Highlights of the Revised Draft Bill

The revised GHEITI Bill seeks to provide the following:

- Give legal backing to EITI principles
- Give backing to the existing structure underpinning the GHEITI by empowering the Multi Stakeholder Group to operate

1.0 Legal backing to GHEITI principles

The legislation would not make GHEITI a legal entity capable of suing, being sued, or entering into an agreement with third parties. GHEITI will at all times have to enter into legal obligations through MOFEP.

1.1 Appointment of staff of GHEITI secretariat

Coordinator and Deputy Coordinator

The provisions in the revised draft bill on appointments stipulate that GHEITI Coordinator/Deputy Coordinator shall be appointed by the Minister of Finance upon the recommendations of the MSG. In addition, as per existing practice, the GHEITI Secretariat should be totally staffed from MOFEP. Provisions that apply to Public Service secondment should apply in this instance.

However, in case of non performance, the Committee can cause the withdrawal of the Coordinator and/or the said Secretariat staff. In instances where any member of the Secretariat needs to be re-assigned, it is the responsibility of the Ministry to ensure that the secretariat is fully staffed at all times.

1.2 Composition of the GHEITI Multi Stakeholder Committee

The composition of GHEITI MSC should reflect what is currently on the ground. The provision for future expansion should be provided for in the draft Bill to enable expansion into forestry, fisheries etc.

1.3 Political Champions

The law must make provisions for a political champion as stipulated in the EITI principles. In this instance therefore, the political provisions made in the GHEITI draft framework document should be noted (reference to GHEITI organogram in document). The role of the champion should be defined to include the following, example
1. GHEITI activities are fully funded
2. Ensure implementation of audit recommendations etc.

1.4 Aggregator

The term aggregator should be defined in the interpretation column of the Draft Bill. This is because the work of the aggregator is to disaggregate so as to avoid confusion. The qualification of the aggregator should not be restricted to the accounting profession. The agreed accounting reporting format for the aggregation should be the International Financial Reporting Standard (IFRS).

1.5 Disclosure Requirements

The disclosure clause should be amended to hold all parties responsible for making agreements available to the Aggregator. Consultant should insert a default clause, that is to say where a company fails to disclose its agreements within a stipulated time (14 days), government should make the agreement available. It was recommended that penalties should be industry specific.

A clause should also be included in the draft bill to capture all other documents not mentioned.

1.6 Voting

The voting provisions should be made for both voting and consensus building. Where voting is applied, it should be applied on the basis of one constituent one vote; thus government as one constituent, private sector companies as one constituent and Civil Society Organizations as one constituent.

1.7 Independence of GHEITI Secretariat

Independent of the GHEITI Coordinator and GHEITI Secretariat from their appointing authority (political leadership) should be provided for in the draft bill.