

*This note has been issued by the EITI International Secretariat to provide guidance to implementing countries on meeting the requirements in the EITI Standard. Readers are advised to refer to the EITI Standard directly, and to contact the International Secretariat to seek further clarification. Contact details can be found at [www.eiti.org](http://www.eiti.org).*

## Guidance note 3: License registers

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### *Requirement 3.9*

### Summary

The majority of resource rich countries have registry databases to help them manage their extractive industry licensing systems. Publication of license registers and related information on extractive rights enable citizens to see which companies have been awarded rights to exploit their natural resources. Keeping an accurate registry system is also essential to encourage investment, to optimise the sector's contribution to the country, to clarify property rights, and to avoid conflicts over the ownership and location of tenements.

The EITI requires that implementing countries maintain up-to-date and comprehensive license registers (Requirement 3.9). Requirement 3.9(b) lists the information that must be included. Requirement 3.9(c) notes that "where [this] information ... is already publicly available, it is sufficient to include a reference or link in the EITI Report". The detailed requirements are set out in full below. This note provides guidance to multi-stakeholder groups on how to address these issues as part of the EITI implementation process.

Some EITI implementing countries, like Mongolia and Togo, already include disclosure of all extractive industries' permits in their EITI Reports. In many implementing countries, this information is available from government agencies or online databases. These databases vary from simple Excel spreadsheets to sophisticated, online systems including a GIS interface for plotting the coordinates of the tenements, geological data, and other information regarding the licensing system.

Requirement 3.9. set out the requirements for license registers:

## 3.9 Register of licenses

- a) The term license in this context refers to any license, lease, title, permit, or concession by which the government confers on a company(ies) or individual(s) rights to explore or exploit oil, gas and/or mineral resources.
- b) Implementing countries are required to maintain a publicly available register or cadastre system(s) with the following timely and comprehensive information regarding each of the licenses pertaining to companies covered in the EITI Report:
  - i. License holder(s).
  - ii. Coordinates of the license area.
  - iii. Date of application, date of award and duration of the license.
  - iv. In the case of production licenses, the commodity being produced.

It is expected that the license register or cadastre includes information about licenses held by all entities, including companies and individuals or groups that are not included in the EITI Report, i.e. where their payments fall below the agreed materiality threshold. Where there are significant legal or practical barriers preventing such comprehensive disclosure, this should be documented and explained in the EITI Report, including an account of government plans for seeking to overcome such barriers and the anticipated timescale for achieving them.

- c) Where the information set out in 3.9(b) above is already publicly available, it is sufficient to include a reference or link in the EITI Report. Where such registers or cadastres do not exist or are incomplete, the EITI Report should disclose any gaps in the publicly available information and document efforts to strengthen these systems. In the interim, the EITI Report itself should include the information set out in 3.9(b) above.

*Source: EITI Standard, p. 23*

## Guidance

The EITI International Secretariat recommends the following step-by-step approach to MSGs for addressing Requirement 3.9:

1. **Understanding the licensing system.** In accordance with Requirement 3.9(b), implementing countries are required to maintain a publicly available register or cadastre system. The multi-stakeholder group is advised to approach this requirement by first reviewing and gaining an understanding of the currently available information about the licensing system.

Guiding questions:

- Are oil, gas and mineral rights addressed in the Constitution, placing ownership of natural resources with the nation and its people, and/ or in sector specific legislation?
- Which agencies are authorised to grant hydrocarbon and mineral rights or licenses?
- Are these agencies currently engaged in the EITI process?
- Is there a publicly available register/cadastre system?  
(NB: There may be more than one system, e.g. systems at national, regional and local levels and, if so, is there a clear delineation of competences between them and if not how disputes are typically resolved )
- How often is the register(s) updated, and who undertakes this work?
- Are there any reforms underway to the current licensing system?

