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Critical Reflections on 15 Years of the Extractive Industries Transparency Initiative (EITI)

Abstract
This special section of *The Extractive Industries and Society* brings together discussion and research articles 15 years after the Extractive Industries Transparency Initiative (EITI) was launched, which reflect critically on the extent to which the EITI informs, empowers and improves resource governance. The papers provide important insight into the impact and effectiveness of the EITI, the role of civil society in the EITI process, the need to make disclosure more relevant to citizens and local communities, and the national politics of transparency in resource governance. While transparency itself is insufficient in addressing the multifaceted problems resource-rich countries face, revenue transparency can be viewed as an 'entry point' into a conflicting conversation between companies, governments and civil society where trust and consensus can be built on issues beyond revenue. Future work needs to evaluate the effect of EITI more fully in the context of other initiatives operating globally and at the national and subnational levels, and for what and for whom these spaces of policy and practice are being framed and produced.

Introduction
In 2002, the idea for the Extractive Industries Transparency Initiative (EITI) was proposed by UK Prime Minister Tony Blair in a speech intended to be delivered at the World Summit on Sustainable Development in Johannesburg (Rich and Moberg, 2015). It was championed at the time as a multi-stakeholder initiative capable of helping developing countries combat the resource curse by broadening understanding of how revenues from oil and gas and mining activities are spent and where they flow. The EITI was formally established in June 2003 at its first conference in London when the 12 EITI Principles were agreed.

Fifteen years later views on the intervention are mixed. On the one hand, its proponents maintain that, by emphasizing reporting and the tracking of payments, and disclosing publicly the details of financial flows, citizenries will be better positioned to hold their governments accountable and ensure that revenues are spent prudently. On the other hand, critics argue that the EITI has been merely a 'tick box' exercise which focuses on transparency but not on accountability, due to its narrow focus on seeking voluntary publication, along with the verification of company payments and government revenues (see e.g. Rustad et al., 2017, Sovacool et al., 2016, Van Alstine, 2014).

This special section of *The Extractive Industries and Society* brings together commentaries and research papers which reflect critically on the extent to which the EITI informs, empowers and improves resource governance, as well as the core themes which it embraces.

Origins and evolution of the EITI
The transparency in resource governance agenda set the foundation for the emergence of the EITI (Haufler, 2010). Four broad trends in the 1990s and early 2000s influenced the rise of the transparency agenda. First, the link between natural resource wealth and poor development outcomes, i.e. the resource curse, was well documented (Auty, 1993; Sachs and Warner, 2001). Second, rather than an inevitable outcome of resource extraction, the resource curse began to be framed as a political-institutional challenge. This new framing towards 'resource-led development'

resonated with broader debates on 'good governance' in development (Humphreys et al., 2007; Mehlum et al., 2006; Ross, 1999).

Third, the legitimacy of multinational corporations (MNCs) came under intense scrutiny on issues such as human rights, corruption and sustainability during this era, often driven by international NGOs (Jenkins, 2005). Fourth, the extractive industries came under sustained criticism for its negative environmental and human rights impacts, and unscrupulous conduct (Gillies, 2010). As western-based MNCs became increasingly brand sensitive the 'business as usual' approach was no longer tenable (Frynas, 2009). For example, a Global Witness Report in 1999 on corruption of the Angolan State found complicity of the oil and banking sectors in plundering of state assets during Angola's civil war (Global Witness, 1999). The momentum for transparency and accountability in the extractive sector built from this report, driven by a global coalition of NGOs under the Publish What You Pay (PWYP) banner, which aimed to ensure that citizens benefit from a nations' natural resource wealth. The PWYP coalition formally launched in 2002, has evolved into a global network of over 700 members, and has campaigned continuously over the last decade for voluntary and mandatory transparency and good governance within the extractives sector (PWYP, 2017).

The rise of the transparency agenda must also be understood in relation to two other initiatives - The Extractive Industries Review of the World Bank (2001-2003) and Mining Minerals and Sustainable Development project (2000-2002) of the International Council on Mining and Metals, both which sought to align the sector with the goals of sustainable development and achieve greater transparency of information in the extractives value chain (Buxton, 2012; World Bank, 2004). The EITI emerged out of the window of opportunity created by the confluence of these international norms and initiatives on transparency and accountability in the extractives sector.

The origins of the EITI represents a compromise negotiated by the UK government between what activist NGOs wanted and what companies resisted; mandatory reporting of payments and revenues in the extractive sector, and it sought to provide equal transparency from governments and companies (Rich and Moberg, 2015). A unique feature of the EITI standard is that although it was driven by NGOs and industry, it is implemented by governments.

