EIGHTH PLENARY MEETING OF THE POLICY DIALOGUE ON NATURAL RESOURCE-BASED DEVELOPMENT

Jointly organised by the OECD Development Centre and the G7 CONNEX Initiative

Building collective knowledge for actionable policies

ANNOTATED AGENDA

15-16 June - OECD, Paris (OECD Conference Centre)

ABOUT THE POLICY DIALOGUE

The Policy Dialogue on Natural Resource-based Development is a multi-year intergovernmental process of knowledge sharing and peer learning among OECD and Partner natural resource producing countries on how to harness natural resources for structural transformation and more inclusive and broad-based development. Compared to other fora, the added value of the Policy Dialogue on Natural Resource-based Development lies in its unique structure designed to facilitate the generation, systematisation and access to tacit and newly developed collective knowledge through collaborative OECD and non-OECD evidence-based policy analysis.

The Policy Dialogue focuses on four Work Streams: (i) Shared Value Creation and Local Development; (ii) Revenue Spending and Natural Resource Funds; (iii) Getting Better Deals and (iv) Domestic Resource Mobilisation (tackling BEPS and corruption).

The Policy Dialogue is a cross-directorate OECD initiative, led by the Development Centre and involving relevant Directorates that can contribute or lead in specific policy domains, namely, the Centre for Tax Policy and Administration (CTPA), Development Cooperation (DCD), Environment (ENV), Financial and Enterprise Affairs (DAF), Global Relations Secretariat (GRS), Legal Directorate (LEG), Public Governance and Territorial Development (GOV), and Trade and Agriculture (TAD).

For more information visit the website: http://www.oecd.org/dev/natural-resources.htm

ABOUT THE G7 CONNEX INITIATIVE

The G7 Initiative on Strengthening Assistance for Complex Contract Negotiations (CONNEX) was launched in June 2014 at the G7 Summit in Brussels and received political support at the G7 Schloss Elmau Summit with a view to “providing developing country partners with extended and concrete expertise for negotiating complex commercial contracts, focusing initially on the extractives sector”. The Initiative is structured around three pillars: information integration and accessibility on existing resources (Pillar 1); Enhancing existing negotiation support (Pillar 2); and Linking to long-term capacity building and increasing transparency (Pillar 3). An open web portal (www.negotiationsupport.org) was established in collaboration with the Columbia Center on Sustainable Investment (CCSI) to enhance the accessibility to negotiation support through the integration and accessibility of relevant information. The CONNEX Code of Conduct was endorsed to provide ethical and procedural guidelines for advisory support on contract negotiations; and the Negotiation Support Forum (NSF) was established in collaboration with the OECD Development Centre to improve knowledge sharing and peer-learning among support providers, partner countries and investors. At the Ise-Shima Summit held
in May 2016 under the Presidency of Japan, G7 leaders endorsed the CONNEX Guiding Principles towards Sustainable Development to guide further implementation efforts. The G7 Ise-Shima Leaders’ Declaration refers to the Negotiation Support Forum as a means through which G7 Leaders will seek progress to build capacity for contract negotiation in developing countries and improve governance and transparency in extractives sectors. The CONNEX Guiding Principles towards Sustainable Development recognise the specific role of the Negotiation Support Forum to foster knowledge sharing and peer-learning among support providers, partner countries and investors.

OBJECTIVES, STRUCTURE, FORMAT OF THE EVENT AND PARTICIPANT EXPECTED CONTRIBUTION

This two-day meeting will bring together representatives of OECD and non-OECD governments, extractive industries, civil society and think tanks and will afford opportunities to advance the work under the different Streams of Work, according to the roadmap agreed upon at the Seventh Meeting of the Policy Dialogue on 30 November – 1 December 2016. The first day (15 June), which will have multiparty participation (governments, industry, civil society and think tanks), will be devoted to the CONNEX Negotiation Support Forum, a joint initiative of the OECD Policy Dialogue and the G7 CONNEX Initiative, undertaken as part of Work Stream 3 - Getting Better Deals. The second day (16 June), also with multiparty participation, will feature sessions to advance work under Work Streams 1 (Shared Value Creation and Local Development), 2 (Natural resource Funds and Revenue Spending), and 4 (Domestic Resource Mobilisation: tackling BEPS and corruption).

