Public letter in support of incorporating gender into EITI Standard revision process

22 February 2022

EITI Board
Rådhusgata 26
0151 Oslo, Norway

Dear EITI Board,

We are writing to express our appreciation and congratulate the EITI Board, Secretariat and the EITI-implementing countries for their investment and determined efforts to ensure meaningful implementation of the gender provisions in the 2019 Standard. From producing progress reports to spearheading learning and setting gender targets, the EITI is driving accountability for the provisions. It is demonstrating a clear commitment to advancing gender equality in extractive sector governance. We recognize and applaud these efforts.

As the EITI prepares to launch the process to revise the 2019 Standard, we also write to offer the following recommendations:

1) Intersectional gender-based analysis should be applied when reviewing and considering revisions to the Standard. This type of analysis will help:

   a. Identify instances where data disaggregated by gender and other relevant identifiers (for example, Indigenous status) should be required to inform inclusive decision making
   b. Determine whether specific data disclosures are particularly relevant for promoting gender equality
   c. Identify access challenges for subpopulations (for example, women of specific ethnic groups), and instances where there should be requirements around how data is collected and disseminated to ensure broad accessibility

2) Gender should be prioritized. We see critical opportunities to strengthen the current gender provisions, and to consider new requirements that will ensure that EITI data and processes advance gender equity.

   In Annex 1 below, we share initial ideas for potential revisions. The suggestions highlight areas of the Standard where gender considerations could be more explicitly integrated and/or where the Standard could better support disclosures relevant to women’s rights and gender equity.

   The ideas are based on findings from informal partner consultations conducted by Oxfam. These conversations sought to better understand the EI data needs and interests of women’s rights and other gender justice organizations. We offer a summary in Annex 2a of the findings and their implications for the Standard and its implementation. Annex 2b provides a sample reporting template.

Lastly, we offer our continued support and our willingness to contribute our combined institutional expertise, research and shared lessons to the process. We stand in solidarity with you in your commitment to ensure that the EITI realizes its potential to advance gender-just natural resource governance.

Sincerely,
Accountability Lab
Development Gateway
Oxfam
Publish What You Pay International Secretariat (PWYP)
PWYP Coalition in Burkina Faso
PWYP Coalition in Guinea
PWYP Coalition in Niger
PWYP Coalition in Senegal
Save People and Environment Agency (SEPA)
Tax Justice Network Africa (TJNA)
The African Women’s Development and Communication Network (FEMNET)
The Lebanese Oil and Gas Initiative (LOGI)
Transparency International Accountable Mining Programme (TI)
Women’s Environment & Development Organization (WEDO)
Zambia Alliance of Women (ZAW)
### Annex 1: Potential revisions to strengthen gender-responsiveness of 2019 EITI Standard

<table>
<thead>
<tr>
<th>EITI Requirement</th>
<th>Suggested Updates: Encouragement to Requirements</th>
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<tbody>
<tr>
<td><strong>EITI Principle 1</strong></td>
<td>We share a belief that the prudent use of natural resource wealth should be an important engine for sustainable economic growth that contributes to sustainable development, <em>gender equity</em>, and poverty reduction, but if not managed properly, can create negative economic and social impacts.</td>
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<tr>
<td>1.4(c)(ii) Multi-stakeholder Group</td>
<td>&quot;The multi-stakeholder group and each constituency <em>should</em> consider gender balance in their representation to progress towards gender parity.&quot;</td>
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<tr>
<td>3.2 Production</td>
<td>&quot;Implementing countries must disclose timely production data, including production volumes and values by commodity. This data <em>must</em> be further disaggregated by region, company or project, and include sources and the methods for calculating production volumes and values.&quot;</td>
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<td>5.2(c) Subnational Transfers</td>
<td>&quot;The multi-stakeholder group <em>may further wish to</em> report on how extractive revenues earmarked for specific programmes or investments at the subnational level are managed, and actual disbursements.&quot;</td>
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<tr>
<td>5.3 Revenue Management Expenditures</td>
<td>The multi-stakeholder group <em>is encouraged to</em> disclose further information on revenue management and expenditures, including [...]</td>
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<td>6.3(d) The contribution of the extractive sector to the economy</td>
<td>&quot;Employment in the extractive industries in absolute terms and as a percentage of the total employment. The information should be disaggregated by gender and, when available, further disaggregated by company and occupational level.&quot;</td>
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<tr>
<td>6.4 Environmental impact of extractive activities</td>
<td>&quot;Implementing countries are <em>encouraged to</em> disclose information on the management and monitoring of the environmental impact of extractive activities&quot;</td>
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<tr>
<td>7.4(a)(iv) Review the outcomes and impact of EITI implementation</td>
<td>&quot;In addition, the multi-stakeholder group <em>is encouraged to</em> document how it has taken gender considerations and inclusiveness into account.&quot;</td>
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<tr>
<th>EITI Requirement</th>
<th>Suggested Updates: Content Revision</th>
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<tr>
<td>1.5(c) Workplan</td>
<td>Insert: <em>(vi) Outline plans to address gender disparity in participation in the EITI process, representation in EITI data and access and use of EITI data.</em></td>
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<tr>
<td>2.1 Legal Framework</td>
<td>Revise: a) Implementing countries must disclose a description of the legal framework and fiscal regime governing the extractive industries. This information must include a summary description of the fiscal regime, including the level of fiscal devolution, an overview of the relevant laws and regulations, a description of the different types of contracts and licenses that govern the exploration of oil, gas and minerals, <em>a description of the community consultation</em></td>
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requirements, including Free, Prior and Informed Consent, and information on the roles and responsibilities of the relevant government agencies.”

