

Achieving Extractive Transparency in the European Union



Publish What You Pay's mandatory disclosures campaign

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Publish What You Pay

Publish What You Pay (PWYP) is a global network of civil society organisations united in their call for an open and accountable extractive sector, so that oil, gas and mining revenues improve the lives of women, men and youth in resource-rich countries. Our global network is made up of more than 800 member organisations across the world, including human rights, development, environmental and faith-based organisations.

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Front page image: Ugandan PWYP activists call on UK Prime Minister David Cameron to end the resource curse
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Introduction and Executive Summary

The European Union's (EU) 2013 amendments of its Accounting Directive and Transparency Directive to require oil, gas, mining and forestry companies to report their payments to governments on a country-by-country and project-by-project basis were achieved after more than ten years of international advocacy and campaigning by the global Publish What You Pay (PWYP) coalition. Compared with many civil society campaigns, PWYP's advocacy in the EU was unusually successful in resulting in legislation that embodied most, if not all, of the coalition's key policy demands.

This case study seeks to identify the elements of the campaign that were central to its success. It draws on interviews with fourteen people who were involved, most of them closely, in PWYP's push for mandatory extractive industry reporting in the EU.¹ Thirteen of the interviewees worked then, or work now, for the PWYP International Secretariat, country coalitions or coalition member organisations, while one – former Member of the European Parliament Arlene McCarthy – became effectively PWYP's champion through her work on the Parliament's Legal Affairs Committee. The author of the study, who undertook the interviews, has coordinated PWYP's UK country chapter since October 2011.

The study also draws on analyses of PWYP's work published by the Overseas Development Institute (ODI) and the UK NGO membership body Bond and on one

academic discussion paper.² And it includes a legislative timeline (Annex 1) and chronology of the EU campaign from its early stages in 2004 to completion of the EU legislative process at the end of 2013 (Annex 2), the latter largely compiled from PWYP's former (pre-April 2015) website.³

What emerges from the assessment of the campaign is PWYP's singular strengths as an international movement. PWYP has broad civil society support in the global South and North, a coherent theory of change, a clear strategy and policy focus, a simple message, a committed body of activists and high standards of professionalism.

People interviewed for the case study agreed on PWYP's qualities as a global coalition and acknowledged its ability to combine the complementary strengths of

² Simon Batchelor and Simon Hearn, *Coalitions for Transparency in Extractive Industries: A Study of the Coalition Model of the Publish What You Pay Campaign*, Gamos and ODI, 2013, <http://publishwhatyoupay.org/pwyp-resources/odi-summary-report/>; Brendan Cox, *Campaigning for International Justice: Learning Lessons (1991-2011), Where Next? (2011-2015)*, Bond, 2011, <http://www.bond.org.uk/resources.php/52/campaigning-for-international-justice>; Johanna Chao Kreilick, "Tackling the 'resource curse': the role of brand in a global campaigning network", discussion paper for the Role of Brand in the Nonprofit Sector conference, Harvard University Hauser Center for Nonprofit Organizations and Rockefeller Foundation, 8 December 2011, www.hks.harvard.edu/hauser/role-of-brand/documents/publish.pdf

¹ A further nine people were contacted with interview requests but did not respond.

³ See Note on PWYP online sources, p. 42.

diverse civil society organisations in many countries. Bringing human testimony from the global South to the North was crucial to success in the EU, as was close collaboration between the International Secretariat, PWYP country chapters, PWYP's Africa and Global steering committees, and individual member organisations.

PWYP has enjoyed “first mover” advantage through helping create awareness of the “resource curse” and promoting recognition of the importance of revenue transparency and accountability as crucial to addressing corruption and revenue mismanagement in the extractives sector. It has engaged across the board with extractive industry stakeholders in government, industry and civil society, and benefited from relations with more progressive companies, industry figures and investors to show that its position is not anti-business.

A firm focus on a single issue has facilitated consistent and coherent messaging. This has enabled the core advocacy ask of requiring companies to publish what they pay and governments to publish what they receive for oil, gas and minerals to catalyse political and policy change.

All-round professionalism has been important to the EU campaign's success: careful research and problem and policy analysis, thorough planning, and effective communication, coordination and delivery. Close monitoring of the EU legislative process and painstaking mapping of key actors' positions enabled the coalition to intervene effectively when it mattered.

Political awareness has also been a strength, combined with good quality

intelligence gathering. PWYP saw, and addressed, the need for a unified global strategy. Parallel advocacy campaigns sought mandatory disclosure laws in the USA, Norway, Canada, Australia, Switzerland and the EU,⁴ high-level political commitments at the G8 and in the Open Government Partnership (OGP), and progress in strengthening the Extractive Industries Transparency Initiative (EITI). The coalition allied itself with broader civil society movements for tax justice, transparency, accountability, participation and open data.

The campaign leveraged pro-transparency tendencies in the business press and made good use of social media, press releases, petitions, lobby events, stunts and occasional newspaper adverts. Several coalition member organisations were adept at translating policy asks into resonant human messages with wide public appeal, and prominent individuals helped PWYP achieve impact through meetings with political leaders, letters, speeches and media op-eds.

Despite PWYP's genuine success in the EU, and the undoubted preventive value of strong transparency requirements, the job is far from completed. The coalition needs to prepare for the EU data, use it to strengthen company and government accountability – so that citizens of resource-dependent developing countries truly benefit from extractives revenues – and demonstrate the value of payment disclosure, while helping maintain progress towards a global transparency standard.

⁴ Achieved, at the time of writing, in most of these jurisdictions, the exceptions being Australia and Switzerland.

Campaign assessment

PWYP's campaign to achieve EU legislation requiring EU-registered and EU-listed oil, gas and mining companies to disclose their payments to governments was highly successful. Civil society's "red lines" for extractives financial transparency were all achieved in the 2013 Accounting Directive: public disclosure; project-level reporting; a definition of "project" based on the contract, licence, lease, concession or other legal agreement giving rise to payment liabilities; a defined and relatively low materiality threshold; and no country disclosure exemptions.⁵ The Directive includes explicit anti-evasion provisions⁶ and a commitment that the EU's 2018 review will consider extending reporting to further industry sectors, auditing of reports and disclosure of

additional information.⁷

However, there were also disappointments. PWYP's response to the 2011 Commission proposals included recommendations that were not met: for company reports to include production volumes, sales and profit, as well as payments for export and transportation activities (as in Dodd-Frank Section 1504), such as pipeline transit fees, and to state security forces; for disclosure to include countries where companies have only a non-operational trading presence; and for payment data to be audited, included in annual financial statements and filed electronically in tagged standard formats, with collation by, or on behalf, of the European Commission.

Much also still depends on the quality of implementation by EU member states, and the rigour with which the EU Commission assesses and accepts as equivalent comparable reporting regimes in non-EU jurisdictions.⁸

Success factors

Drawing on interviews with PWYP campaigners and allies, and on published perspectives, what have been the key factors in PWYP's EU success?

Strength of the coalition

PWYP's strengths as a global coalition have been widely recognised. A 2011 study for the UK NGO membership body Bond found PWYP's coalition model – combining a "strong centre", "international structure", national coalitions and a "clear delineation of responsibility" – to be among the best

⁵ Country-by-country reporting requirements are specified in detail in: European Union, Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, Chapter 10, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32013L0034> (henceforth "Accounting Directive"); with a cross-reference to these in: European Union, Directive 2013/50/EU of the European Parliament and of the Council of 22 October 2013 amending Directive 2004/109/EC of the European Parliament and of the Council on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market, Directive 2003/71/EC of the European Parliament and of the Council on the prospectus to be published when securities are offered to the public or admitted to trading and Commission Directive 2007/14/EC laying down detailed rules for the implementation of certain provisions of Directive 2004/109/EC, Article 6, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013L0050> (henceforth "Transparency Directive")

⁶ Accounting Directive, Article 43(4).

⁷ Accounting Directive, Article 48.

⁸ Accounting Directive, Articles 46, 47.

civil society models for international campaigning.⁹ Johanna Chao Kreilick's 2011 assessment of PWYP's "brand" credited the coalition, as many others have done, with "spurring the British government to launch" the Extractive Industries Transparency Initiative (EITI) in 2002.¹⁰ A 2013 Overseas Development Institute (ODI) assessment recognised that PWYP had achieved "major policy wins in the US and EU" thanks largely to the "nature of the coalition".¹¹

PWYP's view of itself is that "effectively coordinating the collective actions, skills and interests of a diverse coalition of civil society organisations is the most effective way to influence key stakeholders and to drive policy and practice change in the extractive industries and the governmental sector".¹² People interviewed for this case study agreed with this. Interviewees expressed strong satisfaction with the coalition's ability to unite and synthesise the capacities and efforts of diverse civil society organisations in many countries. This tallies with interviews conducted by Chao Kreilick for her 2011 paper.¹³

The coalition was able to draw on complementary perspectives and skills from the global South and the North. African campaigners travelled to European capitals to present petitions, meet with

decision-makers and provide powerful human testimony about the global nature of the issue and the potential importance of an open extractives sector for many of the world's poorest people. Blogs and letters to EU political leaders written by PWYP activists in the South, and quotes from Southern coalitions and members in news releases and media coverage, reinforced this message. So did photographs and messages emailed and tweeted from Amsterdam to MEPs by PWYP global conference participants in September 2012.¹⁴



Smile for transparency: PWYP campaigners' photos messages emailed and tweeted to MEPs calling for a strong transparency vote, Amsterdam, September 2012. Photo credit: Andy Wilson

Much of the global coalition's strength is moral and motivational. A powerful sense of common objectives and mutual loyalty justifies the frequent use of the term "movement" to describe PWYP by insiders and outsiders. But there is also considerable technical and professional competence, as noted below.

