

5TH MEITI MULTI-STAKEHOLDER GROUP (MSG) MEETING

HOTEL ROYAL ACE, NAY PYI TAW

5TH AUGUST 2014 (TUESDAY)

Meeting Minutes

MEITI Coordination Office/Secretariat

20th August 2014

Minutes of the 5th MEITI MSG Meeting

Nay Pyi Taw, Tuesday 5th August 2014

1. Welcome from the Chair and Outline of Meeting Agenda/Objectives

The Chair welcomed the MSG members, thanked them for coming to the meeting, and congratulated them on achieving EITI candidacy status. He encouraged all the members to continue to work together collaboratively to achieve EITI compliant status, even though there may be difficulties.

He highlighted the importance of carrying out EITI outreach activities and suggested that it will be more effective to discuss and raise awareness about EITI by not combining it with other issues. He also mentioned that given the time constraints now faced, that sub-committees should be established again to plan and implement prioritised activities in the MEITI workplan which can be carried out simultaneously. In terms of the first EITI report, he suggested that all stakeholders need to carefully consider and give some thought to what they think is feasible and appropriate in the first year. He suggested that the scope could be limited to one or two sectors in the first year to ensure more comprehensive coverage.

He outlined that the objectives of this meeting were to discuss the next steps for EITI implementation, to establish sub-committees responsible for the next steps including the scoping study and workplan prioritisation, and to agree their composition and a schedule for meetings.

2. Follow up to Actions Agreed at 4th MSG Meeting

Daw Kay Thi from Myanmar EITI Coordination Office presented an update on actions agreed for follow up at the 4th MSG meeting. Eight follow up actions had been agreed of which all had been followed up except the media engagement. She suggested that MSG members discuss this at today meeting.

3. Update from EITI Board Meeting in Mexico

Daw Soe Nandar Linn from MEITI National Coordination Office shared her experience from attending the EITI Board Meeting in Mexico, including the structure of the meeting, the panel discussions and the decision on Myanmar's candidacy. In addition, she reminded the MSG members that the next EITI Board Meeting will be held in Myanmar on 14-15 October. She informed them that while the Board meeting itself is restricted to Board members, a number of EITI-related side events are being planned for that week. She asked the MSG to support EITI and participate in the various events being scheduled for that week.

4. Discussion on Next Steps

U Min Zar Ni Lin from MEITI National Coordination Office led the presentation on next steps. He highlighted that Myanmar is now the 45th EITI country. There are currently 16 candidate countries and 29 compliant countries. The EITI Board has given Myanmar 18 months to produce the first MEITI Report, by January 2016. Validation of compliance with the EITI Standard will need to be undertaken by January 2017.

The key next steps were outlined:

- MEITI Coordination Office transition to Ministry of Finance and establishment of government-led 'MEITI National Secretariat' (in line with the Board decision).

- Scoping Study and preparation for first MEITI Report – procure consultants to carry out this work
- Prioritisation of Workplan activities and funding options and opportunities
- MSG Sub-Committees to be established to coordinate and oversee key areas of MEITI activity on behalf of MSG members

(1) MEITI Coordination Office Transition to Ministry of Finance (MOF)

The Deputy National Coordinator U Min Zar Ni Lin reminded the MSG members of the Board's decision on Myanmar, including its encouragement to the government to make quick progress with the transition of the MEITI Coordination Office to the Ministry of Finance.

He outlined the roles and functions of National Secretariats within the EITI system globally, highlighting that their key role is to support the MSG by carrying out day-to-day activities, including:

- **Administrative support** to the EITI Champion (Leading Authority) and to MSG (MSG meetings, documents, consultation and minute taking)
- **Communication and outreach activities**, between MSG constituencies, promote use of EITI data, host/manage EITI website and media relations
- **Draft documents on behalf of the MSG for approval by the MSG** e.g. Workplan, terms of reference, annual activity reports, newsletters, etc.
- Seek external **financial support/funding** for EITI activities
- **Procurement**, including the recruitment of the Independent Administrator/Reconciler and other consultancy services
- General support to the **EITI reporting process**

The composition of a National Secretariat varies in different countries, from 50 full-time staff (Nigeria) to 1 or 2 (Timor Leste). However, typically there are around 4-6 full-time staff:

