[Zambia, 2021]

MSG review of the outcomes and impact of the EITI

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# Introduction

Regular disclosure of extractive industry data is of little practical use without public awareness, understanding of what the figures mean, and public debate about how resource revenues can be used effectively. The EITI Requirements related to outcomes and impact seek to ensure that stakeholders are engaged in dialogue about natural resource revenue management. EITI disclosures lead to the fulfilment of the EITI Principles by contributing to wider public debate. It is also vital that lessons learnt during implementation are acted upon, that recommendations from EITI implementations are considered and acted on where appropriate and that EITI implementation is on a stable, sustainable footing.

The multi-stakeholder group may use this template to monitor the outcomes and impact of EITI implementation. Where information is already available elsewhere, it is sufficient to include a link to other publicly available documentation. The scope of this template reflects EITI Requirement 1.5 on work plan and Requirements 7.1 to 7.4 on outcomes and impact.

The MSG is required to review the outcomes and impact of EITI implementation annually (Requirement 7.4). The MSG is encouraged to update this document annually to monitor progress, keep track of efforts to improve data accessibility and inform work planning.

To inform Validation, the MSG is required to submit the completed form to the International Secretariat Validation team by the Validation commencement date. The period captured in this review may be the period since the previous Validation or the previous calendar/fiscal year. The MSG should clearly indicate the period covered by its review.

The MSG’s annual review of the outcomes and impact of EITI implementation should be publicly available, and stakeholders beyond MSG members should have an opportunity to provide feedback on the EITI process (Requirement 7.4).

# Part I: Relevance of EITI implementation

## Work plan (Requirement 1.5)

**1. Basic information about the current EITI work plan.**

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| Period covered by the current EITI work plan | *[2020- 2021]* |
| Information on how the public can access the work plan. | [**https://Eiti.org/Zambia**](https://Eiti.org/Zambia) |
| Process for producing the current EITI work plan | After consultation with key stakeholderS, the ZITI Secretariate drafts the workplan in line with EITI Standard and national periorities. Thereafter, the work plan is presented to the MSG for review and approval.  It is worth noting that industry and civil organisations are encouraged to align their own work plans with the ZEC work plan to strengthen efforts of its implementation and commitment to EITI process.  Refer to the work plan workshop and minuates |
| MSG approval of the work plan | 9 December 2020, refer to MSG meeting minuates dated 9 December 2020] |

**2. Explain how the work plan’s objectives reflect national priorities for the extractive industry. Provide links to supporting documentation, such as studies or national development plans, if available.**

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| * The worklan objective to promote disclosure of Beneficial Ownership (BO) information reflects the BO provision in the currrent Zambia Companies Act. The Companies Act No. 10 of 2017 provides for the disclosure of beneficial owners and also the creation of a register of beneficial owners that will be kept at the Patents and Companies Registration Agency (PACRA). The government developed [regulations](https://www.pacra.org.zm/applications/pacra/html/attachments/Acts/2019/Companies%20Act%20Statutory%20Instrument%20No%20%2014%20of%202019%20-%20General%20Regulation.pdf) for the implementation of the legislation in March 2019.   <https://zambialii.org/zm/legislation/act/2017/10/companies-act-2017.pdf>  <https://www.pacra.org.zm/applications/pacra/html/attachments/Acts/2019/Companies%20Act%20Statutory%20Instrument%20No%20%2014%20of%202019%20-%20General%20Regulation.pdf>  <https://eiti.org/zambia>   * The workplan objective to promote transparency and accountability in the governance of the Extractive Sector resonates well with the national priorities in the Seventh National Development Plan (7NDP). In fact, the 7NDP highlights Improving transparency and accountability as one of the key areas to reach the national vision.   <https://www.mndp.gov.zm/wp-content/uploads/2018/05/7NDP.pdf> Page 54, 56  <https://www.mof.gov.zm/?wpfb_dl=322>   * The objective to advocate for extractive companies to operate in a socially and environmentally responsible manner which reflect national priorities for the extractive industry, in that the Mines and Minerals Development Act, no 11, 2015 highlights: consideration of environment and human health when granting mining rights or mineral processing licences, Conditions for protection of environment and human health and Environmental Protection Fund to mention but a few.   Please refer to section 80-86 of the Mines and Minerals Development Act, no 11, 2015  <http://www.parliament.gov.zm/sites/default/files/documents/acts/The%20Mines%20and%20Minerals%20Act%2C%202015.pdf>   * The workplan objective to promote Gender mainstreaming on the MSG in line with the provisions in the Mines and Minerals Development Act, no 11, 2015 ( that of ensuring equitable gender representation when appointing the members of the of various Committees. In addition, the workplan objective is in line with the National Gender policy which seeks, among other things, to enhance the participation of women and men in mining Sector.   Refer to <https://www.gender.gov.zm/?wpfb_dl=51> page 46 |