⁹ Cox, *Campaigning for International Justice*, op. cit., p. 4.

¹⁰ Chao Kreilick, "Tackling the 'resource curse'", op. cit., p. 2.

¹¹ Batchelor and Hearn, *Coalitions for Transparency in Extractive Industries*, op. cit., p. 15.

¹² PWYP, *Vision 20/20: Strategy 2012-2016. Extracting the Truth*, 2012, p. 15, <http://extractingthetruth.org/vision2020.html>

¹³ Chao Kreilick, "Tackling the 'resource curse'", op. cit.

¹⁴ For a detailed narrative of PWYP's EU campaign, see Annex 2.



PWYP campaigners celebrate the European Parliament committee vote for country- and project-level reporting, Amsterdam, September 2012. Photo credit: Andy Wilson

As the EU campaign progressed, PWYP member organisations and allies became active in an increasing number of member states. The International Secretariat, country chapters and active members pushed “onwards and upwards” at every opportunity (see box). The sense of a common goal energised collaboration between the Secretariat, PWYP chapters and other PWYP bodies both within and beyond the EU, including PWYP’s Africa Steering Committee and PWYP USA.

Member organisations worked to their different but complementary abilities, ranging from investigative research, policy development, technical analysis and political lobbying to supporter mobilisation, public stunts and media work, to enhance the collective impact.

First mover advantage and opportunism

PWYP has both co-created and capitalised on the global transparency agenda. It helped catalyse the emergence of good governance, transparency and accountability as central issues of democratisation, economic globalisation and international development, particularly for the extractives sector. “PWYP has been largely responsible for advancing the

Box 1: About Publish What You Pay (PWYP)

PWYP is a global network of civil society organisations united in their call for an open and accountable extractive sector, so that oil, gas and mining revenues improve the lives of women, men and youth in resource-rich countries. PWYP’s network is made up of more than 800 member organisations across the world, including human rights, development, environmental and faith-based organisations. In more than 40 countries network members have joined forces to create national coalitions. Members also collaborate at the regional level, as in Europe and in Africa. All members and coalitions have to adhere to PWYP’s principles and standards.

PWYP’s International Secretariat consists of eleven members of staff, seven of whom are based in London while the others are based in Beirut, Kiev, Nairobi and Niamey. The Secretariat’s role is to facilitate coordination and communication within the coalition, help build the capacity of coalitions and uphold the coalition’s principles. PWYP is governed by various bodies and in 2012 adopted Vision 20/20, its strategy for 2012-16.

transparency debate around extractive industries and the progress that that has led to,” says the Bond report.¹⁵ This track record has given the coalition good standing with decision-makers and influencers.

As a first mover, PWYP opened a high-level dialogue with EU political leaders and officials in influential member states, with European Commissioners and with MEPs well before the first legislative proposals emerged. It combined “long term advocacy and persistent messaging ... [with] responding to moments of opportunity”.¹⁶ The coalition also went wider, engaging with

¹⁵ Cox, *Campaigning for International Justice*, op. cit., p. 20.

¹⁶ Batchelor and Hearn, *Coalitions for Transparency in Extractive Industries*, op. cit., p. 12.

non-EU governments, international financial institutions, companies, investors, broader civil society and others. “Reaching out to and building coalitions with diverse policy actors has been particularly important,” according to the ODI report.¹⁷



Ugandan PWYP activists call on UK Prime Minister David Cameron to end the resource. Photo credit: ONE Campaign

Several other factors, noted below, have enabled PWYP to be successfully opportunistic and among “the best examples of civil society campaigns that have seized the opportunity of increasing space”.¹⁸ As the ODI study put it: “The continuous work of coalitions in sharing of information, coordinating meetings with important stakeholders, maintaining a common message, organising and briefing spokespeople etc., is particularly important for being able to respond to windows of opportunity as well as stimulating large leaps.”¹⁹

Coherent theory of change and consistent messaging

PWYP’s theory of change, shared by many civil society activists, is that transparency is a necessary initial step towards achieving accountability, and that both are key to ending corruption and revenue mismanagement and to delivering developmental benefits. Its top-line policy goal – detailed extractive industry reporting of company payments and government receipts – has been at the heart of its work for more than a decade. Both theory of change and central advocacy ask are clear, logical and unchanging. Single issue, maybe, but the formula works. The ODI study commends PWYP’s “persistent messaging”, “dedication” and “maintaining a common message”.²⁰ For Bond, “The simplicity of the ask was one of its key strengths ... Publishing what you pay was a very basic concept, but one with very significant positive benefits if you believed the case PWYP put forward.”²¹ Chao Kreilick also notes the message’s simplicity.²²

Willingness to continually restate PWYP’s main arguments and reuse key examples has been important. The coalition has explained numerous times over the years, in countless fora, meetings, publications and documents, and to a wide range of audiences, how revenue transparency addresses the “resource curse”; why payment reporting should be disaggregated to company, country, government and project level; how “project” should be defined; why company claims about alleged

¹⁷ Ibid., p. 15.

¹⁸ Cox, *Campaigning for International Justice*, op. cit., p. 67.

¹⁹ Batchelor and Hearn, *Coalitions for Transparency in Extractive Industries*, op. cit., p. 15.

²⁰ Ibid., pp. 12, 15, 19.

²¹ Cox, *Campaigning for International Justice*, op. cit., p. 20.

²² Chao Kreilick, “Tackling the ‘resource curse’”, op. cit.

legal prohibitions against disclosure in a few countries lack substance.

Professionalism

All-round professionalism – careful analysis, thorough planning, effective communication, coordination and delivery – have been central to the EU campaign’s success. PWYP identified and planned for crucial stages in the legislative process, anticipating the sometimes changing positions of key actors (member state governments, individual politicians, MEPs, committees, industry lobbyists, potential allies and others), and preparing and timing interventions and arguments accordingly.

The coalition’s analysis of issues and policy options deepened and broadened to inform its advocacy as the campaign went on. Careful research, preparation of policy positions, gathering of evidence and detailed drafting became campaign hallmarks with a series of well-crafted, targeted and timely briefings and case studies at decisive decision points (in contrast to the one large all-encompassing report that NGO campaigns sometimes opt for). PWYP briefings are said to have been especially helpful for government officials, MEPs and advisers closely involved in drafting the legislation. There was continual collective learning on technical questions that emerged during the legislative process.

Working politically

EU law-making is highly politicised. There is continual balancing of interests and positions within and between member state governments, MEP party groups and committees, and Commissioners, as well as the formal “trialogue” negotiations between Council, Parliament and Commission. Beyond these are further interest groups

and influencers: non-EU governments, intergovernmental organisations, industry lobbies, the media and public opinion. PWYP fully recognised the political nature of the EU but kept out of party politics. It worked with governments and MEPs of the political Left, Right and Centre and made allies of those officials, public figures, journalists, civil society groups, companies and others who could further the campaign.



Love truth: Bishop Stephen Munga from Tanzania and PWYP campaigners from Tearfund and Micah Challenge International in Brussels to lobby MEPs for strong extractives disclosure rules, March 2012. Photo credit: Tearfund/Jay Butcher

PWYP engaged successfully with key EU member states – France, the UK and holders of the rotating Council Presidency – as well as with the European Commission and influential MEPs. Through good quality intelligence gathering and proactive dialogue with governments and with decision-making committees of the European Parliament the coalition was able to closely monitor, and influence, the drafting of the Directives. Presence in Brussels of skilful and experienced PWYP campaigners, both those based at member organisations’ offices and those who travelled frequently there for meetings, was crucial.

In the UK, PWYP participated in a series of roundtable meetings with industry

representatives organised by the Department for Business, Innovation and Skills (BIS). In France, Publiez Ce Que Vous Payez (PCQVP) France forged good links with the French Socialist Party in opposition and secured a commitment to a strong disclosure standard that the incoming Hollande government carried forward. Besides addressing advocacy towards France and the UK, during the Danish, Irish and Cypriot Council Presidencies PWYP directed resources and efforts towards those governments, as well as others that were either broadly supportive or more problematic in their attitudes towards extractives transparency.

The coalition developed a close working relationship with Arlene McCarthy MEP (UK, Socialists and Democrats), who held a major role as rapporteur and shadow rapporteur for the Transparency and Accounting Directives respectively on the European Parliament's Legal Affairs Committee (JURI). While JURI was the lead committee dealing with extractives transparency, PWYP also built links with members of other MEP committees such as ECON (Economic and Monetary Affairs) and DEVE (Development) that examined and made proposals regarding the legislation, as well as with European Parliament political coordinators and MEPs' assistants.

