Myanmar EITI:
Minutes of First Multi-Stakeholder Meeting (MSG) Meeting

Held at MICC on Saturday 8th February 2014 from 09.30-13.30

The first meeting of Myanmar EITI's multi-stakeholder group was held on Saturday 8th February 2014 at Myanmar International Convention Centre in Naypyidaw. The meeting was chaired by Dr. Maung Maung Thein, Deputy Minister of Finance and co-chaired by U Myint Zaw, Deputy Minister of Energy, and Dr Zaw Oow, the Myanmar EITI National Coordinator led and facilited the discussion. The meeting was as well attended by 40 people in total (including observers and MEITI National Coordination Office). Of these, 19 were representatives of the MSG member organisations (there are 21 MSG members in total). A list of attendees is attached.

2. Introductions

The meeting was opened by the MEITI National Coordinator, Dr Zaw Oo, and Chair of MEITI MSG, Dr Maung Maung Thein, who both welcomed participants to this historic first MEITI MSG meeting. They emphasised the importance of EITI for Myanmar and the hope that all the stakeholders can collaborate and work effectively together in this multi-stakeholder forum to make this happen. MSG members took turns to introduce themselves. Observers were not introduced.

The principle of the Chatham House Rule was explained and it was agreed that the Rule should be invoked for this meeting.

3. Progress

Dr Maung Maung Thein summarised progress to date and highlighted how this was a historic moment given that never before in Myanmar's history has a formalised meeting of 3 parties been convened by the government for the purpose of transparency and better governance of the extractive industries.

He clarified his role as Chair of the MSG is as a facilitator and not a decision-maker. The decision-makers are the MSG members. He encouraged everyone to have differences of opinion and to share these, as this is a key point of EITI. There should be no secrets.

He said that Myanmar wants to be part of EITI and is 'approaching the door' to get in, but is not quite there yet. Myanmar needs to get closer, and then knock on the door, so that the people inside can let Myanmar in and Myanmar can go inside. In order to do this, the MSG needs to work closely together, without secrets, and members should be flexible, understanding and open with each other.

Dr Maung Maung Thein summarised the key issues and next steps that need to be agreed. These include MSG governance, rules and procedures, which will need to be formalised in the MSG's Terms of Reference (TOR) as soon as possible, and the MSG Work Plan which will define MEITI's work for the coming year or two.

3. Timeline and Next Steps

Dr Zaw Oo gave a presentation on progress, some options for next steps and a timeline of proposed actions. This included an overview of the 4 EITI sign-up steps and where Myanmar has reached to date. Sign-up steps 1 and 2 have been achieved, sign-up step 3 has been partially achieved, but sign-up step 4 has yet to be achieved.

The critical role of the MSG as the decision-making and implementing body of EITI was highlighted. The next key step is for the MSG to decide and agree on a terms of reference (TOR) for how the MSG members will work together. This will specify the rights, roles and responsibilities of members, as well as governance rules and procecures. how the MSG works together, including rights and role of members, as well as rules, procedures etc.

The final sign-up step is for the MSG to develop a Work Plan of objectives and actions for EITI implementation in Myanmar. The Work Plan must include objectives that are linked to national priorities for the sector and also the requirements of the EITI Standard. It must also be fully costed, and include activities up to, and possibly beyond the publication of the first MEITI Report which will be 18 months after Myanmar has been granted candidacy status.

Once the TOR and Work Plan have been approved by the MSG then the candidacy application can be submitted to the EITI International Secretariat, and this can be reviewed by the EITI Board.

Dr Zaw Oo suggested that either one, two, or three working groups/sub-committees of the MSG should be established, who can work on these key documents.

In terms of Myanmar's candidacy application there are 2 options:

- **Option 1:** Submission of application by 8th March. There will be an EITI Board meeting on 18 March and while the Board will not be able to review the application and make a decision at this meeting (unless the application is submitted by the end of February), the application could still be initially reviewed by the EITI Board Candidacy Committee over the next two months who can provide initial comments and start processing the application, in time for the June EITI Board meeting.

- **Option 2:** Submission of candidacy application by end of April which will allow 6-8 weeks processing time ahead of the June Board meeting. A decision will then be made in late June or July. The draft application would need to be finalised internally by 12th April Water Festival, and sent to the Leading Authority for their review and approval by the end of April.

The National Coordinator highlighted that MSG members need to discuss and agree on a preferred option at this meeting, and need to agree how best to work together to achieve these goals.

4. Open Discussion

The National Coordinator invited all the MSG members to discuss any questions or issues they wanted to raise, openly, among the group. Members were reminded that the Chatham House Rule had been invoked, and all also agreed to raise their hand if they wanted to speak.