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<tr>
<th>Requirement</th>
<th>Details</th>
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<tr>
<td>2.2(a) Contract and License Allocation</td>
<td>Insert: v. <strong>Description of the consultation process that occurred with impacted communities before the license was awarded or transferred, including the number of people consulted, disaggregated by gender, and how a diversity of perspectives on the project’s impacts were collected, considered and included in impact assessment results.</strong></td>
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<tr>
<td>2.3(b) Register of Licenses</td>
<td>Insert: v. <strong>Description of the water usage rights for that land; vi. Compensation paid to previous surface landholders; vii. Environmental and social impact assessments (ESIAs), gender impact assessments, human rights impact assessments, and related mitigation and management plans and conditions.</strong></td>
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<tr>
<td>2.6 State participation (c)</td>
<td>Add: <strong>Implementing countries must include gender-relevant data, for example gender-disaggregated employment information by occupational level and the gender breakdown of the Board of Directors, any gender considerations in procurement and subcontracting, and any social expenditures that may impact gender equality.</strong></td>
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<tr>
<td>6.1 Social and Environmental Expenditures</td>
<td>Where the multi-stakeholder group agrees that discretionary social and environmental expenditures and transfers are material, the multi-stakeholder group is encouraged to must develop a reporting process with a view to achieving transparency commensurate with the disclosure of other payments and revenues and provide gender disaggregated data on the beneficiaries of these expenditures and transfers.</td>
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<tr>
<td>6.2 Quasi-fiscal expenditures</td>
<td>Insert after “quasi-fiscal expenditures.”: <strong>The MSG must also describe the process by which these revenue allocations are made and the extent to which the gendered impact of these expenditures is considered. If there is a national process in the normal budget process to incorporate a gendered analysis, whether and how that analysis is included should be described.</strong></td>
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<tr>
<td>6.4(a) Environmental Impact of Extractive Activities</td>
<td>“An overview of relevant legal provisions and administrative rules as well as actual practice related to environmental management and monitoring of extractive investments in the country. <strong>This should include details of any rules requiring gender impact assessment, and could include information on environmental impact assessments, certification schemes, licenses and rights granted to oil, gas and mining companies, as well as information on the roles and responsibilities of relevant government agencies in implementing the rules and regulations.</strong>”</td>
</tr>
<tr>
<td>7.1(a) Public Debate</td>
<td>Add: iv. <strong>Produce summary reports for each municipal or district level represented in the EITI report that includes all data related to active projects and money tied to that geographic area. These summaries should use plain language and be communicated to the relevant district through regular municipal communication channels as well as local radio.</strong></td>
</tr>
<tr>
<td>12 EITI Association Code of Conduct, Article 12</td>
<td>Recommendation to establish an ombudsperson to field complaints and receive whistleblower reports about EITI Office Holder conduct. This ombudsperson would be independent of the Secretariat and the MSGs, and would receive and report violations of code of conduct, including sexual harassment.</td>
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Annex 2a: Findings of Oxfam’s informal consultations with women’s rights and gender justice organizations

In April 2019, Oxfam commissioned an internal listening exercise to better understand the EI data needs and interests of some of its women’s rights and gender justice partner organizations. These conversations were complemented by a gender review of the 2019 EITI Standard, as well as informal discussions with civil society EITI Board members. Below is a summary of the findings. A Sample EITI Community-Level Reporting Template appears in Annex 2b. To request the full report, written by Rebecca Iwerks, contact Maria Ezpeleta at maria.ezpeleta@oxfam.org.