*3. Optional question: Has the MSG developed a theory of change on how EITI implementation will address the identified challenges of the sector in your country? If yes, please reference the corresponding document here.*

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| No |

## Monitoring progress

**4. Provide an overview of activities undertaken in the period under review and progress in achieving the objectives of the previous work plan**. The MSG is encouraged to provide a summary here and to document progress in more detail in the work plan itself.

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| **Production Zambia EITI reports:** During the period under review, the MSG approved and publised the, 2017, 2018 and 2019 Zambia EITI reports . It is worth noting that 12 EITI reports have been produced covering the period from 1 January 2008 until 31 December 2019. Further, the MSG approved the ToRs for production of the 2020 ZEITI report and procurement of the Independent Administrator is progressing well. The reports have helped the stakeholders, including the Government to identify the positive contributions that the mineral resources make to the economic and social development of the country and to realise their potential through improved resource governance.  **Online and press dissemination of ZEITI Reports:** The ZEC under took online and press dissemination of the findings of the 2017, 2018 and 2019 ZEITI reports. The information was disseminated through the use of digital billboards and adverts in the Zambia Daily Mail Newspaper. This enhanced public debate on the governance of the extractive sector as well as the contribution of the extractive sector to socioeconomic development of Zambia.  **Mainstreaming feasibility study:** The MSG initiated the the feasibility study to ascertain how Zambia will mainstream the implementation of the EITI. In December 2020 the MSG approved the inception reports and the consultants have submitted the draft reports to Zambia EITI Council (ZEC) for comments and input.  **Extractives Transparency and Accountability Bill:** The MSG commenced the drafting of the Transparency Bill. The transparency legislation will provide a legal framework for implementing the EITI in Zambia. This legislation will ensure mandatory disclosure of EITI data by Companies and government agencies. The Bill will also enhance the implementation of the EITI Standard especially EITI requirements that may require legal and technical reforms. A case in point are requirements related to contract transparency and project level reporting among others. The Transparency legislation will support the current evolution of EITI implementation which places mainstreaming at the centre.  **Financial Modelling Training:** During the period under review, with funding from EITI International Secretariat, Zambia EITI coordinated a financial modelling workshop to build capacity in selected government agencies, Civil Society Organisationm, Minining Companies and the MSG. It is envisioned that this work will further inform public debate and government policy on taxation in the mining industry. Additionally, It will will result in work will result in the MSG leveraging financial modelling more in the future to help stakeholders address some of the challenges in the mining sector  **Beneficial Ownership disclosure pilot:** The ZEITI Secretariat was integrated in a pilot programme between PACRA and Open Ownership. The pilot was intended to build capacity within PACRA for data analysis and data screening/sharing with the Mining Cadastre Department.  **Production of the Artisanal and Small Scale study report:** The ZEITI supported the production of the ASM report ‘An Overview of Artisanal and Small-Scale Mining *in Zambia.’* The report provides robust recommendations on how the government can maximise the beneﬁts from the country's ASM sector without compromising the country's sustainable development agenda.  *[Summarise progress in implementing the previous work plan. Provide a link to the previous work plan with a more detailed analysis of progress in undertaking planned activities and achieving each objective or attach it to this submission.]* |

**5. Provide an overview of the multi-stakeholder group’s responses to and progress made in addressing the recommendations from EITI reporting and Validation and gaps in information in accordance with Requirement 7.3.**

The multi-stakeholder group is required to list each recommendation and the corresponding activities that have been undertaken to address the recommendations and the level of progress in implementing each recommendation. Where the government or the multi-stakeholder group has decided not to implement a recommendation, it is required that the multi-stakeholder group documents the rationale.

