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To Whom It May Concern:

The Natural Resource Charter was established in 2009 as an organization and set of principles to help governments and societies of resource rich countries improve the management of their natural resource wealth. Over the years, the Charter has been associated with holistic technical guidance, high-quality training syllabi and demand-driven technical assistance to governments and civil society in several countries around the world. During this time, Charter strategy has evolved as the global landscape for the extractives industry has changed, but also as a result of the new perspective provided by the merger with the Revenue Watch Institute, which resulted in the creation of the Natural Resource Governance Institute (NRGI). Noting these changes, and with phase II Charter programming (2012-2016) coming to a close, we felt it was an opportune moment to reflect on and evaluate our impact to date.

With direct support from USAID and the World Bank Development Grant Facility (DGF), NRGI selected Leila Kazemi to lead the evaluation through a competitive selection process. Working with a core team of NRGI staff who have led Charter programming, Kazemi conducted surveys, interviews and desk review between April and June 2016. The evaluation sought to: (1) assess the performance of Charter-related work in relation to the original NRC work program; (2) derive preliminary insights and lessons regarding key aspects of Charter-related work to date; and (3) provide inputs into a broader reflection about the potential future direction and use of the Charter and its related activities.

The evaluation poses several important questions about the way that Charter content is regarded, how dissemination activities can be improved, and how NRGI and other organizations can improve the uses and applications of the Charter, particularly as a self-assessment tool for governments. Specific conclusions that will guide our work going forward include:

- The Charter remains the overarching intellectual framework informing NRGI's work.
- Noting its strengths and limitations, the Charter will be complemented by other tools and data.
- Charter benchmarking is part of our suite of offerings to both governmental and non-governmental actors and we will seek to leverage the new public version of the benchmarking framework assessment tool.
- There is not a need to make massive revisions of the Charter content – which is robust to changing circumstances.
- However, there is an argument for simplification. We will put in place learning plans to appropriately capture lessons and impact as an input to orienting Charter work in the future.

We share this evaluation as part of our institutional commitment to learning and demonstrating impact. We also hope that it will serve as a useful contribution to the literature on development of global governance standards for the extractive industries and beyond.

Best Regards,



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Natural Resource Governance Institute

Natural Resource Charter: Looking Back to Look Ahead

An Evaluation of Phase II Activity
(2012-2015)

An independent evaluation
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Abbreviations and Acronyms

AfDB	African Development Bank
AMV	Africa Mining Vision
ASM	artisanal and small-scale mining
AU	African Union
BSG	Blavatnik School of Government, Oxford University
CEU	Central European University
CPPA	Centre for Public Policy Alternatives
CSEA	Centre for the Studies of Economies of Africa
CSRM	Centre for Social Responsibility in Mining, University of Queensland
DfID	Department for International Development, UK
DGF	Development Grant Facility, World Bank
EITI	Extractive Industries Transparency Initiative
ESG	environmental, social and governance
FOSTER	Facility for Oil Sector Transparency
ICMM	International Council on Mining and Metals
MInGov	Mining Investment and Governance Review, World Bank
NEPAD	New Partnership for Africa's Development
NRC	Natural Resource Charter
NRG	natural resource governance
NRGI	Natural Resource Governance Institute
OGP	Open Governance Partnership
PWYP	Publish What You Pay
RG Index	Resource Governance Index
RWI	Revenue Watch Institute
SOE	state owned enterprise
UNDP	United Nations Development Programme
WEF	World Economic Forum

INTRODUCTION

Since its inception in 2009, the Natural Resource Charter (henceforth “NRC” for the organizational entity and “Charter” for the text) has focused on developing and providing principles for governments, societies and the international community on how best to manage resource wealth. During the first phase of activity, work was carried out on establishing and refining the text and technical guidance of the Charter and establishing the organization to administer and oversee this work. Phase II then turned to further refining and elaborating Charter-related content and putting its recommendations in practice. To do this, NRC committed to a series of activities aimed at “operationalizing” the Charter through active dissemination, education and cultivation of use. What follows is an evaluation of these Phase II activities. Included in this evaluation is consideration of a major institutional development, the merger with the Revenue Watch Institute, and how this may have impacted Charter-related work during this period and how Charter-related work might be undertaken by NRGI moving forward.

Rationale for this report

With the second phase of activity around the NRC grants coming to a close, there is an opportunity to reflect on the work that has been done to date and consider: how this work conformed with original expectations; and how it can inform both future Charter-related efforts and even work in the broader natural resource governance (NRG) field. Thus, this report both fulfills a requirement of World Bank funding for Phase II for independent evaluation and also builds on this evaluation to derive preliminary insights for NRGI and others working on NRG issues.

Objectives of evaluation

The current evaluation is animated by three objectives:

1. Assessing the **performance of Charter-related work in relation to the original NRC work program** and understanding how this has evolved since the merger with the Revenue Watch Institute (RWI) to become the Natural Resource Governance Institute (NRGI)
2. Deriving **preliminary insights and lessons regarding key aspects of Charter-related work** to date
3. Serving as an **input into a broader reflection about the potential future direction and use of the Charter** and its related activities, as well as considering what lessons might be held for the broader NRG field.

These objectives were developed in collaboration with the World Bank and NRGI.

Approach, Preview of Methodology and Preview of Basic Findings

This evaluation is structured around four main areas of Charter-related activity during Phase II: further content development and refinement; dissemination of and international advocacy;

education around the Charter; and different uses and applications. Although each of the sections that follows begins with a discussion of key questions and methodologies (methodologies are further detailed in Annex A), a brief overview is in order here.

Section I of this evaluation looks at commitments around these four work areas as well establishing the extent to which these commitments have been met, exceeded, or unmet to date. These analyses are based on reviews of all relevant grant proposals, agreements and reports for NRC Phase II grants, as well as interviews with NRGI staff (detailed in Annex A). In general, Phase II Charter-related work has complied with commitments, at times exceeding them and falling short only on rare occasions and in narrow ways. Nonetheless, how this work is carried out has been somewhat reoriented since the NRGI merger.

Sections II, III, and IV turn to getting a sense of the performance of these Charter-related work areas. Drawing heavily on an online survey sent to a broad community of actors involved in NRG-related work, **Section II provides a first pass at understanding whether the Charter is being used, by whom (or not), for what purposes, and what are seen to be its main areas of strength and weakness.** In this section, survey responses are supplemented by information gathered from over 30 interviews with NGRI staff, Advisory Council and Board members, as well as participants in benchmarking exercises, and other NRG experts. Where applicable, relevant information from responses to another survey (the BSG course survey, discussed below) are also included. Some of the main findings suggested by this analysis include:

- Content – while regarded as a high-quality, valuable, holistic international standard, the Charter can also be seen as overly-complex, academic rather than practical, and a “Northern” product with important gaps in applicability and coverage
- Dissemination – some people are still unaware of the Charter; although governments were the main targets of NRC dissemination strategies, the Charter is now reaching and being used by a wider range of actors, however wider uptake by non-governmental actors may require more targeted dissemination and support; a major challenge for the Charter in terms of effective dissemination is communicating how it relates to other, similar international standards and initiatives;
- Education – the Charter is being widely used within and beyond NRGI as a key input into training and capacity-building around NRG, in addition to work that NRC/NRGI has supported in educating people around how to put the Charter in practice
- Use/Applications – although at first intended as external commitment and self-assessment tool for governments, the Charter now being used in a wide variety of ways by a wide variety of actors, most often as some sort of knowledge resource or reference tool

Section III, turns a spotlight on to a specific use of the Charter that has received the most attention: support for country-level benchmarking assessments. This section examines benchmarking exercises in Nigeria, Sierra Leone, Tanzania and Myanmar to glean lessons both about the impact of these processes as well as about their implementation, lessons that will become even more salient with the impending release of NRGI’s benchmarking framework for

public use. The analysis in this section is based on reviews of relevant program-related documents, as well as interviews with a total of 15 participants (majority NRGI staff) who were active in at least one of the processes as well as supplemental interviews with relevant NRGI regional and program directors. These conversations underscored that, while the Charter's holistic approach to content is viewed as a valuable basis for the benchmarking, implementation processes can experience major trade-offs and challenges around: participation and leadership; research production and oversight; shifts in the political context; and the potential for delays that are both costly and can compromise the timeliness, relevance, and utility of the benchmarking reports. The four Charter-based benchmarking exercises to date also suggest that the best outcomes from these cases might not be derived from the use of the actual reports but more from the processes involved in producing them. The lessons from these processes suggest that **if NRGI is going to continue to support this type of activity there are important adjustments that could be made to help processes run more smoothly and better yield desired results.**

In Section IV the spotlight turns to the centerpiece of education-related activity around the Charter, Oxford University's Blavatnik School of Government *Executive Training Course on Oil, Gas and Mining Governance*. Drawing on course assessment questionnaires distributed at the end of courses in 2014 and 2015, the analysis turns to how well the course has been received by participants. Responses from 14 former participants to an online survey about the impact of the course on participants' subsequent work, provide a first glance at what the lingering impacts of the course might be and how these might be improved moving forward. Overall, the course has been well-received and the survey respondents detail important examples of how the course has impacted their subsequent work. Recommendations for improving the experience of the course and its subsequent impact focused on: greater emphasis on case studies and practical examples; more follow-up opportunities for participants to continue sharing information and receiving knowledge and guidance; more geographic diversity among experts; and the possibility of a longer course (with shorter days) to allow participants to explore key topics and practical applications in greater depth. A number of these concerns are already being addressed by NRGI staff in planning for the 2016 course.

The final two sections, Sections V and VI, of this report turn to applying lessons from Sections II-IV to the work, respectively, of NRGI and NRG donors'/other actors in the field moving forward.

I. COMPLIANCE: PHASE II OBJECTIVES/WORK PLANS AND IMPLEMENTATION TO DATE

Before turning to lessons that can be derived from Charter-related work to date, for the purposes of this World Bank evaluation, it is important to first review how this work was intended to proceed and the extent to which practice has conformed to expectations. This latter issue is of particular salience here due to the fact that about halfway through Phase II (in June of 2014) NRC ceased to be an independent entity by merging with the Revenue Watch Institute (RWI) to form NRGI. Therefore, it is important to consider whether and how the merger impacted the fulfillment of obligations and work ultimately delivered under the Phase II NRC grants.

OVERARCHING OBJECTIVES AND GENERAL CONTOURS

In 2011, the World Bank Development Grant Facility (DGF) made the first grant to the Natural Resource Charter (“NRC” when organization, “Charter” when text) to support the second phase of its work. This work was initially focused on “increasing the prominence and understanding of the NRC and its principles with particular focus on partners in resource-dependent developing countries” and “advocating for complementary global recognition of the NRC’s principles and the need for home countries and financial centers to create an enabling environment for countries to pursue the Charter principles.” The first element was focused on Charter dissemination and the second on international advocacy. In many ways these two initial components reflected a specific moment in the development of the NRC – with the actual core principles in place, it was time to put them out in the world and promote their uptake by resource-dependent developing countries through work with partners in these countries and international advocacy to “create an enabling environment” to support this. Thus, both components of this very initial framing of the second phase of NRC activity were ultimately geared toward the same goal: raising awareness of and support for the NRC among key national, regional and global actors.

By 2013, grant activities to support these goals were more developed and defined and provide a good sense of the contours of Phase II NRC work. According to the DGF grant agreement and other contemporaneous donor proposals, the Program Development Objectives for Phase II (2012-2015) of NRC’s work plan were to:¹

- support the extension, review and evolution of the Charter as a guiding framework and a comprehensive technical manual for better management of resource-wealth for the benefit of citizens;
- advance the uptake and understanding of the Charter for resource-rich countries and governments;
- convene dialogue and advocate international action consistent with the Charter’s principles

¹ There was an additional related work area devoted to a specific research project at Oxford University funded by the Norwegian government to examine “Investing in Investing,” i.e. how resource rich developing countries can increase their absorptive capacity. However, because of the narrowness of that project, particularly its being funded by NORAD alone and focused directly on research at Oxford as opposed to NRGI, it is not applicable to the discussions of the current report to the World Bank.

- support country and regional level endorsement of the Charter and country benchmarking
- support implementation of NRC Precepts through training and capacity building

In essence, these activities can be boiled down to: improving the substantive ***content*** of the Charter (at all four levels); promoting ***dissemination*** of the Charter in both resource-dependent developing countries and at the international level;² providing ***education*** through trainings “in order to increase understanding/awareness of the NRC principles and the assessment framework”³; and advancing ***use/application***⁴ by having governments “sign up” to the Charter and “inviting initiation of self-assessment against a comprehensive set of NRC benchmarks.”

PLANNED ACTIVITIES

Planned activities during this second phase of NRC work focused on refining and improving the Charter itself (at all four levels) and trying to promote its uptake through active dissemination and education. In addition, the work period also included efforts to promote a specific use of the Charter, country level self-assessments. Basically, the second stage of NRC work was focused on preparing a best product possible, putting it out in the world, educating people on its existence and value, and “test driving” a specific use.

Content. In terms of improving the content of the Charter, planned activities included completing a revised 2nd edition of levels 1 and 2 of the Charter and refining the technical guidance provided by the Charter at Levels 3 (in-depth guides on each precept) and 4 (supportive case studies, reference materials and external resources).

Dissemination.⁵ The first dimension of dissemination was to increase awareness and understanding of the NRC and its principles with particular focus on partners in *resource-dependent developing countries* through advocacy, communications and global outreach. Plans to pursue this included improving communications materials and the website “in order to make the NRC more accessible to all stakeholders,”⁶ and eventually better use of social media.⁷

² Included in this was a reference to convening orgs working on transparency and accountability “along the decision chain associated with natural resources to discuss international best practice and the harmonization of global standards.”

³ From the 2013 grant agreement between NRC and the World Bank DGF.

⁴ Although one could treat “education” as a type of “use”, given the *original framing* of the former as a vehicle to promote knowledge of the Charter rather than to use the Charter to increase knowledge of NRG more broadly, the distinction is appropriate for the purposes of the current evaluation.

⁵ Again, note that for the sake of greater clarity and consistency in discussions of actual work that has taken place around the Charter, this evaluation is breaking out training activities from “dissemination” (as NRG has done in some reports putting “trainings and capacity building” in its own “workstream”). No coverage of programmatic content is compromised in this conceptual reorganization.

⁶ From the 2013 grant agreement between NRC and the World Bank DGF.

⁷ This last piece was added in the 2014 grant agreement between NRC and the World Bank DGF.

The second dimension, *international advocacy*, would be pursued through: working group meetings among key organizations working on NRG to discuss international best practice and the harmonization of global standards; identification and action on other opportunities for NRC Board members “to engage governments, banks, and industry to take steps to support the Charter and principles consistent with the Charter;” and “coordination with organizations and regional bodies (e.g. the AU, PWYP, OGP, WEF, the EU as well as many industry actors).”⁸ In the final year of the grant, this latter work expanded to include seeking endorsement/partnerships with international and regional actors and “research into whether indicators on environmental, social and governance (ESG) impacts of extractive projects should be included in stock exchange listing requirements, and what processes should occur to encourage capital market actors to accept such disclosure requirements.”⁹ This work on ESG issues was to be developed with Chatham House.

Education. Originally, the educational dimension of Charter-related programming was focused on dissemination, i.e. commitments to training workshops organized to increase public awareness of the Charter and to generate official endorsements to support and implement the Charter. By 2013, the second year of Phase II activity, these trainings were specified as: an annual NRC Conference, integration into a Central European University training course, and a training for government ministers at the Blavatnik School of Government (BSG) at Oxford University.

Use/Application. In terms of explicit uses of the Charter promoted over Phase II, initially, there was a notion of getting countries to “sign up” to the Charter, which interviews with a number of people involved in creating and developing the Charter suggest referred to a notion of “using the Charter as a charter.” This application of the Charter was further described by one interviewee as an external commitment device, requiring governments to adopt the Charter and commit to its content (thereby opening themselves up to being held to this commitment). Over time, as programmatic work was being refined, the focus of these efforts became using this commitment as the basis for self-assessment.

As a key dimension of use or application of the Charter supported by NRC, the plan was “to develop and pilot a practical self-evaluation methodology for resource rich countries to benchmark their performance against the various dimensions of the Charter.” The NRC planned to work with the New Partnership for Africa’s Development (NEPAD) and other partners in this pilot phase, with the results to be used to refine the process for wider roll out. This work was intended to focus on “interested governments” and regional organizations. In the 2014 grant agreement with the DGF, the target was to get five resource-rich countries starting benchmarking processes. In parallel, the NRC planned to “consolidate existing indices relating to each of the Charter Precepts so as to act as a clearing house for relevant data that is already being collected and to identify gaps where new indices would add value.”¹⁰

⁸ From the 2013 grant agreement between NRC and the World Bank DGF.

⁹ From 2014 grant agreement between NRC and the World Bank DGF.

¹⁰ Updated NRC Phase II Proposal, 2013.

PHASE II NRC ACTIVITIES IN PRACTICE

A. Areas where expectations were met.

Content. The content development of the four levels of the Charter has proceeded largely as planned. The 2nd edition of Charter (Levels 1 and 2) was refined and finalized. For Level 3, guides for each precept were published near the beginning of Phase II and subsequently the benchmarking framework, intended to subsume this content after the publication of the 2nd edition of the Charter, was developed, refined and will be released in the summer of 2016. In addition, the criteria for Level 4 case studies illustrating good and bad practice across precepts were further refined and eight new case studies were added to the twelve produced during Phase I.

Dissemination. The Charter has been translated into five languages and disseminated through a variety of channels including websites (NRC's and then NRGI's), social media, and promotion by staff and Board members through various international fora and channels. In 2015, the Charter website and Charter sections of the NRGI website received over 17,000 unique visits and over 22,000 page views combined.

Education. In terms of educational activities, i.e. trainings and capacity building, work has been largely carried out as planned. During Phase II major annual conferences were held in Kuwait (2013) and Oxford University (2014 and 2015), prominently featuring the Charter in the first two years and using the Charter as a key input into larger discussions the third year (i.e. first post-merger year). The BSG "Executive Training Course on Oil, Gas and Mining Governance" has been held annually since 2013 and the Central European University (CEU) two-week advanced course, "Reversing the Curse: Theory and Practice," is also actively running.

Use/Application. Over the course of Phase II, benchmarking exercises have been initiated in five countries: Nigeria, Sierra Leone, Tanzania, Myanmar and the Kyrgyz Republic (the most incipient of the five cases). NRC/NRGI staff members have provided support and technical assistance to countries implementing benchmarking activities. Although some NRC staff had hoped to have more use cases completed by this point, the number that have been undertaken is consistent with official donor commitments and a reflection of the realities of the time and resources needed to implement this first set of assessments.

