

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.

How to become an EITI implementing country

Steps for becoming an EITI implementing country

A country intending to implement the EITI is required to undertake a number of steps before making an application to the EITI Board. The EITI Standard sets out the steps:

- The government should issue a public statement of its intention to implement the EITI. The statement must be made by the head of state or government, or an appropriately delegated government representative (Requirement 1.1.a).
- The government should appoint a senior individual to lead the implementation of the EITI (Requirement 1.1.b).
- The government should commit to work with civil society (requirement 1.3) and companies (requirement 1.2), and establish a multi-stakeholder group to oversee the implementation of the EITI (Requirement 1.4.a).
- The multi-stakeholder group should agree a costed work plan that sets out the objectives for EITI implementation linked to national reform and development priorities. (Requirement 1.5).

The "sign-up" steps are set out in more detail in the Requirements 1.1 – 1.5 of the EITI Standard.

Applying to become an implementing country

When a country has completed the "sign-up" steps and wishes to be recognized as an EITI implementing country, the government should submit an EITI application¹, endorsed by the multi-stakeholder group, to the EITI Board. The application should describe the activities undertaken to date and provide evidence demonstrating that each of the sign-up steps has been completed. The application should include contact details for government, civil society and private sector stakeholders involved in the preparations for implementing the EITI.

¹ A standardised application form is available from the International Secretariat.

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Once submitted, the application will be made publically available on the EITI website. The EITI Board, working through the <u>Outreach and Candidature Committee</u>, will review the application and assess whether the sign-up steps have been completed. The International Secretariat will work closely with the senior individual appointed by the government to lead on EITI implementation in order to clarify any outstanding issues. Based on this and any other available information, the Outreach and Candidature Committee will make a recommendation to the EITI Board on whether a country's application should be accepted. The EITI Board takes the final decision.

The EITI Board aims to process applications within 8 weeks of receiving the application. The EITI Board prefers to make decisions on admitting implementing countries at EITI Board meetings, although may consider taking a decision via Board circular between meetings where appropriate.

When the EITI Board admits an EITI implementing country, it also establishes deadlines for publishing the first EITI Report and undertaking Validation. An implementing country's first EITI Report must be published within 18 months from the date that the country was admitted. Validation will commence in two and a half years. Further information on reporting and Validation deadline – and the scope for extensions of these deadlines – is outlined in Requirement 8 of the EITI Standard.

Encouraging systematic disclosure

One of the most important changes to the 2016 EITI Standard was the inclusion of provisions to encourage systematic disclosure².. In the long term, extractive industry transparency become an integral part of how governments manage their sector. Rather than simply relying on the EITI reporting mechanism to bring about transparency, governments implementing the EITI should make the information required by the EITI Standard available through government and corporate reporting systems such as databases, websites, annual reports, portals etc.

In February 2018, the Board reaffirmed that implementing countries are expected to take steps to integrate EITI implementation in company and government systems. Systematic disclosure is the default expectation, with EITI Reports to be used where needed to address any gaps and concerns about data quality. In taking this decision, the Board recognised that implementing countries face challenges in fully mainstreaming EITI implementation. In some countries, this transition will require substantial reforms and sustained political, technical and financial support. Not all countries will be able to transition to systematic disclosure at the same speed.

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² The terms "mainstreaming", "integrated reporting" and "systematic disclosure" are often used interchangeably. For the purposes of this guidance note, the terms **systematic disclosure** and **integrated reporting** are synonymous. They refer to the de sired end-state, where the EITI's disclosure requirements are met through routine and publicly available company and government reporting. This could include, public financial reporting, annual reports, information portals, and other open data and freedom of information initiatives. This should include an explanation of the underlying audit and assurance procedures that the data has been subject to, with public access to the supporting documentation. **Mainstreaming** refers to the process for realising this goal, which may include interim measures, pilots, and other capacity building activities. EITI websites would then increasingly be used as a portal for accessing these systematic disclosures, with EITI Reports disclosing information not available elsewhere.

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Countries preparing to join are encouraged to identify potential barriers to systematic disclosures from the outset, e.g., by conducting a mainstreaming feasibility study or addressing mainstreaming opportunities as part of EITI scoping. In some cases, there may already be reporting mechanisms in place that the EITI can build on. In other cases, such systems may not exist and need to be built, or are incomplete and require improvement. Additional information and tools on mainstreaming are available from the International Secretariat³.

Countries preparing to join are also encouraged to consider opportunities for multi-stakeholder consultation and oversight to be integrated using existing representative bodies. This has the potential to increase stakeholder engagement, and make this participation more effective. Where proposals for mainstreamed implementation do not retain conventional MSG oversight, care should be taken to ensure that the alternative processes that are in place for multi-stakeholder consultation and dialogue encompass possibilities for shaping the scope and nature of extractives transparency and making recommendations for governance reform, and that all stakeholders have an opportunity to shape decisions, be heard and contribute. Where these conditions do not exist, requests to mainstream multi-stakeholder oversight would not be approved.

Adapted implementation

If a country preparing to join faces exceptional circumstances that necessitate deviation from the EITI's implementation requirements, the MSG may consider seeking EITI Board approval for adapted implementation (Requirement 8.1). The request must be endorsed by the multi-stakeholder group and reflected in the work plan. The request should explain the rationale for the adapted implementation.

The EITI Board will only consider allowing adaptations in exceptional circumstances. In considering such requests, the EITI Board will place a priority on the need for comparable treatment between countries and ensuring that the EITI Principles are upheld, including ensuring that the EITI process is sufficiently inclusive, and that the EITI Report is comprehensive, reliable and will contribute to public debate.

Additional information on adapted implementation is available from the International Secretariat.

What further support is available?

The EITI International Secretariat provides support to countries considering implementation, including:

- Guidance and training on the EITI Standard and the sign-up requirements;
- Advice on good practice from other implementing countries and facilitation of peer learning, e.g., on <u>MSG terms of reference</u>⁴, establishment of national EITI Secretariats⁵, the <u>development of</u> work plans⁶;
- Advice on accessing technical and financial assistance.

⁴ See EITI Guidance note on the establishment and governance of multi-stakeholder groups: https://eiti.org/GN14.

⁵ See EITI Guidance note 25 for National Secretariats: https://eiti.org/GN25.

⁶ See EITI Guidance note on developing an EITI work plan: https://eiti.org/GN2.

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The International Secretariat does not provide financial support. Direct, medium-term technical and financial assistance to support implementation is usually led by stakeholders other than the International Secretariat – typically, the World Bank, regional development banks, other international development agencies, bilateral agencies, and international civil society organisations.

Depending on their respective priorities for partnerships and collaboration with EITI countries and stakeholders areas, the thematic areas which technical advisors might support include all or part of the following:

- Political encouragement.
- Awareness raising workshops for outreach countries making the case for EITI.
- Provision of technical support for countries exploring potential EITI commitment, e.g. support to feasibility studies.
- Embedding EITI as part of broader policy dialogue with country or stakeholders.
- Feasibility studies, such as for mainstreaming or systematic disclosures.
- Governance studies to advice on the functioning and management of the multi-stakeholder group and national secretariat, including an assessment of existing multi-stakeholder platforms.
- Scoping studies on what sectors and materiality EITI might cover.
- Legal and other constraints studies.
- Launch workshops.
- Needs assessment of financial and technical requirements.

Examples of applications

Countries preparing to join may find it useful to review the applications previously considered by the EITI Board, including:

- Dominican Republic
- Germany
- Mexico (only available in Spanish)
- <u>Tajikistan</u>
- United Kingdom