The objectives of the meeting are as follows:

Work Stream 1 - Shared value creation and local development

- The Compendium of Practices of the Framework on Collaborative Strategies for In-Country Shared Value Creation is an on-line resource that will be continually updated and expanded with new evidence-based experiences and examples. The rationale for the Compendium is three-fold: (a) to demonstrate how the Framework’s Steps and Actionable Recommendations can be operationalised by government and industry. This is being done through a series of practical and tractable examples, showing what has worked well, but also learning from mistakes; (b) to inform any necessary future revisions and adjustments of the Framework; and (c) to support the implementation of the Sustainable Development Agenda 2030 by showing the way in which public-private partnerships can work in practice. The first three examples were validated at the Seventh Plenary Meeting of the Policy Dialogue in late 2016.

- The Eighth Plenary Meeting will provide the opportunity to discuss a second tranche of three examples to be added to the Compendium. To facilitate learning and exchange, the session will have a thematic focus on the Framework’s Step 4 (innovation) and Step 3.2 (power-gas and power-mining integration).

Work Stream 2 – Revenue Spending and Natural Resource Funds

- Participants in the Fifth Plenary Meeting of the Policy Dialogue asked the OECD Development Centre to investigate how to use natural resource revenues to support the implementation of the 2030 Agenda for Sustainable Development, for example to reduce funding gaps in social spending (health, education, and social protection). The main objectives of Work Stream 2 in 2017 can be summarised as follows: (1) improve understanding around practices on earmarking and cash-transfer mechanisms as mechanisms to support the implementation of the 2030 Sustainable Development Agenda; (2) identify the type of social expenditures that may be better suited for funding from resource revenues; (3) review mechanisms for
determining investment priorities; (4) assess the effectiveness of earmarking practices and the institutional conditions under which resource revenues can translate into improved development outcomes. These thematic contributions add to work that was completed in 2015 and 2016 on stabilisation and savings funds, sub-national revenue sharing, and strategic investment funds.

Work Stream 3 – Getting better deals

- Participants in the Seventh Plenary held on 30 November and 1 December 2016 embarked for the first time on a dialogue on key attributes for longstanding contracts and discussed contractual mechanisms to deal with change. It was agreed to pursue this dialogue, with the objective of working towards the development of guiding principles that both governments and industry can use to build trust during contract negotiations and achieve mutually beneficial outcomes.
- The Eighth Plenary Meeting will also provide the opportunity for participants to embark on a discussion on the use of model contracts and international human rights labour and environmental standards as a means to strengthen the contract negotiations position of host governments.

Work Stream 4 – Domestic Resource Mobilisation (tackling BEPS and corruption)

- Reflecting the global commitment to counter practices resulting in the erosion of the domestic tax base, the OECD and the Inter-Governmental Forum on Mining, Minerals, Metals and Sustainable Development (IGF) have joined efforts to tackle in 2017-2018 twelve priority issues related to BEPS in mining, with the objective of building a common knowledge base, improving understanding across governments and industry, and providing responses. Participants further agreed to work collaboratively to test the methodology for the determination of product mineral pricing in selected countries.
- Building on the analysis of the OECD development Centre’s Corruption in the Extractive Value Chain: Typology of Risks, Mitigation Measures and Incentives, the recommendations made by the OECD Secretary General’s High-Level Advisory Group on Anti-Corruption and Integrity, and as a follow-up to the UK Anti-Corruption Summit held in London in 2016, the Eighth Plenary Meeting will also provide the opportunity for participants to launch a thematic dialogue on commodity trading transparency.

The meetings of the Policy Dialogue depart from the traditional conference format distinguishing between speakers and audience. Every participant plays a role as both a knowledge holder and a knowledge recipient while the OECD Development Centre acts as a neutral knowledge broker, by contributing to framing the issues and facilitating the generation, systematisation and access to tacit or newly developed collective knowledge.

