Annual Activities Report for 2015

Timor-Leste EITI Multi Stakeholder Group and Secretariat

Timor-Leste Extractive Industries Transparency Initiative

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Message from Minister of Petroleum and Mineral Resources

Timor-Leste's Annual Activities Report for 2015 presents a real account of the country's efforts to comply with the evolving EITI standards.

Progress has been made in the new areas of EITI requirements despite the challenge in addressing the older requirements, which include disaggregation of production, export and revenue data. It is due to the unique situation in Timor-Leste where only one field is in production and a highly disaggregated reporting can reveal commercial sensitive information.

Some may disagree with this notion but it's a situation where it has caused disagreement in the MSG which lead to long delays in the Timor-Leste EITI process. The International Board's attention may be required to assist Timor-Leste in defining what constitutes "Commercial Sensitivity".

Timor-Leste was part of the pilot pre-validation assessment under the new rules, although most of the requirements were met, several important requirements were not fully met which then placed Timor-Leste at risk of not meeting the EITI overall requirements. MSG has discussed this issue and communicated with the international Board in search of a remedy.

It is worth noting that the MSG had carried out 13 meetings in 2015 and so did the launch of the 6^{th} EITI Report.

In addition to the above important activities, we actively participated in international meetings in which we shared our experience with other countries and learned from them as well.

Despite the challenges faced by Timor-Leste our overall knowledge of the extractive industry continues to grow.



Africalo Pives

Alfredo Pires Minister of Petroleum and Mineral Resources

Summary of 2015 activities

In accordance to Requirement 1.4.b(iv) of the EITI Standard, this progress report was prepared as a collaborative effort from all members of Multi Stakeholder Working Group (MSG). The report provides an overview on the progress of implementation of EITI principles in Timor-Leste and the activities of the Multi-Stakeholders Group (MSG) in 2015.

As envisaged in the Work plan for 2015, there were five (5) main objectives of the MSG's activity in implementing the EITI principles in Timor-Leste (detailed 2015 Work plan is attached). The MSG convened 13 meetings in 2015, where issues in the work plan and other matters arising throughout the year were discussed and approvals provided. Once again it shows the continued cooperation between the EITI Secretariat of Timor-Leste, the MSG and other relevant key stakeholders.

In February 2015, the 5th TL-EITI report (2012) was approved and published. The launch of the report was conducted in Timor-Leste and it was assisted by Rt. Hon. Clare Short, former Chair of the EITI International Board. The 6th TL-EITI Report was approved and published on 28 December 2015. Apart from minor discrepancy due to lack of data from three companies, both reports outlined the flow of the adjusted revenues-to the Timor-Leste Petroleum Fund account of approximately \$6.6 billion² during the period of 2012-2013.

The MSG noted, the current approval process in finalizing the EITI reports have taken longer than expected. The preliminary findings from the One Day Workshop held on 29 January 2015 and the pre-validation assessment conducted in November by the team from EITI International Secretariat, indicated that Timor-Leste have not fully complied with requirements 1.4, 3.9, 3.5a, 3.5b, 4.1.b, and 5 of EITI standard. Some of these findings were assessed and listed as "unmet with limited progress". The major areas of concern related to work plan execution, disaggregation of production, export and revenue data, and adherence to the EITI agreed upon procedure for EITI Reporting.

In the attempt to respond to above findings, MSG decided to submit a supplement report in 2016.

The MSG also identified the difficulty in completing all activities listed in its annual work plan. It was obvious that discussions and approval of 2013 report, consumed most of the MSG's time, as it took approximately 12 months for final approval. The work plan was revised to reflect these changes. The MSG also noted that there are large amount of tasks to be completed, specifically in relation to the increasing awareness on extractive revenues which supported more than 85 percent of the state budget every year.

Through outreach activities such as conducting workshops to the local community leaders, national media (print and electronic) and civil society organization, each of the pillars explained its roles in the EITI and how EITI can be used by the community to foster debate on the expenditures of the revenues (distribution of revenues). Media and CSO role are considered crucial in disseminating the information related to extractive industry activities, and other relevant information on natural resources management on annual basis to the districts. Both have wider coverage compared to MSG.