- National Coordinator (technical expert, day-to-day management of activities, stakeholder liaison)
- Communications and outreach expert
- Finance and administration expert
- Technical expert
- Administrative /logistical support staff

In terms of planning to transition the National Secretariat function into the Ministry of Finance, the government Leading Authority, U Soe Thane, Dr Maung Maung Thein and Dr Zaw Oo met in July 2014 to discuss possible options. They agreed that the MEITI National Secretariat will be established in the Ministry of Finance Budget Department. They agreed a step-by-step approach for the transition from the existing MDRI-CESD MEITI Coordination Office into MEITI National Secretariat in MoF. The existing MEITI National Coordination Office will remain involved until end 2015. The step-by-step approach agreed with U Soe Thane and the Leading Authority incorporates 4 phases of 4 months per phase as follows:

1. First 4 months (August – November 2014): MEITI National Coordination Office remains same, leading the coordination of MEITI, with MOF under guidance
2. Second 4 months (December 2014-March 2015): MEITI National Coordination Office (MDRI-CESD) team works together with designated unit/team in MoF

3. Third 4 months (April-July 2015): MoF MEITI National Secretariat leads with MEITI Coordination Office (MDRI-CESD) providing general support
4. Final 4 months (August-November 2015): MoF MEITI National Secretariat leads with MEITI Coordination Office (MDRI-CESD) providing some technical support for the production of the first report

(2) Funding and MDTF

The Deputy Team Leader gave a presentation about funding for MEITI and the World Bank Multi-Donor-Trust Fund (MDTF). The current 3 year MEITI Workplan (2014-2016) has a total estimated budget of USD 3.85 million. Existing funding from the World Bank and DFID will end in October 2014. Typically, EITI implementing countries have various funding options available, including from donors such as the World Bank, UK, Australia, Germany, US and usually also some national budget.

The World Bank MDTF for EITI was established in 2004 and is a major source of EITI funding globally. Over USD 65 million has been disbursed in technical and financial assistance to EITI programmes in around 40 countries. Donors to the fund include: Australia, US, Canada, UK, Spain, Germany, France, Norway, Netherlands, EU, Finland, Belgium, Japan and Denmark.

The MDTF usually funds the same general areas of EITI implementation in every country:

- Production of EITI Reports (and scoping study)
- Consultants (to carry out studies, write reports etc.)
- Capacity-building, training, communications and outreach
- Workshops and conferences
- Some National Secretariat operating costs

Min Zar Ni presented some examples of how the MDTF has funded EITI in other countries, including Guinea, Senegal and the Philippines. He outlined that in Myanmar it can fund consultants to carry out the scoping study, EITI reporting as well as outreach, communications and capacity development activities.

He mentioned that the World Bank has also allocated USD 100,000 for CSO capacity –development activities, which is independent of MDTF.

On behalf of the Development Partners, the **DFID representative** mentioned that while USD 480,000 will be available for Myanmar through the MDTF, this amount is a lot less than the amount budgeted in the Myanmar EITI Workplan, which is USD 3.85 million. This therefore represents a funding gap. However, development partners have indicated an interest in filling this gap. It is important however that the MSG discusses and prioritises activities for funding as soon as possible, which will then enable the development partners to have discussions around possible funding support and commitment.

(3) Scoping Study

The purpose of the scoping study was clarified and the proposed reporting timeline for MEITI was outlined, starting with the recruitment of consultants to carry out the scoping study as soon as possible. It was clarified that the scoping study will assess a wide evidence-base of data including possible sectors, companies, payment/revenue types, payment/revenue figures, accounting standards, and a potential timeframe. Based on an analysis of available data, the consultant will identify the recommended scope for the first EITI Report. The MSG can request that the consultant recommends a 'Reporting Roadmap' for

the next few years of EITI reporting, for example:

Year 1 Scope xx

Year 2 Scope xxxx

Year 3 Scope xxxxxxx

In terms of who can carry out the scoping study, it can be anyone the MSG approves. However, they should have relevant experience; they can be local, or international, or a combination of both. There are a number of international firms very experienced with scoping studies, reconciliation and production of EITI Reports (e.g. Hart Group, Moore Stephens, Deloitte, Ernst & Young). The ideal solution for Myanmar would be to have a combination of an experienced international firm partnering with a local accounting firm or expert. Ideally, the team should be procured to do both the scoping study and then the reconciliation and production of the first MEITI report (i.e. one project with 2 phases: scoping and reconciliation/report).

