Draft EITI constituency guidelines
Background

The report of the International Advisory Group, as adopted by the Oslo Conference in October 2006 agreed that a 20 person Board would be established at Oslo to serve until the next EITI Conference. The Board consists of:

- The Chair
- Representatives of implementing countries
- Representatives of donors
- Representatives of NGOs
- Companies
- One investor

Everyone other than the Chair is invited to have an alternate. It was agreed that each of the constituencies would determine how they wish to agree nominations.

A proposal for the legal incorporation of the EITI Board and Secretariat was considered by an EITI Members’ Meeting in Doha in February 2009. The proposal drew extensively on the report of the International Advisory Group. It was suggested that the different stakeholders are represented in the same way as is the case today.

According to the IAG Report ‘Each of the constituencies should agree how they wish to be represented on the proposed Board. This requires prior consideration by each constituency of how they define those eligible (i) to be selected as representatives; and (ii) to be involved in the selection process’.

Guidelines

Recognising the important principle that the EITI’s various constituencies have the right to determine their own internal processes, this document offers some guidelines of the internal working of constituency processes.

The constituencies are defined in the EITI Articles of Association, which also determine the size of the constituencies’ membership on the association and the number of seats on the EITI Board. (Much of the inspiration and language in these guidelines has been taken from the Global Fund to Fight AIDS, Tuberculosis and Malaria’s guidelines on constituency processes.)

Some of the EITI constituencies, not least the company constituency, are informally sub-divided. Currently, for example, mining companies organise themselves relatively independently from the oil and gas companies. The following principles should apply to the processes applied by these sub-sets:

- The processes the different constituencies follow should be open and transparent.
• Information on the processes should be made available on the EITI website, including a contact person for any stakeholder wishing to be involved.

• The process should be flexible and open to new members. The constituencies should bear in mind the need to balance the need for continuity against the need for renewal and broadening of the ownership of the EITI.

• Recognising the important role the Board has for the EITI, countries and organisations are encouraged to be represented at senior level.

The constituencies are urged to bear in mind how important it is that the EITI Association and Board are representative of all of the EITI’s stakeholders. It is, for example, expected that countries from different regions, companies, and civil society organisations with strong links to different regions, are represented. While it may not be possible to determine that an international body such as the EITI Board be gender balanced, the constituency groups are encouraged to ensure that both genders are adequately represented.

Specifically, for the various constituency groups:

Countries

EITI Member Association

All implementing and supporting countries are entitled to become members of the Association.

The EITI Board

• Implementing countries: Board members might be selected from the governments of those countries who are ‘demonstrably implementing EITI’ i.e. invite representatives from countries that have produced at least one EITI Report within the last twelve months (this wording was drawn from 5th IAG meeting minutes). As far as possible, the representation should also reflect both a geographical and sectoral distribution. A system of sub-constituencies might be considered to ensure that all implementing countries’ views are represented.

• Supporting Countries: Board members should be selected from the government of those countries who are demonstrably giving financial, political, or technical support to EITI implementation. The supporting countries should consider a sub-constituency approach which will engage other supporting countries as they join the EITI family. It is hoped that some emerging economies might join this group over the next two years.

Civil Society Organisations

EITI Member Association

All civil society organisations are entitled to become members of the Association.
The EITI Board

Board members should be selected from those who have actively supported EITI implementation – either at the international level or in-country.

The Publish What You Pay Coalition has conducted a consultation with their members about how selection for this constituency will be managed. Those civil society representatives interested in being represented on the EITI Association or Board are encouraged to contact the Publish What You Pay coalition.

Companies

EITI Member Association

All companies supporting the EITI and up to five institutional investors are entitled to become members of the Association.

The EITI Board

There are four broad categories of companies represented in the EITI company constituency: oil and gas companies, mining companies, state-owned enterprises and institutional investors.

These companies and investors are encouraged to liaise with each other to agree representation for the Association and for the appointment of the next Board.

The Secretariat remains available to facilitate all nomination processes.

Grievances

If an EITI stakeholder wishes to complain about the processes his/her constituency has followed to agree its representation on the EITI Association or Board, those complaints should firstly be directed towards the members of that constituency. If a satisfactory solution cannot be agreed, a written report should be made to the EITI International Secretariat. Within three weeks of receiving such a report, the Secretariat will investigate the complaint and make a report of its findings to the EITI Board.