The EITI is based on two key voluntary mechanisms – company reporting of the payments they make to governments, and governments reporting the amounts they receive from companies, thus making the information on payments and revenues received open and available for monitoring by citizens. Any discrepancies between monies paid and monies received are made public. Key to the success of EITI, and one of its most controversial aspects, is the role of civil society in oversight, monitoring and public debate. This is important in ensuring that greater transparency can lead to greater accountability (EITI, 2017).

Klein, in this special issue, provides a PWYP commentary on the EITI's first 15 years. She highlights how PWYP campaigning helped spur the evolution of the EITI from a loose set of reporting requirements to a well-respected global disclosure standard. Since its inception in 2003 the EITI has evolved from an initiative narrowly focused on revenue collection to an international standard which aims to address the wider governance of extractive resources. It reflects an ongoing process of negotiation and consensus building to achieve better management of natural resources. The EITI has not remained static. The original EITI Principles remain but the criteria for implementation and validation have evolved. The set of requirements known as the EITI Rules first published in 2009 and then revised in 2011 were replaced by the EITI Standard in 2013. The EITI Board adopted a new 2016 EITI Standard which included several refinements to better align the standard with the extractive industries value chain.

Klein describes how the adoption of the EITI Standard in 2013 and its revised edition in 2016 has moved EITI reports well beyond a 'reconciliation' exercise to extend down the value chain to include information such as levels of production, corporate social expenditures, and subnational transfers. She notes how the EITI has driven transparency in resource governance to be an established international norm exemplified by the uptake of mandatory disclosure regulations worldwide, and voluntary disclosure of contract transparency and beneficial ownership, which will be required in EITI reports by 2020.

To inform, empower and improve?

While the EITI represents the 'transparency turn' in the field of natural resource governance, the extent to which information disclosure within the field of global governance informs, empowers, and improves has come under increased scrutiny (Gupta and Mason, 2014). First, observations of 'drowning in disclosure' have highlighted the need to find the balance between quality and quantity of information provision (Fung et al., 2007). Second, the dynamics between the powerful and powerless, i.e. access to and control over information, is central to this debate (Mol, 2010). Third, although the procedural aspects of governance by disclosure may inform and empower in some instances, there is limited evidence of how transparency substantially improves, for example, environmental quality and performance (Gupta, 2010; Mol, 2010). In this section we explore the extent to which the EITI informs, empower and improves resource governance, incorporating insights from articles in this special issue.

The extent to which EITI successfully *informs* has been under sustained scrutiny, as the quality of data has been problematic (Van Alstine, 2014). A number of early studies found that despite the auditing requirement, member states and companies may not produce complete and reliable data (Dykstra, 2011; Gillies and Heuty, 2011; Ravat and Ufer, 2010). For example, a Revenue Watch Institute report in March 2011 highlighted a number of aspects of EITI implementation that were not met by a high percentage of EITI candidate countries, which include: ensuring that all companies report; agreeing on reporting templates; disclosure of all material oil, gas, and mining payments by companies to government and payments received by the government; and ensuring that company and government reports are based on audited accounts to international standards (Dykstra, 2011: 6). Klein discusses the challenge of using and disseminating the highly technical EITI data, and the need to make disclosure more relevant to citizens and local communities.

The 2013 and 2016 reforms of the Standard have sought to make improvements in this area. The 2013 Standard significantly broadened the scope of the reporting obligations. It required disclosure of payment information by project, and aligned to the US Dodd-Frank Act and the EU's Accounting and Transparency directives. It also provided greater autonomy to the multi-stakeholder group (MSG), the group of government, company and civil society representatives that oversee EITI implementation in a country, to set objectives and tailor the standard to the local context, and encouraged implementing countries to publish data in open and accessible formats. Adivilah provides a commentary on how the EITI can enhance citizen engagement in natural resource governance. He argues that the scope of reporting needs to be widened to include non-fiscal aspects of the resource value chain to reflect the immediate concerns of citizens, such as information on the social and environmental impacts of resource extraction.

The Natural Resource Governance Institute (NRGI, 2015) analysed the first 22 reports prepared under the 2013 Standard and found that while the new reports were more comprehensive and informative, there were still significant shortcomings, including:

- Timeliness: the new reports generally contained data that was two years old;
- Openness: only ten countries published data in a machine readable format which limits its usefulness;
- Projects: the new reports generally did not report on a project-by-project basis; aggregation hides important information for end-users; and
- Subnational revenues: most countries did not include subnational resource revenue transfers, which limits usefulness for local communities directly impacted by resource extraction.

The 2016 Standard aims to further strengthen EITI beyond the narrow focus on revenue transparency, to make the disclosure process throughout the extractive industries value chain more effective and efficient (EITI, 2016). Countries with already robust systems are permitted to make use of existing reporting mechanisms for EITI data and make the results transparent at source. This is thought to increase government ownership of the process and reduce the multiplication of data. Evaluation of reports under the 2016 Standard will need to assess the extent to which disclosure is more relevant to citizens and local communities.