The case study of Guinea was provided. Guinea has just been awarded EITI compliant status and made particularly significant progress between 2012-2014, largely supported by the fact that they procured one firm to do both the scoping study and then go straight on to prepare the report.

The scoping study next steps and reporting timeline were discussed. It was proposed that it may take up to 16 weeks for a firm to begin their work in Myanmar on the scoping study. It may then take up to 6 months to complete this work, and a further 6 months for the MSG to approve the scope, reconciler firm to produce their first draft, and for the MSG and other key stakeholders to review the draft and for a final report to be produced.

A **CSO** representative questioned how the scope is decided. The **MEITI National Coordination** Office responded that each country has its own way which mostly reflects the prevailing economic conditions. For example Azerbaijan and Iraq started with one sector only but Indonesia began reporting on two sectors simultaneously. Oil, gas and mining are the traditional focal sectors of EITI, although some countries choose to expand EITI to include other sectors such as forestry or fishing for subsequent reports. The scope can be determined by the extractive sector which generates the most revenues.

The **National coordinator** stated that the MEITI MSG can extend the scope as it wishes. All stakeholders need to consider which sectors could be covered comprehensively for the first report in the most pragmatic way, since MEITI now faces a time constraint for publication of the first report. As for the materiality threshold, the reconciler/consultant firm will recommend the threshold based on their analysis in the scoping study, which will be based on available payment and revenue data. Although the scoping study can be carried out by a combined team of international and local experts, the Terms of Reference (ToR) of the consultants needs to be approved by the MSG, which also needs to oversee the procurement process as well as oversee their work. All in all, the MSG is the decision-making authority.

A **CSO representative** agreed that it makes sense not to be too overambitious, and that the scope could be expanded over time, however he raised a concern that the sectors included in the scope should not be 'handpicked' in advance. The Chair responded that it must be a professional decision for the MSG to make, based on the advice and recommendations in the scoping study. The CSO representative suggested that the process could be accelerated and that perhaps the MSG could start organising a dialogue around each potential sector for inclusion, such as what a template for each sector might look like. He suggested that this could be carried out at the same time as the reconciler procurement process

is being carried out. He emphasised the need to work together with the private sector, especially regarding the softer aspects of the EITI Standard such as beneficial ownership, contract transparency and so on. The **Chair** suggested that the MSG members should continue discussing these options in the sub-committees.

(4) Presentation on Workplan

The Deputy National Coordinator reminded the MSG members that there are many activities in the Workplan scheduled to begin in mid or late 2014. Some of these will be more of a priority than others (e.g. scoping study), and some are more relevant or significant to one stakeholder group than the others.

It was therefore proposed that the MSG should agree to establish a sub-committee for Workplan discussion and prioritisation, which can then feed back to the larger MSG for approval and final decision-making.

5. Presentation on Sub-committee

The MEITI Coordination Office presented the options available for the establishment of sub-committees, and provided some examples from other EITI implementing countries. In most EITI countries, the MSG establishes sub-committees to focus on delivering, coordinating and overseeing key areas of EITI activity. Sub-committees can be permanent/standing or ad hoc, non-permanent or issue specific. Examples of sub-committees (or working groups) in other countries include:

Technical or Reporting

Governance

Workplan

Communications and Outreach

Legal Issues

In Myanmar, it is recommended that there be 2 or 3 sub-committees as follows:

- Technical Sub-Committee (responsible for TOR scoping study, scoping study, TOR reconciler, and EITI reporting)
- Workplan/Governance Sub-Committee (responsible for funding/MDTF coordination, workplan prioritisation and overseeing the transition of the Secretariat to MoF on behalf of the MSG)
- **Communications and Outreach Sub-Committee** (responsible for outreach and awareness-raising, communications planning and strategy). Not considered as much of a priority as the other two sub-committees.

A **CSO representative** additionally proposed that a sub-national committee and Workplan monitoring committee for checking up on the progress of the workplan be established. The **National Coordinator** responded that one of the responsibilities of the workplan and governance sub-committee should be Workplan monitoring, and that the communication and outreach sub-committee could also incorporate sub-national issues. The **CSO representative** emphasised the importance of the communications and outreach sub-committee and that this should also be established as soon as possible. The **National**

Coordination Office agreed to record this point and also highlighted their current plans to work with the MSG to hold outreach awareness raising activities in the States and Regions.