2. **Assessing the completeness of the information about licenses.** It is expected that the register or cadastre include information about all licenses applicable to the extractive sector (Requirement 3.9(b)). Where there are significant legal or practical barriers preventing such comprehensive disclosure, this should be documented and explained in the EITI Report, including an account of government plans for seeking to overcome such barriers and the anticipated timescale for achieving them (Requirement 3.9(b)). The multi-stakeholder group is therefore advised to analyse the completeness of the available information, for example by assessing whether:
- a) The license registry is complete and up to date, i.e. does it cover all active extractive industry licenses? If not:
    - Does it include the licenses held by the companies covered in the EITI Report? If not what percentage of licences are covered?
    - What, if any, legal and practical barriers exist that may prevent disclosure of information about all extractive industry licenses?
    - What type of system currently exists i.e. manual or computer based?
    - Is the system up to date i.e. how accurately does it reflect current licence ownership? Is there a means to access changes in licence ownership not recorded in the register?
    - Are there reforms underway seeking to address the comprehensiveness of the license cadastre, and if so what are the anticipated timeframes?
  - b) The license registry contains the necessary information as per Requirement 3.9(b):
    - Who are the license holder(s)?
    - What are the coordinates of the license area?
    - What is the duration of the license (date of application, date of award and duration of the license)?
    - In the case of production licenses, which commodity is being produced?
3. **Ensuring that the information is publicly available.** Based on the above analysis, the multi-stakeholder group is advised to agree how to include this information in the EITI Report. Requirement 3.9(c) notes that “where the information set out in 3.9(b) above is already publicly available, it is sufficient to include a reference or link in the EITI Report. Where such registers or cadastres do not exist or are incomplete, the EITI Report should disclose any gaps in the publicly available information and document efforts to strengthen these systems. In the interim, the EITI Report itself should include the information set out in 3.9(b) above”. Thus, the multi-stakeholder group is advised to consider:
- Incorporating a short summary of the above assessment in the EITI Report, including an overview of licensing activity in the period covered by the EITI Report.
  - Where the license information is timely, comprehensive and publicly available online, providing a link to the license registry in the EITI Report.
  - Where there are weaknesses in the information that is available, including a table in the EITI Report or on the EITI website with the required information.

Note: It is typically beyond the scope of the MSG to become a proxy licence registry where country systems are incomplete or inaccurate. The MSG may wish consider how their actions can identify gaps or weaknesses in country licencing systems and encourage practical and long term solutions to making accurate up to date licencing information publicly available.

## 3. Examples

Norway's Petroleum Register is maintained by the Norwegian Petroleum Directorate. Data is entered in the Petroleum register on an on-going basis, and is copied daily to the [online FactPages](#).

### General information

Production licence	001
NPDID production licence	20756
Fact map	<a href="#">link</a>
Status	ACTIVE
Main area	North sea
Licensing activity	1-A
Date granted	01.09.1965
Date valid to	01.03.2030
Original area [km2]	2145.855
Current area [km2]	100.779