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| **Recommendation:** | **Status/progress:** |
|  | *[Has the recommendation been partly or fully addressed? How is the MSG following up on the recommendation? Has the MSG identified an agency or actor responsible for addressing the recommendation? If the MSG has decided not to implement the recommendation, please document the rationale.]* |
| License allocations (Requirement 2.2) | The 2019 and 2018 ZEITI report includes comprehasive information on the process of licence transfer, licences transferred during 2019 /18, an explanation of the technical and financial criteria for awarding licenses for both the mining and petroleum. Also a reference to Sections 22 and 31 of the MMDA which set the criteria to be considered when assessing application. Please refer to Section 4.2 of 2019 report. Further, the Mining Cadastre Department issued a letter on 15 September 2020 to confirm that there were no deviations from the applicable legal and regulatory framework governing licence transfers and awards for the period concerned. The letter is presented in Annex 2 of the 2019 report. |
| Gender Parity | On\_going; MSG resolved that each stakeholder sitting on the MSG should consider gender parity. Please refer to the ZEITI minuates dated 9 December 2020, Item 8(g) |
| Disclosure of the Beneficial Ownership data | ZEITI has made concrete steps towards implementing beneficial ownership disclosure.The implementation of the BO register by PACRA progressing well. Further ZEITI has disclosed some BO information in its report. Please refer to Section 7.1.2 of 2018 report and 2019 ZEITI report. |
| Production data (Requirement 3.2) | On\_going; MMMD disclose the value of the base metals. It is estimated on the basis of LME monthly average prices. However, the value of the industrial minerals and precious stones were not available because MMMD does not assign a value to the production of the industrial minerals and precious stones as, for example, Gemstones have very volatile values and are often sold through auction.  (Please refer to Section 4.7.2 of 2019 report and Section 3.7.1 of the 2018 ZEITI report). |
| *Contract transparency* | The 2019 report has a decription of the government policy regarding contract transparency. In fact, MMD Act 2015 includes confidentiality provisions (please refer to Section 3.5.5 of 2019 report) and some concessions agreement (as required by Req 2.4 of the EITI Standard 2019), environmental impact assessment are dated before the coming into force of the MMDA 2015 : <https://www.resourcecontracts.org/countries/zm>. Therefore, In December 2020, ZEITI wrote a letter to Ministry of Mines seeking clarity on how the confidentiality waivers can be obtained from the mining companies to disclose the full text of the license as well as the conditions for license award.  PleasE refer to the 2019 and 2018 ZEITI report |
| *Mainstreaming EITI reporting* | The feasibility study report for meanstreaming the EITI data is being finalized. In December 2020, the MSG approved the inception reports for study.  Please refer to the ZEC minuates dated 9th December 2020 and 8 October 2020. |
| *Implementation of MSG subgroups* | The following MSG subgroups have been created: Mainstreaming technical working group; data quality assurance technical working group and Policy and data analysis working group |
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**6. How have lessons learned from EITI implementation informed the current work plan?**

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| One of the lessons learned is that the implementation of the EITI globally has evolved over the years. Notably, the EITI reporting commenced a process of mainstreaming the reporting of EITI data in government and company systems.Therefore, the workplan was also informed by such changes. |

## Innovations and impact

**7. Summarise any steps taken by the MSG to exceed EITI Requirements in a way that addresses national or local extractive sector governance priorities**.

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| * MSG organised Financial Modelling training project for key stakeholders in order to to increase their knowledge and utilisation of financial modeling for decision-making on the extractive sector. ZEITI in March 2021 ZEITI will conduct a phase III financial modeling training. This phase will focus on deepening the modelling work that was started during phase I and II of the project. The expected outcome of the intervention is an increase in domestic revenue mobilisation from the extractive sectors in Zambia. Also, ehance utilization of financial modeling data for decision-making especially with regards to assessing the impact of various policies in the mining sector. The improvement in financial modeling capacity will enable stakeholders in the sector to monitor and predict with greater precision revenue flows from extractive sector investments. It is worth noting that effective and efficient management of natural resource revenues, through enhanced domestic resource mobilisation is critical for achieving the Zambia’s Vision goal of ‘A prosperous Middle-income Nation By 2030.’ * Drafted the the Extractives Transparency and Accountability legislation that will provide a legal framework for EITI implementing in Zambia. The Transparency legislation will also enhance the implementation of the EITI Standard especially EITI requirements that may require legal and technical reforms. A case in point are requirements related to contract transparency and project level reporting among others. |