In addition, as per commitments, a public version of the benchmarking framework has been developed, refined and prepared for forthcoming release this summer, along with supporting guidance materials and references to existing relevant indices.

B. Areas where expectations have been exceeded.

Content. The benchmarking framework that was produced for Level 3 goes beyond original plans for supportive guidance on implementing precepts.

Dissemination. Targets of dissemination have been more varied than originally planned. Although original dissemination plans had a *de facto* primary focus on resource dependent developing governments and international partners active in creating a good “enabling environment”, since the merger, work has also been undertaken to disseminate and promote uptake of the Charter among other actors, including parliamentarians and political parties (e.g. in Ghana), CSOs worldwide, and media.

Education. In addition to conducting trainings explicitly to promote knowledge and use of the Charter, NRGI has expanded the educational application of the Charter by using it as a tool in its broader training and capacity-building activities around NRG e.g.,

- incipient **capacity-building work with parliamentarians and political parties** (e.g. in Ghana) being pursued in partnership with International IDEA
- design of **media capacity development courses** that are being redesigned with a Charter focus
- in NRGI **MOOC and online training**, the Charter is used throughout and the benchmarking framework in particular is used as the basis for course exercises
- a prominent feature in the **Asia Pacific hub** course
- as content in **Anglophone hub course** and to frame other African regional trainings and capacity-building efforts;
- as an input in **MENA hub courses and regional trainings**;
- as an input in the framing and design of the **Francophone Africa summer school**, emphasizing those areas of specific need to participants (based on advanced inputs);
- as an organizing input for the **Eurasia hub course**, in which the Charter is integrated in policy labs, strategy building, and reform prioritization that goes on throughout the course.

Use/Application. In addition to trying to get external partners to undertake benchmarking activities, NRGI has been using the Charter in different ways in its own far-reaching work:

- **new applications of benchmarking** - used as input into NRGI regional and country strategy and programming, e.g.¹¹:
 - at a general level the Charter precepts are now the underpinning of contextual analyses for all NRGI country strategy development processes (through the creation of a tool called the benchmarking framework pre-strategy assessment matrix);
 - for **Guinea and DRC**, the Charter was used to assess governance problems and identify possible actions NRGI could develop to help governments of those countries, i.e. it was used for *gap analysis* and to frame/guide possible NRGI approaches to improving NRG in those countries
 - the **Eurasia** program uses the Charter in regional planning and has been used in work with the Ministry of Mines and Petroleum in Afghanistan to support the development of the national Extractive Industries development framework

¹¹ For more comprehensive coverage and detail on these sorts of activities, please refer to donor reports for 2014 and 2015. In the interest of efficiency and focusing on the task at hand, this evaluation simply highlights examples from reports and staff interviews for illustrative purposes.

- the **Latin America** program uses the Charter for regional planning and for country analyses to understand help identify critical priorities, opportunities or entry points for supporting capacity and national debates on certain strategic issues;
 - the Charter was important in developing country strategy for **Myanmar and Indonesia** (in the latter, in lieu of proper benchmarking they approximated a rough benchmarking just to get a sense of lay of the land), where it provided a more systematic basis for analyzing NRG; Charter fed into reports on state owned enterprises (SOEs) and resource wealth management in Myanmar; in the Indonesian case highlighted the need for government to revise specific parts of oil and gas industry and key provisions of mining law, and now sector policies being revised along the general lines recommended as priorities by NRGI
- **realignment and fleshing out of NRGI's Resource Governance Index (RGI)** based on the Charter
- **as an explanatory tool** to structure exposure and discussion of NRG issues by NGRI with various audiences
- being used extensively by NRGI staff as a **reference tool to organize their own thinking, writing and presentations**

C. Areas where reality has fallen short of expectations.

Content. Although Level 3 guides were published online, updated versions of these after the release of the 2nd edition of the Charter were not produced. However, this was due to the decision to replace these guides with a more extensive and comprehensive approach found in the benchmarking framework which is planned for release in the coming months.

Dissemination. In terms of dissemination, the main piece that has explicitly fallen short of formal plans was work on ESG indicators for stock markets to have been undertaken as part of “creating an enabling international environment.” This work was postponed due to staff turnover at Chatham House and has not been taken up since. In lieu of this work, NRGI has convened meetings with investors to underscore the importance of considering governance in investment decisions.

The content of the Charter draws on and includes references to other global standards. Where work has fallen short on “harmonizing” other standards has been in terms of clarifying and communicating the relationships between the Charter and different key initiatives. As subsequent sections will show, the lack of such coordination has emerged as a major challenge for the Charter and its ability to “become a recognized global rallying point.”¹² In addition while

¹² In the 2013 grant agreement between the World Bank and NRC, it was noted that the “Bank/DGF seeks to help enable the Charter become a recognized global rallying point of better overall extractives decision

official “endorsements” were initially sought as a measure of international advocacy, the formal collection of these appears to have tapered off over the last year or so.

In terms of dissemination to resource dependent developing countries, because the parameters for this work beyond the trainings were very loosely specified, it is difficult to know whether or not work under this grant has met expectations. It appears that it has, although since the merger advocacy at both national and international levels seems to be more diffuse and less explicit, and the pursuit of formal partnerships around Charter promotion and use less active.

Education. Education related activities have met or exceeded expectations during the grant period and not fallen short in any notable way.

Use/Application. NRC work on promoting the use of the “Charter as a charter” to which governments would formally sign up and against which commitment they would be held accountable seems to have given way to a focus on country benchmarking assessments carried out with or without governments “signing on” to the Charter. This appears to have been a reasonable and pragmatic programmatic adjustment in response to the realities of conditions and opportunities in practice.

Effective Seed Funding

Finally, beyond the programmatic activities discussed at length above, the World Bank grants for Phase II NRC work were also intended to serve as “seed funding” to attract other donor support to perpetuate this line of work. In this regard, the World Bank’s support was a resounding success. Two tranches of USD262,000 each were provided by the World Bank from 2012-2015. The governments of Australia, United Kingdom (DfID), the Netherlands, Norway (NORAD) and the United States (USAID), alongside the Hewlett Foundation have made combined contributions of over USD2.5 million, all of which was for unrestricted core funding. Therefore, it appears that NRC was indeed able to leverage the World Bank grants to create a much broader financial base to expand (beyond dissemination and advocacy) and perpetuate its work.

CONCLUSIONS

Over the course of the grant period, NRC commitments to Charter-related work have taken place more or less as anticipated in proposals. In general, **content development has proceeded as planned** but for the replacement of implementation guides with the benchmarking framework, which on balance seems to actually exceed commitments. Looking ahead, decisions will need to be made on: whether, how and when to revise Charter itself and related content; whether to develop new content; and how to align or differentiate Charter’s content with content of other major international NRG standards.

chain management in developing countries and encourage complementary actions, notably in advanced/emerging economies where the bulk of the demand and investment for extractives originates.”

Dissemination has largely been consistent with commitments, although a narrow stream of work around ESG requirements has stalled. In addition, based on interviews with NRGI staff, it appears that since the merger, active and explicit advocacy of the Charter to governments and at the international level has given way to a more *ad hoc* and diffuse approaches to these. This shift seems to have come about not because of a specific decision to reorient dissemination strategies in this way, but more as a reflection of the aggregated preferences of individual NRGI staff. On the other hand, another *de facto* shift that has occurred since the merger is the dissemination of the Charter to a wider range of stakeholders (compared to NRC that emphasized governments in practice). Therefore, on balance, these evolutions of dissemination practices could be thought to cancel one another out. A big question remains is around whether and how NRC/NRGI have pursued harmonization with other international NRG standards.

Activities around **Charter-based education have met and far exceeded original Phase II commitments**. Three annual conferences have been held, the BSG and CEU training courses take place annually, and the Charter is now being integrated into various NRGI training and capacity-building activities and tools. Again, these latter developments mark a subtle shift since the merger, supplementing training and education on how to use the Charter with more general trainings on NRG that use the Charter as an important input.

Finally, **the development of the benchmarking framework and implementation of country assessment/benchmarking exercises were largely consistent with commitments around Charter use/application**. The merger has also led to unanticipated uses of the Charter, including integration into NRGI's Resource Governance Index (RGI), as an input into designing country/regional strategies and, again, more diffusely as a knowledge resource, reference and input into staff research, writing, presentations and thinking. Again, it appears that the merger has resulted in a slight reorientation of some Charter-related work from outward-facing to inward-facing, from the use of the Charter primarily for government policy reform and creating an enabling international environment, to serving as a tool for NRGI staff in undertaking broader work agendas.

II. GENERAL CHARTER ASSESSMENT

INTRODUCTION

While the previous section reviewed the extent to which Charter-related work had conformed with what had been proposed to donors, the remainder of this evaluation will attempt to dig a little deeper and get a better understanding of how this work has proceeded, what some of the impacts have been, and what lessons can be derived for future work by NRGI and others in the NRG field.

Key questions and methodology

Ultimately, Phase II updates and refinements to the Charter’s content and the implementation of dissemination strategies were geared toward creating a relevant and high-quality resource and putting it out in the world for uptake and use by various actors throughout the world. Therefore, this section of the analysis is focused on getting a preliminary understanding of:

- who is and is not using the Charter¹³;
- how it is being used;
- why are some not using it;
- what are the main ways in which the Charter is perceived to add value/best uses of the Charter;
- what are perceived to be major challenges/limitations to using the Charter; and
- whether the content of the Charter requires adjustment

The analysis draws on a number of sources consulted for the current evaluation, but primarily an online survey designed around the specific issues mentioned above. Insights from that survey were supplemented by responses to a question on Charter use in a separate survey of BSG Executive Training on Oil, Gas and Mining governance participants (henceforth, “BSG course survey”) and interviews with NRGI staff, NRGI Advisory Council and Board members, donors and experts working in the wider NRG field (see Annex A for full details).

[Survey design and content](#). In order to gain insights on the issues above, the evaluator worked with NRGI staff to create an anonymous online survey entitled “The Natural Resource Charter: Reflections and Recommendations” (henceforth “general Charter survey”) which asked the following substantive questions:

1. Do you now, or have you in the past used the Natural Resource Charter as part of your work? If “yes”, how have you used it? If “no”, why not?

¹³ In the interest of simplicity, the survey questions did not disaggregate and distinguish among the four levels of Charter content. As a result, one cannot always discern to which specific aspects of the Charter different respondents are referring, although in many cases it seems clear that responses pertain to Levels 1 and 2, rather than the supportive guidance and illustrative materials of 3 and 4.

- 2. What do you see as the main value of the Natural Resource Charter?*
- 3. What do you see as the main limitations or challenges of the Natural Resource Charter?*
- 4. In your opinion, do the current lower commodity price conditions change the way international standards and tools like the Natural Resource Charter should be designed and used?*

Respondents were also provided with a field for additional comments. Much of the analysis that follows is based on the responses to these questions and comment field.

[Note: the survey predominantly solicited open-ended, long-form answers by design. Although this approach complicates survey analysis, it nonetheless allows the survey to elicit a broad and nuanced range of responses without constraining possibilities through predetermination of values. Given the relatively short time that has elapsed since the beginning of this phase of activities and the fact that this analysis is a first pass at collecting such information, flexibility and openness were deemed critical.]

Survey Dissemination. The survey was disseminated in May 2016 by NRGI via email to an 800+ person multi-stakeholder list amassed by the NRC since the inception of its work. The list includes conference invitees, workshop participants, participants in the BSG Executive Training course, participants in benchmarking exercises, and other individuals identified as relevant to NRC's work. The survey was also Tweeted from the NRGI account as well as being posted for public response on [GOXI](#) (a platform for exchange and dialogue among NRG professionals).

The decision was made to distribute via NRGI because the organization is well-known and has an extensive network of relationships with actors across the field and therefore would be more likely to generate a greater number of responses to the survey than had the evaluator sent directly. This biases the sample in various ways, e.g. respondents are more likely to be aware of NRGI and its work and may well have closer interaction with NRGI than a random sample of actors working in the field. However, in the evaluator's opinion, the list captured a wide sample of practitioners working on NRG and who could be targets of Charter-related work, and therefore their input would be valuable for a first pass at the information covered by the survey. It was hoped that the anonymity of the survey would allow respondents to answer freely regardless of their relationship with NRGI. Although there is a self-selection bias with online surveys of this sort, there was nonetheless a fair amount of variation in the responses.

Survey respondents. A total of **57** individuals responded to at least one of substantive questions of the survey, the only short-answer question (while **48** of these responded to at least one of the subsequent long-form questions).¹⁴ Their self-identified demographic information breaks down as follows:

¹⁴ Of the sub-sample of 48 respondents who answered more than the first yes/no question, this is the demographic information: sector (14 academia/research, 14 civil society, 10 private sector, 8 government,

- **Sector** – 17 “academia/research”, 15 “civil society”, 12 “private sector”, 11 “government” and 2 “donors”
- **Geographic coverage** – 33 described the coverage of their work as “global”; 15 as “national” (including: Colombia (2), DRC, Iraq Mongolia (3), Tanzania (3), Tunisia (2), and Zambia); and 10 as “regional” (Africa (2), MENA (2), Eurasia (2) Europe, Southeast Asia)
- **Gender** - 38 of those who responded to this question identified as “male” and 17 “female”

Eleven of the 17 **academics/researchers** had a global focus, 4 regional, and 2 national and they were split 12 male/4 female among those that answered the question on gender. For **civil society**, the numbers broke down as 9 global and 6 national, and 9 male/6 female. Nine **private sector respondents** reported global coverage while three were national, with 7 male/4 female. Six **government** respondents had a national focus, three global (presumably from NRG donor governments) and 2 regional, with a gender split of 9 male/2 female. Finally, one **donor**’s focus was national (Tanzania) and the other’s global, one was male, the other female.

Supplementary information from interviews. Where appropriate and available, general Charter survey responses are supplemented by relevant information from: the BSG course survey (14 respondents); benchmarking interviews (with 15 individuals); and an additional 20 interviews with a sampling of NRGI staff, Advisory Council and Board members, and key actors working for other organizations in the NRG field (including donors like the World Bank and DFID). For more details on these, see Annex A on methodologies. When information from these supplemental sources is used, it is clearly distinguished from general Charter survey responses.

IS THE CHARTER BEING USED?

Of the 57 people who responded to the **question of whether they now or in the past have used the Charter in their work**, **40 answered “yes”** and **17 answered “no”**, i.e. a ratio of just over 2 to 1 have used the Charter in their work versus those who have not. This sample can in no way be taken as representative of the field at large, not least because of the self-selection involved in choosing to respond to the survey and the fact that two of the key avenues for dissemination were derived from NRGI relationships. Nonetheless, it does provide evidence of Charter use beyond NRGI and responses to follow-up questions provide some interesting insights into how the Charter is being used and why some are not using it at all.

Who is using the Charter? The “yes” **respondents showed broad geographic coverage** (with notable, but NRG field-standard, exception of China and to a large degree South Asia), **came from all sectors surveyed** (academic/research, civil society, donor, government, and private sector) with roughly similar distribution across them (except donors, who are relatively under-represented in the overall survey), and exhibited the **same gender-bias toward men as the full sample of respondents to the survey**. The broad sectoral distribution of “yes” responses

and 2 donors), geographic coverage (28 global, 13 national and 7 regional) and gender (32 male and 13 female)

suggests that, although governments were originally the primary targets of the Charter (confirmed by interviewees), the Charter can be useful for governmental and non-governmental actors alike.

[Who is not using the Charter and why?](#) Among the 17 “no” responses, government actors were underrepresented (only two of eleven responses from government actors indicated not using the Charter), with 15 of 17 coming from non-governmental sectors. In some ways, this is unsurprising given that the Charter was designed for use by governments. There were no notable correlations between those not using the Charter and either gender or geography (although it might be worth noting that none of this group specifically identified any part of sub-Saharan Africa as their geographic coverage).

The bulk of reasons provided for not using the Charter clustered around two reasons:

- **Unfamiliarity with the Natural Resource Charter.** The most prominent cluster of responses from people not using the Charter came from those who hitherto had not been familiar with the text.
- **Not deemed relevant or applicable.** Another group of respondents who had never used the Natural Resource Charter stated their reasons for not doing so as the document having no known utility in their work. Among the reasons given for this were perceptions that the Charter is *not useful for engaging the private sector, not applicable to all geographies* (e.g. Europe, countries where adequate technical support not available), and use would require *too much work due to the complex nature of the Charter*.

Despite attending a week-long Charter-based training, a handful of respondents to the BSG course survey similarly indicated not using Charter because of perceived irrelevance to their work. Even some members of NRGI staff and Advisory Council indicated limited knowledge of how the Charter is relevant to their work. In short, some people are not using the Charter because they do not know what it is, and others know what it is but do not know what to do with it or think it is relevant to their work. This suggests that there is room for **NRGI to improve how it disseminates the Charter (particularly to any high priority target audiences) and how effectively it communicates possible Charter uses and value** as pertaining to work by actors in a variety of sectors.

MERITS AND CHALLENGES OF THE CHARTER

Feedback on Content

[Holistic and rigorous.](#) The holistic and systematic approach to the content of the Charter was described by a few general Charter survey respondents as valuable in both exposing governments and other interested parties to the full range of issues around NRG, and for revealing the interconnections of issues and outcomes across the decision chain. The **quality of the content is generally found to be high** and two respondents explicitly praised the level of detailed research and guidance available across the different levels of the Charter and through

the benchmarking framework. The majority of interviewees from NRGI and beyond also praised the intellectual content and holistic approach of the Charter.

An “international” but also “Northern” standard. Three general Charter survey respondents specifically mentioned that value of the Charter as an “internationally accepted” **standardized set of guidelines**, a “global standard” and “globally accepted set of guidelines”, implying that such standing imbued it with a certain degree of credibility. However, other respondents expressed concern that a major challenge facing Charter was that it appeared to be a **product originating from the global North** and, therefore, **may not resonate with actors involved in NRG in the global South**. There was concern that that perception could compromise the credibility of the Charter in various parts of the world where there is sensitivity to models developed without local input, particularly where more perceived “home-grown” analogs like the Africa Mining Vision (AMV) exist. NRGI regional staff working in Latin America and Anglophone Africa indicated this was a major obstacle to using the Charter in their external engagements.

