

**The resolution of the 43<sup>rd</sup> meeting of the working group “Extractive industries transparency initiative” (February 23, 2017)**

The 43<sup>rd</sup> meeting of the working group was held in the meeting hall in the 9<sup>th</sup> floor of the office building of the Ministry of Finance at 10.00-11.30 AM on February 23, 2017 (on Thursday).

The meeting was chaired by the Enkhbayar N., Senior consultant of the Prime Minister and introduced the discussing issues and rule of the meeting Department of the Ministry of Mining.

Discussed:

1. Zoljargal N., coordinator of Adam Smith International introduced the introduction on criteria to choose 5 soums for example in the framework of experimental project for local relation financed by the European Reconstruction Bank:
  - A. Resolution: to implement the project in following 5 soums: Gurvan Tes of Umnugobi, Yeruu of Selenge, Zaamar of Central, Darkhan of Khentii and Delgerekh of Dornogobi in accordance with view from Adam Smith International.
    - i. Issued the recommendation to involve the neighbour soums of those elected soums, especially Dalanjargalan soum which earned high score by election criteria of ACI in experimental project of EITI.
2. Tsolmon Sh., coordinator of Working group introduced EITI report of Mongolia in 2015, introduction of the resolution of Certification result in 2016 delivered from International Management Committee.
  - a. To establish the sub-working group including 3 member from participation parts.
  - b. The participation part should deliver the names of the members who will work in sub-work team within March 06.
    - i. Main duty of the sub-working group:
      - To research the recommendation on certification result of EITI in 2016 from International Management Committee and the united report on 2015, to draft view for resolution and to put control on implementation issue resolution.
      - To check the recommendation issued by those two documents and include it in work plan of 2017 and work duties of independent controller, amend the related changes and introduce it to the working group.
      - Re-control the recommendation issued by the united report in 2012, 2013 and 2014. To make conclusion and introduce resolution draft to working group.

**Introduced by:**

**Enkhbayar N., Senior Consultant of the Prime Minister, Secretary of The National Committee of EITI and Head of the Working group  
(Signed)**

**Chaired by meeting:**

**Saran B., Senior specialist of Natural Environment and Resource of the Ministry of Natural Environment and Green Development  
(Signed)**

**Prepared by:**

**Tsolmon Sh., Coordinator of Working Group  
(Signed)**

VERIFIED BY ENKHBAYAR N. SENIOR CONSULTANT OF THE PRIME MINISTER,  
SECRETARY OF THE NATIONAL COMMITTEE OF EITI AND HEAD OF THE  
WORKING GROUP

RESEARCH INSTRUCTION TO VALUE CONDITION OF SOUMS FOR “EXAMPLE  
SOUM” EXPERIMENTAL PROGRAM

March 03, 2017

**Purpose of the program:** The purpose of the program is directed to improve education and understanding on natural mining service of the people in local area, to provide support to implement EITI in Mongolia, to improve education and understanding of local governors and citizen in Mining industry and supply their participation on it.

**Purpose of the research work:** To estimate the condition of information and communication in elected soums, or to estimate education and understanding of participants (citizens, public, local governors, enterprisers of extractive industries) on EITI and Mining industries, as well as certify line of possible information and communication.

**Result of research work:** As estimating the condition and as certifying needs of information, distributing method and line, there will be drafted optimal information and communication strategy.

**Work schedule in soum and program:**

No.	Soums	Appointment period (Anticipated)	Program
1.	<b>Zaamar soum,</b> Tuv province	March 20, 2017	14:00-14:30 Project introduction 14:40-18:00 Discussion of focus group I
		March 21, 2017	09:00-13:00 Discussion of focus group II 09:00-13:00 to receive paper opinion poll from local citizens
2.	<b>Yeruu soum,</b> Selenge province	March 23, 2017	14:00-14:40 Project introduction 14:40-18:00 Discussion of focus group I
		March 24, 2017	09:00-13:00 Discussion of focus group II 09:00-13:00 to receive paper opinion poll from local citizens
3.	<b>Bor-Undur soum,</b> Khentii province	March 27, 2017	14:00-14:40 Project introduction 14:40-18:00 Discussion of focus group I
		March 28, 2017	09:00-13:00 Discussion of focus group II 09:00-13:00 to receive paper opinion poll from local citizens
4.	<b>Delgerekh soum,</b> Dornogobi province	March 29, 2017	09:00-09:30 Project introduction 09:40-13:00 Discussion of focus group I 14:10-18:00 Discussion of focus group II 09:00-18:00 to receive paper opinion poll from local citizens
5.	<b>Gurvantes soum,</b> Umnugobi province	April 03, 2017	09:00-09:30 Project introduction 09:40-13:00 Discussion of focus group I 14:10-18:00 Discussion of focus group II 09:00-18:00 to receive paper opinion poll from local citizens

