
Memorandum of understanding 2018

The Open Government Partnership and the Natural Resource Governance Institute

This is an engagement agreement outlining collaboration between the Natural Resource Governance Institute (NRGI) and the Open Government Partnership (OGP). It also outlines collaboration with other organizations like Publish What You Pay (PWYP) and the Extractive Industries Transparency Initiative (EITI). It is not intended to be a binding agreement, just an understanding between organizations to collaborate to maximize our impacts and add the most sustained value to the field of open government in natural resource management.

About NRGI

The Natural Resource Governance Institute (NRGI) is a non-profit policy institute that promotes the responsible management of oil, gas and mineral resources for the public good. Working in 22 resource-rich countries, NRGI pursues this goal through research, advocacy, capacity development programs, and technical advice to governments and civil society actors. For more information, please see: www.resourcegovernance.org

About OGP

The Open Government Partnership is a multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. In the spirit of multi-stakeholder collaboration, OGP is overseen by a Steering Committee including representatives of governments and civil society organizations.

To become a member of OGP, participating countries must endorse a high-level Open Government Declaration, deliver a country action plan developed with public consultation, and commit to independent reporting on their progress going forward.

Areas of collaboration

With the sunset of the working groups, NRGI intends to mainstream OGP-related activities into NRGI's programs, at the global and country-levels.

Objectives and thematic priorities

NRGI intends to leverage the OGP platform to raise the profile of natural governance issues in its countries of engagement and at the global level, with the ambition of concretely advancing good governance in natural resources and the creation of international norms. NRGI will support five crucial

areas in the oil, gas and mining sectors but might also pursue work on key governance gaps identified in the 2017 Resource Governance Index (e.g. on state-owned enterprises' commodity trading disclosures or revenue transparency):

1. Beneficial ownership disclosure

NRGI will continue supporting actions related to beneficial ownership disclosures, as encouraged in the Paris declaration collective action 2 on ending the abuse of anonymous companies. NRGI will contribute to defining global standards on the topic and will support country-level actions. It will do so by promoting the EITI standard; providing technical assistance to the EITI's country multi-stakeholders groups; developing analytical tools to help oversight actors use beneficial ownership data; and providing civil society with training about how to conduct research to find a company's hidden owner. NRGI sees an opportunity with OGP to promote cross-agencies coordination at the country-level and to contribute to a better synergy between the extractive sector work on that topic and open government projects more generally.

2. Contract transparency

NRGI will continue to support actions related to the disclosures of extractive contracts, as planned in the Paris declaration collective action 8 on transparency and open contracts in the natural resource sector. NRGI aims to hold industry actors accountable on the appropriateness of the deals they strike and the policies they support in resource-rich countries. NRGI seeks to promote transparency and monitoring of key aspects of commercial transactions, including licensing/contracting, payments transparency, and commodity trading. NRGI will do so by supporting country-level contract transparency advocacy efforts and will continue collaborating with the Open Contracting Partnership (OCP) and Publish What You Pay (PWYP) on that.

3. Open data and embedding transparency in government systems, including state-owned enterprises

NRGI will support the disclosure and collection of relevant information to the extractive sector in an open data format, as included in the Paris declaration collective action 18 on guiding principles for open data policies. NRGI will also support the disclosure of priority extractive sector information by government agencies and state-owned enterprises (SOEs) as part of their everyday operations, especially information required by the EITI. NAPs can serve as a mechanism for advancing such disclosures. NRGI will use the 2017 Resource Governance Index (RGI) data to help countries assess transparency gaps and identify areas where government agencies and extractive SOEs might be able to achieve mainstreamed approaches to EITI reporting / OGP commitments.

4. Gender-sensitivity

NRGI aims to develop a gender strategy in 2018 to increase its gender sensitivity and consider how its programs will impact different genders and the relationships between them. It will start with gender-related applied research in Latin America and hopes to learn from PWYP's gender project in Francophone Africa on including a gender approach in EITI. This is new frontier area for NRGI and OGP could be a vector to develop or strengthen commitments.

5. Civic-space

NRGI aims to support the protection of civil society through OGP response mechanisms, at the global and country levels. It will aim to develop civic space principles and a response to civic space changes and constraints across the organization. With Suneeta on the International Center for Non-for-profit Law (ICLN)'s board, NRGI intends to collaborate more closely with this organization. NRGI also aims to work with civil society in Azerbaijan to track the implementation of OGP's recommendations. Where appropriate, NRGI would support civil society in other countries under threat.

Activities

Support NAPs development

For all countries, NRGI will use the findings from the 2017 Resource Governance Index to identify key priorities and will support civil society and government officials in committing to beneficial ownership disclosures, contract transparency, open data, civic space and/or gender-related commitments in the natural resource sector. Other thematic priorities might emerge during the year and the below list of engagements is not exhaustive. NRGI intends to collaborate with the OGP Support Unit and country focal points, as well as local civil society partners.