After the lunch break, the **Deputy National Coordinator** formally introduced the new MSG member from Total E & P Myanmar to the other members. Mr. Xavier Prael, General Manager has now replaced Ms. Namita Shah, General Manager.

5. Establishment of MSG Sub-committees

The **Coordination office** invited members to consider the options proposed and decide how many sub-committees should be established, and what the composition and meeting schedule should be. **The Chair** led the discussion and started by suggesting that those with appropriate relevant experience should join the respective sub-committees accordingly. He also suggested that the technical and workplan sub-committees should include more technical experts and report back to the MSG for final approval and decision-making, but that it would not be essential for the communications and outreach sub-committee to inform the wider MSG about all detailed activities, just the key activities and plans.

A CSO representative asked how many members should be in each sub-committee. The Chair stated that he preferred between 3 and 6 members for each.

A government representative suggested three for each sub-committee given everybody's tight schedule and limited availability. **A CSO representative** then recommended 2 MSG representatives for each sub-committee and that alternate members should attend if the main MSG member is not available for the meeting. The Ministry of Mines representative informed the MSG that they already have an EITI working committee in their ministry, and as such would propose anybody from this working committee could participate in a sub-committee with full authority as an alternate supporting the senior-level official.

A company representative highlighted that they would like to delegate their alternate for sub-committee meetings given that the sub-committees would have no decision-making power, but would just recommend decisions to the MSG. The **MEITI Coordination Office** checked the MSG-TOR and confirmed that with the main MSG member's approval, and prior notification to the MSG, that an alternate could be given decision-making authority by that member.

The Co-chair suggested that the members form technical and workplan sub-committee should have appropriate knowledge or experience in these areas, and that those interested in participating in the communications and outreach sub-committee should be able to travel around the country. It was then agreed that members would review their preferred options and availability for sub-committee participation during the tea break.

After the tea break, it was agreed by all that the 3 proposed committees should be established and there was a long discussion about who would participate in each. The following table outlines the proposed sub-committee members and alternates.

The following table is nominated list of sub-committee members and alternates.

	Technical and Reporting Sub-committee	Workplan and Governance Sub-committee	Communication and outreach sub-committee

Government	<ul style="list-style-type: none"> • Win Htein Director General Department of Mines Ministry of Mines • U Kyaw Thet* Director Department of Mines Ministry of Mines • U Myo Myint Oo Managing Director, Myanmar Oil and Gas Enterprise Ministry of Energy • U Than Htay Aung* Deputy Director Myanmar Oil and Gas Enterprise Ministry of Energy 	<ul style="list-style-type: none"> • U Min Htut Director General Internal Revenue Department Ministry of Finance • U Soe Naing* Director Internal Revenue Department Ministry of Finance • Daw Kyi Yin Director Union Auditor General Office • Daw Than Win* Director Auditor General Office (Yangon) 	<ul style="list-style-type: none"> • U Htun Hla Aung Director General, General Administration Department, Ministry of Home Affairs • U Ye Naung* Director Budget Department General Administration Department Ministry of Home Affairs • Dr. Nyi Nyi Kyaw Director General, Forestry Department, Ministry of Environmental Conservation and Forestry • U Nanda Win Aung* Staff Officer Forestry Department, Ministry of Environmental Conservation and Forestry (Yangon)
CSO	<ul style="list-style-type: none"> • U Win Myo Thu Eco Dev • U Saw Moe Myint* Myanmar Green Network 	<ul style="list-style-type: none"> • U Tin Thit Sein Yaung Soe (Green) Activities • U Wong Aung Shew Gas Movement 	<ul style="list-style-type: none"> • Daw Moe Moe Tun Green Trust (POL) • U Htun Myint Aung 88 Generation (Peace and Open Society)
Private Sector	<ul style="list-style-type: none"> • Mr. Xavier Preel, General Manager • Mr. Bertrand Brun* Total E&P Myanmar • Mr. Li Hongyuan, Standing Deputy General Manager CNMC Nickel Co., Ltd • U Aye Lwin 	<ul style="list-style-type: none"> • Mr. Andy Tin Win* PC Myanmar (Hong Kong) Limited • U Aye Lwin Secretary General (MFMA) • U Khin Maung Han* (MFMA) 	<ul style="list-style-type: none"> • Mr. Terence J. Howe, Country Manager • U Soe Thura* MPRL E & P Pte. Ltd • U Aye Lwin Secretary General (MFMA) • U Khin Maung Han* (MFMA)

	Secretary General(MFMA) • U Khin Maung Han* (MFMA)		
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- The persons marked with an asterisk are sub-committee alternates.