Participants are not only expected to share relevant experience, policies and case-studies but also to clearly articulate their knowledge needs and indicate which countries they would like to learn from to build or further refine their knowledge base. In this interactive setting, there are no prepared speeches, official statements or long presentations. Proposed guiding questions aim at helping participants prepare their contributions and identify relevant issues and questions they would like to see addressed during the meeting.

Reference documents are distributed ahead of the meeting in order to help participants prepare their contributions, support the discussion and move the process forward. Participant contributions are expected to be short, narrative in style and reactive to other interventions.
The event will be closed-door and held under **Chatham House Rule** of non-attribution of sources in order for participating countries and stakeholders in the multi-stakeholder consultation to engage in frank and thought-provoking discussions. It is expected that this method of work will be conducive to the establishment of a trustworthy environment where participants engage in frank and open exchanges that could pave the way for the collective development of new knowledge as well as innovative and mutually beneficial policy solutions and outcomes.
DAY 1 – CONNEX Multi-stakeholder Negotiation Support Forum

15 June (Room CC15, OECD Conference Centre)

8:00 - 9:00  Registration & Breakfast

9:00 - 9:15  Welcoming remarks by:

H. E. Pierre Duquesne, Ambassador and Permanent Representative of the Republic of France to the OECD, and Chair of the Governing Board of the Development Centre

Mr. Günter Nooke, Personal Representative of the German Chancellor for Africa, Federal Ministry for Economic Cooperation and Development (BMZ)

Co-Chairs: Germany and Guinea

9:15 - 13:00  Session 1 – Structuring extractive contracts for the long term: Guiding Principles for Durable Extractive Contracts

Participants in the Seventh Plenary Meeting of the Policy Dialogue agreed to pursue the dialogue on how contracts can be designed to withstand the test of time. Participants will discuss a revised set of guiding principles that host governments and investors can use as a common reference to build mutual trust during contract negotiations, and structure extractive contracts for the long term.

Objectives:

- Build shared understanding and convergence around the guiding principles for durable extractive contracts;
- Improve alignment of interests and, where possible, reconcile expectations between host governments and extractive industries.

Participants will review the Draft Guiding Principles and the related commentaries.

9:15 - 11:00  Chair: Republic of Guinea

Mr Nava Touré, Principal Counsellor, Ministry of Geology and Mines, Republic of Guinea

Kick-off interventions by the Friends of CONNEX Negotiation Support Forum to introduce the Guiding Principles, followed by open discussion:

Preamble and Guiding Principle I:  Mr Nava Touré, Principal Counsellor, Ministry of Geology and Mines, Republic of Guinea

Guiding Principle II: Mr Marc Frilet, Vice-President, French Institute of International Legal Experts (IFEJI)

Guiding Principle III: Ms. Lauren Waugh, Program Officer, Sustainable Development, International Senior Lawyers Project (ISLP)

Guiding Principle IV: Ms Salli Anne Swartz, Attorney at Law, Partner, Artus Wise

Guiding Principle V: Ms Naadira Ogeer, Economic Advisor, Commonwealth Secretariat

5
Session 2 – The role of model contracts in complex extractive contract negotiations: sharing experience on their use in actual negotiations

A number of governments have developed model contracts as a basis for negotiating complex extractive contracts. Negotiation support providers, including bilateral development agencies and multilateral institutions, have provided technical assistance for the development of standardised templates. This session will offer the opportunity to share experience among host governments, support providers and industry on the use of model contracts in actual negotiations. Participants will discuss advantages and disadvantages associated with their use and their effectiveness in reducing the scope of negotiations, bridging asymmetries of information, improving efficiency of the process and supporting more coherent and informed negotiating positions. This session will also discuss the recommended

Discussant:

For reference:
Guiding Principles for Durable Extractive Contracts
process for the development of model contracts.