“Complex”, “heavy”, and “too academic”. However, it seems that the expansiveness, breadth, elaborate structure, and technical detail at different levels of the Charter can cut both ways. Numerous (at least seven) general NRC survey respondents raised **concerns about the complexity of the Charter being a barrier to its practical application and widespread use**. In seeking to be comprehensive, the Charter may have compromised comprehensibility. As one general Charter survey respondent noted it is “important to strike a healthy balance to be strong enough guidance to be respected, but not overly laborious to lose the interest of the participating country.” Some worried that the time, capacity, and interest needed to effectively navigate and deploy the Charter, or even use its reports, might not exist for many actors, including less NRG-experienced CSOs and media in developing countries. In addition to survey respondents, several NRGI staff, Advisory Council and Board members, and NRG donors/experts raised similar concerns about the “complexity” and “heaviness” of the Charter as a tool for engagement, particularly with non-governmental actors. As a prominent NRG expert and current NRGI AC member noted, the **value of standards can be greatly compromised if they are hard to understand and use**, a concern this person has about the Charter.

A related concern that was raised by five individual responses to the general Charter survey, as well as in multiple interviews was that the Charter is **“too academic” and by implication not conducive to practical use and implementation**. One respondent attributed this perception in part to the use of **overly-legalistic language of “Charter” and “precepts”**, which some audiences can find alienating. All of those who held offered this critique of the practical utility of the Charter, including a member of NRGI’s Advisory Council, came from non-governmental sectors (academia/research, civil society and private sector).

Normative tone. A few survey respondents noted the normative orientation of the Charter was a disadvantage to widespread uptake and a few NRGI staff members also worried about the Charter being dogmatic (coming across like an NRG “Bible” rather than neutral guidance). On the other hand, one general Charter survey respondent actually described the normative and principled stance of the Charter as one of its areas of greatest value.

Gaps in coverage of Charter content. General Charter survey respondents pointed to a variety of issues and scenarios not well covered by the current content of the Charter, including:

- *sub-national aspects of NRG;*
- *lack of political will and political obstacles to good NRG;*
- *monitoring and enforcement mechanisms*
- *beneficial ownership of MNEs but also SOEs*
- *specific details of reforms* (fiscal regimes given as a specific example)
- *relative merits and compromises of various positions*
- *environmental and social issues across the decision chain, especially upstream* (multiple NRGI staff members also held this view, but supplemented with social issues as well)
- *differentiation of challenges of facing oil and gas vs. mining* (current relevance more to oil and gas)
- *country-specific concerns and contextual factors*
- *regions beyond Africa*
- NRC challenges in periods *not characterized by exceptional rents*
- Possibility of *decision not to extract* (a concern raised by two NRGI staff members as well with specific regard to Latin America and Francophone Africa)
- NRG in situations of *social conflict and political polarization* (also raised by an NRGI Advisory Council member)

To this list, NRGI staff, Advisory Council members, benchmarking interviewees, and one donor further added:

- general handling of *beneficial ownership and SOEs*
- details on *operationalizing precepts 11 and 12*
- treatment of *concerns facing actors at different stages of resource development* (i.e. no just new producers)
- *corruption* (especially re: revenue management/budgets/PFM, but also more broadly across the decision chain)
- *human rights issues*
- *issues relevant to Chinese investors*
- *artisanal and small-scale mining*
- issues related to *EI project costs*

Finally, multiple NRGI and non-NRGI staff members raised the issue of the importance to NRGI of developing and situating the organization's stance on the **interaction of climate change and NRG whether within or in relation to the Charter**. A general Charter survey respondent conveyed this view powerfully, "Given the shift away from fossil fuels, it's important that initiatives like the Charter take a clear stance on climate change and the need to promote clean energy, otherwise, they risk becoming irrelevant and obsolete. For example, how is the Charter helping governments transition to a low-carbon future?"

Adjust for lower prices? When asked about current lower price market conditions should impact the design and use of standards like the Charter, the **vast majority of the 47 respondents to this question on the general Charter survey respondents gave some sort of negative response.** Respondents often commented that **the contents of the Charter should be durable whatever the resource price levels**, as one put it “otherwise it’s only best practice ‘sometimes’ which would seem to be a contradiction in terms.” Similarly, interviewees from NRGI staff, Advisory Council, donors and general NRG experts often indicated that while lower prices would likely make it more difficult to persuade governments and investors to support reforms along the lines of those advanced by the Charter, the actual content was fine. A few people noted that some parts of the Charter would become more salient under lower price conditions, e.g. financing foreclosure, contracting issues, and legacy costs.

Two responses raised the possibility of viewing **current price conditions as an opportunity for governments to understand the value of reform and start taking action.** One wrote “This is a time for pause and reflection as the euphoria of the boom years is abating. **Governments should reflect on how they did not fully avail of the opportunities accorded to them during high commodity price times and the NRC could be used more effectively as a planning tool.**” Another went further, arguing **“Now is the opportunity for governance frameworks to be established and updated in prep for the recovery of the sector.** In the boom time it became very difficult for government to not simply be reactive to opportunities. This should not just be a tool for civil society to use to frame its arguments but instead principles the government subscribes to. **The downturn is the opportunity for stronger governance in the future.”**

Of the **five respondents to the general Charter survey who answered “yes”** to whether Charter needed to be revised in response to lower price conditions, most emphasized a broader point – **the importance of the Charter being tailored as much as possible to the needs of specific countries and specific circumstances**, including current price conditions.

Feedback on Dissemination

Governments. Consistent with intentions for the Charter, in the general Charter survey, most often **government policy-makers were explicitly identified as the direct or indirect potential beneficiaries of the Charter.** However, four respondents were **pessimistic about government officials having the capacity, but more importantly, the will to engage with the Charter in a meaningful and productive way.** A respondent from the private sector working in Zambia offered that country as a quintessential example of such challenges. Another noted that a key challenge facing the Charter is “getting a government that is rife with corruption to even make a cursory attempt to read and understand the Charter.”

Some interviewees also seemed to have practical **reservations about Charter utility to governments.** An Advisory Council member who works with governments on capacity building professed his view that the Charter is of limited value to governments because it is “heavy”, “complicated” and “does not work well with the real-world needs of the governments” with

which he works, particularly those that are not new producers. Similarly, some NRGI staff members indicated hesitation in deploying the Charter in interactions with governments, arguing that the Charter is not always a straightforward or productive basis for government engagement. Unsurprisingly, given the selection process and their week-long training, BSG course survey respondents demonstrated that and how government officials could put the Charter to use (detailed in “use/application” section below).

Non-governmental actors. NRGI’s own Charter-related work has included engagements with **civil society, parliamentarians/political parties, and media**. A few general Charter survey respondents mentioned the value of the Charter for a broader range of stakeholders including **civil society, sub-national government officials and other “related professionals”**, with others noting that these actors would **likely need technical support to use the Charter effectively**. One person remarked that more thought should be put into **how to better engage CSOs and enhance their “ownership” of the Charter** as it is currently geared heavily toward governments.

Twelve (12) of the 57 general survey respondents who weighed in on whether or not they use the Charter identified their sector as “**academia/research**”. As one would expect, the academics/researchers who responded to the two surveys use the Charter primarily as a knowledge resource and input into research and capacity building at a general level. One academic who participated in the BSG course provided a very specific example, using the Charter “in preparation of the Tanzania NRC, drawn on heavily in preparation of ‘A Country Mining Vision Guidebook: Domesticating the Africa Mining Vision’ published by the African Minerals Development Centre as well as in various trainings.”

Two general Charter survey respondents **explicitly questioned the value of the Charter for the private sector**, a concern reiterated by an Advisory Council member. This is likely both because companies and investors may not find the Charter highly relevant to their work (one general Charter survey respondent argued the “Charter’s language is not very accessible to the private sector”) and because the lower price conditions have been diminishing interest in and resources devoted to NRG efforts. As one respondent noted, with “a clear value proposition” engaging companies will be difficult “in a sector that is currently experiencing diminishing returns.” As of now, the Charter has no clear value proposition of this sort.

Donors. There appears to be **some interest among donors (bilateral) in using the Charter to help understand and direct resources more strategically**. One respondent to the general Charter survey, affiliated with the Australian Department of Foreign Affairs and Trade and focused on Mongolia, indicated that, “the Charter provides an analytic strategic framework to justify ODA engagement with mining governance and to help assess highest value for money activities.” In an interview with a representative of another major bilateral donor (also a contributor to NRC/NRGI), the person indicated they liked the idea of potentially using Charter-based benchmarking to assess country level demand-side opportunities and priorities, however indicated that such assessments would have to happen far more quickly than the benchmarking work that has been done to date by NRGI.

Emerging producers. Actors in **new producer countries** were also identified in the general Charter survey as those for whom the Charter might hold particular value in terms of familiarizing them with the landscape of issues they need to confront and with approaches to doing so. Two interviewees explicitly reaffirmed this view.

Multi-stakeholder engagements. Interestingly, a few general Charter survey respondents (three) felt the Charter provides a **good basis for dialogue and debate around NRG across key actors**, i.e. governments, business and civil society (one of these more specifically commanding Charter-related programming that brings “together a wide variety of stakeholders to discuss issues related to the sector in a neutral venue and forum”). Another opined that, “NRGI does a superb job of promoting policy understanding and dialogue, with the Charter a key guiding strategy.” However, yet another respondent thought that **government support for use of the Charter would generate skepticism among civil society actors** regarding its value, thereby undermining its value for creating multi-stakeholder engagement.

Relationship of the Charter with other standards and initiatives. As noted in the preceding section on compliance, one of the areas to which Phase II Charter-related dissemination work was meant to contribute was the harmonization of global standards. Responses to the general Charter survey and a few of the interviews suggest little progress has been made on this front. Indeed, as standards like EITI and PWYP have continued to expand and newer standards like the Africa Mining Vision have been created, overlap across frameworks is becoming commonplace as is confusion about their best respective uses.

In the Phase II proposal (revised), one of the stated areas of activity was “The Charter will work to collaborate with existing initiatives (such as EITI and the Africa Mining Vision) so as to strengthen regional and international coordination and alignment.” However, five general Charter survey responses underscored that one of the key challenges for the Charter is being one of **many similar or overlapping sets of standards and tools available at the international level** (such as the EI Sourcebook, expanded scope of EITI Standard, World Bank Value Chain, revised PWYP framework, Africa Mining Vision, ICMM Ten Principles for Sustainable Development, etc.). As a result, it can be **difficult for potential users to navigate and distinguish among these various standards**, creating confusion around how and when to draw on and implement different approaches and the relative merits of each. Confusion about the relationship between the Charter and Africa Mining Vision in particular was specifically identified as an issue by a three survey respondents and by three NRGI staff members who have had to confront the implications of this confusion in their own work.

Feedback on Charter-Related Education

As an input into or basis for training and capacity-building activities. The Charter has the potential to serve as a valuable resource in providing an overview of NRG issues, illustrating how they interact, and conveying principles for good practice. In this regard, it is **well suited to serve as an input in training and capacity-building activities**. Four respondents to the general Charter survey specifically reported using the Charter in this way for audiences including civil society,

sub-national governments, parliamentarians, and media on a wide range of topics from general NRG to narrowing in on specific issues covered by the Charter like “open data, data dashboards, contract disclosures and beneficial ownership”. Training and capacity-building are also critical areas of Charter-related activity by NRGI, with the Charter as the centerpiece of the CEU and BSG courses, an important input into various regional training activities in Anglophone and Francophone Africa, MENA, Eurasia and Asia-Pacific, as well as figuring prominently in other capacity-building efforts, including the previously-discussed MOOC and online trainings.

Feedback on Charter Use and Application

As noted above, when initially conceived, some key players involved in crafting and naming the Charter hoped that it would be primarily used as a “charter” to which governments would commit and around which they would in theory pursue appropriate reforms to policies, legislation and institutions.¹⁵ Hence, the prevalence of normative and prescriptive language throughout the Charter. In practice, at least among the general Charter survey respondents and NRGI staff interviewees, applications of the Charter extend far beyond this original framing (to get a sense of the breadth and particulars, a full list of reported uses from general Charter survey is found in Annex B). The main types of uses of the Charter by actors within and beyond NRGI are summarized below.

Knowledge resource/reference tool. Among those general Charter use survey respondents who have used the Charter in their work in some way, they **most frequently** (over a quarter of these respondents) indicated using the Charter **as a knowledge resource or reference tool** to help frame thinking, research, analysis, and discussions around NRG. The same function of the Charter – as a “standardized guideline”, “comprehensive overview on EI”, or “point of reference and information regarding [NRG],” – was frequently identified by respondents as its main source of value. These views are consistent with the type of use and area of greatest value most commonly identified by NRGI staff.

Again, this was not necessarily the original purpose for which the Charter was designed, so it is notable to see that many people now see it as the main value of the Charter. It would interesting a probe a bit further in the future on why this is the case and also to consider the implications of such a shift in use for the content of the Charter and its supporting activities, e.g., if the Charter is going to be used as a reference and knowledge resource, should any of its content be changed or supplemented in specific ways? Should the normative orientation be softened? Also, if functioning as an NRG knowledge resource, how would the Charter need to distinguish itself or coordinate better with other similar offerings from other organizations, including the EI Sourcebook? What would be areas of overlap and the comparative advantages of each?

Input into government policy design and basis for advising governments. Perhaps closest to the

¹⁵ Not all of those involved in the original design and planning around the Charter supported this notion of the “Charter as a charter”, with many shifting their view to the to the Charter being best understood as a guide to good policy and governance of natural resources.

original intended uses of the Charter, its deployment in designing government policies or as the basis for advice on such policy design was another frequently described use. For those governments that are dealing with NRG challenges, many noted the **Charter offers strong overviews of the range issues they must consider and confront and broad policy guidance based on best principles** to observe when developing (or advising on) domestic policies and laws. Several general Charter survey respondents indicated using the Charter to direct government practice in these ways, e.g.: as an information source and policy guidance in domestic policy formulation, law drafting and contract negotiations for a respondent from the Ministry of Mining in Mongolia; and in Myanmar, one government official is using relevant chapters of NRC to inform his work on amendments to mining regulations around exploration and license allocation, and tax regimes. A global civil society practitioner mentioned using the Charter in advising governments on concessions awards and bidding processes, principles of sovereign wealth funds, or in discussions of saving versus spending.

Respondents to the BSG course survey also provided a number of specific examples of the Charter being used in this way, including:

- in **Sierra Leone** benchmarking exercise
- in advising to Ministry of Mines and Geology around revenue management in **Guinea**
- used by a government official in **DRC** “as a yardstick to different discussions and preparations of Legal instruments that are in force and some that needs to be ratified” and also to help understand the country’s experience as a post-conflict state/society
- an **IGO (G7 + Secretariat) leader from Timor Leste** had shared the Charter with member countries and it is also being circulated for consideration to ministers of natural resource ministries of member countries
- in **Myanmar**, one government official is using relevant chapters of the Charter to inform his work on amendments to mining regulations around exploration and license allocation, and tax regimes
- in **Ghana**, a parliamentarian is using the Charter in his work on revenue allocation and in drafting regulations on petroleum exploration
- In **Mongolia**, they have translated the Charter into Mongolian so that it can be used to introduce basic principles on NRG and clear up previous confusion around these issues
- a **Tanzanian** government official reports referring to the Charter as a checklist to help him ensure sound progress on policy and institutional frameworks, as well as in expectation management; and
- in preparation of the **Tanzania** NRC and the Charter has been drawn on heavily in preparation of “A Country Mining Vision Guidebook: Domesticating the Africa Mining Vision” published by the African Minerals Development Centre as well as in various trainings

A tool for measurement and assessment. Multiple people responding to the general Charter survey mentioned the use of the Charter for **benchmarking and measuring performance around NRG** as another key dimension of the Charter’s value. Some have participated in official, full NRGI benchmarking exercises but others have found it useful to undertake their own, often narrower, assessments based on the Charter, e.g., someone from GiZ has used it as the basis for

a “rudimentary benchmarking exercise” on a specific precept and for sector analysis. As noted above, the Charter has also been used in assessing prospects for Australian overseas development assistance around mining governance. In addition to intensive country benchmarking exercises (discussed in detail in subsequent section of this evaluation), NRGI staff members are also using “light-touch” Charter-based assessments extensively as inputs into designing country and regional strategies, as well as integrating Charter precepts into the Resource Governance Index (RGI).

A vehicle for advancing transparency and accountability. Somewhat surprisingly, several (5) general Charter survey respondents focused on the Charter’s **contribution to greater transparency and accountability** as its main source of value. This is counter-intuitive given that one of the major rationales for the creation and use of the Charter, as pointed out by an additional respondent, was to integrate “transparency and accountability” work but overcome the prevalent notion in the field “in the early days” that transparency was somehow equivalent to good governance.¹⁶ It was unclear from the responses whether respondents who held the view did so because that is the type of activity in the NRG field they most value, because they find value in the fact that the Charter helps embed transparency and accountability in a broader context of good governance, or for other reasons.

A tool for civil society engagement and activity. Some respondents to the general Charter survey mentioned **use of the Charter by civil society and/or for civil society education, coordination and platform development.** One civil society actor uses the Charter for work on helping design EI policies in various countries such as Kenya, Mauritania, and Guinea. In Colombia, the Charter serves as a guiding input into the NRG work of a civil society organization, including its work on “formulating governance pacts in the territory.” In Tunisia, the Charter has been used by a civil society coalition leader to help inform, coordinate and strengthen civil society work around good governance of mining and energy sectors in the that country.

Flexibility of use in practice. The Charter was meant to convey and underscore a holistic approach to thinking about and acting on NRG. As noted in the compliance section it was also intended for governments to use for self-assessments and policy guidance. However, numerous general Charter survey respondents, NRGI staff, and an Advisory Council member indicated using parts of the Charter as appropriate to their work, e.g. using information on specific precepts as relevant to the demands of a given situation. In addition, as noted above, the Charter has been extended well beyond its original target audiences and uses, therefore again suggesting the value of flexible application of the Charter. Rather than being handed down dogmatically as “a bible” (as described by at least four interviewees) to be applied in specific ways, a handful of survey respondents, and several NRGI staff, Advisory Council, donors and NRG experts underscored the **importance of being able to apply and use the Charter flexibly and potentially in a partial or piecemeal fashion.**

¹⁶ And indeed, as one NRG donor pointed out, one of the benefits of the merger for RWI was the ability to use the Charter to expand its coverage beyond transparency and accountability work to a much broader range of issues.