Globally, it was well recognised that PWYP's objectives in the USA and EU could reinforce each other, and that there was strategic importance in negotiating a strong Extractive Industries Transparency Initiative (EITI) Standard in 2013 to underpin progress on mandatory reporting.

Public campaigning and the media

Building and maintaining a pro-transparency climate of public opinion was also important to the EU political effort. PWYP harnessed pro-transparency tendencies in the *Financial Times*, the *Economist* and other media to its cause, which resulted in favourable editorials and opinion pieces. The PWYP Secretariat, country chapters and member organisations made regular use of social media, blogs, press releases, online and offline petitions, lobby events, stunts and occasional newspaper adverts.



Emerging from darkness and secrecy: Dear European Union, You are almost there – PWYP and Friends of the Earth Europe advertisement, November 2012. Source: [Just Policy](#)

Several coalition member organisations were adept at translating PWYP's policy asks into resonant messages with wide appeal, such as Tearfund's "Unearth the Truth" campaign, ONE's mobilising of supporters at key junctures, and Secours Catholique-Caritas France and PCQVP France's Avaaz petition. Media messages emphasised the human impacts of corruption in Africa and the pro-poor benefits that would flow from well-managed extractives revenues.

Prominent individuals reinforced the campaign's impact. George Soros, Bono, Paul Collier, Bill Gates, Lord Browne, Kofi Annan, Aung Sun Suu Kyi and Bob Geldof all made important contributions in meetings with and letters to political leaders, public speeches and media op-eds.

Fortunate timing

The UK's 2013 G8 Presidency and co-chairing of the Open Government Partnership (OGP), along with Prime Minister Cameron's co-chairing of the UN High Level Panel on the Post-2015 Development Agenda, came at a favourable time because of Cameron's prominent public commitment to extractives transparency. It also helped that in 2013, the year that the EITI adopted a new and stronger Standard, the UK government announced its intention to apply for EITI candidacy.

The EU campaign also gained momentum from mounting public concern about multinational companies' tax evasion and avoidance, and about shrinking public finances, even in wealthy countries, and from wider international calls for tax justice, country-by-country reporting by multinational companies in all sectors of the economy, and contract and beneficial ownership transparency. As the Bond report recognises, the coalition's advocacy "received a more receptive response partly because of the financial crisis".²³

Conclusion

As seen at the time of writing (March 2015), PWYP's EU mandatory reporting campaign was a landmark success, achieved after many years of intense effort. The EU's extractive industry transparency standard should in future make a powerful contribution to deterring companies and government officials around the world from making corrupt or questionable financial arrangements with regard to oil, gas and mining – such as Shell and Eni's notorious Nigerian OPL-245 deal in 2011 – because of the greater risk of public scrutiny, exposure, censure and punishment for misdeeds. All the more so with the advent of greater transparency with regard to contracts and company beneficial ownership.

Civil society should also be able to use company payment reports to expose host governments' internal misallocation of revenues, to demand a greater say in public budget allocations and to hold officials accountable for financial waste and mismanagement. And extractives reporting should be an important step towards greater general transparency about tax affairs on the part of multinational companies in all sectors.

Following Norway's lead, EU transparency rules should also help propel progress towards effective implementation of comparable reporting regimes in the USA,²⁴

²³ Cox, *Campaigning for International Justice*, op. cit., p. 66.

²⁴ EarthRights International, "Oxfam America Sues SEC for failure to issue new transparency rules required by Dodd-Frank 1504", September 2014, <http://www.earthrights.org/media/oxfam-america-sues-sec-failure-issue-new-transparency-rules-required-dodd-frank-1504>

Canada²⁵ and other jurisdictions, such as Australia,²⁶ South Africa²⁷ and Switzerland (in the latter case including commodities trading).²⁸

²⁵ PWYP Canada, “Mandatory disclosure”, n.d., <http://www.pwyp.ca/en/issues/mandatory-disclosure>

²⁶ Parliament of Australia, Corporations Amendment (Publish What You Pay) Bill 2014, http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=s981; <http://pwypaustralia.org>

²⁷ Ian Gary, “African mining ministers endorse, push for reforms”, Oxfam America, March 2015, <http://politicsofpoverty.oxfamamerica.org/2015/03/african-mining-ministers-endorse-push-for-reforms/>

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Annex 1: Legislative timeline and EU Presidency

October 2011	European Commission publishes legislative proposal for revised Accounting Directive and Transparency Directive as part of “Responsible Business” package
November 2011	Accounting Directive proposal referred to European Parliament Legal Affairs Committee (JURI) as lead committee, and first reading ²⁹
February 2012	Accounting Directive debated in European Council
May 2012	Transparency Directive proposal referred to European Parliament Legal Affairs Committee (JURI) as lead committee, and first reading; Accounting Directive proposal referred to European Parliament associated committees
June 2012	Accounting Directive debated in European Council, with formulation of general approach ³⁰
September 2012	European Parliament Legal Affairs Committee (JURI) vote on Accounting and Transparency Directives; committee reports tabled for first plenary reading
December 2012	Accounting Directive debated in European Council
June 2013	Debate, vote and decision by European Parliament on Accounting and Transparency Directives
June 2013	Accounting Directive act adopted by European Council after European Parliament decision; final act signed and published in <i>Official Journal of the European Union</i> , 29 June 2013
October/November 2013	Transparency Directive act adopted by European Council after European Parliament decision; final act signed and published in <i>Official Journal of the European Union</i> , 6 November 2013

Presidency of the Council of the European Union³¹

January – June 2012	Denmark
July – December 2012	Cyprus
January – June 2013	Ireland
July – December 2013	Lithuania

²⁹ Country-by-country reporting requirements were specified in detail in the Accounting Directive proposals, with a cross-reference to these in the revised Transparency Directive.

³⁰ Council general approach on the Accounting Directive, 21 June 2012, <http://register.consilium.europa.eu/pdf/en/12/st11/st11442.en12.pdf>

³¹ Council of the European Union, Presidencies 2011-2020, http://europa.eu/about-eu/institutions-bodies/council-eu/index_en.htm

Annex 2: Campaign narrative

Note: This narrative covers events leading to the passing into law of the amended EU Directives in 2013. Where not otherwise indicated in the footnotes, documentation of many events was accessed on PWYP's former (pre-April 2015) website as described below in the Note on PWYP online sources, page 42. Online sources were accessed between October 2014 and March 2015.

2004

PWYP members worked with Members of the European Parliament (MEPs), including Peter Skinner, Chair of the Economic and Monetary Affairs Committee, to secure recognition in recital 14 of the EU Transparency Obligations Directive (TOD) of the need for extractive companies and EU member states to increase transparency of payments to governments.³²

2005

PWYP proposed to the European Bank for Reconstruction and Development (EBRD) that the bank's new energy policy should include public disclosure of all revenue payments made to governments and their agents by all EBRD-supported extractive projects. PWYP made similar proposals to the International Finance Corporation.

³² Mabel van Oranje and Henry Parham, *Publishing What We Learned: An Assessment of the Publish What You Pay Coalition*, PWYP, 2009, <http://www.publishwhatyoupay.org/wp-content/uploads/2015/06/Publishing-What-We-Learned.pdf>; EU Transparency Obligations Directive 2004/109/EC, recital 14, http://eur-lex.europa.eu/legal-content/EN/ALL/;ELX_SESSIONID=g2KjZLT9Q22s0zfjBvB0BxQngTDwQsdIVd2VW0QGjvnlh23ZLw!-213097097?uri=CELEX:02004L0109-20080320

PWYP's statement to the 2005 EITI Conference in London asserted that "governments of countries where extractive companies are headquartered have as much responsibility for good governance and accountability in developing countries as host governments", advocating a move to mandatory domestic and international transparency regimes. PWYP repeated the call in a response to the 2005 G8 Gleneagles Summit's statement that more countries should implement the EITI.

Save the Children UK published its "Measuring Transparency" index, benchmarking the policy and practice of extractive companies and home governments.³³ Global Witness, Save the Children UK, PWYP and others co-published *Extracting Transparency: The Need for an International Financial Reporting Standard for the Extractive Industries*, arguing that the International Accounting Standards Board (IASB) should require "upstream extractive industry operators to disclose revenue payments on a country-by-country basis".

The International Monetary Fund's (IMF) *Guide on Resource Revenue Transparency* encouraged resource-rich governments "to adopt international best practice"; the World Bank Group and the EBRD agreed to work for greater company- and country-level revenue transparency.³⁴ The Spanish Congress passed a resolution urging the government to require Spanish-listed extractive companies to publish their payments to governments.³⁵

³³ Van Oranje and Parham, *Publishing What We Learned*, op. cit.

³⁴ Ibid.

³⁵ Ibid.

2006

Following scandals involving mining, oil and gas companies listed on the London Stock Exchange's (LSE) Alternative Investment Market (AIM), advocacy by PWYP UK members persuaded the LSE to require country-by-country payment reporting by extractive companies listing on AIM for the first time, to reduce investor risk.³⁶

PWYP commented after the G8 St Petersburg Summit that G8 countries should legislate to require all companies to disclose revenue payments to resource-producer governments.