Which EI data do organizations use and seek?
Partner organizations cite project-level information as most critical, including the following:

- Employment at extraction site, disaggregated by gender and role
- Revenues spent on communities near an extraction site
- Basic local development statistics such as child mortality, school attendance rates, health care access and road coverage to enable the tracking of local benefits from extraction projects
- Description of consultation process for the decision to extract
- Information about land compensation, including payments for land transfers (indicative or averaged would suffice)
- Social and environmental risks and impacts near an extraction site, disaggregated by gender and other relevant identifiers

Data availability & access: do organizations find the data they need in EITI reporting?
Across several countries, partner organizations successfully access and use some available EITI data for advocacy. However, the following challenges persist:

- Organizations find it extremely challenging to access information that is germane to their work, namely project-level data that is meaningful for communities around extraction sites
- When available, relevant EITI data is often not presented in ways that are accessible by partner organizations. Other NGOs sometimes serve as infomediaries, converting EITI reports into more accessible formats. However, these NGOs report technical challenges with doing so
- Since the Standard requires disclosure of data that is nearly 2 years old, EITI data is often outdated for advocacy purposes

Potential steps for the EITI
Some potential opportunities for the EITI to better meet the data needs of women’s rights and gender justice partner organizations include:

- **Shifting the burden for data manipulation to national secretariats.** Since data is collected and shared in an open manner,¹ it should be relatively easy for national secretariats to create community specific pages for extraction sites. *A sample template is in Attachment 1b*
- **Continuing to ensure progress towards meaningful equitable participation in MSGs for women and gender non-binary people.** Partner organizations suggested systematic tracking of representation by gender; cross-country knowledge sharing; research into barriers to participation for women from government and industry; and creating a stronger pipeline of gender diverse candidates with requisite technical and other skills to participate on MSGs
- **Revising the EITI Standard.** An initial list of potential areas to consider appears in Annex 1
- **Initiating further discussion.** There was excitement to continue discussions around how EITI data and processes could further support women’s rights and gender justice agendas

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¹ Open data collection refers to data in CSV or Excel format, which allows for easy analysis and manipulation.
**NAME OF COMMUNITY**

<table>
<thead>
<tr>
<th>General description of the area:</th>
<th>Community Development Statistics:</th>
</tr>
</thead>
</table>
| A few sentences about the district’s history and topography. Ideally provided by the community or district officials. [mirrors what appears in 6.3 on a national level] | • Health  
• Education  
• Road coverage  
• Services  
• Local economic data |

*Ideally the regional number is given with comparison to a national average for context, gender disaggregated as available.*

<table>
<thead>
<tr>
<th>Extraction overview:</th>
<th>Government Officials</th>
</tr>
</thead>
</table>
| • Number of active extraction sites and their names [2.2]  
• Number of exploration licenses [2.3]  
• Geological information about other potential extraction interest [6.3] | District Official Name:  
Contact Information:  
Regional District Officials:  
National Representative:  
Contact Info: |

**MSG Participation [1.4]:**

- Names of MSG members  
- Gender composition: %women, %men, % gender non-binary  
- Participation rate by gender in MSG meetings during reporting period (by individual meeting and/or as a composite): %women, %men, % gender non-binary  
- Date and location of MSG meetings  
- Description of steps taken to ensure inclusive and gender-diverse participation
Name of extraction site (for each active extraction site)

Description: Years of extraction, geographic area covered

Legal documents:Links to relevant licenses, contracts, and appendices [2.2 & 2.3]

Name of company, beneficial owners, [2.5] major financial actors (e.g. investors)

Revenue:
- Amount company paid to the national government [4.1]
- Amount national government received [4.1]
- Amount company paid to the local government [4.6]
- Amount national government distributed/transfered locally [5.2]
- Amount in CSR funds expended locally [6.1]
- Description of applicable taxation regime and/or legal framework (e.g. what laws are applicable based on when the contract was signed) [2.1]

Spending:
- Decision making processes
  - Description of local spending decision making process [5.3 (b) and 5.2 (c)]
  - Description of CSR decision making process [6.1]
- As available breakdown of actual spending [6]

Economic Impact
- Description of hiring process
- Description of sub-contracting decision-making process
- Employment at extraction site (broken down by role and gender) [6.3 (d)]
- Major sub-contractors (including gender of owners and whether from the district or not)

Land
- Description of consultation process including dates and who was involved
- Description of land compensation process [ideally including who received what level of money for what land or averages of payment for types of land areas and structures]
- Description of potential changes in land use

Environmental Impacts [6.4 (a)]
- In lay terms, description of major anticipated impacts on environment
- Links to EIA and any environmental reporting
- Fines: information on any fines assessed and reasons for fines
- Current water usage rates
- Decommissioning: Link to plan, amount in any savings fund for reclamations