¹ Minutes of the meetings can be seen in TL EITI website: http://www.eiti.tl/

² There are slightly different in final amount reported in the TL-EITI reports and the actual final amount transferred to the Petroleum Fund account due to some companies did not submit their reporting templates, record-timing different and fees retained by the Designated Authority i.e ANPM. The information regarding Petroleum Fund can be access through www.bancocentral.tl for quarterly performance reports and annual reports at www.mof.gov.tl

TL-EITI activities in Timor-Leste

I. Publication of 2012 & 2013 Reports

Timor-Leste published its 5^{th} (2012) and 6^{th} (2013) reports³ after an extensive discussion by MSG. The 2012 report was launched on the 6^{th} of February 2015 at Hotel Timor, coincided with the visit of Rt. Hon Clare Short, former Chair of the Extractive Industries Transparency Initiative. The 2013 report was published in 28 December 2015.

Both reports were prepared by Independent Administrator (IA) Moore Stephens. The reports showed that all payments declared as paid by the extractive companies and received by the relevant Government entities were reconciled, with immaterial discrepancy due to several companies such as Minza Oil and Gas Ltd, Japan Energy Cooperation, Reliance Exploration & Production failed to submit their reporting templates on the required date. Due to this, the 5threport shows a discrepancy of 0.001%, or equivalent to \$235,365 and the 6threport shows a discrepancy 0.014%, which translated in \$465,032.

The reports also contained additional information such as legal framework, Production Volume (BoE), Beneficial Ownership, Contract Discloser, National Oil Company (NOC) and Revenue Distribution mostly aligns with the EITI standard which contains reliable and comprehensive information.





Despite the additional information provided, MSG noted the key findings from the pre-validation assessment indicated that both reports were not fully compliance with EITI requirements, specifically Requirements 3.5a, 3.5b, and 4.1.b which relates to disaggregation of production, export and revenue data. Subsequently, MSG had published a Supplemental 2013 Report in 2016.⁴ The supplemental report indicates the reasons for lack of detailed disaggregation of data.

³http://www.eiti.tl/secretariat/reports/tl-eiti-reports/viewcategory/21-english

⁴http://www.eiti.tl/secretariat/reports/supplement-report

II. Dissemination of TL-EITI 5th report

Multi Stakeholder Group disseminated the5thTL-EITI report in four regions, namely District of Manatuto (21 Aug), District of Manufahi (27 Aug), District of Ermera (22 Sep), and District of Oecusse (30 Sep). The participants were from public servants, community leaders, CSOs, and Academia. The response from the participants were very positive as to raise their awareness of the natural resources potential around the country, the management of the revenue received from extractive activities, and most importantly how the resources have been used to benefit their lives.

MSG noted that they could not reach all parts of the country to disseminate the information due to limited resources and time constraints.

Therefore, the Secretariat and some of the pillars were occasionally participated in the events organized by the Consultative Counsel of the Petroleum Fund (CCPF) on natural resource management, transparency and accountability in the extractive and in particularly related to the usage of the budget.





Dissemination of 5th report in District of Oecusse



III. Pre-validation workshop

In anticipation of Timor-Leste's second validation, scheduled for 1 October 2015, TL-EITI Secretariat and EITI International Secretariat organized and facilitateda One Day pre-validation workshop for MSG on 29 January 2015. The objective of the workshop was to assess Timor-Leste compliance with EITI Standards and to address any issues that might have impacted the progress of implementation of EITI Standard in Timor-Leste. The validation was postponed due to the Board decision to conduct a pilot pre-validation to five (5) implementing countries, including Timor-Leste, in November 2015.

It was noted that there were several requirements remained not fully met. The MSG continues to discuss the issues and agreed on remedial action to be undertaken before validation.

IV. Participate board meeting

Represented by H.E. Alfredo Pires, Minister of Petroleum and Mineral Resources, as member of the EITI Board since 2009, Timor-Leste has been actively participated in the Board meetings. In 2015, participated board meeting in Kiev Ukraine and Berne, Switzerland⁵.