**Moderator:** Mr Jorge Chamot, Executive Vice President and Lead Consultant Energy & Mining Policy Development, Institutional Reform and Capacity Building, Houston International Business Corporation

**Kick-off interventions by:**
- Hon. Sam Russ, Deputy Minister for Operations, Ministry of Lands, Mines and Energy, Republic of Liberia
- Dr. Joel Marcelina, Director of the Legal Office, Ministry of Mineral Resources and Energy, Republic of Mozambique
- Mr Adegbite Adeniji, Senior Technical Adviser - Upstream & Gas Policy, Ministry for Petroleum Resources, Federal Republic of Nigeria
- Eng. Norbert Kahyoza, Deputy Chairman of the Government Negotiating Team for the LNG Development, Energy and Water Utilities Regulatory Authority, Republic of Tanzania

**Perspectives from practitioners:**
- Mr. Boris Dolgonos, Lawyer and Partner, Jones Day
- Mr. Lou T. Wells, Herbert F. Johnson Professor of International Management, Harvard Business School

**Objectives:**
- Improve understanding around the use of model contracts as a technique to prepare for complex contract negotiations;
- Learn how to manage the process for the development of a model contract;
- Learn about useful sources for model contracts.

**Guiding questions:**
- What are the advantages of using model contracts – for both the state and the investor? Are there any identifiable disadvantages to the use of model contracts? If so, how can these be mitigated/avoided?
- Are there any differences in the use of model contracts between the mining and oil & gas sector?
- Are model contracts an effective tool to reduce the scope of negotiations, bridging asymmetries of information, improving efficiency of the process, supporting more coherent and informed negotiating positions and fostering long-term interests?
- Is there a recommended process for the development of model contracts?

<table>
<thead>
<tr>
<th>15:45 - 16:15</th>
<th>Coffee break</th>
</tr>
</thead>
<tbody>
<tr>
<td>16:15 - 17:45</td>
<td>Session 3 – How non-binding international human rights, labour and environmental standards can be of use in negotiating large-scale extractive contracts between host governments and investors</td>
</tr>
</tbody>
</table>

There is a substantial body of international guidance on how to tackle development, human rights, labour and environmental issues in extractive projects. This session will discuss how relevant non-binding international standards can be used in the negotiation of large-scale extractive contracts and under what conditions such
standards can help to fill gaps in national legislation. Participants are expected to discuss their experience of drafting, negotiating and administering contracts that reference these standards.

**Moderator: Mr Peter Conze, Senior Regional Advisor, Africa, Member of the Board TI Germany, Transparency International**

**Kick-off interventions by:**
- Mr Herbert McLeod, Country Director, Sierra Leone, International Growth Centre (IGC)
- Mr Natty Davis, Devin Corporation, Advisor to the Government of Liberia
- Mr Gerald Pachoud, Managing Partner, Public Policy-Pluto & Associates
- Ms Annie Van Klaveren, Policy officer and focal points on extractives, Multinational Enterprises & Enterprise Engagement Unit, International Labour Organization

**Objectives:**
- Identify relevant non-binding international development, human rights, labour and environmental standards that are applicable to large-scale extractive projects;
- Learn how these standards have been incorporated by reference or otherwise into contemporary large-scale extractive contracts;
- Discuss the efficacy of the inclusion of these standards and how governments can ensure that these requirements are met.

**Guiding questions:**
- How can non-binding international instruments help host governments in shaping balanced and equitable contract negotiations with investors?
- How can the UN Guiding Principles on Business and Human Rights help in contract negotiations?
- How can the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy help in contract negotiations?
- How can the OECD Guidelines for Multinational Enterprises help in contract negotiations?