The extent to which the EITI *empowers* has also been questioned (MSI Integrity, 2015; Van Alstine, 2014). A lack of strong domestic civil society and government commitment may hinder the effectiveness of transparency in resource governance (Furstenberg, 2015). Foreign aid programmes have tried to build capacity within civil society, particularly through the empowerment of NGOs (Wilson and Van Alstine, 2014). However, in many transitional or semi-authoritarian countries, although NGOs may be present, there is little adherence by the state to democratic participation and values. For example, civil society in some participating countries have not been allowed to fully participate in the EITI process, and although civil society may be present in the MSG, the elite government and corporate representatives still hold power (Aaronson, 2011; Smith et al., 2011). In Mongolia the EITI MSG was first appointed by government officials rather than letting NGOs and citizens appoint their representatives (although this was later reversed), and Azerbaijan's MSG did not meet until 2010, though the country committed to join EITI in 2003 (Aaronson, 2011: 46). According to a survey of civil society stakeholders from implementing countries, intimidation and harassment of civil society and media remains a significant issue in some countries (Dykstra, 2011). MSI Integrity's 2015 report found that MSG governance processes fail to ensure the independence and effectiveness of civil society.

This special issue makes a number of important contributions on the role of civil society within the EITI process. While Klein outlines how civil society has been able to have a seat at the table, which culminated in the adoption of the Civil Society Protocol in 2015, she notes the worrying backlash against civil society in some jurisdictions. Indeed, Öge explores how the EITI functions in authoritarian states. He analyses the extent to which the EITI enables civil society groups to become key partners in the national MSGs. Using Azerbaijan and Kazakhstan as case studies, he finds that governments undermine the monitoring and accountability work of independent NGOs through co-optation, oppression and harassment. He also finds that civil and associational rights do not improve after EITI membership. An ongoing challenge for the initiative is to ensure that civil society remains an equal partner in the EITI process even in authoritarian countries.

On the determinants of EITI compliance, Magno and Gatmaytan find that an increase in the perception of greater political freedom and stronger civil space increases the likelihood that a country with comply with EITI requirements. They highlight that this is consistent with the theory that multi-stakeholder initiatives require 'strong and legitimate civic space' for the EITI to thrive.

Remadji and Janszky critically analyse the implementation of EITI in Chad. They explore EITI as a 'social technology' for transparency, as an alternative form of oil governance after previous models failed. They find that the complexity and high centralisation of the EITI process in Chad limited participation to transparency experts and educated elite. While the EITI opened some space for civil society groups, Remadji and Janszky note that the term 'civil society' should be used carefully as civil society groups may not always be representatives of communities. They conclude there is a wide gap between the intention and real impact of EITI on governance, with the 'winners' of the game being companies and the State. Future studies will need to evaluate the extent to which the Civil Society Protocol is implemented in practice.

The extent to which the EITI *improves* resource governance is widely debated (Sovacool and Andrews, 2015; Sovacool et al, 2016). The assumption that more information is better is not always the case, for example the implementation of transparency does not always achieve its desired result (Fung et al., 2007). Indeed, early analysis has found that EITI member states do not perform better in corruption rankings than non-member states (Aaronson, 2011), and there is a disconnection between the EITI and the literature on reducing corruption and averting the resource curse (Kolstad and Wiig, 2009). Adding to this literature, Corrigan finds that EITI membership does not significantly impact control of corruption. In order to mitigate corruption, Corrigan recommends the pursuit of mechanisms that are complementary with the EITI such as mandatory disclosure laws.

Contributing to the limited literature on the effect of EITI on corruption in national contexts, Villar and Papyrakis evaluate the impact of the EITI on corruption in Zambia. They find that implementation of EITI influenced a significant decrease in corruption, particularly at the early stages of implementation. The authors note that these results may indicate practical challenges in implementing EITI in its later stages, and/or lack of procedures to resolve discrepancies identified in reconciliation reports and to implement recommendations from the MSG.

On the impact of EITI membership on economic development in resource rich countries, Corrigan finds that EITI membership significantly increases levels of GDP per capita. She highlights the importance for policy makers and multinational corporations that increased disclosure of revenue information may lead to a more attractive business climate and subsequently economic development. Indeed, Malden evaluates the amount of corporate mineral exploration expenditure within a country to determine the effects of EITI implementation on a country's mineral investment climate. He finds that EITI implementation positively impacts a country's mineral investment attractiveness, and provides a credible signal of commitment to stable natural resource management. Malden notes that these findings are significant for non EITI countries, as the ability to attract mining investment through the EITI process may offset the costs of participation in the initiative.