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### **Participants Team and colleague from Ulaanbaatar**

- Representative from Government organization - 1 staff
- Representative of the National Association of Mining, Mongolia, and companies – 1 staff
- Civil society Union “Ogson Avsanaa Niitel” and Civil Committee of Natural Environment of Mongolia – 1staff
- Secretariat of the Project to improve governance of Extractive Industries - 1 staff
- Foreign consultant and researcher of Adam Smith International -1 staff
- Project coordinator -1 staff
- Translator – 7-8 staffs

### **Representatives from local area who will involve in the discussion of Focus group**

- Chairman of Citizens’ Representative’s Meeting and Governor of soums – 3 staff
- Leaders of Citizens’ Representative’s Meeting of soums - 3 staff
- Staffs from Government office of soums - 3 staffs
- Representatives of Citizens’ Public Meeting of Bag - 3 staffs
- Governors of Bag - 2 staff
- Stockholders who lives in the area with Mining Influence – 2 citizens
- Citizens’ representatives who lives in the center of Soums. 5 citizens
- Middle and small businessmen – 5 businessmen
- Representatives from Mining Companies – 5 staffs
- Representatives of private miners – 3 citizens
- Representatives from NGO/Citizens Society Organizations if works there-1-2 staffs
- Representatives from mass media if works there – 1-2 staff
- Totally 30-40 staffs

### **Responsible works**

1. Administration of aimags and soums
  - To supply the meeting hall to conduct discussion of Focus group (Note: The meeting hall shall be citizens hall or meeting room with capacity for 20 people)
  - To deliver advertise to representatives who will take part in discussion of focus group, collect them and be responsible organizational issues. (the advertisement shall be delivered before 7 days)
  - To involve the representatives of mass media of the soums and to provide them opportunity for future cooperation

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- To supply preparation work for research team in soum and cooperate with project coordinators
  - To book hotels for representatives from Ulaanbaatar
  - To cooperate with citizen to receive paper poll
2. National Committee of EITI, member of Working group and representatives from government organizations, companies, Civil society Organizations
- To cooperate with project team and local governors and provide support to certify optimal target group which will take part in the discussion of focus group
  - To view to research poll
  - To view result of research work and report, to cooperate to implement information and communication strategy
3. Adam Smith International Project team, Secretariat of the Project to improve governance of Extractive Industries
- To supply the preparation for research work, to receive view from participations and productively organize
  - To cooperate with administrators of elected soums
  - To journalize, to prepare report and to introduce

### **Expenditure and finance**

Adam Smith International will be responsible for transportation means that will work for appointment of research team, accommodation cost, water cost required during the meeting and discussion of focus group, lunch, and cost for brochure.

### **Checked by:**

**Tsolmon Sh., Coordinator of Project to Improve governance of Extractive Industries  
(Signed)**

### **Refined by:**

**Zoljargal N., Coordinator of Adam Smith International Project  
(Signed)**

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**In the Minute of the meeting of the working group “Extractive industries transparency initiative” (February 23, 2017)**

The 43<sup>rd</sup> meeting of the working group was held in the meeting hall in the 9<sup>th</sup> floor of the office building of the Ministry of Finance at 10.15 AM February 23, 2017.