Lower prices may make use of Charter less likely. In response to the question about whether to revise the Charter to reflect lower price conditions, a number of felt that **lower prices were going to make the use of the Charter (and most other efforts to promote good NRG) more difficult/less likely.** There is concern that as companies seek to cut costs and avoid risks wherever possible, governments (particularly in countries vulnerable to project delays, suspensions or diversions) are likely to want to do whatever it takes to attract investments, including avoiding governance reforms that could potentially appear onerous to investors. There is also concern that in a time of lower resource prices, government officials will feel less incentive to spend time or energy working on issues related to NRG. However, many general Charter survey respondents and an Advisory Council member also pointed out that, efforts to advance good governance, like the Charter, are more important now than ever. A few argued that lower price conditions create an opening, as one put it, to “actually provide opportunity to put good governance systems in place before the next price increase.”

* * *

The preceding section was ultimately about the Charter in the world, within but especially beyond NRGI – how the content is perceived, how effectively it is disseminated and to whom, what related educational/capacity-building functions might be, whether it is used and how. This preliminary analysis identifies some of the major concerns and opportunities that exist around these issues. NRGI will not be able to address them all nor will it necessarily need to so depending on its future goals for this work. Whether and how NRGI wants to adjust the status quo will require considering whether the organization wants to expend resources on improving content, expanding educational opportunities, broadening dissemination, and promoting wider range of uses, i.e. confronting how much does NRGI care about whether Charter is being widely used, that it be used in certain ways by certain actors, and that the product itself be maintained at a high standard. These issues will be taken up in greater detail after taking a closer look two core areas of Charter-related work.

III. SPOTLIGHT ON USE/APPLICATION: CHARTER-BASED BENCHMARKING

The country benchmarking exercises in Nigeria, Sierra Leone, Tanzania and Myanmar (incipient in Kyrgyz Republic) have been the most extensive and intensive activities undertaken during Phase II (beginning prior to the merger) around Charter use/application.¹⁷ They were meant to support exploration of the use of the Charter as the basis for self-assessments by countries that “signed on” to the Charter. However, from the very first case, endorsement of the Charter was relaxed as a condition for undertaking benchmarking. Therefore, the four cases that have been implemented to date have largely been treated as more flexible “use cases” from which it was hoped lessons could be learned to guide and inform a wider range of benchmarking activities in the future. Background details on the four cases can be found in Annex C.

PURPOSE AND METHODOLOGY

With four benchmarking exercises complete or nearing completion in Nigeria, Tanzania, Sierra Leone and Myanmar,¹⁸ this evaluation provides an opportunity for in depth reflections on these experiences and to look across them to see what lessons they may hold both for future benchmarking activities and also more broadly for NRG work by NRGI and others. In consultation with NRGI staff actively overseeing country benchmarking activities, the decision was made to focus on lessons that could be learned to date regarding:

- the *substantive content and holistic approach* of the Charter-based benchmarking;
- the *processes* through which the benchmarking exercises were implemented; and
- the *outcomes and potential impacts* of these processes.

Given the time constraints of the current evaluation, the decision was made that the most useful way to glean preliminary insights into these issues would be through interviews with key participants in the different processes. For each, we contacted actors within and outside of NRGI who had played an active role in each process. Due to other demands on their schedules and limited availability during the period in question, we were not able to get a representative sample of the range of non-NRGI participants – this group, especially country-level government officials, were often unavailable.¹⁹ Therefore, **the analyses in this section heavily reflect**

¹⁷ The purpose of this section is to focus on the most prominent NRGI-supported use of the Charter during Phase II. Although very light touch or partial benchmarkings were attempted in Iraq and Libya, these “semi-applications” of the Charter are beyond the scope of the current analysis. Also beyond the scope of this particular analysis are adaptations of the Charter benchmarking framework for country strategy review notes, political party dialogue in Ghana or in applying EITI data, although these different deployments of the Charter will be touched upon in the final section on future directions for NRGI’s Charter-related work.

¹⁸ The process in the Kyrgyz Republic is still under development and therefore it is too soon to try to examine it for important process lessons. Occasional references made to this example are based on conversations with two NRGI staff members who have been active in initiating that process.

¹⁹ On two occasions, government officials did schedule calls but at the last minute were unable to carry through on them.

conversations with 15 individuals – nine of whom were NRGI staff and only two country-level stakeholders/participants – and should be understood as such. They do not constitute a well-balanced set of views from the range of key participants. Nonetheless, interviewees were also closely connected and knowledgeable about the processes and important insights were gathered through conversations with the following:

- **Nigeria** – three members of NRGI staff, a key Oxford Policy Management staff person working on the first benchmarking exercise for FOSTER and an oil and gas expert who helped facilitate the process
- **Sierra Leone** – one member of NRGI staff, two international researchers who worked within the Sierra Leone Administration, and the coordinator of the process based in Sierra Leone’s Ministry of Mines and Mineral Resources
- **Tanzania** – two members of NRGI staff
- **Myanmar** – three members of NRGI staff and a participant from a major civil society coalition involved in consultations around the benchmarking

These individual interviews were then supplemented with relevant comments from other NRGI staff and Advisory Council members offered during wider-ranging interviews, as well as any directly related comments from the general Charter survey and the BSG course survey (a few respondents had participated in these benchmarking exercises). In order to promote a frank discussion throughout, interviewees were assured no specific attributions would be associated with comments and as a result, the information below is an aggregation of analyses across the different conversations.

SUBSTANTIVE CONTENT

For this section, interviewees were asked their opinions on:

- *whether the Charter was a valuable tool for organizing thinking and work on NRG issues in the country in question;*
- *whether the Charter’s holistic/comprehensive approach was a useful basis for structuring the benchmarking process; and*
- *any recommendations they might have on the substantive basis for the benchmarking*

The Charter as the intellectual underpinning the process. Almost without exception, and perhaps unsurprisingly given the nature of the sample, the **Charter was described as a useful basis to help assess and identify areas of NRG that need more or less improvement** in a given country. Many also described the Charter as a **useful reference tool** for those involved in the processes to continuously refer to throughout and after the benchmarking exercise. NRGI staff working on

the document hope that the public release of the benchmarking framework will further support the use of the Charter and related offerings in this way.

Holistic approach of Charter. Across the board, **the holistic approach of the Charter was described as valuable for providing systematic overviews and exposure to the wide range of issues and interconnected components of NRG**, many aspects of which various participants were not previously aware. For instance, in Myanmar, where baseline knowledge of NRG issues was generally quite low across various stakeholders, the Charter-based approach was of great value in providing comprehensive exposure to NRG issues and the links across them (noted as especially valuable for civil society in the country by a representative of a key CSO network that had participated in consultations). It is anticipated that the same will hold true in the Kyrgyz Republic benchmarking exercise that is being developed, which NRGI staff hope will provide government, parliamentarians and civil society with an opportunity to initiate discussions around and grapple with NRG issues in systematic way.

In addition to its value as an intellectual framework, participants in all four processes described **the holistic approach of the Charter-based benchmarking process as enormously useful for breaking down silos of practice**. Indeed, interviewees often cited this as one of the more valuable contributions of the exercises, appreciating that the holistic substantive approach of the Charter could be used to convene a wide range of relevant actors implicated in NRG activities across the decision chain, particularly at the inter-ministerial level in Tanzania and across government and civil society in Sierra Leone. In these cases, the process of using the framework pushed policy-makers and other actors to think about how different issues and outcomes at one point in the decision chain interact with others and how they might account for these linkages in their own work (and in how they interact with other actors).

Additional feedback on substantive content. Echoing reservations from the general Charter survey and broader interviews, several benchmarking interviewees observed that **applying the entire Charter-based benchmarking can feel a bit too complicated and/or academic at times**, thereby potentially reducing the anticipated feasibility of use and practical value of the Charter in the eyes of some policy-makers and stakeholders. In response to this concern, it was suggested that doing **partial benchmarking exercises focused on specific issues or precepts, or constructing assessments around a narrow band of only the most context-relevant questions across the precepts might help address hesitations around full benchmarking exercises**. In terms of the former, some note that precept-specific applications might allow Charter resources and research to be drawn upon flexibly and perhaps more frequently, but along the way will trade off the benefits of embedding this work in a broader understanding of the inter-connected dimensions of NRG.

Again, mirroring a point raised in the general Charter survey and by NRGI staff, in at least one case, the **Charter being perceived as a “Northern” or externally developed and imposed assessment model raised concerns about the legitimacy of the benchmarking** and threatened to undermine support for the process. Juxtaposed with the Africa Mining Vision, which is perceived by some as a more “home grown” undertaking, some critics opposed uptake and use

of the Charter as the basis for NRG assessment and guidance in Sierra Leone. However, NRGI appears to be sensitized to these concerns and has tried to promote country buy-in and ownership both by letting governments in Sierra Leone and Tanzania run their processes without a lot of NRGI interference and have allowed the benchmarking work to proceed branded as a country-specific, rather than NRGI, effort.

While overall feedback on the content and coverage of the NRC was quite positive, in some cases, **gaps in coverage** were identified and the **utility of specific precepts to the specific context were questioned**. In Sierra Leone, where **artisanal and small-scale mining** (ASM) constitute a significant proportion of all mining activity, the failure of the Charter to adequately capture ASM issues was seen as a limitation. The forthcoming benchmarking framework will address this concern in some regards under Precept 5. Similarly, in Nigeria, one person pointed out that **management of EI project costs** can significantly impact the level of government revenue realized from EI projects and that it would have been useful to address these issues in the benchmarking. Again, NRGI staff have indicated that project cost issues will also be addressed to some extent in the updated benchmarking framework. Although the Charter simply cannot cover all issues relevant to NRG in all places while remaining a globally applicable standard, it might be useful to think about possible mechanisms for integrating major context specific issues and concerns into benchmarking processes or addressing them through complementary research and advising carried out on an *ad hoc* basis by NRGI or partners.

REFLECTIONS ON PROCESS

The broadest and deepest set of discussions took place around the actual implementations of the benchmarking exercises themselves. Interviewees were asked to consider how the overall process proceeded, which aspects worked well and generally proceeded smoothly and where challenges arose. The most extensive responses were clustered around a handful of issues: process initiation and planning; composition of participants in the benchmarking exercises; research inputs for assessments; the impact of broader political context on processes; and the time, effort and resources put into these processes.

A. Process initiation, planning, and prospecting strategic opportunities.

Multiple interviewees mentioned that **more strategic planning and groundwork** at the beginning of the process would have been useful in terms of enhancing clarity, cohesion, efficiency and impact, particularly in Nigeria and Myanmar. Because the four exercises to date were in many ways open-ended use cases, trying out different approaches to implementation to see what value might result, they proceeded more as “learn-as-you-go” processes than as well-developed and clearly strategized projects. Although it would have been difficult to anticipate all aspects of strategic planning and necessary groundwork in the first rounds of benchmarking exercises, looking ahead, NRGI can build on past experiences and knowledge to enhance future benchmarking processes, particularly those in which the organization plays an active leadership or guidance role. Feedback from interviewees suggested improvements in process planning and initiation might include: **laying out clear ultimate objectives for each process; strategically**

prospecting specific participants and opportunities for reform; setting and communicating expectations for all participants; analyzing specific PE contextual factors/risks that might impact process implementation and ultimate value; and generating systematic and concrete dissemination and implementation plans to promote actual access to and use of reports.

On the last point, in at least two cases (Nigeria and Myanmar), while the benchmarking exercises were planned to provide a baseline assessment of NRG in a given country, how the assessment was ultimately to be used was somewhat ambiguous at the outset. Although discussed in further detail below, to the extent to which benchmarking processes did impact specific policy, legislation or government planning processes, this was sometimes more fortuitous than strategically planned and in the case of Nigeria appears to have been almost non-existent. Sierra Leone was perhaps the exception. Responding to public pressure regarding EI development and opposition to how it was proceeding in that country, the government was interested in trying to understand what was going wrong. At that point a Charter-based benchmarking appeared to be a good fit for this task, providing a comprehensive approach to such self-assessment, in turn providing a useful opportunity to apply the Charter-based benchmarking framework. The benchmarking process then reinvigorated dormant discussions around Sierra Leone's Core Minerals Policy and provided a channel for the benchmarking work to impact the content and implementation plans for that policy.

Although it can be difficult to foresee and respond to such strategic windows of opportunity, to the extent to which they can be anticipated and some sort of groundwork laid for coordination of timeframes and inputs, this would help create the possibility of benchmarking exercises leveraging such opportunities for specific impacts. Once such opportunities are identified, it is easier to clarify objectives, determine who would be appropriate participants, assess whether and how local political economy factors might impact the achievement of objectives (and given that, whether to proceed), and enable the design and guidance of processes directed toward those objectives. **Nonetheless, it is worth bearing in mind that such planning, while a vital first step, will not guarantee success. Like any country-level project, successful implementation of benchmarking processes and use of their outputs will be susceptible to shifts and challenges of global and local political, economic and social conditions, which can potentially reorient or derail plans.**

B. Getting participation right.

Who takes the lead in organizing and directing processes and who participates in expert panels (and to a lesser extent consultations) can profoundly impact how processes proceed, how their work is perceived by wider audiences, and potential impacts they might have. To date, Charter-based benchmarking exercises have been led by: civil society actors without government participation in Nigeria; external actors (CSRM) in consultation with civil society and government in Myanmar; and government officials in Tanzania and Sierra Leone, with non-governmental actors, e.g. civil society and private sector, joining government officials on the Expert Panel in both of these. In addition to their sectoral affiliation, participants have also varied in terms of their specific areas of expertise. Finally, the participation of strategic partners beyond NGRI in benchmarking exercises can also shape how they proceed. Navigating these issues in practice

can involve important tradeoffs and is one of the most important and complex aspects of Charter-based benchmarking processes.

Focusing on civil society. The **CSO-led benchmarking in Nigeria** brought to light some of the potential benefits and costs of having a process focused in this way. From the outset, the decision was made to work with civil society **insulated from government participation** because of skepticism about the prospects of achieving positive results or meaningful impacts through work with government officials in that country. Fearing politicization and co-optation (a critique sometimes leveled against Nigeria's EITI processes), the Nigerian Natural Resource Charter (NNRC) process focused on assessing the country's petroleum sector governance in order to frame and stimulate dialogue on critical issues to the sector's management. By removing government from the equation, it was hoped that participants in the processes would be those **stakeholders with the greatest interest and commitment to reforming NRG** in Nigeria.

Focusing participation in this way also potentially allows the NRC benchmarking processes to serve as an **important vehicle for improving the technical capacity of CSOs and other non-state actors** to effectively engage on NRG issues in their countries (explored in greater detail below), one of the benefits remarked on in both the Nigeria and Myanmar cases. Moreover, one Advisory Council member noted that working with non-state actors like CSOs also contributes to more enduring engagement with and relevance of the benchmarking exercises, as these actors are more likely to be **consistent over time** than their government counterparts who are subject to political and institutional turnover.

However, one of the most important lessons many observers derived from the Nigeria benchmarking processes is that **focusing on civil society to the exclusion of government participation in these exercises can greatly constrain processes and limit their immediate impacts**. For instance, **lack of government participation and buy-in is believed to have limited researcher access to key actors and sources of information in Nigeria**. It has also called into question for some the overall value of the two Nigerian benchmarking **reports that do not appear to be contributing in significant (or at least immediate and tangible) ways to actual governance reforms in the country**. **Those who were in a position to act on reports and reform NRG were simply not involved and therefore not interested in using them**. Similar challenges seem to be emerging in the Myanmar case as well, particularly since the elections, which have put government discussions and even the prospects of NRGI reporting to EITI in an indefinite holding pattern.

Therefore, **focusing on civil society participation in benchmarking processes is likely to improve civil society knowledge of NRG issues and challenges in their country and enhance dialogue among relevant groups, but, without capacity support and openings for further use of this knowledge, is unlikely to have a major direct and immediate impact on NRG in practice**.

However, that constellation of outcomes may well be acceptable in situations in which government reforms are highly unlikely. On the other hand, whether improving the knowledge and cohesion among CSOs working on NRG is best served by a benchmarking process or some other strategy is a different question and one that NRGI needs to confront in such situations.

Focusing on government. Applying lessons from the Nigeria case regarding the costs of excluding governments from Charter-based benchmarking processes, the next two **benchmarking processes in Sierra Leone and Tanzania were by design government-led**. The hope was that active government participation would mean more government buy-in and would lead to smoother and more impactful processes as **those leading the production and oversight of the report were actually in a position to support the process and act directly on its findings**. In some ways these anticipated benefits were borne out.

The presence of a high-level government champion, the Chief Secretary, in Tanzania proved of great value in: initiating and building momentum around the benchmarking processes; getting high-level officials involved; and enabling critical access for researchers. Similarly, in Sierra Leone, where the President's Chief of Staff took the lead, the benchmarking process was established and proceeded fairly smoothly in general, with participants including a wide range of high-level government officials (it is believed due in part to the fact that the fairly reformist Deputy Minister of Mines and Minerals was tasked with leading the expert panel and attracted other ministers to the process). The participation of these various high-level officials is believed to have contributed to the momentum that allowed the process in Sierra Leone to continue even after the firing of the Chief of Staff, momentum that was not there with the departure of the Chief Secretary in Tanzania. However, as the cases of benchmarking exercises in Sierra Leone and Tanzania developed further, the costs and challenges of having government officials driving and populating key roles in the process became increasingly apparent (and in line with some of the fears that had led to government exclusion in Nigeria).

Political sensitivities and calculations are an important reality of government participation in such processes. Government officials often have been concerned about how the benchmarking process will be perceived and potential damage they might inflict to their standing among their peers, their citizens, investors, international initiatives like EITI, international donors, credit rating agencies, etc. Such concerns with they themselves, their particular institutions, or their countries more broadly “looking bad” have hindered benchmarking processes in various ways including: **limiting what officials would and would not openly discuss or accept** in Expert Panel meetings and open consultations (versus behind closed doors); **dragging out timelines** over content battles and political wrangling ; and **heavily constraining what would appear in the final benchmarking assessment reports**.

Reflecting on such developments, **some interviewees viewed government participation as significantly compromising the integrity and outputs of the benchmarking exercises**. This demonstrates one of the major tradeoffs involved in trying to get those who could act on the report involved in its production: they are only likely to include that which is politically palatable to government officials rather than focusing on identifying areas of greatest or most pressing need for reform. Yet, **proponents argue that even under these circumstances, benchmarking processes led by government officials proceed more smoothly and are more likely to deliver more relevant information and more reforms, at least in the short term, compared to processes excluding governments or having them participate in a lesser role**. From this

pragmatic point of view, the accuracy of the reports might be less important than the ability to use benchmarking processes to get even some practical progress on NRG in a given country.