V. Outreach and Share Experience

Timor-Leste have been invited to take part in experience sharing with the neighbouring countries such as Solomon Island, the Philippine and also Community of Portuguese Speaking Countries such as St. Tome and Principle and Portugal on managing the natural resource related issues. Attending international events to share experience has been always seen as a good opportunity for Timorese to learn from other countries' experience their constrains as well as how they deal with those constrain. It is always good to share lesson learnt from other countries.





From 8-11 September 2015, a delegation from Solomon Island EITI led by Mr. Mckinnie P Dentana- SI EITI National Coordinator and Under Secretary-Economic, Ministry of Finance and Treasury, visited Timor-Leste for comparative study on Government perspective on extractive industries fiscal regime revenue management and the EITI implementation in Timor-Leste.

Ms Elda Guterresda Silva, National Coordinator, Ms Ana P.C. de Jesus, TL-EITI, Mr. Rui M. A. Soares, Director for Development and Production ANP, Mr. Jerico H. da Costa, Media SECOM participated in the launch of São Tomé e Príncipe 1st EITI Report. The team shared TL's experience in reconciliation and good governance in natural resource management to the members of Parliament

⁵https://eiti.org/about/boardmeetings

VI. Regular MSG meeting

There have been regular MSG meetings every month however, any urgent issues that need to be discussed, secretariat will call for immediately meeting, the agenda for the meetings were circulated in advance, the robust discussion indicate that MSG member are committed to transparency in Timor-Leste. There were thirteen (13) meetings⁶ organized and held in the secretariat TL-EITI office.

⁶http://www.eiti.tl/secretariat/msg/msgminutes/2015

Appendix 1 - Assessment Performance against EITI requirements

EITI Requirements	Progress
Effective oversight by the multi-stakeholder group	The Government of Timor-Leste continues to support the implementation of the EITI principles in Timor-Leste, including provided budget of \$469,000 to support the Secretariat and as well as the MSG's activities in 2015.
	H.E. Alfredo Pires, Minister of Petroleum and Mineral Resources, is currently the Chair person for the EITI implementation in Timor-Leste.
	The MSG is fully functioned with participation from all pillars. The representatives of each pillar are listed in Appendix 6. The role, responsibilities and right of the MSG are outlined in the Terms of Reference which is available in the website. ⁷
	 The MSG convened 13 meetings in 2015, where some key decisions were made: a. MSG approved work plan for 2015 and 2016 reflecting annual activities to adhere to new EITI standard, including aligning the EITI activities and programs to the national priority, target and timeline. b. Approved and launched Timor-Leste EITI reports covering FY 2012 and FY 2013. c. Approved TL-EITI Annual Activities progress report for 2014.⁸ d. Follow up on issues raised in the 5th and 6th reports as well as the pilot pre validation reports.
Legal and institutional framework, including allocation of contracts and licenses.	Timor-Leste has not established an EITI Law yet. The Government has prepared the draft law, however, wider consultation have not taken place due to other reform that currently take place.

⁷http://www.eiti.tl/secretariat/msg/msg-tor ⁸http://www.eiti.tl/secretariat/reports/progress-reports

	The description of the legal framework and fiscal regime governing the extractive industry is included in the TL-EITI reports.
	Most of PSC were disclosed in ANPM's website, with exception PSC of BU and Greater Sunrise as both PSCs are regulated under Interim Petroleum Mining Code. Licenses and coordinate area are addressed in the TL-EITI reports and also available in the ANPM's website.
	Beneficial ownership has not been addressed in details as per EITI requirement i.e. identity of the beneficial owners and level of ownership are not addressed in the latest 2013 report. The MSG has included a scoping study in the next reporting round to identify the gap with EITI standard and to agree on action to address it.
	Payment to and revenues from state-owned enterprise in extractive industry is addressed in the 5 th and 6 th TL EITI reports. Currently there is only one SOE in this regards: Timor GAP. Other information which are not covered by the EITI report (i.e. revenues from subsidiary) is made available in its annual report published at www.timorgap.com . Currently, there is no payment or transfer from government or company made directly to the sub-national government
Exploration and production	The information related to exploration, production and exports are addressed in TL EITI reports. The MSG noted the preliminary assessment by the EITI International Secretariat in November 2015 which indicates the level of disaggregation of production and export and revenues were not fully meet EITI Standard 2013 version, Requirement 3.9, 3.5a, 3.5b, and 4.1.b. The MSG has responded to the lack of disaggregation of information in the Supplement 2013 Report.
Revenue collection	TL EITI reports clearly defined taxes and revenues covered in it. Most of the revenues paid to the government were in dollar term, so far there is no in-kind collected. There is no infrastructure provisions and barter arrangement agreed so far. Any social expenditure made by the company was described in the TLEITI report. More detailed information can also be accessed through the ANPM Annual reports.