2007

A European Parliament resolution urged the European Commission to support the development of an accounting standard requiring country-by-country reporting by extractive companies.³⁷

2008

Transparency International's *Promoting Revenue Transparency* report evaluated the policy and practice of 42 major oil and gas companies operating in 21 countries.³⁸

³⁶ AIM Note for Mining, Oil and Gas Companies, <http://www.londonstockexchange.com/companies-and-advisors/aim/publications/rules-regulations/guidance-note.pdf>

³⁷ European Parliament resolution of 14 November 2007 on the draft Commission regulation amending Regulation (EC) No 1725/2003 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Financial Reporting Standard (IFRS) 8, concerning disclosure of operating segments, <http://www.publishwhatyoupay.org/sites/pwypdev.gn.apc.org/files/EP%20resolution%20accounting%20standards%20141107.pdf>

³⁸ Transparency International, *Promoting Revenue Transparency: 2008 Report on Revenue Transparency of Oil and Gas Companies*, 2008,

PWYP supported Transparency International's call for "governments, stock exchanges and regulatory agencies" to "urgently consider mandatory reporting for companies operating in-country and abroad".

PWYP's briefing paper for a roundtable hosted by the Revenue Watch Institute (RWI) and the IASB in London recommended country-by-country reporting as a new International Financial Reporting Standard (IFRS) for extractives companies.

MEPs called on the Commission to promote transparency of extractives revenues.³⁹

In the USA Congressman Barney Frank introduced in the House of Representatives the Extractive Industries Transparency Disclosure Bill, requiring country-by-country reporting by extractive companies listed with the US Securities and Exchange Commission (SEC).

African transparency campaigners from Chad, Congo-Brazzaville, Ghana and Nigeria met EU Commissioner for Energy Andris Piebalgs in Abuja, Nigeria, asking him to ensure "openness and accountability to Africa's people" in Europe's "growing energy relationship with Africa".

2009

MEPs initiated an anti-corruption petition calling on the EU to require extractives

http://www.transparency.org/whatwedo/publication/promoting_revenue_transparency_2008_report_on_revenue_transparency_of_oil_and_gas_companies

³⁹ European Parliament resolution of 20 May 2008 on trade in raw materials and commodities (2008/2051(INI)), <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=OJ:C:2009:279E:TOC>

companies to disclose their payments to governments country by country and to “support the civil society campaign ‘Publish What You Pay’”.

Intermón Oxfam and FRIDE obtained coverage of the “resource curse” in the Spanish press.

PWYP Africa and Publiez Ce Que Vous Payez (PCQVP) France called on French President Nicolas Sarkozy, during his visit to Africa, to “ensure France does more to increase transparency, enable a fairer sharing of resources between companies and producing countries, and to respect its commitment to accountability in the management of natural resource revenues”.

Ahead of PWYP’s International Conference in Montreal, Canada, PWYP members in Belgium, Denmark, France, Spain and the UK continued to advocate for country-by-country reporting through EU reform.

US Senators introduced the Energy Security through Transparency Bill into Congress.

PWYP members in Belgium organised a public hearing in the European Parliament on the “Natural Resource Curse in Central Africa” and the role of the EU; a PCQVP France delegation met with the French Ministry of Foreign Affairs; Danish coalition members and PWYP Norway co-organised with the Danish government a conference on the potential of the extractive industries to mobilise revenues for development with respect for human rights.

2010

January

A BBC Radio *World Tonight* programme on the “resource curse” included interviews with PWYP International Coordinator Radhika Sarin and RWI Africa Regional Coordinator Emmanuel Kuyole.

February

Chris Mullin MP introduced a motion into the UK Parliament, supported by Global Witness and other PWYP UK member organisations, calling for legislation similar to the US Energy Security through Transparency Bill to require extractive companies to disclose their payments to governments.

March

A European Parliament resolution asked the European Commission to report on “how country-by-country reporting on profits and taxes paid can become a rule for transnational companies in the EU” and called for a “new, binding, global financial agreement” to force corporations and their subsidiaries to disclose profits and taxes on a country-by-country basis.⁴⁰

May to July

PWYP members and the Tax Justice Network made submissions advocating a country-by-country reporting standard in response to an IASB consultation.

⁴⁰ European Parliament resolution of 25 March 2010 on the effects of the global financial and economic crisis on developing countries and on development cooperation (2009/2150(INI)), <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2010-0089&language=EN&ring=A7-2010-0034>

July

The US Congress passed Section 1504 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, requiring “energy and mining companies registered with the U.S. Securities and Exchange Commission to disclose how much they pay to foreign countries and the U.S. government for oil, gas, and minerals”. Introduced as an amendment to Dodd-Frank by Senators Ben Cardin and Richard Lugar, Section 1504 covered “90% of the world’s largest internationally operating oil and gas companies, and eight of the world’s ten largest mining companies”. The *Financial Times* commended the US on its “leadership in fighting corruption” and stated: “Others countries must now follow suit.”⁴¹ The *Economist* attributed this “much-needed progress” to lobbying by rock star Bono, co-founder of the ONE Campaign.⁴²

September

Following US President Barack Obama’s Millennium Development Goals Summit speech highlighting the anti-corruption provisions of Dodd-Frank Section 1504, economist Paul Collier and Jamie Drummond of ONE wrote in the *Guardian* that this “must become a global process ... At a European level ... [t]he current consultation on the Transparency Directive provides a clear mechanism through which changes can be made.”⁴³

⁴¹ *Financial Times*, “US shines a light”, 19 July 2010, <http://www.ft.com/cms/s/0/66896500-9363-11df-bb9a-00144feab49a.html#axzz3K0U1Jlsh>

⁴² *Economist*, “The fight against corruption: naming and shaming”, 28 October 2010, http://www.economist.com/node/17361580?story_id=17361580

⁴³ Paul Collier and Jamie Drummond, “Tackling corruption will fast-track progress on the millennium development goals”, *Guardian*, 22 September 2010,

October to December

The Commission’s Internal Market and Services Directorate General (DG MARKT), headed by Commissioner Michel Barnier, held a public consultation on country-by-country financial reporting by multinational companies.⁴⁴ PWYP and coalition members including Berne Declaration, Global Witness, ONE, Oxfam and RWI, as well as Coop ration Internationale pour le D veloppement et la Solidarit  (CIDSE), France’s Plateforme Paradis Fiscaux et Judiciaires, Eurodad, the Tax Justice Movement and US investors made submissions.⁴⁵

November

Open Society Foundations founder George Soros and Simon Taylor of Global Witness addressed UK MPs and Lords at a meeting in Parliament about the importance of oil and mining transparency, highlighting the new transparency legislation in the US and urging the UK government to introduce similar listing rules.

UK MP Eric Joyce tabled a motion in Parliament: “[T]his House notes that corruption in the oil, gas and mining industries has caused great human misery in Africa and other developing regions; considers that corruption would be curbed

<http://www.theguardian.com/global-development/poverty-matters/2010/sep/22/millennium-development-goals-resources-corruption>

⁴⁴ European Commission, Consultation on Financial Reporting on a Country-by-Country Basis by Multinational Companies, 2010, http://ec.europa.eu/internal_market/consultations/2010/financial-reporting_en.htm

⁴⁵ European Commission, Contributions authorised for publication, <https://circabc.europa.eu/faces/jsp/extension/wai/navigation/container.jsp>

by full disclosure of revenue payments to governments by oil, gas and mining companies; further notes that the United States Congress has passed a law to require all such companies regulated in the US to fully disclose such payments; and urges the Government to consider similar legislation.”⁴⁶

PWYP won the Commitment to Development “Ideas to Action” Award sponsored by the Center for Global Development and *Foreign Policy* magazine, mainly for helping secure the Cardin-Lugar transparency provision in Dodd-Frank Section 1504.⁴⁷

December

At a joint Africa Pacific Caribbean – EU Parliamentary Assembly meeting in Kinshasa, Democratic Republic of Congo (DRC), assembly co-president Louis Michel urged the EU to pass a law similar to Dodd-Frank Section 1504. EU Trade Commissioner Karel de Gucht stated: “The European Commission has been considering the issue of transparency in the extractive industries ... Commissioner Barnier is conducting a public consultation to gather stakeholders’ views on financial reporting by multinational companies.”⁴⁸

EU Energy Commissioner Piebalgs indicated at an EU Development Days

⁴⁶ UK Parliament, Early day motion 1058, <http://www.parliament.uk/edm/2010-12/1058>

⁴⁷ Center for Global Development, “Publish What You Pay Wins the 2010 Commitment to Development Award”, 15 November 2010, <http://www.cgdev.org/article/publish-what-you-pay-wins-2010-commitment-development-award>

⁴⁸ Karel de Gucht, European Commissioner for Trade, “A partnership of equals”, 4 December 2010, http://europa.eu/rapid/press-release_SPEECH-10-725_en.htm?locale=en

meeting that the EU would introduce legal measures similar to Dodd-Frank Section 1504 by the end of 2011.⁴⁹

2011

January

Bono, in *Le Monde*, urged France’s President Sarkozy to “get things done!” during the year’s French Presidency of the G8 and G20 and to ensure that the EU enacted a law similar to Dodd-Frank 1504.⁵⁰ President Sarkozy committed on the Elysée website to “ask the EU to adopt, as speedily as possible, legislation to compel industries in the extractive sector to disclose their payments to all countries in which they operate” – the first such public statement of intent by a European head of state.