Private sector participation. Across the board, **private sector participation has been limited relative to other types of actors.** According to an NRGI staff person very familiar with the benchmarking processes, the challenges of greater private sector participation have include: general lack of time and resources available for this kind of on-going engagement; sensitivities around possible perception of influencing policy; benchmarking process' coverage of a wider range of issues than are directly relevant to private sector actors; and concerns about the Charter-based benchmarking representing a possible contribution to resource nationalism and possible worsening business climate. Therefore, should NRGI and others want to increase private sector participation in this kind of work, the organization would have to consider whether and how to address these types of challenges and concerns.

Getting expertise and capacity right. Concerned that Expert Panel participants were not always in a position to lead discussions and guide research and analyses most effectively, two interviewees suggested making sure benchmarking processes **include some roles for the most relevant technical experts in country**, ideally one for each precept, both to guide appropriate research and to lead reviews/discussions productively. In addition to the inclusion of those with the greatest expertise, a few people noted the challenges and importance of ensuring that all Expert Panel members and other critical participants have a **minimum level of understanding and capacity to participate effectively** in (and benefit from) the process from the outset, which has not always been the case.

Strategic Partners. NRGI²⁰ worked with various partners in supporting the use of the benchmarking framework in the different exercises.²¹ The Nigeria benchmarkings were undertaken with support and oversight from DfID's FOSTER program and the Centre for Social Responsibility in Mining of the University of Queensland took the lead on research and report production in Myanmar. While these partnerships helped advance research and report production in their respective benchmarking processes, they had limited impact on the ultimate use of these reports.

However, the place where partnerships seem to have had the most notable impact on the fate of the process was Sierra Leone. In that case, AfDB, GiZ, and UNDP were all involved and supporting different aspects of the exercise. Two interviewees described the major benefits of this as twofold: diffusing the perception of this being an NRGI ("external") process, but rather a local process benefitting from support from various external actors including NRGI; and perhaps more importantly, creating a wider base of support and interest in the success of the process than existed in cases like Myanmar and Tanzania. In addition, because the donor participants want to see follow up on implementation of the reports recommendations, this creates more incentives and momentum to carry the process forward. For these reasons, they argue, that exercise

²⁰ NRC and RWI in the case of the first Nigeria benchmarking exercise.

²¹ Tanzania was the exception as external partnerships were discouraged by the leadership of that exercise.

generally functioned more smoothly than others and there appears to be a chance that there will be action around the report down the line.

C. Research

At a very fundamental level, a Charter-based benchmarking process hinges on the research underlying the actual assessments. Unfortunately, in all four cases to date, **research production, quality, oversight and/or timing** have proven to be major challenges. Although one interviewee familiar with all four benchmarking processes noted that **research quality still exceeded the quality of normal government research upon which policy decisions are regularly made**, there remains significant room for improvement.

Research capacity and resources. In Nigeria and Myanmar, international researchers were very active in producing the assessment reports, in Tanzania an attempt was made to shift the balance toward national researchers and in Sierra Leone national and international researchers were working in tandem.

At the most basic level several interviewees described a **trade-off between the technical expertise but lack of local knowledge and access of international researchers versus the location-specific knowledge and access of national researchers²²** who often lacked technical expertise. In the cases to date, national researchers on their own have lacked the capacity to carry out high quality research on the full range of benchmarking questions and topics, suggesting a **mismatch between the complexity of the Charter's assessment framework and the capacity of national researchers to effectively implement it**. This suggests that when the **public benchmarking framework** is released, some sort of **inputs from international researchers, technical assistance, or capacity-building for local researchers could well be useful** to support effective assessment processes.

Although some participation by international researchers could improve the prospects of producing high-quality research of the sort demanded across the NRC, **relying solely on international researchers can come with costs (beyond the additional financial costs this could well entail)**. It potentially **compromises national ownership of and buy-in** to the process and its outputs, perhaps a particular challenge for the Charter, which is already viewed as a “foreign” and “academic” undertaking (an issue in the cases of Sierra Leone and Myanmar). But one is left to ask, does the value **of pursuing national ownership and buy-in through research production exceed the costs in terms of potential compromises in the quality of eventual reports and might there be better ways of securing national ownership and buy-in?**

Another concern is that relying on international researchers represents a **missed opportunity to bolster the capacity of national researchers**, who could be critical in following up and supporting

²² As noted above, in the government-led processes in Tanzania and Sierra Leone, researchers benefitted from much greater access to relevant officials, agencies, and information than was the case in Nigeria and Myanmar where government involvement was minimal.

on-going work emerging from the benchmarking process.²³ However, a question again arises of whether their participation in the benchmarking process is the best way to build this capacity and what might be other possible ways of supporting this goal? One possibility that was offered was considering longer-term engagements to build national research capacities through mentoring and international engagements, within which benchmarking research might be one aspect. A **collaborative process involving the coordination of national and international researchers, as was employed in Sierra Leone**, might represent a viable compromise solution if the right mix of qualified researchers can be identified and assembled.

Finally, in addition to capacity, **how research processes are overseen also seems to impact the quality and timing of research**. For instance, an interviewee involved in the Tanzania exercise felt that the timing and quality of research suffered due of how the process was managed under government direction. This person argued that shifts and revisions to research questions mid-way through the process (to eliminate and re-orient less relevant questions) were challenging for some researchers. One interviewee also pointed out that a “quality control” person or group to review all research and make sure it is of high quality is necessary but adds another time-consuming layer to the assessment process and is also likely to generate demand for further inputs, which could further prolong timelines.

D. Political Context

In addition to the opportunities and challenges posed by the participation of government actors in benchmarking processes (discussed above), **dynamics of the broader political setting can also profoundly shape the fate of benchmarking processes** and determine whether/how they can impact NRG in the host country. **Elections** can be particularly impactful because they can **open and close critical windows of opportunity** for governance reforms and for interest in the outcomes of benchmarking exercises. On the one hand, **elections can create the hope of new possibilities for government engagement** where these were limited with officials in the previous administration. Elections can also generate **prospects for policy or legislative overhauls**, which might benefit from a Charter-based benchmarking – such were hopes, thus far unrealized, in Nigeria and Myanmar. On the other hand, **elections can also disturb the continuity of benchmarking processes as well as casting great uncertainty over the ultimate dissemination and use of benchmarking reports**, unfortunate fates that seem to be unfolding in Tanzania and to some extent Sierra Leone as well. **This type of uncertainty and vulnerability to shifting political tides is another reason why some people advocate focusing benchmarking partnerships on actors outside the government.**

The 2015 Nigerian elections raised hopes for greater government engagement, but subsequent delays in forming a cabinet greatly slowed progress on possibly using the 2012 and 2014 benchmarking reports and even now it is unclear whether this new government will be more receptive to NRG reforms than its predecessor. Similarly, in Myanmar, while the post-election

²³ Although participation in the benchmarking process alone might not be sufficient for preparing national researchers for this function, it might nonetheless be a valuable starting point or part of a larger constellation of efforts by NRGI to build the capacity of and provide opportunities to local researchers.

period has held the possibility of presenting some opportunities to use the benchmarking report, it remains unclear whether the new government will be more receptive and whether NRGI will be able to plug the benchmarking report into development of new political/economic/EI agendas and strategies. In the meantime, the most immediate impact of the Myanmar elections has been to result in the disbanding of the EITI MSG to which the benchmarking report was going to be presented, leaving its fate up in the air while ongoing uncertainty around key political posts and failure to constitute new MSG have put NRGI in an indefinite holding pattern.

E. Timeframes and costs

In all four cases, the processes were described as taking considerably **more time** than anticipated for a number of reasons, such as:

- **research taking longer than expected** because of the required breadth of coverage needed, challenges coordinating and managing research teams, and uneven or poor quality of research in most cases requiring parts of research to be revised or simply redone;
- **review and input processes considerably slowing things down** (e.g. the Expert Panel in Tanzania held multiple unanticipated rounds review meetings in which they requested changes to text and meetings to review again and request more changes);
- NRGI's decision to **prioritize fostering local buy-in** meant trading off expediency for time spent doing foundational work and collaborating with prospective in-country partners;

Although one could argue that it was simply not possible to accurately anticipate realistic timeframes in these initial cases, interviewees nonetheless commonly lamented the length of time these benchmarking processes took and the perceived costs associated with this. They pointed out that **delays and elongated processes resulted in: added project costs and investments of human resources; slowed momentum; the obsolescence of some parts of assessments** (in at least one case resulting in some analyses needing to be redone, thereby adding more time to the process); **and, perhaps most consequentially, compromised windows of opportunity** (e.g. changes in the political landscape were seen as having compromised the process or its utility in Tanzania, Nigeria, Sierra Leone and potentially Myanmar).²⁴

²⁴ For instance, in Tanzania, it was remarked that had the process ended and report been finalized prior to the elections as anticipated, a key ally would have still been in office to disseminate report and now its fate and prospective use are highly uncertain. In Sierra Leone, the report is to be released this summer, much later than anticipated, and it is now unclear whether there is still an active audience for the findings and how it will be used. In Myanmar, because the report was not completed before the elections, the EITI group to which it was going to be presented has been in an elongated process of turnover and it is unclear when it will be replaced and whether and how the new group will engage with the report. Finally, a number of people indicated that elongated benchmarking processes, particularly, long stretches of time between assessments and the release of reports, had rendered some of the research and analyses out of date.

In addition to delays increasing costs, these exercises are generally perceived as “**costly**” for **NRGI** (though subjective, this is a common perception), i.e. the resources required to implement them exceed their perceived benefits and their value vis-à-vis other types of interventions. This view was fairly widespread among NRG staff. A related point raised by one interviewee was that, although costly for NRG, successful and timely implementation of this type of benchmarking would likely require even greater resources, therefore making this work a mismatch for NRG but **potentially a better fit and value for organizations like the World Bank and African Development Bank.**

OUTPUTS, OUTCOMES AND IMPACTS OF CHARTER-BASED BENCHMARKING

Although in most cases it is simply too soon to tell what the results of the different benchmarking processes will be – the reports for Tanzania and Sierra Leone are not yet finalized and released – interviewees were nonetheless asked to reflect on what they see as the most important results, impacts and potential missed opportunities of the benchmarking exercises to date.

Overall, **all thought the benchmarking processes added value in one way or another, but many wondered what the major enduring impacts would be and if they would merit the resources that had gone into carrying out the processes and producing the reports.** While the question of the relative merits of different approaches to improving NRG and their appropriate dollar value is beyond the scope of this evaluation, preliminary reflection on the real and potential contributions of benchmarking exercises to date is not.

A. Outputs: report quality and use.

Perhaps the most tangible “products” of the benchmarking processes are the benchmarking reports themselves and any uses that follow from them. Unfortunately, both the production and dissemination of the reports themselves and their ultimate utility are uncertain in most cases.

The process coordinator in **Sierra Leone** indicated that the report’s “recommendations will not sit on a shelf” and that **implementation strategies are already under development in anticipation of the forthcoming release of the report.** However, for now, the release of reports from Sierra Leone and Tanzania are still pending and the fate of the three released reports from Nigeria (two) and Myanmar (one) remains uncertain. Therefore, **it is unclear whether and how the reports will actually be used, raising major concerns about the ultimate impact and value of these benchmarking activities and the resources invested in them.** In some ways this reflects a broader problem facing the NRG field: processes and the production of knowledge often proceed without clear plans for and evidence of their subsequent use and impact (a concern often raised around EITI but equally applicable to a wide range of information-production activities undertaken by a wide range of actors in the field).

As discussed above, a few interviewees felt a lack of clear planning for the launch and use of reports was a major shortcoming of benchmarking processes and the source of much of the

current uncertainty over the use of reports. As noted above, political turnover has also compromised report dissemination and use. There also seems to be a lack of clarity about how to use reports, e.g., report X will serve as an input into: a broader set of reforms? a specific policy debate? a platform for development planning? a specific piece of legislation? a platform for civil society mobilization? etc.

B. Process-related benefits for participants and other key actors in resource rich host countries.

Some of the most important benefits of the benchmarking processes seem to be related to participation in the process. Many interviewees agree that: the exercises created **important dialogue opportunities** for those involved; there was an important “**silo-busting**” benefit of these exercises; and **participants in Expert Panels generally exhibited genuine commitment to advancing the processes and derived real value from their participation**. In all cases, it was thought that the benchmarking processes helped **foster or enhance dialogue** across key stakeholders, although in most cases this was more meaningful **within sectors more than across them**.

In Tanzania, relevant government officials were brought together to look at issues across the decision chain in ways they otherwise might not have. In Myanmar and Nigeria, the benchmarking processes served to create a space for discussion and coordination across civil society organizations working in those countries. In Sierra Leone, the process itself was described as extremely valuable in terms of bringing about critical inter-ministerial dialogues that for the first time brought to the table the relevant government actors from across the decision chain to have a comprehensive conversation about the universe of NRG issues they confront and how they interact. Benchmarking activities in Sierra Leone were also seen as valuable in providing opportunities for civil society actors to sit at the same table with relevant government officials to try to build greater trust and mutual understanding through the process.

One of the most consistent ways benchmarking exercises were described as adding value was in terms of **expanding the knowledge, capacity and networks of participants**. For many of those involved in the benchmarking processes, from researchers to CSO representatives to government officials, the exercise is reported to have been a valuable learning experience. Many leave with increased knowledge and capacity to work on NRG and better understandings of the linkages and tradeoffs involved in working on any specific subsection of the decision chain. However, as EITI and others must now consider, are these sorts of process-related benefits sufficient to justify the larger undertakings on which they are based? Could these outcomes be more efficiently attained through other channels or not? Are there strategic ways to build on these process-related benefits to contribute to NRGI’s work more broadly?

C. Influence on legislation, policy, and institutions.

The **most tangible and immediate evidence of the impacts of benchmarking processes is often sought in their direct influence on government action and reform**. Indeed, this seems to have been the underlying rationale for working closely with governments in Sierra Leone and Tanzania. Although the reports from both of these countries are still pending finalization and

release, interviewees identified a number of developments that suggest the benchmarking processes themselves have had or likely will have at the very least an indirect or diffuse impact on legislation, policy and institutions in those countries.

In Tanzania, three pieces of legislation passed in 2015 – **the Revenue Management Act, the Tanzania Extractive Industries (Transparency and Accountability Act) and the Petroleum Act** – were all shaped in part by participants in the benchmarking Expert Panel who seem to have drawn heavily on the NRC (particularly precepts 1,2,3,6,7 and 8) in their drafting. Moreover, some members of that same Expert Panel will be involved in the relatively newly created **Oil and Gas Advisory Bureau**, located in the office of the President and tasked with advising the Cabinet on strategic matters relating to oil and gas. This creates an opportunity for applying the knowledge and insights gained during their participation in the Expert Panel to their work for this specific institution. An NRGI Advisory Council member witnessed first-hand the wider diffusion of impacts from the benchmarking process in Tanzania. In meetings with Tanzanian officials completely separate from NRGI's work in the country, this person observed that officials frequently brought up the benchmarking process and that it actually appeared to be impacting their thinking around a range of NRG issues.

In Sierra Leone, the work of the Expert Panel provided critical input into development of **Core Mineral Policy**.²⁵ Again, this influence was exercised through the fact that there was a fair bit of overlap between the people involved in both processes and Expert Panel members' views seemed to have been heavily informed by their work with the Charter-based benchmarking. At a sub-national level, it was reported that the benchmarking process in Sierra Leone has also **influenced the work of an agency working on local content issues**.

Until the political transition in Myanmar is complete, it is difficult to know whether the benchmarking will influence legislation, policy, or institutions in any way. However, this is thought to be unlikely as: there was no Expert Panel or other local body deeply involved in producing that country's report (government officials and CSOs just participated via consultations); and the report itself was structured as a broad and high-level overview of what thinking about NRG across the decision chain might entail rather than a detailed diagnostic or prescriptive assessment. To date, the Nigerian Natural Resource Charter has similarly failed to produce any notable impacts on national laws, policies or government institutions. However, in these two processes not led by governments, the benefits and impacts on governance may simply be slower in coming and more indirect.

In terms of helping to **identify and prioritize future reforms**, interviewees generally agreed that at a broad level this was the case but that the benchmarking process was less helpful for prioritizing specific reforms or detailed policy-making. **Operationalizing the recommendations from the report into specific reforms might involve more on-going technical support from NRGI or other organizations**. The potential for this seems to be unfolding in Sierra Leone, where two interviewees reported that the government is already developing an implementation strategy for

²⁵ <http://www.nma.gov.sl/home/wp-content/uploads/2015/07/Sierra-Leone-Gem-Y02E01.pdf>

recommendations made in the report and considering how the recommendations can be applied to the implementation of the Core Mineral Policy. As noted above, Sierra Leone's progress in developing a relatively productive benchmarking process and advanced planning for its use may be a function of the fact that different work areas in that particular case have been supported by the likes of AfDB, GiZ, and UNDP, adding resources and incentives for such progress.

D. Effects on NRGI

In conversations with NRGI program and regional directors as well as staff who worked on the benchmarking exercises, some benefits of the exercises to NRGI itself were worth noting. At the most basic level, the four main cases to date have allowed **NRGI to learn more about and refine this programmatic area**, evolving approaches from one case to the next: e.g. moving from the CSO orientation of the Nigeria process to government-centric approaches in Sierra Leone and Tanzania; moving from national researchers and deep country-level involvement in Tanzania to a lighter-touch approach implemented through international consultants for the Myanmar report. These experiences also fed into the decision to, and process of, **producing a detailed benchmarking framework** with supportive guidance materials to be made available for widespread public use in 2016.

The benchmarking processes have also been a source of **country-level networking and relationship-building for NRGI**. For instance, in Myanmar, the benchmarking process served as a conversation-starter for NRGI with new government officials, while in Nigeria the process helped foster and advance important relationships with Expert Panel members that have fed into subsequent NRGI work in the country. The benchmarking processes in Tanzania and Sierra Leone seem to have significantly expanded the organization's relationships with government officials in those countries, although there is some ambivalence across the organization about the value and potential costs of bolstering such ties.²⁶

CONCLUSIONS

Using the Charter as the basis for assessing NRG at the country-level has been a critical aspect of Charter-related activity during Phase II. Across the course of the four benchmarking processes that NRGI has supported in some way to date, a number of valuable lessons are beginning to come to light around:

Content

- The holistic approach of the Charter is seen as valuable both intellectually and practically (silo-busting), but attempting to apply the full benchmarking framework can be daunting for some
- Regardless of how one focuses assessment, some light-touch orientation/exposure to full decision chain and range of issues to be kept in mind along the way likely to be valuable
- Need to address views that the Charter-based benchmarking process is an NRGI/"Northern" rather than local initiative and too complex/too academic

²⁶ Some NRGI staff are concerned that closer ties with governments compromise NRGI's credibility with civil society actors, particularly those who do not already have experience working with the organization.