17:45 - 18:00 **Closing remarks by the Co-Chair, Federal Republic of Germany**
Mr. Günter Nooke, Personal Representative of the German Chancellor for Africa, Federal Ministry for Economic Cooperation and Development (BMZ)
DAY 2 - Multi-Stakeholder Plenary Meeting

16 June (Room CC15, OECD Conference Centre)

8:00 - 9:30 Registration & Breakfast

9:30 – 9:40 Welcoming remarks by H. E. Pierre Duquesne, Ambassador and Permanent Representative of the Republic of France to the OECD, and Chair of the Governing Board of the Development Centre

9:40 - 12:15 Co-Chairs: Liberia and Norway
Hon. Sam Russ, Deputy Minister for Operations, Ministry of Lands, Mines and Energy, Republic of Liberia and Mr Petter Nore, Chief Energy Analyst, Ministry of Foreign Affairs, Kingdom of Norway

Session 4 – Compendium of Practices: Operationalising Framework on Collaborative Strategies for In-Country Shared Value Creation: focus on innovation and shared power infrastructure

In this session, governments, industry, and expert participants will focus on practices to operationalise selected recommendations under Step 4 (Innovation), including aspects of power-gas and power-mining integration covered under Step 3, as well as a broader discussion around new opportunities related to innovation. The examples will deal with actionable approaches to improving efficiency and access to energy, reducing environmental footprint, building green value chains, and linking non-renewable exploitation with renewable energy.

Objectives:
- Discuss and validate a new set of three examples for inclusion in the online Compendium of Practices, the companion tool of the Framework on Collaborative Strategies for In-Country Shared Value Creation: Extractive Projects
- Discuss some of the broader trends and impacts of innovation on the extractive sector as well as the potential for shared power infrastructure

9:40-11:00 Innovation and shared power: sharing practices for discussion and validation
The first part of session 4 will feature three examples around the use of renewable energy and on-grid and off-grid solutions in the extractive sector in Chile, Australia, and Oman. Stakeholders will share insights around enabling factors and obstacles that were faced in each example, as well as lessons learned. The session will also offer the opportunity to discuss the challenges facing electricity grids in terms of integrating renewables and extractive projects.

Kick off interventions by:
- Mr. Guy Halpern, Junior Policy Analyst, Natural Resources for Development Unit, OECD Development Centre
- Mr. Anthony Dobb, Client Adviser Off grid, Australian Renewable Energy Agency
Mr. Danilo Nuñez, Head of Energy Infrastructure Division, Ministry of Energy, Republic of Chile
- Mr. Carlos Finat, Executive Director, Chilean Association of Non-Conventional Renewable Energies
- Mr. Amar Rathore, Principal Advisor, National Electricity Market Security Review Taskforce, Government of Australia

Guiding questions:
- How can solar energy support more efficient enhanced oil recovery?
- What are the challenges and opportunities for governments presented by the intersection of the extractive sector and renewable energy?
- Can extractives catalyse bold deployment of solar energy?
- How can the extractive sector contribute to growth in grid-connected renewable energy?

For reference:
Templates for inclusion in the Compendium of Practices (for discussion)

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>11:00 - 11:30</td>
<td>Coffee Break</td>
</tr>
<tr>
<td>11:30 - 12:15</td>
<td>Emerging practices around innovation and shared infrastructure in the extractive sector</td>
</tr>
</tbody>
</table>

Technological advances and trends towards a greener economy have the potential to significantly impact the extractive sector. This is amply illustrated in the deployment of new technology as well as shifts in the global energy mix and changing demand for different raw materials. The second part of session 4 will feature a discussion around the opportunities and challenges presented by new technologies and innovation in the extractive sector, with examples of new shared infrastructure linkages (power and telecommunications) and other innovative practices.

Kick off interventions by:
- Ms. Rebecca Ross, Associate Partner, McKinsey
- Mr. Carlos Finat, Executive Director, Chilean Association of Non-Conventional Renewable Energies
- Ms. Perrine Toledano, Head: Extractive Industries, Columbia Centre on Sustainable Investment

Guiding questions:
- How will new technologies and innovation impact the potential for shared infrastructure?
- What are the opportunities to “green” the extractive sector?
Session 5A - Mobilising Domestic Resources for Development - Fighting Corruption: Launch of the Thematic Dialogue on Commodity Trading Transparency

Chair: United Kingdom
Mr Andrew Preston, Senior Adviser, Joint Anti-Corruption Unit, UK Cabinet Office

Building on the analysis of the OECD development Centre’s *Corruption in the Extractive Value Chain: Typology of Risks, Mitigation Measures and Incentives*, the recommendations made by the OECD Secretary General’s High-Level Advisory Group on Anti-Corruption and Integrity, and as a follow-up to the UK Anti-Corruption Summit held in London in 2016, the session will provide the opportunity for participants to kick-start a thematic dialogue on commodity trading transparency. This session will offer the opportunity to discuss the objectives, identify key stakeholders and expected outcomes, and preliminary review measures adopted by producing countries and home governments to improve transparency in commodity trading.