4.1 Civil Society Discussion regarding Government Formal Notification establishing the MSG.

Civil society representatives stated that while they welcomed the formal notification establishing the MSG, they also had a few concerns, including:

- The notification reads like a MSG Terms of Reference TOR document, more than a notification just establishing the MSG, but it should not be the same as a TOR. This notification is confusing and seems to go against this point. The link between this document and the TOR should be clarified.
- The notification does not clarify that all 3 stakeholder groups are equal.
- Stakeholders had thought that the notification would be published in the official government Gazette before the first MSG meeting could be held. The fact that it had not yet been officially published raised a question about the legitimacy of this first MSG meeting.
- Only the names of individual CSO members are included in the notification, not of the other 2 stakeholder groups. This needs to change. There needs to be clear accountability.

Civil society requested whether it would be possible to make changes to the formal notification, and asked if it was not too late to modify and re-issue it yet? They requested to make changes as follows:

- to simplify it
- to incorporate specific reference to Requirement 1.3 of the EITI Standard (to confirm the government's commitment)
- to include all individual MSG member's names

- to clarify that CSOs should be able to freely and openly participate in the EITI process
- to remove Clause 5 (b) relating to the role of the Chair
- to clarify the link with the MSG TOR document
- to confirm the government's commitment as much as possible in the notification document

The Chair of the MSG responded by confirming that the notification should be read more like government 'objectives' or 'general principles' and that the MSG TOR will in fact be the prioritised MSG governance document that will prevail. He agreed that the notification document could be modified. All MSG members agreed to this. The Chair agreed that government would consider the revised version and then re-issue the notification in line with the modifications, and that the new, amended version would be published not only in the government Gazette, but also in daily/national newspapers and also distributed to the States and Regions. It was suggested that the notification could then be attached as an annex to the MSG TOR.

4.2 Next Steps and Timeline

The discussion then focused on the need to prioritise work on the TOR and the Work Plan, and to agree to all work together with a good 'team spirit' to aim for completion of candidacy application by March.

The private sector representatives added that if for any reason the March deadline could not be reached, then it should be fine with all the members to aim for the second option (end of April candidacy application submission for review by EITI Board at the June meeting). Other MSG members agreed with this. The Chair confirmed that all members agreed to aim for March completion of candidacy application if possible, and all agreed.

Civil society highlighted the question of the scope of MEITI, and the importance of having sufficient time and information available for the MSG to make an informed decision on the scope. The National Coordinator confirmed that the World Bank has agreed to fund a scoping study, as well as a pre-scoping/baseline study which will help the MSG to agree on the scope.

5. Establishment of Technical Working Group/Sub-Committee

The idea of establishing at least two sub-committees in order to achieve all the work required within the necessary timeframe was then discussed openly by representatives from each stakeholder group. A sub-committee for the TOR and a separate sub-committee for the Work Plan were suggested. It was highlighted that the MDRI-CESD MEITI Coordination Office has already prepared two simple draft documents as a basis for brainstorming and discussion.

The National Coordinator invited members to consider the options and make a decision regarding the establishment of a working group, or two, or three - including:

- how many working groups/sub-committees
- how many people in each
- what roles/objectives
- how best to work together

MSG members were given some time, including the tea break, to consider and come back with their preferences.

After the break, all the members agreed that there should be 2 sub-committees. There was a lengthy discussion among all the stakeholders about who should be in which committee and how many people should be in each. Finally, the following sub-committees were nominated:

TOR Sub-Committee			Work Plan Sub-Committee	
Government	GAD, Ministry of Home Affairs		Government	MOGE, Ministry of Energy
Government	Auditor General's Office		Government	Ministry of Mines
Government	Ministry of Forestry and Environmental Conservation		Government	Internal Revenue Dept, Ministry of Finance
CSO	88 Generation		CSO	Eco Dev
CSO	Mandalay Green Network		CSO	Shwe Gas Movement
Private Sector	TOTAL		Private Sector	Petronas/PC Myanmar
Private Sector	MPRL		Private Sector	GoldPetrol
Private Sector	CNMC Nickel		Private Sector	Myanmar Federation of Mining Associations /Geo Mine

The MSG members agreed that it would be important for the sub-committees to meet as soon as possible and to meet twice before the 2nd MSG meeting, especially given that they had chosen to move as quickly as possible and complete the candidacy application by early March.

As such, it was agreed that the sub-committees would meet together at the same time, and MDRI-CESD MEITI Ofifice would work closely the groups and also facilitate the meetings. It was agreed that the first meeting would take place on Friday 14th February at 13.30pm at UMFCCI offices (suggested by the private sector). The second meeting of the sub-committees will take place on Friday 28th February, location as yet to be determined.

Finally, it was agreed that the second MSG meeting will take place on 6th March in Naypyidaw.