### Phases

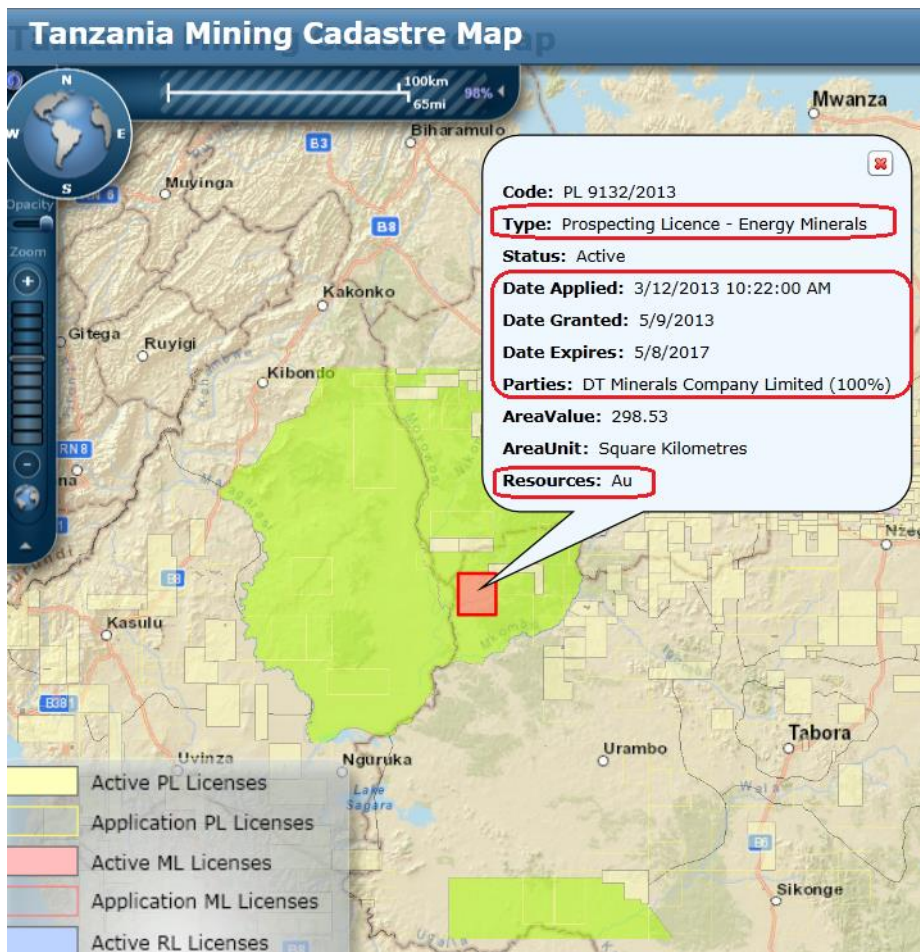
Date phase valid from	Date phase valid to	Phase
01.09.1965	31.08.1971	INITIAL
01.09.1971	31.08.2011	PRODUCTION
01.09.2011	01.03.2030	PRODUCTION EXTENDED

### Licensees - current

Date valid from	Company longname	Interest [%]
01.10.2004	<a href="#">ExxonMobil Exploration &amp; Production Norway AS</a>	100.00000

Source: Norwegian Petroleum Directorate, <http://factpages.npd.no/factpages/default.aspx>

The Tanzania Ministry of Energy and Minerals is together with Spatial Dimension developing an [online cadastre](#).



Source: Tanzania Ministry of Energy and Minerals and Spatial Dimension Pty Ltd-SD, <http://www.flexicadastre.com/tanzania/>

In its 2011 EITI Report, Togo included an overview of all licenses held by the companies covered in the EITI Report, including information such as the commodity being explored and/or produced, license reference numbers, and the duration of the license.

Société	Substance principale	Type du permis	Référence du titre	Date d'octroi	Durée (année)	Superficie (en km2)	Localité
SNPT	Phosphate	Exploitation à grande échelle	97-068/PR	29/04/1997	20	24,42	Hahotoe (Vo)
	Phosphate	Exploitation à grande échelle	97-069/PR	29/04/1997	20	15,46	Kpogamé (Zio)
WACEM	Calcaire	Exploitation à grande échelle	96-167/PR	30/12/1996	20	20	Tabligbo (Yoto)
	Calcaire	Exploitation à grande échelle	2009-177/PR	12/08/2009	20	5,5	Tabligbo (Yoto)
MM Mining (*)	Fer	Exploitation à grande échelle	2008-021/PR	12/02/2008	20	NC	Bassar (Bassar)
Scantogo Mines	Calcaire	Exploitation à grande échelle	2009-178/PR	12/08/2009	20	14,1	Tabligbo (Yoto)
POMAR	Marbre	Exploitation à grande échelle	2010-144/PR	24/11/2010	20	12,4	Blitta
	Phosphate	Recherche	012/08/MMEE/DGGM/DRGM	02/04/2008	3	194,19	Bassar (Bassar)
	Phosphate	Recherche	013/08/MMEE/DGGM/DRGM	02/04/2008	3	199,52	Bassar (Bassar)
	Phosphate	Recherche	014/08/MMEE/DGGM/DRGM	02/04/2008	3	192,09	Bassar (Bassar)

Source: Togo 2011 EITI Report, <http://www.itietogo.org/>