In the Working Group meeting, Enkhbayar N., a Senior Consultant of the Prime Minister and Head of the Working group, Saran B., Senior Specialist of Natural Environment and Resource of the Ministry of Natural Environment and Green Development, Battengel N., Senior Specialist of the General Taxation Authority, Erdenebat N., Specialist of the Ministry of Mining and Heavy Industry, Oyuntuya G., specialist of Mineral Resource Authority of Mongolia, G.Zulai., Senior Specialist of Natural Environment, and Natural Resource Department Bayarsaikhan N., Leader of Borderless Step NGO, Narantsetseg B., Leader of Wildlife safety fund Mongolia, NGO, Tserenjav D., Executive director of Transparency Fund NGO, Bayarmaa B., Leader of Huvsgul dalai owners NGO, Batsaikhan, Head of the Director Board of Responsible Mining NGO, Batbold B., Board Member of Civil Committee of Natural Environment of Mongolia, Bolormaa P., Senior Accountant of Boroo Gold LLC, Anjilai, staff from Areva Mongol LLC, Solongo N., Accountant of Petromatad LLC, Amar N., Specialist of Oyutolgoi LLC, and Tsolmon Sh., Secretary of the Working Group and Secretariat Coordinator. There were 17 members present out of 33 members and turnout was 54.5%.

Also, Delgermaa B., Responsible Specialist of Secretary Office, Financial Officer Otgontungalag A. and Information Technology Advisor Ganbat G. and Zoljargal, program coordinator of Adam Smith International were present in the meeting.

The meeting was chaired by the Enkhbayar N., Senior consultant of the Prime Minister and introduced the discussing issues and rule of the meeting Department of the Ministry of Mining.

Enkhbayar N.: Good morning all! Thank you for all for presenting in the First meeting of 2017 Working Group. Today we have planned to discuss two main issues by this meeting: At First - to hear and discuss the introduction on criteria to choose 5 soums for example in the framework of experimental project for local relation financed by the European Reconstruction Bank; at Second– to introduce resolution delivered from the International Management Committee on the result of Certification of the EITI, Mongolia. Let’s start the first issue.

**I. Discussed: the introduction on criteria to choose 5 soums for example in the framework of experimental project for local relation financed by the European Reconstruction Bank**

Zoljargal B. It first, I would like to express you greetings. I am working as a coordinator in this project. Before this project, I have worked in the Australian project. I educated in Bachelor

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degree of Business science and defined the master degree of economics in Australia. This project is an experimental project which is implemented by Adam Smith International having financed by European Reconstruction Bank. The project frame work maybe extended in other soums in case the experimental project is implemented successful.

The main purpose of the project is directed to advertise the EITI in local area and to supply the citizens with required information. There is processing election operation to choose the Communication organization/company which will be responsible for main process of the project. There 9 organizations were delivered their request to participate in the election and the election will finish at the beginning of March. At first, the project will be implemented in 5 experimental soums. There was drafted the methodology and criteria for election of those soums. The methodology and criteria for election was drafted by cooperation with managing working group responsible for the project of Adam Smith International for 14 days and we cooperated with this working group. The criteria was classified by 2 categories: main and additional. Election was conducted among 331 soums based on the election criteria. The project will be implemented in 5 soums which were elected among 331 soums. The election criteria was drafted based on income amount and range, natural environment factor, participation of private business, social factor, population and gender, macrostructure, donor organization and location of the soum. The following issues such as Range, interest to provide support from companies,, number of companies, natural environment, additional social criteria, location, product category, number of population, operation of Civil and Society Organization and Donor Organizations, State Owned Companies and Gender were included the main criteria. The was used the filter method to choose target soums and at the result, there were chosen following 5 soums: Gurvan Tes of Umnugobi, Yeruu of Selenge, Zaamar of Central, Darkhan of Khentii and Delgerekh of Dornogobi. We will visit with some representatives of working groups, work and value the requirements and needs of the project, and draft the strategy of the given soum. (Annexed the introduction)

Enkhbayar N. Thank you, it will be good if the sales income is expressed by tugrugs. There was expressed same amount was expressed by EURO in the table. It is showed that the income maybe valued 1.3 trillion tugrugs by current exchange rate. Also, it is required to show detail of income (for example to notice the income from which section). I think it would be good to separate the income either from mining operation or from all operations.

Bayarsaikhan N. How did you draft the criteria for election? How optimal was the criteria? Have you received the view from members of working groups? It show some disadvantages in the criteria. There is not enough gender information which is very abundant. Dalanjargalan soums is very significant if you use election criteria. But, why did you choose Delgerekh soum which is slow by many factors such as have surveying licences, but no income, did not conduct rehabilitation. I take exception to choose Dalanjargalan soum.