**8. What kind of outcomes and impact have these measures resulted during the period under review?**

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| The EITI has helped Zambia improve transparency and accountability in the extractive sector by providing timely and reliable information to the public, including civil society, media and affected communities. This has contributed in building trust in the extractive sector between government, companies, and civil society that is conducive to constructive exchanges within and outside of the ZEC.  ZEITI has also focused beyond the production and dissemination of ZEITI reports to becoming more acive proponent of other transperancy and sector governace issues . Specific outputs, outcomes and impact as highlighted in the examples below:  **Government**  *Assessment of Policy:* Government uses the ZEITI supported financial modelling work to assess Mining fiscal policy including mineral royalties reconciliation. Developed a sector wide financial model, a practical tool intended to be used by Ministry of Mines to assess the impact of various policies in the mining sector. For example, when the Government of the Republic of Zambia (GRZ) proposed changes to the fiscal policy for the mining sector in 2019 budget, several mining companies opposed this move claiming that the increased royalties would negatively affect their business operations, and in certain instances make them commercially unviable. The Government with support from ZEITI and InVhestia Africa Limited utilized the financial modelling approach to assess the impact of 2019 fiscal regime on the performance of copper mining companies in Zambia.  **Please refer:** final review report on financial models submitted by copper mining companies in zambia in response to the 2019 fiscal regime changes. Provide a link  *Reduced risky of corruption in the sector through Improved beneficial Owernership Transparency: The* Zambian government has been commited to beneficial owernership transparency. The beneficial owerneship disclosure is now made mandatory through current Zambia compan’s legislation. PACRA has developed the beneficial owernership register and discussion are underway to make it public on ZEITI website. Beneficial owernership information has helped to identify risks of corruption, tax evasion and anti money laundering. For example, the Financial Intelligence Centre(FIC) uses the BO information in their work to combat money laundering and other serious offences in order to ensure integrity and transparency in the financial system  *Systematic Disclosure:* ZEITI facilitated the underking of mainstreaming feability study and the study has provided robust recommedations on how Zambia will mainstream the implementation *of the EITI.*  *Improve local procurement in the Mining Sector:* Government has drafted the local content legislation with an aim localizing a significant portion of mine procurement which would meaningfully add to economic growth. This local content legislation is informed by a Local Content study that was conducted by the Ministry of Mines and Minerals development with support from African Development Bank. The report revealed that Copper minining companies procures between US $2 -4 billion annually in goods and services. But only about 10% of this originate from Zambia. Therefore, the study recommeded localizing a significant portion of mine procurement to improve economic growth as well as addressing policy and legislative weaknesses.  *Refer to the study: analysis of input goods and services in zambia’s mining industry, 2019 and draft local content legislation.*  **Mining**  First quantum Minerals used the 2019 EITI report findings to substatiate their enoumous contribution to the Zambia’s economy. According to the Zambia daily mail dated 15 December 2020, FQLM Country manager Kinsley Chikuli, citing the 2019 ZEITI report , said that FQLM contributed the majority (51 percent of k18 billion) of total government revenue generated from extractive sector. FQM Country manager said that the figures in the 2019 ZEITI report underscore FQML commitment to transperancy and Accountability of its operations. He further said “Our commitment to paying the right amout of tax ,as is generating additional local benefit from the strenghth of our large workforce and supply chain.”  Refer to the Zambia Daily Mail dated 15 December 2020, and 2019 ZEITI report.  **Civil Society**  Strengthened monitoring of Corporate Social Responsibility(CSR). Civil Society Organisations use ZEITI reports in their advocacy work and montoring CSR implementation by Mining companies. The Civil Society Organisations contend that the EITI reports have helped address the mistrust that existed between the mining companies and the Civil Society organisations.  [*https://www.facebook.com/SmartEaglesZambia/videos/livestream-launch-of-the-2019-zambia-eiti-reportwe-are-streaming-live-from-lusak/859638698155249/*](https://www.facebook.com/SmartEaglesZambia/videos/livestream-launch-of-the-2019-zambia-eiti-reportwe-are-streaming-live-from-lusak/859638698155249/) |