NRGI will support the development of strong natural resource commitments in the following countries/jurisdictions:

1. Bojonegoro
 - a. NRGI will consider advocating for a commitment on the publication of contracts such as community development agreements or local content agreements at the local level.
2. Canada
 - a. Canada has been active on government procurement contracts but does not have requirements for disclosure of oil, gas and mining contracts. NRGI will aim to push for a commitment on that.
 - b. Gender-sensitivity is high on the agenda of Canada's OGP co-chair (to start in October 2018), although not specific to natural resources. NRGI will aim to work with the co-chair and reformers to develop a strong commitment on the topic.
3. Indonesia
 - a. NRGI will continue to support the EITI beneficial ownership roadmap's implementation including the approval and, if approved, the early implementation of Presidential decree on BO disclosure in collaboration with Bappenas
 - b. NRGI will continue advocating for contract transparency in the mining sector even if this does not appear as a priority for the government at the moment.
 - c. NRGI will explore opportunities with the SOE Pertamina on committing to better reporting practices.
4. Kyrgyz Republic
 - a. NRGI will advocate for a commitment on the mainstreaming of disclosures of extractive information at the project level in an open data format and will provide technical assistance to the Mining Authority.
 - b. Following the recent subsoil law which includes a provision on licenses and licensing agreements, beneficial ownership and community development agreements disclosure, NRGI will work with the multi-stakeholders' forum to ensure a commitment on the modalities of disclosures – i.e. ensuring they are available on electronic searchable files.

5. Mongolia
 - a. Contract disclosure commitments in previous NAPs have only been partially implemented (no legal backing and mostly community development or local agreements published) so NRGi will aim to keep the pressure and revive a commitment on contract transparency.
 - b. NRGi will continue supporting the implementation of the EITI beneficial ownership roadmap, including working with civil society on using the data, and will ensure coordination between the EITI and OGP commitment.
 - c. In collaboration with the World Resources Institute (WRI), NRGi will aim to advocate for a commitment on gender.
6. Tunisia
 - a. NRGi hopes to support the continuity of Tunisia's eligibility in OGP.
 - b. NRGi identified corruption risks associated with licensing in the mining sector and will aim to advocate for the disclosure of pre-qualification criteria and rules of the licensing process as an OGP commitment.
 - c. NRGi will continue supporting the implementation of EITI which was an OGP commitment. NRGi will assist Tunisia in the formation of the MSG and the preparation of the work plan through its close relationship with the government and CSOs. NRGi will facilitate the election of CSO representatives by the first half of 2018 in order to meet Tunisia OGP commitment.
 - d. In collaboration with WRI, NRGi will aim to advocate for a commitment on gender.
7. Ukraine
 - a. Ukraine is considering contract disclosure as part of their draft EITI law, which was presented to parliament last April but still has not been discussed. NRGi will advocate for an OGP commitment as it would be relevant and timely.
 - b. NRGi will continue working on the implementation of the EITI BO roadmap.

Support NAPs implementation

NRGi will support the implementation of strong natural resource commitments in the following countries/jurisdictions. The list is not exhaustive and NRGi will keep a flexible approach when opportunities arise:

1. Colombia
 - a. NRGi will collaborate with Transparencia Colombia and other CSOs to ensure the implementation of commitment 5 of the 2017-2019 NAP "Strengthening the inter-sectoral roundtable for environmental democracy". This will include working on the disclosures of environmental impact assessments and mitigations plans, identified as weaknesses in the RGI.
2. Nigeria
 - a. NRGi will continue providing technical assistance on the implementation of extractive commitments (beneficial ownership disclosures that extend to other sectors, contract transparency and open data)
 - b. NRGi will continue providing support to the OGP secretariat and play a facilitator role in the different meetings.
3. Philippines

- a. NRGi will continue collaborating with Bantay Kita on the Philippines' new NAP on the institutionalization of EITI via advocacy for a bicameral approval of EITI bill, including a provision for BO disclosure.

Participate in OGP global, regional or national events

NRGI will use the OGP events, regional meetings and international conferences to push for its advocacy goals highlighted above. Subject to funding:

- NRGi will participate in the OGP global summit in Georgia and will support panels, presentations and/or peer learning opportunities on extractives, especially within the anti-corruption theme.
- NRGi will participate in the International Open Data Conference in Argentina in September and plans on organizing a peer-exchange on gender there.
- NRGi will participate in the International Anti-Corruption Conference in Copenhagen in October and submitted two panel proposals.
- NRGi plans on attending EITI-regional meetings, especially those regarding beneficial ownership (e.g. West Africa conference in October).

Collaboration with other international organizations

As detailed in the above thematic priorities and country activities, NRGi will collaborate with PWYP, EITI, and OCP where relevant. It will also coordinate with WRI on a potential gender commitment in Mongolia and Tunisia. Given the focus on gender in the new OGP co-chair's agenda, NRGi will consider this theme as a priority.

Natural Resource Governance Institute

Open Government Partnership



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