ONE Germany organised a public meeting in Berlin on extractive industry transparency and the need for EU regulation. Panellists included Ministry of Economy and Technology State Secretary Pfaffenbach, EITI Board Chair Peter Eigen and General Secretary of the Nigerian Budget Office Dr Bright Okogu.

⁴⁹ Natural Resource Governance Institute, “At European Development Days, RWI highlights country-by-country reporting standard”, 15 December 2010, <http://www.resourcegovernance.org/news/european-development-days-rwi-highlights-country-country-reporting-standard>

⁵⁰ Bono, “M. Sarkozy, passez des mots aux actes!”, *Le Monde*, 27 January 2011, http://www.lemonde.fr/idees/article/2011/01/27/m-sarkozy-passez-des-mots-aux-actes_1471161_3232.html#XPQQdyggblJryX1B.99 “http://www.lemonde.fr/idees/article/2011/01/27/m-sarkozy-passez-des-mots-aux-actes_1471161_3232.html”

February

In its communication “Tackling the challenges in commodity markets and on raw materials” the Commission proposed to “promote more disclosure of financial information for the extractive industry including the possible adoption of a country by country reporting requirement” similar to Dodd-Frank 1504.

UK Chancellor George Osborne told the G20 Finance Ministers’ meeting in Paris that the UK government would support the French President’s push for implementation of oil, gas and mining transparency laws in the EU.⁵¹ PWYP welcomed the announcement. ONE set up a petition asking Osborne to make a public commitment.

UK Labour MP Anas Sarwar tabled the Resource Extraction (Transparency and Reporting) Bill, requiring extractive companies to disclose payments to governments.⁵² (Later in the year, parliamentary bills with similar provisions were put forward by other MPs.)

March

George Soros noted in the *Financial Times* French and UK government support for new EU extractive industry reporting rules: “Companies as diverse as PetroChina, BHP Billiton and BP will have to comply [with the

US Dodd-Frank Act] ... EU revenue transparency legislation could build on US plans to move towards a new global transparency standard.”⁵³ The *Financial Times* stated that “the EU, and all countries where extractive companies are listed” should follow the US lead.⁵⁴ There was also coverage in the French press.⁵⁵

On the eve of the EITI Conference in Paris, Global Witness, ONE and RWI hosted a reception on the theme “Dodd-Frank, Regulation and Transparency in the Extractive Industries”, addressed by Zimbabwean Minister of State Jameson Timba. UK Parliamentary Under-Secretary of State for International Development Stephen O’Brien referred at the EITI meeting to “new disclosure standards for the extractive industry at the EU level” similar to Dodd-Frank 1504; Germany’s State Secretary at the Ministry for Economic Cooperation and Development Gudrun Kopp said: “We view the Dodd-Frank Act positively and look forward to reaching an EU agreement.” Klaus Rudischhauser of the Commission confirmed that the EU was assessing the feasibility of introducing country-by-country reporting legislation, and the European Council invited the

⁵¹ Heather Stewart, “Britain backs ‘publish what you pay’ rule for oil and mining firms in Africa”, *Guardian*, 20 February 2011, <http://www.theguardian.com/business/2011/feb/20/george-osborne-oil-mining-africa>

⁵² UK Parliament, Resource Extraction (Transparency and Reporting) Bill 2010-12, <http://services.parliament.uk/bills/2010-12/resourceextractiontransparencyandreporting.html>

⁵³ George Soros, “Openness can help lift the curse of resources”, *Financial Times*, 3 March 2011, <http://www.ft.com/cms/s/0/016ad9d4-45e1-11e0-acd8-00144feab49a.html>

⁵⁴ *Financial Times*, “Open book test: oil and mining companies need not fear transparency”, 6 March 2011, <http://www.ft.com/intl/cms/s/0/5bd4382c-4823-11e0-b323-00144feab49a.html>

⁵⁵ Christian Losson and Vittorio de Filippis, “Pétrole, or, gaz ... La transparence, une idée à creuser”, *Libération*, 4 March 2011, http://www.liberation.fr/terre/2011/03/04/petrole-or-gaz-la-transparence-une-idee-a-creuser_719128

Commission to come forward with proposals.

PWYP supported an open letter from more than 200 Ugandan civil society campaigners and parliamentarians to UK Prime Minister David Cameron calling for the EU to act on transparency in the oil industry. Belinda Atim, one of the activists who handed over the letter at 10 Downing Street, said: "Ugandans need [Prime Minister Cameron's] support so that the resource curse that has blighted so many of our neighbours in Africa doesn't come to Uganda."

In the *Financial Times*, Ugandan MP and Chair of the Ugandan Parliamentary Forum on Oil and Gas Henry Banyenzaki demanded "Swift implementation of these reforms, and assurances that payments will be broken down project by project".⁵⁶ Winnie Ngabiwe of PWYP Uganda and Joe Powell of ONE co-wrote an accompanying *Guardian* article, "Transparency will ensure Ugandans benefit from their oil".⁵⁷

EU Commissioner Michel Barnier told the *Financial Times*: "We are going to oblige the extractive sector to be transparent."⁵⁸

⁵⁶ Henry Banyenzaki MP, "Oil transparency is vital for Uganda", *Financial Times*, 8 March 2011, <http://www.ft.com/cms/s/0/de2a7712-4910-11e0-af8c-00144feab49a.html#ixzz1FytvoSXE>

⁵⁷ Winnie Ngabiwe and Joe Powell, "Transparency will ensure Ugandans benefit from their oil", *Guardian*, 11 March 2011, <http://www.theguardian.com/global-development/poverty-matters/2011/mar/11/uganda-oil-transparency-wealth-benefits>

⁵⁸ *Financial Times*, "EU plans new transparency for mining groups", 20 March 2011, <http://www.ft.com/cms/s/0/bd92440e-530f-11e0-86e6-00144feab49a.html#axzz1HtkquOUR>

Barnier told the African Union Conference of Finance Ministers: "Transparency will start with the extractive and forestry industries ... We will oblige the European companies who work in your countries or elsewhere in the world to say what they do and who pays what to whom."⁵⁹

April

PCQVP France met with President Sarkozy in preparation for the G8 and G20 summits. Christine Lagarde, French Minister of Economic Affairs, emphasised her country's support for EU-wide mandatory country-by-country reporting by extractive industries at an OECD/G20 anti-corruption conference.

PWYP EU members wrote to the US SEC to inform it of "fast and promising progress towards adopting legally binding extractive industry disclosure requirements to support those being introduced in the US".

PWYP Norway urged the Norwegian government to introduce country-by-country reporting for extractive companies. Ministry of Finance State Secretary Roger Schjerva voiced his approval.

May

The Danish Ministry of Foreign Affairs held "Development Days" to explore the importance of global transparency initiatives for Africa and the potential for natural resources to benefit the continent. Hopes were raised that the Danish government would prioritise extractives transparency

⁵⁹ European Commission, "Michel Barnier, European Commissioner for Internal Market and Services, participates in the 4th Annual Meetings of the AU Conference of Ministers of economy and Finance in Addis Abeba", March 2011, <http://ec.europa.eu/avservices/video/videoplayer.cfm?ref=76624&sitelang=fr>

during its 2012 EU Presidency. PWYP Norway hosted an investors meeting to discuss moves towards extractive reporting requirements in the US, the EU and Norway.

Commission President José Manuel Barroso stated the Commission's intent to propose transparency laws for extractives as part of a joint effort with Africa to increase accountability and repeated the commitment in the French newspaper *Libération* and in a speech in Brussels.⁶⁰

The G8 Summit in Deauville, France, endorsed mandatory disclosure of extractive industry payments to governments for the first time. PWYP African campaigners and PWYP International, meeting in Kinshasa, DRC, welcomed the G8's commitment and called on the EU to demonstrate leadership.

June

PWYP UK members ActionAid, CAFOD, Christian Aid, Oxfam, Save the Children and Tearfund held a mass rally and lobby of Parliament under the title "Tea Time for Change". More than 1,000 activists met with MPs to discuss global poverty, tax, transparency, natural resource revenues and the need for country-by-country reporting. Labour Party international development spokesperson Harriet Harman said: "we strongly back the Publish What

You Pay campaign". PWYP UK wrote to International Development Secretary Andrew Mitchell ahead of a G20 Development Working Group meeting asking for the UK to champion legally binding country- and project-level reporting for oil, gas and mining companies.