**8. If the MSG has plans to include new issues or approaches to EITI implementation, please describe these**.

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| N/A |

**9. What kind of outcomes and impact are these plans expected to result in?**

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| N/A |

**10. Summarise the MSG’s efforts to strengthen the impact of EITI implementation in the period under review, including** **any actions to extend the detail and scope of EITI reporting or to increase engagement with stakeholders. The MSG is encouraged to document how it has taken gender considerations and inclusiveness into account.**

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| * The MSG increased scope scope of EITI reporting from 9 companies in 2017 ZEITI report to 16 in the 2019 and 2018 ZEITI Report. * MSG initiated the Drafting of the Extractives Transparency and Accountability legislation that will provide a legal framework for EITI implementing in Zambia. |

# Part II: Public debate

## Open data (Requirement 7.2)

**11. Open data policy and disclosures**

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| Provide a link to the open data policy agreed by the MSG (Requirement 7.2.a) | [*https://eiti.org/files/documents/zambia\_open\_data\_policy.pdf*](https://eiti.org/files/documents/zambia_open_data_policy.pdf) |
| Is EITI data available in open data format and publicised? (Requirement 7.2.b) | *[ YES.]*  <https://eiti.org/zambia>  <https://portals.landfolio.com/zambia/> |
| Has the MSG identified gaps in the availability of EITI data in open format? If yes, what kind of gaps? (Requirement 7.2.b) | NO, all ZEITI data is open format and data is accessible in Excel format and contain all tables, charts and figures from EITI Reports.  data can be made accessible in CSV or Excel format and could contain all tables, charts and figures from EITI Reports. |
| Has the MSG undertaken efforts to improve the availability of data in open format? If yes, please describe these. (Requirement 7.2.b) | MSG developed a open data policy and the Zambia EITI defines Open Data as “Open data and content that can be freely used, modified, and shared by anyone for any purpose. MSG has ensured that all data published, including reports are in machine-readable and in open data format, in accordance to ZEITI’S open data policy. Additionally, the mining cadastre publish EITI data under an open license, and users use the information without prior consent. |
| Have summary data files been completed for each fiscal year for which data has been disclosed? (Requirement 7.2.c) | Yes, all the ZEITI summary data files for each fiscal year are completed and are available in an open data format online:  <https://drive.google.com/drive/folders/0B361RU22DTPfSU13WEVGWnJEV1U> |
| *What systematically disclosed data that is in the scope of EITI disclosures is machine readable and inter-operable? (Requirement 7.2.d)* | License register, Beneficial Owernership register and summary data files |

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## Outreach and communications (Requirement 7.1)

**12. Describe the MSG’s efforts in the period under review to ensure that information published about the extractive sector is comprehensible and available in appropriate languages**.

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| The MSG ensured that the data published in 2017, 2018 and 2019 was comprehensive by preparing them in accordance with the eiti standard requirements. Additionally, all EITI Reports including summary data templates are available on the Zambia EITI website in English. Further MSG under took online and press dissemination of the findings of ZEITI reports. The information was disseminated through the use of digital billboards and adverts in the Zambia Daily Mail Newspaper. |

**13. Describe examples of use of EITI data.**

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| First quantum Minerals used the 2019 EITI data to substatiate their enoumous contribution to the Zambia’s economy. According to the Zambia daily mail dated 15 December 2020, FQLM Country manager Kinsley Chikuli, citing the 2019 ZEITI report , said that FQLM contributed the majority (51 percent of k18 billion) of total government revenue generated from extractive sector. FQM Country manager said that the figures in the 2019 ZEITI report underscore FQML commitment to transperancy and Accountability of its operations. He further said “Our commitment to paying the right amout of tax ,as is generating additional local benefit from the strenghth of our large workforce and supply chain.”  Refer to the Zambia Daily Mail dated 15 December 2020, and 2019 ZEITI report. |

**14. Provide information about outreach events organised to spread awareness of and facilitate dialogue about governance of extractive resources, building on EITI disclosures**.

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| **Event name** | **Brief description of the event** | **Date** | **Location** | **Organiser** | **Number and type of attendees** | **Links to further information** |
| Launch of 2019 EITI report | Dessemination of 2019 report findings | 10 December 2021 | Lusaka | Zambia EITI | 100 Participants  Civil Society organisation, Senior Government officials, Chamber of mines officials | Refer to link 1 below |
| 1. <https://web.facebook.com/SmartEaglesZambia/posts/2742921776021235?comment_id=2742926039354142&_rdc=1&_rdr> | | | | | | |

**15. Describe the MSG efforts in the period under review to consider access challenges and information needs of data users, including different genders and subgroups of citizens**.