	Payment to and revenues from state-owned enterprise in extractive industry is addressed in the 5 th and 6 th TL EITI reports. Currently there is only one SOE in this regards: the Timor GAP. Other information which are not covered by the EITI report (eg revenues from subsidiary) is made available in its annual report published at www.timorgap.com . Currently, there is no payment or transfer from government or company made directly to the sub-national government. Data quality and assurance - the IA was appointed through an open competitive bidding process with clear selection criteria as set out in the Terms of Reference for IA in accordance with the 'agreed upon procedure for EITI Reports". MSG agreed to undertake reconciliation not an audit for the data; b. Review audit and assurance practices.;c- as understand by MSG appoint IA to provide an assurance not by reporting entities provide certified external audit; d- Confidential agreement have set between IA and Industries; e. Reconciliation Results by Extractive Company-Disaggregate by Company and Aggregate by Payment data (EITI report page 30) revenue stream — Disaggregate by payment data and Aggregate by Company (EITI report page 31).
Revenue allocations	Revenues from oil and gas sector supported more than 85% of Government expenditure each year The information about how revenues collected so far can be obtained from the BCTL website and expenditures/distribution can be seen in the MoF website (budget section and PF section) as well as in the Timor-Leste Transparency Portal (www.transparency.gov.tl) which covers Budget, Aid, eProcurement and Government Results Portal.
Social and economic spending	The social expenditures by extractive companies are addressed in 2012 and 2013 reports. There is no in-kind payment made by the companies in both reports. Quasi-fiscal expenditures – there is no revenue payment or arrangements whereby SOE(s) undertake public social expenditures. The information on contribution of the extractive sector to the economy are addressed in TL EITI reports. It is also available State Budget books (www.mof.gov.tl) and National Account ⁹
Outcomes and impact	All TL EITI reports are publicly available from the TL EITI website. In the occasion of launching of a new report (ie for 5 th and 6 th reports), the Secretariat will ensure that the information is broadcasted through mobile phones (SMS), summary of the

⁹http://www.statistics.gov.tl/timor-lestes-national-accounts-2000-2014/

report is posted in newspaper, radio and TV. The reports were produced in four languages namely Tetum, Bahasa Indonesia, English and Portuguese.

Each year, the MSG and Secretariat organized dissemination of the reports through outreach events to the districts. The Secretariat and MSG also participated in the discussion or activities related to resource management and revenue distribution.

From time to time, the MSG made efforts to improve the approach in implementation of EITI principles in TL, including implementing the recommendation from the auditor and validator. Some of the recommendation has not been fully implemented. See Appendix (2) for detail discussion.

Appendix 2 -Work Plan

2015 Work plan¹⁰ depicts the priorities and objectives of EITI implementation in Timor-Leste. It is also contemplating the activities, expected outcomes and execution dates, as well as responsible parties and the status of the implementation of the activities.

The status of the implementation of the activities can be seen in the following table.

Priority one: Encourage discussions on transparency in public expenditures, including investment decisions. **Objective**:

- Increase public awareness on expenditures of state budget to encourage discussions on major investment decisions

- Allow avenue for discussion on expenditures of state budget to ensure maximum benefit to the community.