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Batbold B., There was noticed that it is founded some information. The unemployment research is in every soum by every bag.

Batsaikhan: There is not included soum from Western aimags. Aimags in western zone is very significant such as natural environment, structure. For example Tseel soum of Gobi-Altai.

Enkhbayar N., Now, answers the questions. I should leave the meeting because I appointed in different meeting. So, I invite Saran B., Senior specialist of the Ministry of Natural Environment and Green Development to I charge the meeting now. I wish to continue the meeting.

Zoljargal N. There was noticed the sales income was expressed by EURO. Because it is financed from European Reconstruction and Development Bank but it is expressed by tugrugs in previous column. We have tried to express the election criteria by comparable digital information. Digital information related to gender and unemployment was through aimags only. We did not include the gender information because the gender information could not be founded. We regarded to combine close soums such as Dalanjargalan and Bor-Under soum, Khentii which are close. We have checked western aimags, But, Tseel soum, Gobi-Altai from western aimag was included in the election. But this soum is not elected because there was conducted its operation Altain Khuder company only.

Narantsetseg B. Who Bukhmurun soum, Uvs aimag, which delivered the view to election for experimental soum, was not elected?

Zoljargal B. we tried to focus view of every person. Everybody wanted to be chosen their soum. Thus, we have conducted the election based on the criteria for election.

Saran B., I will introduce and read the draft of resolution if have not view and question on the first issue.

Delgermaa B. We proposed to find result and rate as implementing the project in different soums the result may be similar if we choose soums which conduct operation in same direction and category. We have chosen Delgerekh soum which conducts the operation of gold. Because there was growth out bigger conflict between people and company. Thus, we want to show the significant of EITI in this soum. There is not chosen from western aimags. It is because the sale income was not high or there was working only one company for mining. Darkhan soum was chosen because there is operating the state owned company. Dalanjargalan soum locates in the way of Delgerekh soum. Thus, we regarded that those soums may jointed in the project.

Bayarsaikhan N., So, I understood that there will be included two names of those soums Delgerekh and Dalanjargalan.



Zoljargal B. We will choose only 5 soums for this project. Some operations may be implemented in Dalanjargalan, but we do not conduct project activity in Dalanjargalan.

Batbold B. You said that you will come over this soum because it is close to the chosen soum. Will you work there? Is it not influence to the project operation badly by the reason that not noticed in the budget or budget was exceeded.

Zoljargal B. The project will be implemented in Delgerekh soum. Dalanjargalan soum will take part in the project.

Batbold B. There will be required appointment cost, meal and transportation cost for the people from Dalanjargalan soum. How will you solve these issues?

Bayarsaikhan N. Dalanjargalan soum meets election criteria and chosen Delgerekh soum. What did you foreign consultant of Adam Smith International say exactly?

Zoljargal N. we have chosen 5 soums by election criteria. It is impossible to choose 6 soums.

Bolormaa P. We have counted the digital date and quality data for chosen those soums. Now, it is not important to spend time on digital data. Delgerekh soum met requirement for election criteria by quality data. I view to support the elected soums.

Batsaikhan N. You should choose 5 soums if you announced to choose 5. It was important to include many different soums but not draw the election criteria and to choose the soums with high criteria. Western aimags earns low criteria and has few companies. There will be give good result comparing the soums where operate many companies as well as operate few companies. It would be good way.

Saran B. Is it possible to involve Dalanjargalan soum but not involve Delgerekh soum. But there is implementing many projects and programs in Dalanjargalan soum. Maybe, you have chosen this soum to express view and understanding people who live in the soum where is not developed mining operation and where has never implemented any project. I hope to certify it.

Bayarsaikhan N. There was chosen above mentioned 5 soums. But I hope to involve Dalanjargalan soum which earned high score by election criteria. If not, for what did you drafted the election criteria. You should follow your requirement.

Saran B. Let me vote in the draft of resolution.

Battsengel N. The budget of the project was verified for implementing project in 5 soums. Thus, I viewed to verify those elected soums.

Members agreed and verified the draft of the resolution.