Kick off interventions by:
- Dr Lahra Liberti, Head of Natural Resources for Development Unit, OECD Development Centre
- Mr Jonathan Atkinson, Extractives Adviser, Governance and Extractives Team, UK Department for International Development
- Mr Jonas Moberg, Head of the EITI International Secretariat, Extractive Industries Transparency Initiative (EITI)
- Mr Joseph Williams, Senior Advocacy Officer, Natural Resource Governance Institute

Guiding questions:
- What type of mechanisms and vehicles are used to channel corrupt payments in commodity trading transactions?
- How transparent are financial flows in relation to the purchase/sale of governments’ oil, gas and minerals?
- What types of measures have producing countries and home governments put in place to increase transparency and counter corruption in commodity trading?
- What are commodity traders doing?
- What are the key stakeholders that should be involved in the dialogue? What are the expected outcomes and possible concrete results?

For reference:
Background Note on Commodity Trading Transparency (prepared by the UK Department of International Development, DFID)
Session 5B - Mobilising Domestic Resources for Development: Tackling BEPS challenges in extractives

The OECD and the Intergovernmental Forum on Mining (IGF) are collaborating to provide sector-specific guidance on tax base erosion challenges that developing countries are facing in their extractive industries. This session provides an opportunity to take stock on progress on this initiative and for participants to provide technical input to improve the understanding of Policy Dialogue and IGF participants of the challenges faced and policy solutions available to developing countries.

Discussion will focus firstly on interest deductibility as a mechanism to shift profits internationally, and then discuss the policy implications of vertical integration in mining on where profits should be allocated in the value chain, using bauxite mining as a practical case study.

Kick-off interventions by:
- Mr. Howard Mann, Senior Advisor, IGF Secretariat and Senior International Law Advisor, International Institute for Sustainable Development
- Mr. Dan Devlin, Senior Economist, Natural Resource Taxation, OECD Centre for Tax Policy and Administration

Co-Chairs: Chile and Kazakhstan
Mr. Juan Andrés Roeschmann, Head, Department of Studies, Budget Office, Ministry of Finance, Republic of Chile and Mr. Azamat Agaidarov, Director of Macroeconomic Analysis and Forecasting Department, Ministry of National Economy, Republic of Kazakhstan

Session 6: Revenue Spending and Natural Resource Funds: Thematic Focus on Earmarking Practices

Objective:
- Improved understanding on advantages and disadvantages of earmarking practices.

This session will feature the third of a series of thematic discussions on spending mechanisms, focussing on earmarking practices. Citizens in resource-rich countries often perceive only a weak relationship between paying taxes and receiving services, leading to a weak fiscal contract. One possible solution to this problem is to explicitly strengthen revenue and expenditure linkages by requiring that revenue earned from one source be dedicated to specific expenditures. The session will offer the opportunity to contrast and compare different country experiences with a view to improving understanding around advantages and disadvantages of earmarking practices and assess their effectiveness in financing the SDGs.

Kick-off intervention by:
Mr. Adam Dixon, Reader in Economic Geography, Bristol University
Guiding questions:
- How can countries foster a commitment to invest non-renewable resource revenues in physical and human capital without reverting to strict earmarking mechanisms?
- Where earmarking is used, what additional oversight mechanisms should be considered to ensure efficiency and effectiveness of the expenditure?
- What is the best way to reform and/or eliminate earmarking practices where they have become ineffective or a constraint to fiscal adjustment?

For reference:
Report on earmarking practices: comparative analysis and lessons learned (for discussion)

17:45 - 18:00 Concluding remarks
Mr Mario Pezzini, Director, OECD Development Centre