MSG members agreed that it would be important for the sub-committees to meet as soon as possible and to meet before the 6th MSG meeting.

Action

The MEITI Coordination Office will send the list of members of sub-committee and potential dates of sub-committee meetings together with 5th MSG Meeting minutes.

It was proposed that the first meeting of the Technical and Reporting and Workplan and Governance sub-committees are taking place on Friday 22 August in Yangon. It was proposed that the first meeting of the Communications and outreach sub-committee is taking place on Friday 29 August in Yangon.

7. CSO Discussion Point and Any Other Business

A **CSO representative** raised the issue of challenges faced when trying to carry out training activities at the regional level. He asked if it was necessary for them to send detailed reports to the General Administration Department (GAD), and whether there was any legal basis or directive requiring them to do so.. The GAD representative responded by saying there is no specific directive. He confirmed that permission is not necessary but it is just a question of informing the local authority for the purpose of information only. Generally, training and workshops can be carried out when the discussion topic, agenda, and names of the presenters are reported to GAD. He requested that if the CSO representatives continue to encounter any difficulties, to please let him know and they would help them to resolve the issue. He also suggested that the GAD department would coordinate with local and regional government, and also requested CSOs to cooperate with local government.

A **CSO representative** thanked the Ministry of Mines representatives for their positive collaboration and support with the Naung Tayar Mining Case.

A CSO representative highlighted that CSOs would very much like to establish sub-national MSGs and asked how this might come about.

The Chair responded that it was a good idea but important to consider it carefully to do so effectively. He emphasised the need to discuss this with the Leading Authority. He and other government MSG members highlighted that they are not the decision makers and do not have the mandate. A **CSO representative** mentioned that they already had the regional EITI representatives. For the CSO query, **the Chair expressed** his view that as GAD is now in the Communications and Outreach sub-committee, the government and other MSG representatives can learn about local issues from this committee. This can be recorded in the meeting minutes; however, it is too early for the government to make a commitment. The **CSO representative** requested that this be addressed at the next MSG Meeting and also expressed his view that it might be somehow useful as part of the ongoing reform process. The **CSO representative** highlighted that it was important to build bilateral relationship with the private sector also, particularly for implementing next steps. A **private sector** representative responded that they fully

support CSOs and the proposed sub-national coordination forums. As companies invest a lot of capital in their projects, they want to avoid any unexpected difficulties and so communication with communities, CSOs and local government is important. The Myanmar Federation of Mining Associations has established regional associations in resource rich areas around the country and represents mining interests at both the national and sub-national levels. He therefore agreed with the idea of collaborating and discussing on EITI-related issues at the local/sub-national level. The government representative agreed that they were willing to participate in such an idea in principle, but to do so they had to first discuss with the relevant ministries.

Daw Kay Thi from the MEITI National Coordination Office recommended that it would be a good idea to discuss this at a sub-committee meeting and the recommended options could then be proposed back to the wider MSG at the next meeting. She also encouraged government representatives to discuss this with the Leading Authority.

Finally it was agreed that CSOs formally propose that sub-national coordination unit be established at the regional level. Principally, all stakeholders agreed with the idea of forming sub-national level coordination unit but acknowledged that the government needs to now discuss the matter internally before it can be confirmed.

A CSO representative raised a question about a foreigner running a mining project and employing illegal mining workers. The mining sector representative responded that this is not a problem. With the approval of Ministry of Mines, the Immigration authorities had given the resident an extension from 3 to 6 months. However, some of the illegal mine workers are foreigners who hold tourist visas. The Department of Mines usually inspects these cases. He requested CSOs to inform his department if they continue their investigations, and they will then take action on it.

Then, **Co-chair** stated that they will have to negotiate with the state and regional government representatives regarding the establishment of sub-national MSGs, and he also highlighted the challenge of lack of capacity and resources of some government agencies in some states and regions.