Activity	Action(s) Needed	Constraints	Timetable	Responsibility	Estimated Cost & Source of Funding	Expected Output/Outcome	Status
Include additional information within EITI report to capture government expenditures for investments, such as investments on State Own Enterprises or other government purchase of companies' shares.	Review and amend EITI reporting template	Lack of planning & time constraint	Maintain discussion in MSG monthly meeting and finalise by 31 December 2015	Secretariat & MSG	No funding anticipated, as this mainly requires time & effort from MSG members	Additional information on state budget to encourage public discussions	In progress – some information already included in 5 th and 6 th Report. MSG have yet discuss the reporting template for the 2014-2015 reports. This activity will continue in 2016 Work plan

Priority two: Maintain Contract transparency within extractive industry in Timor-Leste.

Objective:

¹⁰http://www.eiti.tl/secretariat/work-plan

- Continue EITI's effort to ensure a well-informed community.
- Public awareness and to comprehension on contracts;

1 done and oness a	a to compronon	sion on contracts ,					
Update correct link to contracts published within ANP and other relevant ministries website Priority three: Encourage dis Objective: - Encourage public aw	_					Community or public will be able to access relevant information within website. Non-Portuguese speakers to understand those PSCs	Completed and included in various EITI reports. Information are available in ANP's website and updated when new information is available.
Include additional information in EITI report to capture government's effort or lack of government's effort in investment diversification	Review and amend EITI reporting template	The activity needs to be redefined with clear target and action.	Aug-Sep 2015	Secretariat TL- EITI & MSG	N/A	Encourage public discussions and ensure public opinions are heard directly by government	Not completed- activity to be redefined and to be included in 2016 WP.

Priority four: Reforming the legal framework within extractive industries and other revenue generate industries Objective

- Promote EITI principles in new oil and gas regulations and/or PSC
- Promote EITI principles within new mining law and draft law for Transparency.

MSG's active participation in	Provide draft	Limited time due	31 Nov	Secretariat and	\$200,000.00	Close	
discussions	law/	to MSG	2015	MSG		involvement of	Mining law under
	regulations	unavailable to				MSG within	review by the
	to MSG for	provide				creation of new	Counsel Minister
	comments	comments on				laws &	for approval.
		draft law.				regulations for	
		Require				extractive	Draft
		resources and				industry	Transparency Law
		time as Law					has been
		regarding EITI					prepared. It has
		should be					yet to be
		synchronized or					discussed.
		harmonized with					
		the current policy					
		reform					
		undertaken by					
		the Government.					

Priority five: Institutional development for TL-EITI secretariat

Objective

Strengthen human resources within EITI Secretariat to ensure appropriate planning for all TL-EITI activities each year

Appendix 3 - MSG response to the recommendation from reconciliation

This section is to address the status of and progress made in addressing the recommendations from reconciliation and validation as per requirement 7.4.a(iii).

Recommended Action	Progress made	Implementation period	Executor	Status/Remarks
From TL-EITI 2012				
RDTL-EITI database	Database is not place yet. The selected Database Officer recruited withdrew.	Recruited in Sep 2014. Continue in 2016.	MSG, Sec and MPRM	To be re-adv in 2016.
Reconciliation scope – Scoping study	The MSG discussed and agreed to include scoping study in the next reconciliation (FY 2014).	2016-2017	MSG and IA	Included in IA ToR.
From TL-EITI 2013				
Lack of EITI law	The Government through MPRM has contracted Miranda Correia Amendoeira & Associados to prepare a draft Transparency Law.	N/A- pending progress in fiscal reform	MSG	Ongoing
	The draft was circulated to the MSG, however, it was not discussed. Note that EITI standard also change, hence the draft law needs to consider it as well.			
	The Government is currently undertaken fiscal reform, which			

	include review of other existing relevant laws.			
Limitations of the reporting template	MSG agreed to involve the Independent Administrator to prepare draft reporting template in the next reporting (FY 2014) for its approval.	2016-2017	MSG and IA	Included in 2016 WP
Timing of the reconciliation work	MSG noted this recommendation and will adopt it accordingly for upcoming opening tender for IA.	2016	MSG	Ongoing
Delays in the preparation of the EITI Report due to confidentiality arrangements	The MSG discussed the CA issue and noted the delay caused by this additional requirement. The Industry expressed their inconvenience in the reconciliation process without CA. The MSG agreed to include it in 2016 Work plan.	2016	MSG	Ongoing discussion