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| In a quest to promote contract transperancy, the MSG engaged the Ministry of Mines and Minerals development to provide clarity on how confidentiality waivers can be obtained from the mining companies to disclose the full text of the license as well as the conditions for license award |

**16. Describe other efforts by the MSG in the period under review to ensure that information is widely accessible and distributed**.

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| * The MSG produced a summary report for the 2016, 2017 and 2018 ZEITI Reports. The summary reports were accessible, concise and easily understood by target audiences. Thus,improved understanding of the information and data from the reports. In addition, the MSG under took online and press dissemination of the findings of the 2017, 2018 and 2019 ZEITI reports. The information was disseminated through the use of digital billboards and adverts in the Zambia Daily Mail Newspaper. This enhanced public debate on the governance of the extractive sector as well as the contribution of the extractive sector to socioeconomic development of Zambia. * Undertook the capacity building training workshop for Office of the Auditor General. Staff from the Office of the auditor general were trained on how to prepare reconciliation report payment. The efforts also understanding of the information and data from the reports   *(Provide links to supporting evidence.]* |

**17. How could the MSG improve the accessibility and distribution of information, considering the needs of different subgroups of citizens?**

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| * By working in collaboration with the Civil Society Organisations in simplifying the language in the EITI reports and possibly translate the reports in local languages so as to enhance understanding of the information and data from the reports. * Continue collabolating with Civil Society organizations when disseminating the EITI reports |

# Part III: Sustainability and effectiveness

**18. The MSG is requested to present any additional information and evidence related to the indicators for assessing the sustainability and effectiveness of EITI implementation**.

Each indicator will be assigned 0, 0.5 or 1 points by the EITI Board. The points will be added to the overall score of the country. The assessment of performance on the indicators will draw on information provided by the MSG, publicly available sources, stakeholder consultations and disclosures by the implementing country and companies. Please see the EITI Validation Guide for further information about how performance on these indicators will be assessed.

1. EITI implementation addresses nationally relevant extractive sector governance challenges. This indicator also recognises efforts beyond the EITI Standard.

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| Yes, for instance the financial modelling work facilitated by ZEITI is likely to help the government design a more stable mining tax regime. Further, The ZEITI supported the production of the ASM report ‘An Overview of Artisanal and Small-Scale Mining in Zambia.’ The report provides robust recommendations on how the government can maximise the beneﬁts from the country's ASM sector without compromising the country's sustainable development agenda. |

1. Extractive sector data is disclosed systematically through routine government and corporate reporting.

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| Work in progress. It is important to note that Mainstreaming feabibility study has been done and the report demonstrates how Zambia can systematically disclose extractive sector data through routine government and corporate reporting. |

1. There is an enabling environment for citizen participation in extractive sector governance, including participation by affected communities.

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| *Yes,* Civil society is fully and actively engaged in ZEITI process and able to speak freely on transparency and natural resource governance issues. The government has ensured that there is an enabling environment for civil society participation and made several efforts to engage civil society beyond ZEC in the design and implementation of the EITI in Zambia. |

1. Extractive sector data is accessible and used for analysis, research and advocacy.

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| *[ Yes ]* |

1. EITI has informed changes in extractive sector policies or practices. s

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| Yes, after analysis of the financial models submitted by mining companies and stakeholder engagements, the government decided to withdraw the seles tax proposed in the 2020 budget |

# Part IV: Stakeholder feedback and MSG approval

**19. Describe opportunities provided to stakeholders beyond MSG members to give feedback on the EITI process, including the EITI work plan.**

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| MSG conduct dissemination workshops in all the ten provinces. However, in 2020 and 2021 such workshops were not held because of the covid pandemic. |

**20. Describe how any feedback from stakeholders beyond MSG members have been considered in the review of the outcomes and impact of EITI implementation.**

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| Feedback from report on license allocation done by the office of the Auditor General. |

**21. Date of MSG approval of this submission and information on how the public can access it, e.g. link to national EITI website**.

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| [**https://Eiti.org/Zambia**](https://Eiti.org/Zambia) |