July

UK Prime Minister Cameron, on a visit to Lagos, Nigeria, called for companies to "publish what they pay and governments [to] publish what they receive" as a "vital step in making the oil, gas and mining sectors accountable and transparent"; he said: "mineral wealth should be a blessing, not a curse ... the US has ... introduce[ed] legally binding measures to require oil, gas and mining companies to publish key financial information for each country and project they work on. And I'm calling on Europe to do the same."⁶¹

August

PWYP UK wrote to David Cameron asking for a focus on extractive industry transparency in the UK government's first Open Government Partnership National Action Plan.

September

The European Parliament called for legally binding country- and project-level reporting requirements for extractive companies in a resolution welcomed by PWYP International Director Marinke van Riet, Winnie Ngabiirwe of PWYP Uganda and Jean Claude Katende of PWYP DRC. PWYP wrote to EU Commissioner Barnier to urge ambitious

⁶⁰ José Manuel Durão Barroso, "Statement by President Barroso at the press conference in advance of the G8 Summit in Deauville", 26 May 2011, http://europa.eu/rapid/press-release_SPEECH-11-387_en.pdf; José Manuel Durão Barroso, "Thinking like scientists, acting like leaders", 16 June 2011, <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/11/387&format=PDF&aged=0&language=EN&guiLanguage=fr>

⁶¹ Rt Hon David Cameron MP, "PM's speech on aid, trade and democracy", 19 July 2011, <https://www.gov.uk/government/speeches/pms-speech-on-aid-trade-and-democracy>

extractive industry transparency proposals, offering detailed suggestions for the new provisions.⁶²

PWYP Norway published *Piping Profits*, revealing the extensive use of secrecy jurisdictions by the world's most powerful oil, gas and mining companies.⁶³

October

Tearfund, as part of its Unearth the Truth campaign, delivered 10,000 supporter postcards to UK Chancellor Osborne, in conjunction with an online petition, calling on the UK government to tackle corruption through “publish what you pay” legislation in the EU.

Writing in the *Huffington Post*, ONE's Jamie Drummond described how philanthropist Bill Gates, asked by President Sarkozy to advise on the fight against poverty at the forthcoming G20 Summit, would “push for legally binding measures to enforce transparency in the oil, gas and mining sector”.⁶⁴

As part of a “Responsible Business” package, the Commission published proposals for “extraction and forestry companies listed on the European markets and the major non-listed companies” to “publish a report on payments to

governments, detailing them by country and, where payments are for one specific project, by project, with a materiality threshold” so that citizens of resource-rich countries could gain “significantly more information on exactly what European companies pay to host governments in exchange for the right to extract natural resources from their countries”.⁶⁵ The disclosure proposals comprised the “Report on payments to governments” chapter of the proposed revised Accounting Directive,⁶⁶ which applied to EU-incorporated (registered) extractive and forestry companies, and were applied to extractive and forestry companies publicly listed on EU-regulated stock markets in Article 6 of the proposed revised Transparency Directive. The Commission described the measures as “comparable to the US Dodd-Frank Act”, while its proposals went further than Dodd-Frank 1504 by applying to large non-listed companies and to the forestry sector.⁶⁷

⁶⁵ European Commission, Communication from the Commission to the European Parliament, the Council, the European Central Bank, the Economic and Social Committee, the Committee of the Regions and the European Data Protection Supervisor, “Responsible Businesses” package, 25 October 2011, pp. 2-3, http://www.euo.dk/direct-download/upload/application/pdf/e752d81a/COM_2011_685_EN_ACTE_f.pdf

⁶⁶ European Commission, COM (2011) 684: Proposal for a Directive of the European Parliament and of the Council on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, 25 October 2011, http://ec.europa.eu/prelex/detail_dossier_real.cfm?CL=en&DosId=200974#413843

⁶⁷ Ibid., Supplement, section 2.6, p. 9, http://ec.europa.eu/prelex/detail_dossier_real.cfm?CL=en&DosId=200973#413839

⁶² PWYP Letter to Commissioner Barnier, unpublished, 15 September 2011.

⁶³ Nick Mathiason, *Piping Profits: The Secret World of Oil, Gas and Mining Giants*, PWYP Norway, 2011, <http://www.publishwhatyoupay.no/pipingprofits>

⁶⁴ Jamie Drummond, “Budge up Bono and Bob - Bill's the big new activist for this G20”, *Huffington Post*, 25 October 2011, http://www.huffingtonpost.co.uk/jamie-drummond/bill-gates-_b_1030036.html

PWYP enthusiastically welcomed the Commission's proposals, which would "apply to at least 200 listed and 400 large unlisted companies in Europe". The coalition called on the European Parliament and member states to strengthen the proposals by removing any reporting exemptions and including a robust definition of project-level reporting based on the contract, licence or other legal agreement giving rise to companies' tax liabilities, because companies should not be left to decide for themselves what to report.

November

Bill Gates, in his report on financing for development delivered at the G20 Summit in Cannes, France, welcomed the US extractives disclosure law and the EU's progress and argued that all G20 countries should require home-listed extractive companies to disclose their payments to governments.

2012

January

With Denmark assuming the Council Presidency, PWYP EU campaigners targeted the Danish government with calls for the EU to adopt strong transparency measures.

An EU-Africa Partnership on Raw Materials conference in Brussels focused on translating mineral resource wealth into development for Africa and the need for payment and revenue transparency.

Speaking to the European Parliament, Bill Gates repeated his call for G20 countries to endorse legally binding payment disclosure requirements in the extractive industries. UK Labour MEP Arlene McCarthy – European Parliament JURI committee

rapporteur for the Transparency Directive and a shadow rapporteur for the Accounting Directive – met with PWYP African representatives, including Ghanaian Steve Manteaw, Chair of PWYP's Africa Steering Committee, and committed to work for robust EU disclosure rules including project-level disclosure.

UK all-party parliamentary groups on International Corporate Responsibility and the Great Lakes Region of Africa co-hosted with PWYP UK a meeting in Parliament on transparency in the extractive industries and the EU proposals, with speakers from civil society and industry.

February

PWYP activists from CAFOD, ONE and Tearfund demonstrated support for extractives transparency outside the UK Department of Business, handing out leaflets and calling for strong leadership from UK Business Minister Norman Lamb in the Brussels negotiations. They also organised online petitions and campaigns targeting MEPs, UK Chancellor George Osborne and Business Minister Lamb, enabling thousands of people to press for strong EU disclosure legislation.

Deliberations continued in the European Council and the Parliament committees. The *Financial Times* criticised "recalcitrant" companies for "efforts aimed at overturning [extractive transparency] progress on both sides of the Atlantic" and urged that the EU "law ... not be weakened" or "watered down".⁶⁸ The *Economist* accused oil

⁶⁸ *Financial Times*, "Transparency rules", 27 February 2012, <http://www.ft.com/cms/s/0/4ebf8410-5f16-11e1-9df6->

companies of “fighting efforts to reveal payments to governments”, adding that litigating “to keep such deals hidden could yet become a public-relations disaster”.⁶⁹

Global Witness revealed US\$110 million payments by oil company BP into dubious Angolan “social projects”, including the apparently non-existent Sonangol Research and Technology Center.⁷⁰

March

Tearfund and Micah Challenge International brought 30 campaigners from five European countries to Brussels to lobby MEPs for strong extractives disclosure rules via the amended Directives. Activists presented to the Danish EU Presidency a message from Tanzanian civil society organisations and a petition signed by more than 10,000 people calling on for swift adoption of a robust reporting regime. ONE and Tearfund organised a briefing for MEPs, with Birgit Schnieper-Jastram MEP and Bishop Stephen Munga from Tanzania as speakers.

French Socialist presidential candidate François Hollande declared his support for the PWYP campaign.

April

Catholic bishops from Europe, Africa and Latin America, supported by CIDSE agencies, issued a statement calling for “ambitious and binding rules to promote transparency ... in the extractive sector and in all countries” based on Dodd-Frank 1504 but improved on by the EU.⁷¹

In the *Financial Times*, former BP head Lord John Browne criticised those companies that were arguing for “payments to be reported according to the level of government they go to, not the projects they come from”. Browne urged the UK and other governments to stand firm in favour of a law that “requires companies to disclose all the important details of their payments”.⁷²

The European Parliament Legal Affairs (JURI) and Foreign Affairs (AFET) committees held hearings on the transparency legislative proposals. Chair of PWYP’s Africa Steering Committee Steve Manteaw testified in support of strong disclosure rules, project-by-project reporting, a low materiality threshold and no exemptions.

The *Financial Times* argued that the “moral case for transparency ... is necessary – if not sufficient – to stop the theft and waste that devastates poor, resource-rich

00144feabdc0.html?siteedition=intl#axzz3NC0hgirW

⁶⁹ *Economist*, “Corporate disclosure: extracting oil, burying data”, 23 February 2012, <http://www.economist.com/node/21548214?fsrc=scn/tw/te/ar/extractingoilburyingdata>

⁷⁰ Global Witness, “BP makes opaque payments for Angola oil block as petro-lobby seeks weak transparency rules”, 21 February 2012, <http://www.globalwitness.org/library/bp-makes-opaque-payments-angola-oil-block-petro-lobby-seeks-weak-transparency-rules>

⁷¹ CIDSE, “Bishops call on EU for more company transparency”, 25 April 2012, <http://www.cidse.org/publication/item/270-bishops-call-on-eu-for-more-company-transparency.html>

⁷² John Browne, “Europe must enforce oil sector transparency”, *Financial Times*, 24 April 2012, <http://www.ft.com/cms/s/0/40dc74aa-8d3a-11e1-8b49-00144feab49a.html?siteedition=uk#axzz1t4ynvBG5>

countries”, adding that civil society’s proposal to expand transparency to include the sale and trading of commodities “deserves support”.⁷³

May

Global Witness revealed that Shell and Eni of Italy had made a US\$1.1 billion payment in Nigeria that had subsequently been linked to controversial Abacha-era oil minister Dan Etete, who had a 2007 conviction for money-laundering in France.