On how and why EITI is taken up and implemented by member countries, early literature speculated that governance by disclosure within the extractive industries may be the 'default option' because more contested options, such as mandatory restrictions or regulation, are politically precluded (Haufler, 2010). Indeed, Benner and Soares de Oliveira (2010: 310-311) argue that the norms of good governance and transparency have not in fact changed the 'core rules of the game' and that it is likely to remain a 'niche concern'. The EITI and transparency in and of itself may not be capable of facilitating good governance (Hilson and Maconachie, 2009). Others have stressed the importance of political will and government ownership of the process (Sturesson and Zobel, 2015).

In this special issue, Magno and Gatmaytan find that high perceptions of corruption, weak rule of law and government ineffectiveness increase the likelihood that a country will meet EITI requirements. The authors note that these findings are supported by theories on compliance where countries participate in international agreements to change their reputation. These findings appear to confirm early critiques that the norms of good governance and transparency help to legitimise business as usual. Bebbington, Arond and Dammert provide a nuanced account of the politics of EITI membership. They examine the motivations and factors that drive EITI take-up and implementation, exploring the interaction between national political settlements and the "idea" of transparency in resource governance. They develop a political and power-based framing of EITI to explain why three different Andean countries responded to EITI in different ways. Peru is an early adopter that has been a source of EITI innovation driven by civil society. Colombia is a late EITI adopter driven by a concern to join the OECD, and Bolivia's post-neoliberal and resource nationalist politics led to a rejection of EITI. The authors identify how national responses to EITI reflect elite politics and pursuit of broader national agendas. This article provides important insight into how the international norms of transparency in resource governance interact with domestic politics.

Conclusion

This collection of articles provides important insight into the extent to which the EITI informs, empowers and improves resource governance. Transparency itself is insufficient to address the multifaceted problems resource-rich countries face and therefore one can be doubtful of the transformative potential of the EITI if it remains a technocratic and 'tick box' process. However, revenue transparency can be viewed as an 'entry point' into a conflicting conversation between companies, governments and civil society where trust and consensus can be built on issues beyond revenue, as demonstrated by the 2016 revisions of the EITI Standard. The fact that reporting on fiscal and legal terms as well as contracts, licenses and beneficial ownership are now happening in some of the EITI implementing countries demonstrates how the initiative continues to evolve.

However, despite its effectiveness as a transparency tool, Klein highlights how the EITI fails as an accountability tool and to provide real impact on the ground. A key critique of the EITI is that it is voluntary and thus non-binding on both governments and companies (Van Alstine and Andrews, 2015). The voluntary nature of the standard also means that it has limited reach and therefore effect. A large portion of global production by the extractive industries remains outside its remit, particularly many state-owned companies (UNCTAD, 2014). This discretion may allow companies the space to avoid and evade taxes (Otusanya, 2011) and governments the secrecy and opaqueness necessary to pursue rent-seeking and patronage (Kolstad and Soreide, 2009). Many corruption, good governance and human development indicators have not improved significantly in EITI participating countries, suggesting that greater transparency has failed to address pro-poor development in these countries (Wilson and Van Alstine, 2014, 2017).

It has been a challenge to develop a process that lives up to the values that sit at the core of EITI, ensuring that transparency actually does lead to societal change and better development outcomes (O'Sullivan, 2013; Ospanova et al., 2013; Scanteam, 2011). In other words, even if the EITI can inform, empower and improve resource governance, to what extent does this process actually lead to pro-poor societal change within implementing countries? EITI has been criticised for lacking a robust theory of change explaining how it will contribute to societal transformation (Scanteam, 2011). A combination of top-down and bottom-up initiatives are necessary to reach the people that are most affected by extractive industry projects. Subnational implementation of the EITI is a promising way forward that, combined with other local resource governance initiatives, may help address the challenge of poverty in resource-rich countries (Wilson and Van Alstine, 2017).

It is important to remember that the EITI is not the only initiative that seeks to promote greater transparency and accountability in the extractives sector (Van Alstine and Andrews, 2016). International norms on transparency and governance in the extractive sector have been influenced by, *inter alia*: the PWYP coalition; the Natural Resource Governance Institute (NRGI); the International Monetary Fund Guide on Resource Revenue Transparency; the International Finance Corporation Social and Environmental Performance Standards; the Equator Principles; the International Council on Mining and Metals Principles for Sustainable Mining; the UN conventions on human rights and corruption; and the emergence of mandatory disclosure laws. Future work needs to evaluate the effect of EITI more fully in the context of other initiatives operating globally and at the national and subnational levels, and for what and for whom these spaces of policy and practice are being framed and produced.

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