In terms of the date for the next MSG Meeting, MSG members agreed that this should tentatively be set for 30th September 2014.

Finally, the meeting was successfully closed by the Co-chair at 4.30pm who thanked all the attendees for their participation.

8. Agreed Actions for Follow up at Next MSG Meeting

What	Who	When
1. Technical sub-committee meeting and Workplan sub-committee meetings to be held in Yangon.	National Coordination Office MSG Sub-committee	22 nd August 2014 (Friday)
2. Communication and outreach sub-		Tentatively, 29 th August

committee meeting to be held in Yangon tentatively.		2014 (Friday)
Sending sub-committee meeting invitation letter to MSG after fixing place and time	National Coordination Office	Within one week
Make a list of the members of respective sub-committee and send together with meeting minutes	National Coordination Office	Within one week
Tentatively, the sixth MSG meeting is going to be held on 30 th September. All members will be informed once the Chair has confirmed venue and time.	National Coordination Office	14 days in advance of MSG meeting

Participant List

Chair

Dr Maung Maung Thein, Deputy Minister, Ministry of Finance

Co- Chair

U Myint Zaw, Deputy Minister, Ministry of Energy

MSG Members

U Htun Hla Aung, DG, General Administration Department, MOHA

Dr. Nyi Nyi Kyaw, DG, Department of Forestry, MOECAAF

U Win Htein, DG, Department of Mines, MOM

U Myo Myint Oo, MD, MOGE, Ministry of Energy

Daw Kyi Yin, Director, Auditor General Office of the Union

U Soe Naing, Director, IRD, Ministry of Finance (alternate)

U Than Htay Aung, Director (Finance), MOGE (alternate)

U Ye Naing, Deputy Director, GAD, MOHA (alternate)

U Khin Mg Win, Deputy Director, Department of Forestry, MOECAAF (alternate)

Mr. Xavier Preel, General Manager, Total E & P Myanmar

Mr. Terence J. Howe, Country Manager, MPRL E & P Pte. Ltd

Mr. Song Huaiyu, Country Manager, Goldpetrol Joint Operation Company Inc.

Mr. Li Zhong Hua, Myanmar CNMC Nickel (alternate)

Mr. Andy Tin Win, PC Myanmar (Hong Kong) Limited

U Aye Lwin, General Secretary, MFMA

U Aye Thwin, Goldpetrol (alternate)

U Soe Thura, MPRL E & P Pte. Ltd

U Tin Thit, Sein Yaung Soe

Dr. Kyaw Thu, Paung Kuu

Daw Moe Moe Tun, Green Trust (POL)

U Win Myo Thu, Eco Dev

U Htun Myint Aung, 88 Generation

U Saw Moe Myint, Myanmar Green Network (alternate)

U Andrew Thaotung CNRWG (alternate)

U Aung Kyaw Moe @ Ko Moe, NGSS (alternate)

MEITI Coordination Office

Dr. Zaw Oo, MEITI National Coordinator

U Min Zar Ni Lin (Deputy Team Leader)

Daw Kay Thi (Senior Program Coordinator)

Daw Soe Nandar Linn (Research Associate)

Ms. Emma Irwin (MEITI Technical Adviser)

U Aung Phyto Kyaw (Research and Outreach Officer)

Nan Kyi Hsut Wai (Research and Outreach Assistant)

Daw Khin Nyein Nyein Mon (Admin and Logistic Officer)

Daw May Sandar new (Admin Assistant)

Observers

U Sun Win, Assistant Director, MOF

U Naing Htun, Staff Officer, MOF

U Thein Tun, Assistant Geologist, Department of Mines, MOM

Mr. Declan Magee, DFID

Daw Yu Yu Naing, DFID

Daw Tin Su Su Mar (Pyoe Pin)

U Aung Kyaw Thein (Pyoe Pin)

Salai Lung Lian Thaug (Pyoe Pin)

U Zaw Wint Phyto (Naya CSO)

U Min Han (88 Generation)

Daw Tar Yar Maung (MATA)

U Thura (MATA)

U Zaw Htun (MATA)

Mr. Billy Kyte (NRGI)

U Maw Htun Aung (NRGI)

Mr. David Allan (Spectrum)

U Ko Ko Lwin (NRGI)