ONE ran an advertisement in the *Financial Times* mocking industry efforts to weaken the EU transparency law.⁷⁴ Bono wrote in *Time Magazine*: “Transparency is the vaccine to prevent the biggest disease of them all – corruption.”⁷⁵ ONE Europe Director Adrian Lovett wrote in the *Huffington Post* that “some lobbyists, working on behalf of some companies ... continue to argue against details of the [EU] law that our partners in Africa tell us are absolutely critical. They want to amend the law to avoid reporting payments against individual projects ... [and] want to be exempt from reporting payments in the some of the world’s most autocratic states – completely defeating the point of this legislation.”⁷⁶

⁷³ *Financial Times*, “Follow the money”, 24 April 2012, <http://www.ft.com/intl/cms/s/0/0ef04970-8d3b-11e1-9798-00144feab49a.html#axzz3NC0hgIrW>

⁷⁴ Stuart McWilliam, “Transparency advert launches across Europe”, ONE, 30 May 2012, <http://www.one.org/international/blog/transparency-advert-launches/>

⁷⁵ Bono, “The resource miracle”, *Time*, 28 May 2012, <http://content.time.com/time/magazine/article/0,9171,2115044,00.html>

⁷⁶ Adrian Lovett, “Oiling the wheels”, *Huffington Post*, 30 May 2012,

Nearly 150,000 supporters of CAFOD, Christian Aid, ONE and Tearfund had by now contacted the UK government or a UK MEP, including via public petitions, calling for an effective EU extractive industry reporting regime.

June

The PWYP Secretariat and Dutch, French and UK coalition members responded in the *Financial Times* to an earlier letter from several major extractive companies and argued that project-by-project reporting is vital for transparency.⁷⁷

Following François Hollande’s election as French President, and with a visit to France of Nobel Peace Prize laureate Aung San Suu Kyi of Burma, CCFD-Terre Solidaire, Oxfam France, Secours Catholique–Caritas France and ONE France wrote in *La Croix* that France “must engage with the transparency of multinational companies”, and PCQVP France demanded French adoption of the EU transparency rules.

Aung San Suu Kyi mentioned the need for extractives transparency in speeches to UK parliamentarians in London and at the International Labour Conference in Geneva, Switzerland, where she praised PWYP.⁷⁸

http://www.huffingtonpost.co.uk/adrian-lovett/oiling-the-wheels_b_1553175.html

⁷⁷ “Project by project reporting is vital”, letter, *Financial Times*, 11 June 2012, <http://www.ft.com/intl/cms/s/0/51875f28-b0ac-11e1-8b36-00144feabdc0.html#axzz3NC0hgIrW>

⁷⁸ Rediff News, “Suu Kyi recalls Nehru in historic speech at UK parliament”, 22 June 2012, <http://www.rediff.com/news/column/suu-kyi-recalls-nehru-in-historic-speech-at-uk-parliament/20120622.htm>

July

MEP Arlene McCarthy, taking part in a joint event at the US Congress with Senator Cardin (co-author of Dodd-Frank Section 1504) and PWYP USA, wrote: “There is a strong majority in the European Parliament to overturn the 27 member state proposal for ... weak reporting requirements. Those companies lobbying for weaker rules or [that] play off the EU against the US should take note that we are united in our commitment to bring in strong global rules on transparency.” An Oxfam America news release quoted Senator Cardin as saying: “The US shares a commitment with our EU partners to support local citizens and level the playing field for all companies by harmonizing requirements to decrease corruption through greater transparency in resource-rich countries.”

August

In the USA the Securities and Exchange Commission issued robust implementing requirements for Dodd-Frank Section 1504. US-listed extractive companies would be obliged to publish their payments to governments country by country and project by project, without country exemptions and with a threshold of US\$100,000 – all elements welcomed by PWYP.

September

PWYP Canada and RWI set up the Resource Revenue Transparency Working Group with the Mining Association of Canada and the Prospectors and Developers Association of Canada to develop a framework for disclosure rules for Canadian extractive companies.

As a crucial European Parliament JURI committee vote approached, and PWYP

prepared for its Ten Year Anniversary Conference, civil society redoubled calls for EU lawmakers to adopt a transparency regime at least as strict as the US rules. ONE delivered 8,000 postcards from members all over Europe urging key MEPs to support a robust transparency law.⁷⁹

PWYP's Ten Year Anniversary Conference, hosted in Amsterdam, Netherlands, by Cordaid, brought together 250 participants from 62 countries. The conference coincided with the JURI committee vote on the EU proposals. To encourage JURI members to vote for strong disclosure rules, PWYP conference delegates posed for photographs with their country's flag and whiteboard messages about why extractives transparency is crucial, and emailed and tweeted the photographs and messages to targeted MEPs.⁸⁰ PCQVP France members and francophone African coalitions wrote to *Le Monde* urging European parliamentarians to hold firm and the French government to engage more actively with on the issue.

JURI committee MEPs voted in favour of a robust country-by-country disclosure obligation for EU-listed and EU-based oil, gas, mining and forestry companies, including project-level reporting, a materiality threshold of €80,000 and no exemptions. Welcoming the vote, PWYP called on extractive companies and EU

⁷⁹ Stuart McWilliam, “Une drôle de distribution”, ONE, 7 September 2012, <http://www.one.org/fr/blog/une-drole-de-distribution/>

⁸⁰ PWYP, *Extracting Experiences: Amsterdam, 17-21 September 2012*, 2012, “Smile for transparency!”, p. 26, http://issuu.com/pwyp/docs/en_extracting_experiences

member states to support the passage of strong legislation and sent a photographic message of thanks to key MEPs.⁸¹

Transparency champion Arlene McCarthy hailed a “Key moment” in the drive for transparency”.

October

Speaking at a Francophonie heads of state meeting in Kinshasa, President Hollande committed France to champion public country- and project-level extractive company reporting without exemptions at European level, to fight corruption and the plundering of natural resources.⁸²

UK Deputy Prime Minister Nick Clegg and Business Minister Jo Swinson met with Bono and publicly backed tough EU reporting rules along the lines of the US Dodd-Frank 1504 requirements.

November

UK Prime Minister Cameron wrote in the *Wall Street Journal*: “The US has introduced legally binding measures to require oil, gas and mining companies to publish key financial information for each country and

project they work on. And I want Europe to do the same.”⁸³

In the USA the oil companies lost their fight to delay implementation of Dodd-Frank 1504 when the SEC concluded that the companies and their lobby groups had failed to “demonstrate imminent, irreparable harm” arising from its disclosure rules.

In partnership with Friends of the Earth Europe, PWYP took out an advertisement in the *Financial Times* Europe edition calling on member states to reject company lobbying and to seize a historic opportunity to pass effective transparency laws for extractive and logging companies. BP and Shell’s lobbying firm GPlus Europe had achieved infamy by being suspended from a Brussels registry of lobbyists for failing to disclose the name of its clients.⁸⁴

December

French Finance and Development ministers Pierre Moscovici and Pascal Canfin wrote positively in *La Croix* about extractive industry transparency.⁸⁵

⁸¹ Heinrich-Böll-Stiftung, <https://www.flickr.com/photos/boellstiftung/8246544147/in/set-72157632174151583/lightbox/>

⁸² Présidence de la République française, “Discours du Président de la République à l’occasion du Sommet des chefs d’Etat et de gouvernement de la Francophonie”, 13 October 2012, <http://www.elysee.fr/declarations/article/discours-du-president-de-la-republique-a-l-occasion-du-sommet-des-chefs-d-etat-et-de-gouvernement-de-la-francophonie/>; Mark Tran, “France looks to EU transparency law to help lift the ‘resource curse’”, *Guardian*, 17 October 2012, <http://www.theguardian.com/global-development/poverty-matters/2012/oct/17/france-eu-transparency-resource-curse>

⁸³ David Cameron, “Combating poverty at its roots”, *Wall Street Journal*, 1 November 2012, <http://online.wsj.com/article/SB10001424052970204712904578090571423009066.html>

⁸⁴ PWYP, “New PWYP and Friends of the Earth Europe transparency advert launches across Europe”, 13 November 2012, <http://www.publishwhatyoupay.org/resources/new-pwyp-and-friends-earth-europe-transparency-advert-launches-across-europe>; Tearfund, “The World is Watching”, 13 November 2012, <http://justpolicy.co.uk/2012/11/13/the-world-is-watching/>

⁸⁵ Pierre Moscovici and Pascal Canfin, “Forum; Sur la transparence des industries extractives”, *La Croix*, 3 December 2012, <http://www.la-croix.com/Archives/2012-12-03/Forum-Sur-la-transparence-des-industries-extractives.-Pierre-Moscovici-ministre-de-l-economie-et-des-finances->

2013

January

With the UK assuming the G8 Presidency, and in a move welcomed by PWYP in a letter to the Prime Minister, David Cameron included in his priorities “greater transparency all around the globe ... [for] revenues from oil, gas and mining” and on beneficial ownership of companies.⁸⁶ Cameron had begun to regularly use the term “golden thread” to refer to his view of well-governed development, including extractives transparency.