Appendix 4-Strength or weakness to the EITI process

1. Strength

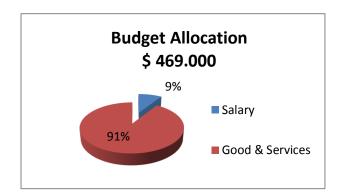
- MSG committed to analyse the EITI requirements in order to ensure the reports are complying with the EITI standard
- MSG maintained open communication and transparency in discussions
- MSG participation have improved
- MSG participation in public discussions allowed for information sharing with public

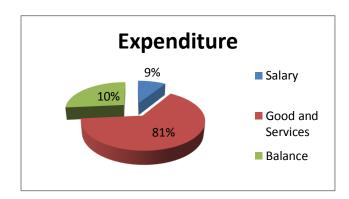
2. Weakness

- 1. TL so far have not created legal system for EITI compliance by operators (EITI and Transparency)
- 2. Reports dissemination took place at regional level only due to very low cost expense as opposed to district level
- 3. Lack of qualified Staff in TL-EITI Secretariat
- 4. Limited staff
- 5. Slow progress in Minute taking and decisions made by MSG.
- 6. Lack of planning to complete tasks

Appendix 5 - Expenditures of TL EITI Secretariat

The TLEITI Secretariat is fully funded by government through the annual budget of Ministry of Petroleum and Mineral resources. In 2015, a total amount of US\$469,000 was budgeted to the Secretariat to finance the activities as identified in the 2015Workplan which includes salary for seven (7) staff, outreach activities, business trips and production of TLEITI Reports.





Multi-Stakeholder Group

History and Structure - On 24 August 2007, the EITI Secretariat was established through commitment to form Multi-Stakeholders Working Group (MSG). The Minister of Petroleum and Mineral Resources (formerly known as Secretary of State of the Natural Resources) was designated as focal point of the EITI process in Timor-Leste. The MSG is chaired by the Minister of Petroleum and Mineral Resources. The MSG comprises the following members:

Representative from Government	Representative from Industry
Mr. Alfredo Pires, Minister of MPMR-	Mr. Jose M. Lobato Gonçalves
Chairperson	Mr. David de Araujo (Alternate)
Ms. Elda Guterres da SIlva	Ms. Angelina Branco
Mr. Agostinho Ramos	Mr. Antonio Dos Santos Pires
Mr. Filipe Nery Bernardo	
Mr. Emanuel Angelo Lay	
Mr. Venancio Maria Alves	
Mr. Fernando Carvalho	
Mr. Timoteo Gomes Pires	
Mr. Oscar Faria	
Representative from Civil Society Organization	Representative from State Owned Enterprise
Ms. Alzira dos Reis	Mr. Luis Martins
Nelson Miranda	Mr. Henrique Monteiro
Helio dias da SIlva	Mr. Francisco Alegria

Minister of Petroleum and Mineral Resources (Chairperson);

Two (2) representatives of the Ministry of Finance;

Representative of the Banco Central de Timor-Leste (BCTL);

Two (2) representatives of the Ministry of Petroleum and Mineral Resources;

Three (3) representatives of the Civil Society; and

Three (3) representatives of oil companies.

One Representative of State Oil Company

One representative of Minerals

Roles and Responsibilities - The MSG is dedicated to the overall EITI strategy, both political and strategic, and to the supervision of the implementation of the EITI process, as well as the evaluation of its impact on sustainable development and alleviation of poverty. The Committee has a tripartite structure including representatives of the government, the private

sector and civil society.

A National EITI Coordinator was appointed to manage the EITI Secretariat. The Secretariat is in charge of the implementation of decisions made by the MSG, and the day-to-day running of implementation activities for the EITI

process in Timor-Leste.

Requirement 1.4.b(iv)all stakeholders should be able to participate in the production of the annual activity report and reviewing the impact of EITI implementation. Civil society groups and industry involved in the EITI, particularly, but not those serving on the multi stakeholder group, should be able to provide feedback on the EITI process and have their views reflected in the annual activity report

Approved by MSG