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**Discussed: EITI report of Mongolia in 2015, introduction of the resolution of Certification result in 2016 delivered from International Management Committee**

Tsolmon Sh. The first of all, I would like to express you my greetings. I introduce you EITI report of Mongolia, introduction of the resolution of Certification result of delivered from International Management Committee. It always was introduced by online before. The official report was drafted officially in January 2017. 5 countries from 51 countries, where implementing EITI, were involved in certification. It was considered that EITI operation in those countries is processing good. It is implementing by EITI standard and there is no country which earned 100%. But there is good information about our EITI. For example: the working part of EITI participation conducted significant control. There was estimated that EITI work group in our country has worked good to improve information delivery having used the online. There was established sub-committees in local area, conducted public discussion in local area and could reach special result. The management committee of EITI noted that EITI in Mongolia could become positive representative of consulting and discussion of management of Mining service, as well as could involve participation parts and citizens in the discussion and consulting.

Management committee showed clearly in the report the supplement rate of EITI requirement in Mongolia. Mongolia does not implement well the EITI criteria 1.4, 2.2, 2.3, 2.6, 4.5, 4.9, 5.2, 6.1, 6.2, and 7.4. This, it would be good if we will take measure to correct our mistake and complete unfulfilled task. The result of additional work for correcting in our work will be checked for certification from January 11, 2018. We should implement it in the future. (Annexed the introduction)

International Secretaries' Department delivered following review on EITI united report in 2015. Date information quality or requirement 4.9 was insufficient, in order words, most Government organizations and companies did not deliver related information. Thus, I have view to conduct consulting on implementing requirement from working group jointing independent controllers. Also, attention to requirement non-material condition article 4.1 in the report of 2015, there was included 99% of total income, but the independent controllers did not take part to choose the income category. We are going by the reporting rule. Thus, there is growing issue how to supply the participation on it. There was not explained the income circulation. Thus, it is required to focus it in the duties of independent controller in 2016 to include in the report the explanation and its related conclusion of the companies which did not issue the report. There is no value and conclusion on material condition however direct income of local area because report in 2015 was drafted by aimag and soum. It is possible for us to establish material condition having used electro-report. I want to notice here some important issue to draft report in 2016; to clarify amount of atom property from Mongolia to Czech and focus it in the report, also there was unclear information on license, and date of application. We should agree those issues and include them work plan 2017. (Annexed the introduction)

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Saran B. Thank you. You may ask a question related to the introduction.

Bayarmaa B. I think it is possible to amend changes on rule of work team. There is conducting the second discussion in the law. Some issues may be resolved if include those issues on law draft and verify it. The working group of legal part said that there is a chance to verify if we deliver them our draft. The representatives of civil society take part in the discussion and delivered their view. Representatives from government and companies may deliver their view and take part here. I do not think this issue will be solved just only changing rule of working group. Have work on this part?

Tsolmon Sh. We have worked having verified the addition work plan by Prime minister before. But, this time work team should draw view because we think it is not good way to verify by the Prime minister again. I do not know well about law draft. It was not verified 2 times before. It is required to establish sub-team at the frame work to apparent beneficiaries, as well as sub-team for legal work. It is possible to believe in legal project. Because, it may be discussed in autumn session.

Tserenjav D., We received task to apparent the Product share contract within the 2<sup>nd</sup> season. What exactly should we get apparent? Is to get apparent whole contract and some issues related to report in 2015 only?

Tsolmon Sh. All contract will be drafted by new form, all other issue in the contract get apparent not including some limited numbers in the contract. There is conclusion in the Ministry of Mining that the Product share contract is influenced to the election.

Bayarsaikhan N. We will involve in the certification in 2018 again. It is not enough to make change in the rule of working group in order to implement those measure and consultant. Also, we need to change forms, and also to make change in the Order 222 of the Government by the way to get apparent some issue of State owned companies. It is possible to include some issues to the task of independent controller. It will be more significant to classify and number the recommendations, to vote by online and establish sub-working group. There was issued a view to working group to make introduction for 10-15 minutes on resolution of meeting, taken measure, and current topical information. It will be good if the working group implements this task continuously.

Saran B. Thank you we viewed to establish sub-working group to prepare for certification at the frame work of resolution of introduction. It is impossible for us to wait for verifying the law. The duration of law verification is 2 years. Thus, it will be good if the members of working group include their view to the sub-working group and to make effort to supply main subject of the project.