February

A Global Witness press release provided new revelations about Shell and Eni's billion-dollar payment for Nigerian offshore oil block OPL-245.

Netherlands Minister for Foreign Trade and Development Cooperation Lilianne Ploumen confirmed that her government believed granting companies exemptions from reporting was “not desirable” and that it wished to see “a level playing field for international transparency requirements”.

David Cameron wrote to PWYP acknowledging its contribution to the fight to raise global standards of transparency.

April

EU negotiators reached provisional agreement, subject to endorsement by the European Parliament and Council of member states, on strong transparency legislation including project-level reporting,

[et-Pascal-Canfin-ministre-delegue-au-developpement- NP -2012-12-03-883305](https://www.gov.uk/government/news/uk-raises-the-bar-for-transparency-in-the-extractive-industries)

⁸⁶ Rt Hon David Cameron MP, “Prime Minister's letter to G8 leaders”, 2 January 2013, <https://www.gov.uk/government/news/prime-ministers-letter-to-g8-leaders>

a €100,000 disclosure threshold and no exemptions. MEPs secured in the Accounting Directive's review clause a commitment that the Commission would report on the possibility of extending country-by-country reporting to additional sectors beyond extractives.

May

The UK and French governments held a joint G8 seminar on Transparency for Development and jointly announced that each would implement the EITI, encouraging their “G8 partners to champion the same high standards of transparency”.⁸⁷

The EITI Global Conference in Sydney, Australia, agreed on a new EITI Standard, including a requirement for project-level reporting.⁸⁸

EU negotiators reached provisional agreement, subject to endorsement by the European Parliament and Council, on the Transparency Directive.

June

PWYP urged a conclusive European Parliament vote to deliver country- and project-level reporting obligations for extractive companies without delay, while acknowledging EU momentum towards extending financial transparency to banking and other sectors.

⁸⁷ UK Government, “UK raises the bar for transparency in the extractive industries”, 23 May 2013, <https://www.gov.uk/government/news/uk-raises-the-bar-for-transparency-in-the-extractive-industries>

⁸⁸ EITI Standard, requirement 5.2(e), <https://eiti.org/document/standard>

MEPs voted by a large majority to adopt the Directives' disclosure requirements for extractive companies, with support from political groupings including the Alliance of Liberals and Democrats (ALDE), the European People's Party (Christian Democrats), the Greens, and the Socialists and Democrats. PWYP held a joint news conference in Strasbourg with Arlene McCarthy MEP, whose work on two committees had been crucial to securing Parliament support, and Commissioner Michel Barnier.⁸⁹ PWYP enthusiastically welcomed the vote as creating binding disclosure requirements for EU-listed and large EU non-listed extractive companies, bringing the EU into line with similar US transparency rules under Dodd-Frank.

Article 48 ("Review") of the Accounting Directive required the Commission to review and report by July 2018 on the application of the reporting requirements in Chapter 10 and to consider extending the reporting obligation to additional industry sectors, whether reports on payments should be audited, and the possible disclosure of additional information.

The EU Accounting Directive was signed into law by the European Council and European Parliament.⁹⁰

⁸⁹ European Parliament/EPTV, "Arlene McCarthy and Michel Barnier – European Commissioner for Internal Market and Services", 12 June 2013, <http://www.europarl.europa.eu/ep-live/en/other-events/video?event=20130612-1400-SPECIAL-UNKN>

⁹⁰ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013L0034>

Swiss parliamentarians expressed support for transparency proposals for the Swiss commodities sector, and Canada's Prime Minister Stephen Harper announced a commitment to establish mandatory reporting standards for Canadian extractive companies.

Ahead of the government's pre-G8 Summit "Open for Growth" event on "trade, tax and transparency", PWYP proposed "nine priorities for the extractive sector and the G8 process" including "secur[ing] and extend[ing] the new global transparency standard requiring mandatory company reporting of payments to governments ... to create a global level playing field", empowerment of citizens and civil society, and "the full accessibility and interoperability of mandatory and EITI data on natural resource management, land use and revenue flows, including through the development of shared standards for the public display of this data".

At the "Open for Growth" event, Sam Walsh, head of Rio Tinto, said: "We want a level playing field for extractives transparency that makes the same demands on companies whether they are British, Canadian, Chinese, Russian or South African-listed. We want legislation for mandatory reporting which is consistent and ... fit for the purpose intended: to fight corruption and address accountability."⁹¹

The UK-chaired G8 Summit at Lough Erne, Northern Ireland, concluded with a leaders'

⁹¹ Rio Tinto, "Rio Tinto spoke at the closing plenary of the pre-G8 summit on trade tax and transparency", 15 June 2013, http://www.riotinto.com/investors/presentations-91_8758.aspx

communiqué that committed “to raise global standards for extractives transparency and make progress towards common global reporting standards”. EU G8 members would “quickly implement the EU Accounting and Transparency Directives” requiring “mandatory reporting ... consistent with section 1504 of the US Dodd Frank legislation and the new EITI standard”. “[O]ther countries that host major multinational or state-owned enterprises that invest abroad” were encouraged “to implement equivalent mandatory reporting rules with a view to creating an international reporting regime that avoids duplicate reporting burdens on business”, moving “towards project-level reporting”. Announcement of the new Open Data Charter embodied a commitment to open and machine-readable data.⁹²

July

The Accounting Directive entered into force on the twentieth day following its publication in the *Official Journal of the European Union* on 29 June.

October

The EU Transparency Directive was signed into law by the European Council and European Parliament, extending application of the disclosure requirements detailed in Chapter 10 of the Accounting Directive to extractive and logging companies listed on EU-regulated stock markets, including Russia’s Gazprom, Lukoil and Rosneft and China’s Sinopec.⁹³ The Transparency

Directive’s recitals noted the importance of “investor protection”, project-by-project reporting, “universality” (no country exemptions) and “comprehensiveness”.⁹⁴

The UK, host of the Open Government Partnership Annual Summit, committed in its National Action Plan (NAP) to complete transposition of Chapter 10 of the Accounting Directive by 2014 and to have UK-listed and UK-registered extractive companies publish their payments to governments under the Directives by 2016 in an open and accessible data format. The NAP also committed the UK to publish a register of company beneficial ownership data.⁹⁵

November

The Transparency Directive entered into force on the twentieth day following its publication in the *Official Journal of the European Union* on 6 November.

amending Directive 2004/109/EC of the European Parliament and of the Council on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market, Directive 2003/71/EC of the European Parliament and of the Council on the prospectus to be published when securities are offered to the public or admitted to trading and Commission Directive 2007/14/EC laying down detailed rules for the implementation of certain provisions of Directive 2004/109/EC,

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013L0050>

⁹⁴ Ibid., recitals 7 and 8.

⁹⁵ UK Government, Open Government Partnership UK National Action Plan 2013 to 2015, 27 June 2013, <https://www.gov.uk/government/consultations/open-government-partnership-uk-national-action-plan-2013/open-government-partnership-uk-national-action-plan-2013-to-2015>

⁹² UK Government, G8 communiqué and documents, 18 June 2013, <https://www.gov.uk/government/collections/g8-communicue-and-documents>, 2013 Lough Erne G8 Leaders' Communiqué and Open Data Charter.

⁹³ Directive 2013/50/EU of the European Parliament and of the Council of 22 October 2013

Note on PWYP online sources

Documentation of many events in this narrative was available on PWYP's former website at the time of writing (October 2014 to March 2015). In April 2015 Publish What You Pay launched a new website. Readers looking for source material not available on the current PWYP site should contact the International Secretariat at info@publishwhatyoupay.org.

The following PWYP email updates and other documents, which report on some of the events in this narrative during 2011-13, are still available online:

<http://createsend.com/t/r-FD271D92075BC42E>

<http://createsend.com/t/r-OCA7F29B7632C716>

<http://createsend.com/t/r-405160B0F11851F9>

<http://createsend.com/t/r-C3E4034B776E57E4#UKcoal>

<http://pwyp.createsend1.com/t/r/l/ihduwt/l/tj/>

<http://createsend.com/t/r-38A1F1ABDD969847#Dutch.gov>

<http://createsend.com/t/r-C1A49BE1C98372C9#EP>

http://createsend.com/t/r-306C2C7C6389DB22#toc_item_3

<http://createsend.com/t/r-827CC17E36253811>

http://createsend.com/t/r-F83083CFBDACEB1E2540EF23F30FEDED#toc_item_5