- Should figure out how to address key gaps in the coverage of the Charter with regard to local concerns (e.g. ASM in Sierra Leone)

Process

- Good prospecting needed prior to deciding whether or not to proceed (should not assume value or necessity of such processes for everyone), then good strategizing, objective identification, planning, and coordination at the beginning of process very important
- Political economy analysis before starting a project would be useful, being sensitive, among other things, to election cycles and how they might interact with process lifecycle; also look for possible strategic political or legislative openings around or within which to situate benchmarking work
- For assessment to be a credible and useful diagnostic tool, need to have capacity to get good research done relatively quickly (not least to prevent obsolescence) – might mean using international experts over national ones (trading off local capacity-building, country-specific knowledge and access for quicker high-level diagnostics) – or better yet, try to think of ways to align national and international researchers, having them work collaboratively;
- In each country, need to understand which actors, if any, most need and could make best use of benchmarking and figure out what they require (capacity, incentives, etc) to be able to work effectively; even when working with governments, useful to try to target partnerships with specific agencies that are more reform-minded and less prone to turnover, and work with them on developing process to best serve their specific purposes
- Need to think about ways to streamline the process, especially by addressing time drags resulting from inefficiencies (e.g. getting higher quality research earlier first time around, consolidating review processes, etc.) rather than those related to building local absorptive capacity and relationships (although, again, might be able to move more quickly in places where NRGIs itself or working with a partner can build on existing relationships and work to get participants up to speed and “bought-in” more quickly)
- Strategic partnerships with donors or other organizations could help in promote smoother and more impactful benchmarking processes

Impacts

- Biggest issue around benchmarking is whether it shows enough return on investment to justify future deployment of the Charter in this way – the jury still out and some skeptical about the quality of the reports and the future prospects of reports being used in a meaningful way in any of the four cases to date
- Like EITI, VPs, and other such initiatives, in the medium term some of most obvious benefits might be related to process – dialogue opportunities, building capacity and trust among participants, etc. – rather than uses of reports or other anticipated outcomes
- Impacts on policy, legislation and government institutions to date largely the function of cross-pollination by those involved in benchmarking processes and other activities rather than a direct application of reports

- Seeking strategic windows of opportunity – government planned work on new development agenda, about to become a new EI producer (or begin development of a new EI sector), emerging legislation, interest of a partner in developing or using the report in a certain way (e.g. get a donor to use for country demand-side diagnostic work) – may improve prospects of longer-term and direct impact;
- NRG reaps potential benefits by learning more about benchmarking and from relationships built through benchmarking exercises
- When looking at effects/results, would be useful to think about alternative pathways to getting to same ends and what benchmarking processes would add compared to other possible activities NRG and others could undertake

The release of the benchmarking framework will create the potential for more widespread, self-guided use. This provides an opportunity to track these future processes and continue to derive and share lessons about how to implement benchmarking exercises most productively and the circumstances under which they are likely to be the most useful to different audiences.

IV. SPOTLIGHT ON TRAINING AND CAPACITY-BUILDING: EXECUTIVE COURSE ON OIL, GAS AND MINING GOVERNANCE

INTRODUCTION

Another important dimension of work developed around the NRC during Phase II has been education. This has involved education in using the Charter as well as using the Charter as an input into training and capacity-building. Running since, the centerpiece of the former has been the University of Oxford's Blavatnik School of Government (BSG) Executive Course on Oil, Gas and Mining Governance, a week-long course explicitly structured around the precepts of the Charter.

METHODOLOGY

In consultation with NRGI staff, it was determined that this section of the evaluation try to gauge two sets of issues:

- how participants felt about the **general experience of the course**; and
- whether/how taking the course had **impacted their subsequent work**.

To assess the former, the evaluator drew on questionnaires (28 individual responses from the 2015 course and internal summaries of responses to questionnaires from the 2014 course) that participants have been asked to fill in upon completing the course.

To begin to understand whether participants have been able to apply what they had learned during the BSG course to their subsequent work, an online survey entitled *Follow-Up on Executive Course on Oil, Gas and Mining Governance* (henceforth, BSG course survey) was distributed to all former participants. As of 29 June 2016, out of the approximately 70 former participants of the BSG course, 14 had responded to the online survey examining the course's impact on participants' subsequent work (released in early May 2016). Eleven of the respondents are from Africa, including three respondents each from Ghana and Tanzania, two from Guinea and one each from Uganda, Democratic Republic of Congo and Sierra Leone. Another three respondents come from Asia, specifically Mongolia, Timor-Leste and Myanmar. Notably, all of the respondents are male. **The sample size for this particular survey was relatively small and self-selected.** Given that the course is aimed at high-level government officials (and private sector actors), the response rate was disappointing but not entirely surprising. Nonetheless, respondents' detailed long answers to a handful of questions provide a snapshot of: this sub-group's subsequent work; insights into how participation in the BSG course has (not) affected that work; and input on ways to increase impact in the future.

GENERAL EXPERIENCE OF THE COURSE

Overall quality of the course. At the end of the BSG course, participants are asked to reflect on their experiences during the preceding week. Overall, since 2014 the course has been **very well-received by participants**, with feedback from respondents of course evaluations and

questionnaires showing that **all participants felt that the course had met its broad objectives**.

Participants' impetus for attending the course varied widely, ranging from those attending based on the reputation of the institute and Oxford University to those wishing to learn from experts from other countries which have had similar experiences to those seeking to improve their overall knowledge of the subject so as to contribute more effectively to their own government's policies on oil, gas and mining governance. Despite these wide-ranging motivations, feedback from the past three years suggests **all participants felt their overall expectations for the course had been met**.

Most useful aspects. Several trends arise when looking at specific questions regarding what participants found most useful about the course: for example, **participants found the course to be comprehensive**, addressing many issues that they hoped they could use in their work, while **sessions which focused on specific case studies and used real-world experiences were noted as particularly valuable** aspects of the course. Participants also overwhelmingly rated the session entitled, "The Decision Chain and Policy Levers" as the most useful, especially as that presentation helpfully framed the challenges and issues and prepared the participants for the rest of the course (thus, implicitly reaffirming the value of the approach to NRG of the Charter itself).

Participants, not surprisingly, rated highly sessions that were directly related to their respective professional activities. Contrariwise, while some participants showed less enthusiasm for sessions that did not directly touch on their own fields, **most participants still felt that the majority of the sessions had some value for their work, even when the subject matter was not directly related to their day-to-day professional experiences**. Finally, participants praised several specific administrative aspects of the course, including how well it was organized and the value of the technical staff of the institute.

Areas for improvement. Alongside positive feedback, a number of trends also emerged of how participants felt the course could be improved upon. Though some participants wanted to have **shorter days**, a few participants also felt that the **overall duration of the course was too short at one week** and suggested that that a longer course was warranted. Time management also arose with regard to the organizations of individual sessions: for instance, participants indicated that more time be allotted for discussions, including time for lengthier conversations around specific issues of policy and implementation identified by other participants during the sessions.

Similarly, while participants highlighted the value that the case studies offered, they **asked for an even greater focus being given to "real situations" and a greater number of illustrative cases**. Moreover, these case studies should be very relevant for their work, for instance by focusing more on developing countries. It was also suggested that **discussions about resource-rich fragile states and conflict-affected countries be better integrated** into the discussions. Some respondents also suggested **drawing on a wider geographic distribution of experts**, including more experts from Africa or other participating developing countries.

Finally, quite clearly a number of participants wanted to build on what they learned by **interacting more regularly with participants or with other relevant practitioners after completing the course**. As such, many participants intimated that they would like to have follow-up networking opportunities established by the course organizers.

ENDURING IMPACTS?

The BSG course survey sought to understand whether (and how), with some distance from the course and back in their normal jobs, participants felt that taking the course was impacting their work and how this might be deepened in the future. In some areas, themes repeated those of course questionnaires.

Impact on subsequent work? Overall, **each one of the respondents to the BSG course survey felt that the course was useful and has had a valuable impact on their subsequent work**. With the exception of a single respondent, who has significant experience with the subject matter and felt that the course was perhaps too basic, offering only had a "marginal" impact in his work, all others responded very positively to the course's utility, calling it "very valuable", a "wonderful idea" and a "wonderful opportunity". As with the questionnaires circulated at the end of the course, results of the survey suggest that the biggest impacts were on those who previously had limited knowledge of, or experience with, natural resource governance.

Areas of impact. The positive impact was manifested along several broad themes: first, by **improving baseline knowledge of natural resource governance, giving exposure to the broad range of issues and requirements entailed in governing oil, gas, and mineral industries** effectively. In this context, a parliamentarian from Ghana felt that the course offered input that could be used in the subsequent passage of legislation on the extractives industry in his country, while another Ghanaian parliamentarian cited his work in drafting sessions on new petroleum revenue management provisions as a specific example of an instance in which the knowledge gained on the course was directly applied to his work. A Mongolian State Minister, highlighting the issue of mining governance, explained that the course helped him to better understand the overall conceptual approach to this issue and how it can be best used for Mongolian policy-makers and the public alike. A Tanzanian government official neatly summed up the sense of many respondents that the course offered input to the wide range of related issues: "[the course] was very informative and helpful as we were creating the oil and gas policy as well as the institutional, legal, regulatory and fiscal regime framework to help Tanzania make the most out of its proven natural gas reserves."

Second, many of the respondents noted that the course allowed them to **enhance their depth of knowledge on specific issues that are critical in their respective work portfolios**. For example, one respondent, a Mining Advisor to the Guinean President, found the revenue management aspects of the course useful, offering that it "helped [him] to improve [his] strategic thinking about resources management particularly on the revenue side...", while a Fiscal and Economic Advisor at Guinea's Ministry of Mines and Geology noted that the course provided important knowledge about the "mining fiscal regime and national oil company governance".

Third, many respondents explained how they were **able to integrate specific information and experiences from the course into their subsequent work**. For instance, a government official from the Democratic Republic of Congo reported that his experience from the course has fed into his work on the National Strategic Plan for managing the country's natural resources and included issues discussed on: efforts managing expectations around discoveries; work on contracting; revisions to the mining code; building stakeholder capacity around natural resources; and, issues related to transparency. Another respondent, the Deputy Minister of Mines and Mineral Resources of Sierra Leone, noted that he was able to apply lessons gained from participating in the course (and with wider support from NRG) to his leadership role in the Natural Resource Charter benchmarking processes in his country.

In addition to the broader themes identified above, **several particular issues discussed during the course proved valuable** for respondents' subsequent work. These included: discussions on **revenue management, extractive industry tax and fiscal regimes, local community and citizen engagement** (especially in terms of communications and expectation management), and **state-owned enterprises**.

In this context, another **valued aspect of the course was when it used real-world experiences** and knowledge from different countries as examples of how the theoretical principles work in practice. For instance, a participant from Timor-Leste noted that: "The real life examples and cases shared from across different range of countries was one of the most valuable aspects for me.... Particularly, discussion on the right narrative to be communicated to the people was important". Even the Tanzanian respondent, who found the course of only marginal value, identified the course's coverage of the Chilean experience as valuable for his own work after the course.

Opportunities for Improvement. While feedback from the survey indicates that the course largely achieved its goals and met participants' expectations, respondents offered a number of suggested improvements that could further enhance the course's contents and provide a more meaningful impact on the day-to-day jobs of participants after completion of the course. First, and most frequently alluded to by respondents, was a recommendation that a **greater focus be given to actual case studies and "real situations"** across an array of actors and levels of experience with extractives, ranging from **presentations of basic oil and gas laws** in various states to **work on implementation**, and **other practical applications of Charter principles**, e.g. regarding specific country cases and examples of negotiating "win-win" deals between states and private sector.

As in some of the course questionnaires, three respondents (possibly the same three) also argued that **the course was too short and suggested that that a longer course was warranted**. An extended course, according to one respondent, would offer more opportunities for discussion of what is being taught and would allow participants to gain an even greater depth of knowledge of the specific subjects. One respondent suggested that consideration be given to offering an extended course via an online platform. As noted above, respondents felt that they could extend

the impact of the course on their work through on-going opportunities for practical knowledge-sharing, e.g., through **the creation of an alumni network or other platform for regularly sharing experiences.**

Another proposal was that the course should be better tailored to the knowledge base of the participants: while many respondents intimated that the level and subject matter of the coursework largely met their professional needs and enhanced their subsequent work, at least one participant would have liked a **more advanced course** for those who already have a strong grasp of most of the material dealt with in the course.

Finally, a call was made for the organizers to provide “a more balanced [perspective]” by **expanding its expertise base**, in particular, **by drawing from a wider geographic distribution of experts**—including, for example, more experts from Africa—while also ensuring that discussions about resource-rich fragile states and conflict-affected countries be better integrated into the discussions.

CONCLUSIONS

Overall, the BSG course seems to be running smoothly and creating a positive experience for participants, many of whom have great praise for the content, facilitators and administrators. The BSG course survey provides some good examples of how the course is having an enduring impact on the work of those participants who chose to respond (and as discussed in Section II these participants also had a range of specific applications of the Charter to report). Recommendations for improving the experience and long-term value of the course tended to focus on: increasing case studies and other examples of NRG in practice; increasing the geographic diversity of experts; creating opportunities for on-going interactions among course alumni as well as between them and other relevant practitioners; and potentially creating a longer course or opportunities for continued learning to allow participants to explore issues .and how to put them in practice in greater depth.

V. NRGI AND NRC MOVING FORWARD

As Phase II of Charter-related activities are winding down, there is a critical opportunity to think about how the post-merger NRGI will approach Charter-related work in the future. The following analysis assumes that NRGI wishes to continue this work into the future, which one donor argued is important if the organization is going to substantially expand its NRG work beyond transparency and accountability efforts focused on non-governmental actors. As an input into the process of strategizing future Charter-related work, the remainder of the current evaluation will consolidate the lessons learned from the preceding analyses and consider how NRGI might use them to help narrow and guide different possible directions.

Before applying the lessons learned in the preceding sections to future directions for NRGI's Charter-related work, an important caveat is in order. As an NRGI board member pointed out, any assessment of Charter-related work, especially regarding the impact and uptake of this work, needs to be taken in context. At the time the Charter was developed and even when the merger to create NRGI took place, commodity prices were at all-time highs. However, the implementation of Charter-related work, particularly the benchmarking exercises, has often taken place under very different market conditions. Lower prices may well be undermining enthusiasm and opportunities to pursue reform around NRG, particularly within government. While this might not always be the case or perhaps is changing, the potential impact of these developments on Charter-related work over the last few years should be kept in mind.

CONTENT OF CHARTER

If NRGI is going to keep the Charter as an external offering and major internal input into its work, the relevance, utility, and coverage of the content at the various levels need to be maintained to some degree – there is no way around this (although some leeway on degree). The question is how to best direct and time such maintenance, recognizing that the time and resources available to do this may well be limited on the part of NRGI staff and that the content and orientation of the Charter cannot be ever-shifting. One general Charter survey respondent aptly exhorted, “Don’t over egg it! It should not be used as a job creation scheme. We do not need to develop an industry out of it. This is unfortunately the perception that is being created. It is only a guiding set of principles - very valuable as such - but it doesn't need constant revision and endless talk shops about it.” With that in mind, the preceding analyses of the two surveys and interviews with NRGI staff, Advisory Council and Board members, donors, and general NRG experts suggest that there are three sets of issues to be addressed pertaining to: the **presentation of information within the Charter and the coverage of the content**.

Presentation of Information

Too cumbersome, complicated and “heavy”. One of the most common refrains across the various analyses of the current evaluation has been that the Charter’s content is too complex to easily engage with. As a result, it is impenetrable for some, difficult to use for others, and for yet

others, simply off-putting. Therefore, if NRGI wants to enable wider use of the Charter or any level of content thereof, including the benchmarking framework, it will either have to make the content more accessible and easier to use, or increase the capacity of a wide range of actors (including some members of staff) to engage with the existing content.

Supply-side approaches might include fundamentally revising Charter content with an eye to simplification and streamlining or offering simplified or streamlined versions of Levels 1-2 (and potentially 3) content alongside existing versions. In the short-term, the latter approach is likely to be the most straightforward, although in the longer-term it creates extra layers of content to be updated and maintained. Addressing the **demand side approaches might entail encouraging use of parts of the Charter or a narrower band of the benchmarking framework questions** for those who find the full Charter offerings too daunting or unnecessary; and **providing more training, capacity or guidance regarding Charter content and use for key audiences** (to be identified) within and beyond NRGI.

Too academic. Academic rigor is important and one of the valued aspects of the Charter, but has raised questions about practical applicability. Among many others, an Advisory Council member made this point and argued that the Charter's content is not generally amenable to practical use and measurement. Again, producing some sort of **simplified version, especially one that backs off the legalistic language and technical jargon** wherever possible, could be helpful, reasonably straightforward and address multiple concerns about Charter content at once. Another option, perhaps more labor and resource intensive, would be to **do more to demonstrate practical applicability and actual use of the Charter**, e.g. through more level 4 cases, through opportunities for actors to share experiences using Charter (like some of those recommended by some BSG course participants), and compilation of experiences with using the Charter (NRGI could start by following up with those who were willing to be contacted for this purpose to elaborate on their experiences described in the general Charter survey).

Too Western/Northern/ “foreign”. This is a persistently difficult challenge for most global standards created in the global North that are intended for use in the global South: they are not “local enough.” NRGI might simply accept that this critique is fairly inevitable and not likely to be easily addressed. However, to the extent to which the organization might want to try to overcome this critique, strategies might include **creating opportunities for local actors to “own” Charter content**, i.e. to tailor content or use to their local contexts and needs (it is hoped the public release of benchmarking framework will be a step in this direction), ideally without need for attribution to NRGI. **Cultivating/identifying national advocates for the Charter or promoting Charter-related work that is adapted and “rebranded” by local actors for context-specific applications** could also potentially address this skepticism and build more local buy-in around Charter use, but would be a more hands-on and resource-intensive undertaking.