Tserenjav D. Has the sub-working group worked by the direction to re-certification only?

Tsolmon Sh. The sub-working group will work in the direction of the take measure by report conclusion in 2015 and to fulfil the certification task in 2016. One part will work in the direction to change in the order and other part of the task of independent controller. But, we have decided head of the working group yet. I ask you to vote if you have any idea. I have view to establish sub-working group within March 06, 2017.

Tserenjav D. The work –team will elect until 2018. Maybe it is required to establish a working group in 2018 again. This working group will be a bigger working group which will be responsible for many issues.

Bayarsaikhan N. We will involve in the certification in 2018 having supplied 13 kinds of recommendation which was delivered from the certification committee. Therefore, it will be good if we establish to sub-working group one of them will be responsible for implementation of the certification recommendation and other one will be responsible for implementation report recommendation in 2015 or to implement recommendation issued from united report of every year.

Bayarmaa B. There was focused the issue to amend change in the rule in the work plan of 2017. There is way to discuss it by working group and then regulate it. We should separate every issue and should not think that the law will never be verified. It is not right we talk that there is discussed most important issue of this section. I am very regretful that you talking that about law after issuing vote from civil society organizations and conducting second discussion. You should pay attention in law, do not talk again like in-responsible thing. I hope you to take it in your consideration.

Bayarsaikhan N. Is it possible to establish two working group? Or should be only one work-team?

Tsolmon Sh. It is possible for example for legal working group. But, I think there may be insufficient work force for us.

Bayarmaa B. It is an organizational part. Some duties may be delivered to main work service.

Bayarsaikhan N. The work service could bear work load, work may be slowing down if they receive much work. Therefore, we need to establish sub-working group.

Saran B. I think, it is right to establish sub-working group. It will be good if the sub-working group should work by special direction, not responsible for different task. Thus we should certify exact direction.

Tserenjav D. It is required to change little bit the name because it seems directed to one measure only if it is directed to re-certification.

Saran B. Some issues are clarified by information. The some requirements are not meet or meet our law and rule. Therefore, some people who have known on law should work in the working group.

Batbold B. The certification conclusion shows what we should do. Therefore, the sub-working group work by this direction, and we will be responsible for other issues related to report recommendation.

Saran B. There is some issues to get apparent could not get apparent by our law.

Batbold B. The sub-working group may deliver their view to draw in law having clarified the issues which is possible or not possible to get apparent by our law.

Bayarsaikhan N. It is right to establish two sub-work teams; the sub-working group to implement the recommendation issued from Certification committee and sub-working group to pub continues control on implementation of report recommendation in every year.

Saran B. So, how many sub-working group we will establish?

Bayarmaa B. It would be better to establish one sub-working group.

Tserenjav D. Let solve to establish the sub-working group to implement recommendation and to prepare re-certification.

Saran B. It will be better to establish the sub work team to implement recommendation, to research condition and possibility and to prepare re-certification. The name of the sub-working group should be right and we can get result if the planned work will be cleared.

Batbold B. Is it right to establish sub-working group again even the work service plans having notice the report recommendation in every year.

Tsolmon Sh. It is focused in work plan, now it is required to put control only.

Bayarsaikhan N. For example: It is not implemented how every there is issued recommendation to introduce united report to Parliament and Budget Stable Committee every year. Therefore, the sub-working group which remember the resolution.

Saran B. The name of the sub-working group should be clear. Therefore, there is included the name of the sub-working group to draw resolution draft to implement recommendation, and to prepare re-certification. It is right to choose the people, who work in the sub-working group, and to clarify the planned work and deliver it to the related organizations. Let me now to certify the draft of the resolution.

Members agreed with it.  
The meeting end at 11.50.

**Meeting minute was introduced by:**

**Enkhbayar N., Senior Consultant of the Prime Minister, Secretary of The National Committee of EITI and Head of the Working Group  
(Signed)**

**Saran B., Senior specialist of Natural Environment and Resource of the Ministry of Natural Environment and Green Development  
(Signed)**

**Tsolmon Sh., Secretary of Working Group  
(Signed)**

**The minute was drafted by:**

**Otgontungalag A., Officer of the Financial Service  
(Signed)**