSO participation (please indicate all that apply)?

- built greater CSO knowledge
- enabled more inclusive CSO participation
- provided necessary financial resources
- aided in convincing government of the importance of CSO participation
- other (please explain)

4. What are the main concerns or limitations of World Bank assistance?

- too restrictive on activities that can receive funding
- not enough upfront CSO participation in the design of assistance
- short-term assistance does not provide for sustained CSO participation
- government involvement in the distribution of World Bank funds
- government involvement in the technical assistance activities
- World Bank relationship with government or EI companies poses a conflict of interest for CSO assistance
- World Bank is not responsive to CSO concerns or priorities
- other (please explain)

What impacts have the main concerns had on CSO participation and effectiveness?

5. Overall, have CSOs had positive experiences with World Bank staff in obtaining information, expressing concerns, participating in meetings, etc.?

Is there a direct relationship between World Bank staff and CSOs and has the World Bank directly obtained CSO input on the EITI process or extractive industry development in the country?

Does World Bank CSO engagement take place at both the local and national level?

Please explain any significant differences in CSO engagement between the World Bank's Country Office and World Bank Washington-based staff?

6. Are there any issues specific to CSO experience with World Bank-hired consultants tasked with EITI implementation assistance (please explain)?

7. Did the World Bank ever have discussions with the government regarding the quality of CSO engagement (please explain)?

Did the Bank ever hold a discussion jointly with CSOs and the government?

8. Once a country has endorsed EITI, do you think the WB has a role in making sure all parties are complying with EITI requirements?

9. Are there other significant areas where the World Bank's role/activities clearly impact EITI implementation or extractive industry issues that civil society seeks engagement on? Please explain the issue and impact.

Indicator Assessment Tools (IATs) used for the EITI Validation Indicator Grid

The following represent IATs evidence used to assess civil society participation:

Grid Indicator 4: Has a fully costed Country Work Plan been published and made widely available, containing measurable targets, a timetable for implementation, and an assessment of capacity constraints (government, private sector, and civil society)?

Evidence includes: Workplan has been agreed with key stakeholders and contains, *inter alia*, how government will ensure the multi-stakeholder nature of EITI, particularly in terms of the involvement of civil society.

Grid Indicator 5: Has the government established a multi-stakeholder group to oversee EITI implementation?

A multi-stakeholder group has been formed, that it comprises the appropriate stakeholders and that its terms of reference fit the purpose.

Evidence should include:

- Stakeholder assessments where these have been carried out;
- Information on the membership of the multi-stakeholder group;
- Was the invitation to participate in the group open and transparent?
- Are stakeholders adequately represented? (This does not mean stakeholders have to be equally represented.)
- Do stakeholders feel that they are adequately represented?
- Do stakeholders feel they can operate as part of the committee – including by liaising with their constituency groups and other stakeholders – free of undue influence or coercion?
- Are civil society members of the group operationally, and in policy terms, independent of government and/or the private sector?
- Where group members have changed, has there been any suggestion of coercion or an attempt to include members that will not challenge the status quo?
- Do group members have sufficient capacity to carry out duties?

Grid Indicator 6: Is civil society engaged in the process?

The government, and the EITI multi-stakeholder group where appropriate, have sought to engage civil society stakeholders in the process of implementation of the EITI. This should include the following evidence:

- Outreach by the multi-stakeholder group to wider civil society groups, including communications (media, website, letters) with civil society groups and/or coalitions (e.g. a local PublishWhat you Pay coalition), informing them of the government's commitment to implement EITI, and the central role of companies and civil society;
- Actions to address capacity constraints affecting civil society participation, whether undertaken by government, civil society or companies;
- Civil society groups involved in EITI should be operationally, and in policy terms, independent of government and/or the private sector;
- Civil society groups involved in EITI are free to express opinions on EITI without undue restraint or coercion.

End Notes

ⁱ See: Danielson, Luke. 2003. Mining Minerals and Sustainable Development Project: Findings relevant to the Extractive Industries Review. Unpublished draft as obtained from the EIR website in August 2003; and Naito, K., et. al., 2001. Review of Legal and Fiscal Frameworks for Exploration and Mining, Mining Journal Books, Ltd. 2001.

ⁱⁱ Based on taking the average of World Bank Group extractive industry funding of FY2006 - \$986 million, FY2007 - \$773 million, and FY2008 - \$1,692 million. Funding figures were compiled by the Bank Information Center based on project documents disclosed on the World Bank and IFC websites.

ⁱⁱⁱ Bank Information Center and Global Witness, 2008. Assessment of IMF and World Bank Group Extractive Industry Transparency Implementation. Washington, DC October 2008.

^{iv} Ibid.