Gaps in Coverage

A panoply of gaps. The myriad of actors providing input for this evaluation raised a **broad range of issues** – from artisanal and small-scale mining to beneficial ownership of SOEs, from the full

gamut of environmental and social concerns across the entire decision chain to NRG issues specific to situations of social conflict or political polarization – **that are not well covered by the Charter**. The full list can be found in Section II, and could likely be supplemented by dozens more examples from a larger sample of opinions. Such is the quandary of trying to maintain fairly comprehensive standards: the more issues you include, the more people will find those you exclude to be problematic omissions. **No global standard can be comprehensive, timeless nor appropriate to all settings** – the Charter is no exception. EITI, Publish What You Pay (PWYP), the World Bank, World Economic Forum, ICMM and others also grapple with the issues of when to update and what to (not) include within their respective attempts at fairly comprehensive and relevant global NRG standards.²⁷

Multiple NRGI staff members thought integration of social and environmental issues across the value chain is the highest priority, and many also point to reconciling a stance on climate change with the text of the Charter. Moving forward, like the others, NRGI will need to assess which issues are high enough priority to want to address within the content of the Charter and which might be better addressed in different ways (or not at all), but with an understanding that striving for greater coverage and contemporary relevance will increase the need for maintenance and require on-going investments.²⁸ As an alternative, consistent with promoting a less complex and academic Charter, NRGI go in the opposite direction, move away from comprehensiveness and strip down the Charter to its most basic and timeless elements. Doing so would decrease maintenance requirements as well as pressure to include more and more issues.

[Revisions around lower price conditions?](#) Most survey respondents and interviewees thought **immediate revisions around these conditions are not necessary at this time**, as, in theory, the content of the Charter should cover good governance under any circumstances. However, if lower prices reveal important gaps in Charter's coverage or applicability over time, they should be addressed whenever next round of revisions occur. In addition, an Advisory Council member pointed out that many of the bad dynamics around lower prices emanate from private sector pressures and perception that governments need to respond with incentives and suggested that rather than revising the Charter, NRGI might want to be think more about how to push back on these short-sighted government (mis)perceptions and also get companies contributing to good GEI (or at least contributing less to bad GEI) under lower price conditions.

In terms of the **timing of revisions and maintenance work on content (especially Levels 1-3)**, one interviewee provided the following guidance: make changes every few years to reflect key learning, major changes in organizational thinking, and/or significant new areas of content. In between, evolutions in thinking could be reflected in supplemental documents somehow connected to the Charter's landing page without necessarily being integrated into the Charter content itself.

²⁷ The lack of resolution on this issue is evidenced by the publication multiple revised editions of these different standards over the last few years (perhaps EITI's most prominently).

²⁸ In an ideal world, there would be a consolidation of standards and therefore a consolidation of maintenance costs and activities, but more on that below.

DISSEMINATION OF THE CHARTER

While the original focus of Charter dissemination was on targeting governments (for commitments) and international actors (for endorsements), recent evolutions of NRGI practice and general Charter survey suggest actual (and therefore potential) users are far more varied in practice. Now, NRGI needs to decide deliberately whom it wants for using the Charter and how it can best reach these audiences and enable their effective use.

Possible Targets of the Charter

General/widespread. As the general Charter survey suggests, **some people in NRG field are simply not aware of the Charter, its uses and/or applicability to their work.** Therefore, if widespread dissemination of the Charter is a major goal for NRGI looking ahead, the simplification of Charter content (discussed above) would be helpful as would more systemic approaches to dissemination and advocacy. There seems to be little appetite within the organization for devoting resources to the latter, while the former might serve so many purposes that it would be worth undertaking. **At the very least, NRGI should improve the placement, linkages and accessibility of Charter-related content on NRGI's website.** An additional step would be providing straightforward guidance on the range of possible uses of the Charter (discussed below in “use/application” section) and the availability of capacity support as necessary.

Governments. **Although these were original primary targets of NRC-related work, and continue to be regarded as such by some within and beyond NRGI, it seems like *de facto* usage has expanded to a broader audience.** On the demand side, as noted above, lower prices might well be reducing some government interest in NRG more broadly and there remain a range of political factors that can impede political willingness to undertake reforms under any market conditions. But there are supply-side developments that also impact how extensively and exclusively the Charter is “marketed” to governments. After the merger, it seems like direct advocacy aimed at governments to adopt the Charter has waned considerably and largely lost a key champion. At the same time, potential Charter use does not figure prominently in interactions between many NRGI staff and governments, as several key staff members question its utility in this regard (due to complexity and local views of it as a “foreign” undertaking). Perhaps a more streamlined treatment of Charter content could help address this. Should NRGI wish to actively pursue dissemination of the Charter to governments in the future, these efforts should be supplemented by activity to support the capacity needs of government actors and work to address factors related to political incentives/will/context that can severely limit impacts (e.g. strategically target reform-minded officials, avoid situations in which prospects for reform are too low to merit costs of intervention/advocacy, etc).

Civil society and other non-governmental actors. Both at the global and national levels, **civil society actors appear to have emerged as significant users of the Charter**, whether on their own initiative or through participation in NRGI activities, e.g. relevant courses or benchmarking exercises. A key NRG scholar and Advisory Council member notes that this is a positive development as civil society and other non-governmental actors (e.g. media and political parties)

are less susceptible to turnover than political actors and therefore are likely to be able to use Charter in on-going efforts. Alongside these, NRGI has also been developing some Charter-related work with political parties. These developments represent a *de facto* expansion of the traditional targets of Charter dissemination. However, as noted in some responses to the general Charter survey and experiences with benchmarking exercises, **effective active outreach and uptake by civil society might require overcoming a mismatch between the technical demands of the content/use of the Charter and the capacity of some of these non-governmental actors.** Therefore in the future should NRGI want to use the Charter in engagement of these actors strategies could include: improving accessibility of or simplifying Charter content; providing more online guidance and capacity support (as well as potentially in-person trainings) for different non-governmental actors; and producing and publicizing tailored lists of possible uses of the Charter by different types of actors, e.g. how media might be able to use the Charter, what specific uses by political parties might be, etc. (the general Charter survey provides a useful starting point for generating such lists).

Private sector. In the broader NRG field there have been growing calls to include private sector actors in promoting good NRG but it is unclear that doing so within the framework of the Charter makes sense. While some survey respondents from the private sector indicated using the Charter, in general private sector engagement in Charter-related work, including benchmarking exercises, has been limited, perhaps based in part on the view that the Charter is impractical, in part because much of it may not be directly applicable to companies and investors, and in part due to skepticism about its benefits/worry about potential costs to the private sector. Therefore, there may well be significant hurdles to overcome to engage private sector actors around the Charter with a clear sense of the pressing goals this might advance. Therefore, it is unclear what the rationale would be at this time for investing resources in activities aimed at deliberately developing productive roles for private sector actors, addressing their concerns, and then persuading them to invest their currently limited NRG resources on Charter-related work rather than, e.g., ICMM standards or EITI.

Donors and other strategic partners. In an interview, a donor explained that the Charter is widely used in his organization to improve internal capacity and understanding of NRG and as a reference tool to inform country interventions, much the way that it is by NRGI and could be by any number of organizations that do not have their own standards/frameworks. Moreover, as the multi-donor involvement around the benchmarking exercise in Sierra Leone, the use of the benchmarking reports from Nigeria by FOSTER, and the Australian use of the Charter to guide ODA around mining governance in Mongolia suggest, **there may be valuable opportunities for mutually beneficial collaborations around Charter-related work.**

Seeking out partnerships with other actors in the NRG field around the Charter was an element of international advocacy-related activity that has lost some steam in recent years. However, unlike prior dissemination and international advocacy strategies that sought to amass as many endorsements as possible, future **NRGI approaches could be more tactical and focused on identifying a small number of specific partnerships to collaborate on the implementation of specific Charter-related work/uses that match NRGI Charter-related offerings with the needs of**

specific partners. Given that a lot of actors working on NRG could benefit from country-level analyses and assessments to guide future interventions, some variant of Charter-based benchmarking might be tailored to meet such need (although it would need to produce results much more efficiently than benchmarking activities to date). In addition to cultivating potentially productive applications of the Charter to other actors' work, such targeted dissemination might have the added benefit of allowing NRGI to share some of the organizational/financial burdens of implementing such projects with other users who would derive value from them.

Positioning

Distinguishing the Charter from other standards. Had the Charter been used as a charter, this functional role would have distinguished it from other standards for good policy and practice in natural resource governance. However, as the Charter has migrated to a role as a more general knowledge resource and reference tool for a wide range of actors, it has joined a crowded field. As NRGI continues to put the Charter out in the world, it must confront how to situate it vis-à-vis other standards and frameworks.

Although work toward harmonization of global standards was mentioned as a goal for Phase II and some evidence appears in the content of the Charter, any progress on this front is either insufficient or not effectively communicated. **There is considerable confusion about the relationship between the Charter and other NRG standards.**²⁹ Once again, a general Charter survey respondent cut to the heart of the problem here, stating "There are now far too many 'competing' initiatives all in similar vein- the time has come (is actually long overdue) for rationalisation and consolidation - and the Charter is a prime candidate for integration with EITI etc (where it will likely have more influence and impact than as a stand alone entity) in a coherent package. Territoriality that works against this needs to be addressed." Although NRGI will have to consider the specific recommendations, the more general point has been raised by a number of interviewees and survey respondents: **there are too many global NRG standards and not enough clarity on what to do with them all.**

With major actors like the World Bank, African Union, Chatham House, EITI, PWYP, ICMM, and others putting their own standards and frameworks in the world, and some indication from the general Charter survey that significant numbers of people not even aware of the Charter, it is **unlikely that Charter is going to emerge above all others.** Therefore, investing organizational resources in competing to capture "market share" from these other actors, an implicit goal of early NRC dissemination activities, would be ill-advised.

A public good-conducive but resource-intensive approach to remedying the confusion caused by a crowded field would be to **seek deeper coordination and clarification of relationships** across standards and organizations. While deeper coordination and potential consolidation should certainly be encouraged (and any more proliferation of standards curtailed), bringing this about

²⁹ Had the "Charter as a charter" model prevailed, it might have been easier to distinguish from others, but with the *de facto* transition to a reference tool for defining NRG issues and providing guidance on good practice, the Charter joined a crowded and expanding field.

will require a fair amount of concerted effort. One challenge to overcome will be coordination problems likely to emerge across organizations that have all committed significant resources to developing their respective standards, which also then have become key dimensions of their respective organizational offerings around NRG (hence the reference to “territoriality” above). Coordination would also require systematic analysis and agreement across different standards on issues such as where there is overlap, how they are distinct (and what value this holds), and specification of the circumstances under which different approaches might be more or less useful.

Short of negotiating coordination across organizations and their respective standards, **an interim step toward resolving confusion around where the Charter fits into the universe of similar standards would be for NRGI to simply develop and publicize its own stance on these issues** – e.g. clarify in what ways and when is the Charter similar to, different from, complementary to, overlapping with, more useful than, less useful than, etc. these other standards.³⁰ Then, based on this information, targeting dissemination to those actors who might be best suited to benefit from the Charter’s specific offerings. At the very least, NRGI should clarify the relationship between the Charter and AMV as confusion around this has become a practical challenge on occasion for NRGI regional staff and in benchmarking activities.

EDUCATION

Work around educating people on using the Charter as well as using the Charter to educate people on NRG more broadly, both seem to be proceeding well within NRGI’s current activities. In terms of the former, this evaluation found that the BSG course has been well-received by participants and there is some evidence of impact on subsequent work. As for the latter, the Charter has become a central input into NRGI’s global training and capacity-building efforts as well as into more localized regional training activities. Therefore, looking ahead, NRGI might want to explore opportunities bolster this work further.

BSG course. Such has been the enthusiasm for the BSG course, that NRGI might consider ways to further refine and also build out its related offerings, with a specific eye to maximizing the longer-term impact beyond the duration of the course. In terms of **refining and improving the current course, more extensive use of practical examples and case studies from relevant regions, as well as more time devoted to discussions versus lectures** were both recommended by former participants. Both are apparently already being addressed in plans for the 2016 course.

A few extensions to the BSG course were also mentioned by various former participants. **For those lamenting the course was too short and they could use more time to explore issues in greater depth, one possibility might be adding a second week to the BSG course focused on more advanced discussions of the issues raised in the initial week or even focused explicitly on**

³⁰ There was some work on situating the Charter as complementary to EITI during the benchmarking process in Myanmar.

practical applications (e.g. case studies and work plans). People could attend this second week immediately after the first or in subsequent years to reinforce and expand their training on NRG issues while working on them in practice in between. **A less resource-intensive version of this might be an online follow-up course with the same purpose.** A more resource-intensive, but also more localized option that is being discussed with potential partners is the prospect of

The other two major follow-up activities that participants requested and that could serve to deepen the on-going impact of the course, were creating a **post-course information-sharing platform for participants and the provision of on-going technical assistance** as they try to implement course lessons in their day-to-day jobs. Both of these possibilities currently are being explored by NRGI's capacity-building team.

[Beyond the BSG course.](#) Given that there is already extensive work under way in terms of integrating the Charter into training and capacity building activities, and that NRGI staff seem to think these are good uses of the Charter, continuation of such work in the future would make sense. One area of possible useful expansion mentioned by a few NRGI staff would be creating some **very basic capacity-building opportunities or information resources around possible uses of the Charter in NRGI's own for staff members** who feel that they do not have enough information on this.

Another evolution of existing educational activities that was suggested by a few staff members, with particular regard to Africa, was **implementing regionally specific versions of the BSG course and NRC Annual Conference (or simply rotate the location of the annual conference in regions where NRGI works).** There is no doubt that these would be costly undertakings but the might go a long way in terms of providing context-relevant information and discussions of NRG that are more likely to resonate with the concerns and potential opportunities for use of participants. They could also reinforce and build on regional hub courses Furthermore, if framed sensitively,

USES/APPLICATIONS

[Evolution of original uses.](#) As discussed in the compliance section, the original intended uses for the Charter were to get governments to sign on to the Charter as a charter (hence, the name) and to use the Charter as the basis for self-assessments by governments. Based on the interviews conducted for this evaluation, there is **little support within or beyond NRGI for using Charter as a charter** for governments to commit to and also **some skepticism among many staff toward investing organizational resources in actively supporting full or even partial benchmarking exercises, particularly as it is unclear how impactful these processes have been to date.**

Having said that, with the **impending release of the benchmarking framework**, there might well be **lower-intensity opportunities on the horizon** to support the use by the Charter as an assessment (though not necessarily self-assessment) tool to diagnose NRG conditions and identify targets for reform. New ways to do this should be explored and in some cases already are, e.g. NRGI has been looking at the possibility of using EITI information to implement the

benchmarking framework. If NRGI can **find opportunities to support or even carry out quick and relatively accurate (if high level) assessments using the framework**, such country-level context analyses could be of value to a wide range of global, national and local actors. The down sides of conducting assessments in this way are the missed opportunities to foster country-level dialogues and multi-stakeholder relationship-building, and to increase the capacity of a variety of stakeholders, including host government officials.

Uses within NRGI. Since the merger, much of NRGI staff deployment of the Charter has become inward-facing, using it as an input into how NRGI works rather than the focus of what NRGI does, e.g. educational activities shifting from NRC's focus on how to implement the Charter to NRGI staff using the Charter as one important way to help explain NRG. In this capacity, the Charter has been integrated into how NRGI works in a number of ways. Most importantly, perhaps, it serves as the "**intellectual framework**" for the organization, which means different things to different people, but nonetheless provides a shared foundational input and creates potential for some consistency in thinking and work across the organization (e.g. across regional/country strategy development).

Staff members also widely report using the Charter as a **reference and analytical tool**, much as described by a variety of respondents to the general Charter survey. In addition, Charter-based assessment has become a **key input into regional/country strategy development**. An Advisory Council member **thought such assessments could easily be turned outward as these types of analyses could be useful to a wide range of actors and potential partners** (e.g. donors looking for demand-side information), **who in turn could collaborate on producing or updating assessments in the future**. As noted in above, **Charter precepts have been integrated into the RGI (with mixed success so far)** and **various training and education activities** both globally and in different regions to varying degrees.

A flexible approach to Charter use. Several NRGI staff members lamented the fact that immediately after the merger they were required to integrate the Charter into their work in ways that were not always productive or rational. In recent times, this seems to have receded but left a lingering feeling for many that **NRGI should support flexible applications of the Charter both by staff and in the wider world of actors grappling with NRG**. Rather than focusing on specific applications of the Charter and insistence that the Charter be used as widely as possible, this approach would "let a hundred flowers blossom" by providing strong content and then letting whomever use all or part of the Charter however they deem appropriate and useful. One Advisory Council member describes this as the approach that should have been taken al along – rather than letting supply dictate use, the Charter should be put out in the world and its use driven by demand and opportunities. As the responses to the general Charter and BSG course surveys show, this is the *de facto* reality that seems to have emerged in terms of how the Charter is actually being applied within and beyond NRGI.

However, flexibility in use need not mean inaction on the part of NRGI. For those who do not know what to do with the Charter, **creating a menu of possible uses for different actors could be enormously helpful and relatively low-intensity for NRGI**. This menu could be based on an

on-going aggregation of information on Charter use by NRGI and others (e.g. could start with feedback from the two surveys for this report), as well as staff thinking about innovative *potential* uses or uses other organizations indicate would be valuable. In addition, NRGI could collect and make public information on the experiences of different actors with different uses. As the “owner” of this technical product, NRGI should not only maintain high quality content but also be available to provide technical support for its use as needed, if seeing successful applications of the Charter is a priority for the organization. Therefore, **NRGI might want to consider ways of enabling and supporting such individualized and varied applications of the Charter**, e.g. along the lines of work currently being explored to allow former BSG students to contact experts with questions or for advice (but applied to broader audience).

Looking ahead, NRGI will not be able to address the many challenges and opportunities around Charter-related discussed in this section. Therefore, it will need to prioritize and determine what resources it will devote to this work based on answers to questions like the following:

1. How important is it to NRGI that people inside and outside the organization use the Charter?
2. Who does NRGI want using the Charter and how?
3. What would it take for them to use it effectively?
4. To what ultimate end?
5. What level of resources can the organization commit to this work?

VI. LESSONS FOR DONORS AND BEYOND

Although almost every lesson derived from Charter-related work in the preceding section has an analog for the broader field, there are some issues that are particularly problematic or pressing and should receive the attention of the broader field, in particular NRG donors.

The proliferation of international standards has become unproductive and donors are potentially in a position to drive greater consolidation. The international standards mentioned above, e.g. the Charter, the EITI Standard, the EI Sourcebook, the EI Value Chain, the Africa Mining Vision, PWYP Framework, ICMM principles, and the newest addition, the World Bank's MInGov, create confusion among potential users and also development and maintenance costs for the many organizations that produce and service them. To the extent that there is actual overlap or duplication, associated costs represent a highly inefficient allocation of resources across the broader field. Therefore, the donors funding (and in the case of the World Bank, producing its own) NRG standards should at the very least avoid supporting any new NRG standards unless they serve a very specific function not addressed by existing initiatives.

Donors can also help encourage greater clarity and efficiency by supporting opportunities for the rationalization, coordination and consolidation of existing standards. Finally, to help maximize the positive impact of standards on the NRG issues they are trying to address, donors should direct more support to putting promising standards in practice in as wide and varied ways as possible, ideally led by a strong sense of demand-side considerations rather than supply-side motivations. A starting point might be shared country-level assessments based on one or another standard that a wide range of actors and stakeholders could access for their respective purposes, assessments tailored and deployed based specific anticipated uses.

Working on governance, especially with governments, involves navigating political realities and continuing to side-step these will greatly limit progress. If the last decade was about supporting the creation of standards and technical guidance, the next needs to turn to focusing on effective implementation. **For good principles to become good practice, we must confront the main impediments to this.** Work continues to be needed on the technical capacity side, but what has been largely neglected, or handled circuitously through transparency efforts, are **political obstacles to reform.** The skepticism about the political will needed to use the Charter (raised, e.g., in the general Charter survey) and the political challenges faced by Charter benchmarking exercises, EITI, and a number of examples discussed in Oxfam's recent report entitled [The Weak Link](#) are just a few demonstrations of good principles failing to become good practice in the face of competing political incentives and realities.

Three Advisory Council members and another expert in the field made explicit observations to the effect that after over a decade of work on NRG, "we know what governments need to do, but we do not know how to get them to do it/why NRG in practice is generally no better than it was 10 years ago and in some cases, worse." If substantial (rather than marginal) governance reforms are a major goal, then the NRG field must try to understand and address these realities of political will, political constraints, and political opportunities that have heretofore been either

tacitly accepted as immutable or addressed indirectly. This means **more than just tackling rent-seeking and corruption, but also thinking about political incentives and windows of opportunity, about the impact of election cycles and variation in reform possibilities across different parts of the same government.** Donors supporting this work and organizations implementing it must anticipate the complexity of navigating these issues (often embedded in much larger political, economic and social dynamics) and understand that progress may initially be slow and involve casting a wide net for different strategies.

Getting a better handle on any of these issues will improve strategy design and also prospecting for reform possibilities. If price drops create perceptions among government officials that good governance reforms could impeded attractiveness to foreign investors, then perhaps strategies should focus on shifting investor behavior or illustrating for governments that the negative effects being felt by many of them now are due to bad governance choices in the past. Or, if an Advisory Council member is right that populism regularly undermines the implementation of good revenue management practices, then strategies to implement principles found in, e.g., Precepts 7 and 8 of the Charter, should attempt to account for this or result in avoiding situations in which reform is unlikely because the challenges are too hard to overcome. Although these types of issues will be more difficult to address than gaps in knowledge and capacity, not doing so will highly constrain meaningful progress on improving NRG (particularly where this is most needed).

Global models, whether produced by NRGI, the World Bank, EITI, or others, especially those developed in global North without input from potential local users, are likely to face challenges to uptake in countries of intended use. This is a well-known and longstanding challenge for the development community and one that can be addressed in part through increased attention to collecting more diverse inputs into models or in finding local partners to help advocate for, shape and define specific contents.

Getting private sector actors involved in supporting NRG efforts remains difficult. Although there seem to be more calls for bring extractives companies and investors into efforts to support good NRG, this remains a challenge. The Natural Resource Charter was not intended to be a tool for private actors and therefore it is unsurprising that there are some reservations about its utility to them. However, looking ahead, if private sector participation and use of standards like the Charter is a goal, more work needs to be put into better understanding what might be the best ways for private sector actors to contribute to NRG, what incentives and opportunities would be needed to bring this about, what the costs and benefits of private sector involvement might be, and the best circumstances under which to encourage their participation. A good starting place might be speaking with representatives of companies that are involved in NRG initiatives and better understanding how and why they participate as insights into possibly creating circumstances for others to do so.

In order to maximize longer-term impact, educational initiatives – especially, short-term courses, trainings, and other capacity-building work for practitioners – should emphasize practical applications and build in follow-up opportunities/on-going access to supportive

resources. Respondents to the BSG course survey made these points which are much more widely applicable to executive trainings: for the effects of courses and training to endure, participants must walk away with a sense of what to do with what they have learned and ideally the opportunity to learn more from their peers or other sources once they have returned to their normal jobs. On the latter point, donors are well-positioned to encourage and support efforts for follow-up engagements and resources – at minimum as simple as setting up participant information sharing portals and providing links to relevant online resources – to participants in training and capacity-building activities.

Finally, as the current evaluation of the Charter and multiple evaluations of EITI suggest, for standards to be useful, they and the information they produce need to be accessible to target audiences who have the requisite capacity and channels available to use them. While complex, highly technical rigorous guidance and reports may serve the needs of a certain group of stakeholders, they will become a barrier to entry for others. Therefore, before any more standards are produced and refined, more attention is needed to specifying targets for dissemination and understanding their needs.

Work on NRG has proceeded and expanded at a rapid clip over the last fifteen years, but as this evaluation of the Natural Resource Charter shows, translating principles to use and use to impact remain key challenge that should animate efforts to refine and reorient approaches to this work moving forward.

ANNEX A – DETAILS OF PRIMARY RESEARCH CONDUDTED FOR THIS EVALUATION

I. General Charter Survey: *Natural Resource Charter: Reflections and Recommendations* (referred to as the “general Charter survey” throughout this evaluation) was disseminated in May 2016 by NRGI via email to an 800+ person multi-stakeholder list amassed by the NRC since the inception of its work. The list includes conference invitees, workshop participants, participants in the BSG Executive Training course, participants in benchmarking exercises, and other individuals identified as relevant to NRC’s work. The survey was also Tweeted from the NRGI account as well as being posted for public response on [GOXI](#) (a platform for exchange and dialogue among NRG professionals).

The survey asked the following questions:

1. *Please identify your sector and geographic coverage of your work and, optionally, organizational affiliation and gender.*
2. *Do you now, or have you in the past, used the Natural Resource Charter as part of your work? If “yes”, how have you used it? If “no”, why not?*
3. *What do you see as the main value of the Natural Resource Charter?*
4. *What do you see as the main limitation or challenges of the Natural Resource Charter?*
5. *In your opinion, do lower commodity price conditions change the way international standards and tools like the Natural Resource Charter should be designed and used? If so, how?*
6. *Any additional comments?*
7. *Available*

II. BSG Course Survey: *Follow-Up on Executive Course on Oil, Gas and Mining Governance* (BSG course survey) was distributed to all 70 former participants. A total of 14 responses were received as of the time of writing, a relatively small and self-selected sample. The survey asked the following questions:

1. *Please identify your sector and country, and, optionally, gender and organizational affiliation.*
2. *In retrospect, has taking the Executive Course on Oil, Gas and Mining Governance impacted your work? If “yes”, how? If “no”, why do you think this is?*
3. *Which aspects of the course have proven most valuable in your subsequent work?*
4. *The Natural Resource Charter is a foundational piece of NRGI’s training and benchmarking processes. Have you specifically used the Natural Resource Charter in your work in any way? If yes, how have you used it? And, did you find it to be an effective/valuable tool?*
5. *How can the course be improved to help participants in their day-to-day jobs?*
6. *Any additional comments you may have on your experience of the course, follow-up, its potential impacts of the Natural Resource Charter?*
7. *Would you be available for follow-up on the above questions? If so, please provide the contact information you would like us to use to reach you.*

III. Benchmarking Interviews

For the evaluation of the four NRGI-supported benchmarking exercises, interviews were conducted with the following 15 actors closely involved in the processes:

- Nigeria – three members of NRGI staff, a key Oxford Policy Management staff person working on the first benchmarking exercise for FOSTER and an oil and gas expert who helped facilitate the process
- Sierra Leone – one member of NRGI staff, two international researchers who worked within the Sierra Leone Administration, and the coordinator of the process based in Sierra Leone's Ministry of Mines and Mineral Resources
- Tanzania – two members of NRGI staff
- Myanmar – three members of NRGI staff and a participant from a major civil society coalition involved in consultations around the benchmarking

These interviewees were asked their views on questions like the following:

Substantive Content

- *Was the Charter was a valuable tool for organizing thinking and work on NRG issues in the country in question?*
- *Was the Charter's holistic/comprehensive approach a useful basis for structuring the benchmarking process?*
- *Is there anything they would add or change?*

Process

- *What worked well and what were more challenging aspects of the benchmarking process?*
- *Did the Charter help frame discussion productively or did it add unnecessary complexity to your aims?*
- *How, if at all, did elections or political changes affect the NRC benchmarking process in Sierra Leone and/or shape its potential impacts?*³¹

Impacts

- *What have been the most important or useful impacts of the NRC benchmarking process? Why do you think that is?*
- *What were some areas of less impact or where the benchmarking process proved less useful? Why do you think that is?*
- *Should NRGI actively support NRC-based benchmarking processes in the future?*

IV. NRGI and NRG Expert Interviews

³¹ This specific question was added about halfway through the interview process when it became apparent that this had been an important set of issues across a variety of cases.

In order to understand how those closest to the Charter and quite knowledgeable about the broader field view the evolution and value of the Charter over Phase II, and to assess current appetites for and views on Charter-related work within and beyond NRGI, 20 interviews were carried out with:

- NRGI staff – six regional directors, four program directors and two additional staff people active in Charter-related projects for NRC prior to and after the merger
- Advisory Council – four members, all of whom to varying degrees had been active in the creation/refinement of the Charter and/or the merger process.
- NRGI Board – one member (a co-chair)
- Beyond NRGI – two representatives of major donors (including the World Bank) to Phase II NRC work as well as the broader natural resource governance field; and one highly-regarded expert in the field who is very knowledgeable about the Charter and similar initiatives.

As appropriate, interviewees were asked a range of questions along the lines of:

- *Do you use the Charter and if so, how and if not, why not?*
- *What are better and worse uses?*
- *What do you see as major contributions/limitations of Charter-related work so far?*
- *What have been the major impacts of the merger on Charter-related work?*
- *What does the Charter serving as the “intellectual framework” for NRGI mean for your work?*
- *Does the Charter advance NRGI’s organizational mission – if so, how and if not, why not?*
- *Should NRGI try to further expand and integrate Charter across the work of the organization?*
- *Any recommendations on how to improve use of Charter moving forward?*
- *Looking ahead, do you have any recommendations regarding Charter use and programming with a specific eye to issues such as:*
 - *Whether the Charter needs updating (in light of current price conditions or otherwise)*
 - *How to best deploy the benchmarking framework*
 - *Content and structure of the BSG course*
 - *How to better integrate the different NRC-centric offerings with each other*
 - *Other*

ANNEX B - LIST OF USES OF THE CHARTER FROM GENERAL CHARTER SURVEY

Responses taken directly from general Charter Survey to question of how respondent have used the Charter (to illustrate the wide range of possibilities):

- “Reference to best practice”
- “As a reference for organizing/framing analyses of NRG challenges and key issues that arise along the EI value chain (your decision chain).”
- “I was on the advisory board of the charter when it was first established and have also worked on a project for NRGI pertaining to the charter's application in Myanmar”
- “For education and research”
- “As a guide to providing advice to governments”
- “As a source document for research.”
- “Present and explain the basic principles on natural resource governance to civil society and subnational government officials.”
- “Capacity development services on the extractive industry governing frameworks for professionals, media, CSO, parliamentarians and local governments.”
- “In reviewing the extent of Guinea's preparedness for the African Mining Vision, I used the Precepts to help deterring the status of the Mining sector.”
- “Guidance for drafting policy report; reference material for research.”
- “We used it in the meetings of Tunisian NGOs to understand ,explain and learn about : - Strengthen the role of civil society in supporting transparency in the establishment of laws related to the field, review it and take decisions related to energy and mining. Encourage the contribution of specialists, national experts in these policies and regularly participate in controlling Energy and Mines and ensure wise governance rules in the sectors of energy and mines. - Support and dedicate the mechanisms that guarantee public access to energy and mines information by entering into force the laws which guarantee access to information and the freedom of deliberating with it. ”
- “I have used it, mainly the precept 2 which deals with the accountability of the government.”
- “Often for specific guidance to governments, especially on concessions awards & bidding processes or principles of SWFs or saving vs spending.”
- “In helping to design EI policies in various countries (Kenya, Mauretania, Guinea, etc.) in various Reports, presentations at conferences, etc.”
- “I used it while developing the Goenchi Mati proposal. Please see goenchimati.org.”
- “Since its inception I have used it to elaborate exactly what we mean by 'good governance'. In the early days (a decade and more ago) - 'good governance' and 'transparency' were being used synonymously . The Charter helped to give a better definition of the multi faceted nature of good governance. I use it for this purpose (as a reference) in conference papers, published papers and as a teaching tool etc.”
- “Showed in a presentation”
- “The principles of the Natural Resource Charter guide our intervention in several places in Colombia, related to extractive industries. For example, in formulating governance pacts in the territory.”

- “training”
- “as part of policy dialogue with government of Tanzania and other stakeholders and trying to understand stakeholders' position on it as opposed to other initiatives. To try to see how it interrelates with the AMV.”
- “Knowledge resource”
- “Technical advice on open data, data dashboards, contract disclosures and Beneficial ownership Use of resource charter training materials in promoting awareness on natural resources governance.”
- “In general terms we used it to promote sustainable mining in developing countries and for our foreign policy design on extractives”
- “as a partner in project we had done together in Iraq to spread EITI theory and application in Iraq with four workshops , and also I had wrote a technical report about CNPC company to RWI also we had participate as a delegate on the RWI training and conferences”
- “As an information source and policy guidance in domestic policy formulation, law drafting and contract negotiations.”
- “The Charter provides an analytic strategic framework to justify ODA engagement with mining governance and to help assess highest value for money activities.”
- “rudimentary bench marking exercise on specific precept -sector analysis”
- “used the principles in state policy development”
- “Kenya: Extractives Scoping exercise”
- “As a guideline for effective extractives policy regimes”
- “As a reference for discussions with governments in relation to their policies for managing resource revenues.”
- “I was a Board Member of Revenue Watch when it was set up. I have been on the RWI's advisory board, and is currently on NRGIs advisory board. I used have used the charter as a speaker around the world for years”
- “As a reference”
- “I am keen to use global norms and guidelines as a manual to do business.”
- “We used it to have a benchmark of the management of the oil and gas sector in Nigeria for a DFID-funded project (FOSTER).”

ANNEX C – BACKGROUND ON BENCHMARKING EXERCISES

Nigerian Natural Resource Charter

In Nigeria, a civil-society-led benchmarking of the petroleum sector known as the Nigerian Natural Resource Charter was carried out and produced reports in 2012 and 2014. Although originally managed by the Facility for Oil Sector Transparency (FOSTER), after the merger responsibility for supporting this work has transitioned to NRGI. The process was run entirely external to the government and rated performance across 12 precepts using a “traffic light system.” The possibility of an updated report for 2016 is under discussion with FOSTER.

Duration: January 2012 - present

Actors involved: civil society, private sector, Oxford Policy Management, NRC, RWI, DfID/FOSTER,

Led by: Centre for the Studies of Economies of Africa (CSEA) and the Centre for Public Policy Alternatives (CPPA)

Sierra Leone Extractive Sector Benchmarking Process

The Sierra Leone Extractive Sector Benchmarking Process is a government-led self-assessment of the management of extractive wealth in Sierra Leone. In light of the economic damage that the ongoing outbreak of Ebola Virus Disease and the fall in iron ore prices has had on the economy, the process has worked to help the government develop new strategies to ensure that the mining sector can be harnessed to support broad-based and inclusive growth. Convened by the Chief of Staff and the Minister of Mines, analysis produced under the process was developed under the oversight of an expert panel drawn from government, civil society and the private sector. The results of the process are being used to inform the ongoing development Mineral Policy and application of the Africa Mining Vision to Sierra Leone.

Duration: December 2014 – July 2016.

Actors involved: Government, Civil society, Private Sector, African Minerals Development Center, and Donors.

Local organization: Expert Panel drawn from Government, Civil Society and the Private Sector; Secretariat based at the Ministry of Mines and Mineral Resources; research team made up of local and international experts.

Tanzania Natural Resource Charter

Following large natural gas finds in 2012 and 2013, the Tanzania Natural Resource Charter Process was set up by the government to identify priorities for Tanzania as it made preparations for a natural gas based economy. Convened by the head of the civil service, the process was overseen by an expert panel of government officials, academics, and private sector representatives, while research was carried out by local consultants under the supervision of the UONGOZI institute – a government think tank. As the process unrolled, members of the expert panel inputted into policy development processes for the natural gas sector. Following report recommendations, the government set up the Oil and Gas Advisory Bureau, which advises the cabinet on all decisions relating to the oil and gas sector.

Duration: January 2014 – October 2015.

Actors involved: Government, Academia, and Private Sector.

Led by: Expert Panel drawn from Government, Academia and the Private Sector; Secretariat based at the UONGOZI Institute; research team made up of local and international experts.

Myanmar and the Natural Resource Charter

This process centered around discussions between government, civil society and private sector stakeholders involved in the Myanmar's candidacy to the EITI. It is based on a series of consultations and workshops organized in close coordination with the Myanmar EITI stakeholders over the course of 2015. Following planning activities coordinated with the government, preliminary research and consultations were carried out by the Natural Resource Governance Institute (NRGI) and the Centre for Social Responsibility in Mining (CSRM) at the University of Queensland, with important in-country support provided by Yangon-based NGO Spectrum. After two rounds of workshop consultations, and a series of individual consultations a public report was finalized in November 2015, and released in early 2016.

Duration: April 2015 – January 2016.

Actors involved: Government, Civil Society, and Private Sector.

Led by: Consultative sessions were organized by NRGI. Preliminary research and drafting was led by Centre for Social Responsibility in Mining (CSRM) at the University of Queensland, with oversight from NRGI.