



Extractive Industries
Transparency Initiative

CONSTITUENCY GUIDELINES FOR CIVIL SOCIETY



March 2022

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1. Background

The workings of the EITI at the international level is governed by its [Articles of Association](#) which form an integral part of the [EITI Standard](#). The members of the EITI Association (Article 7.2) are organised in three constituencies (Article 5.2): governments, companies and civil society organisations (CSOs). Within the overall framework of the EITI Articles of Association, constituencies decide on their rules of internal self-governance, including the appointment of Members (Article 5.3) and the nomination of Board members for the Members' Meeting to elect (Article 8.1(ii)).

The EITI Board agreed on the guidance and principles for constituencies on 26 April 2013. In 2018, the EITI Board agreed that EITI constituencies should conduct a review of their guidelines and modify as needed. Consequently, in 2018, Publish What You Pay (PWYP), serving as a coordinating body for the nominations process for civil society members of the international EITI Board commissioned the [Consensus Building Institute \(CBI\)](#) to develop recommendations for the civil society constituency based on an [extensive review](#) of best practice in civil society mechanisms in global multistakeholder initiatives and the support of an [Advisory Panel of independent experts](#). The EITI CSO Board members conducted wide-ranging consultations amongst the CSO constituency from June to September 2018. These guidelines are based on the consultations around the CBI recommendations and were endorsed by the [EITI CSO Board members 2016-2019](#) in 2019.

This document outlines how the civil society constituency organises itself in the EITI at the international level. As such, it is complementary to, and does not replace, any rules and protocols elaborated by civil society on representation and governance in multi-stakeholder groups (MSGs) which oversee the implementation of the EITI at national level. The focus of this document is on the global level of the EITI's institutional infrastructure, especially the engagement of the civil society constituency in the policy and priority-setting work of the international EITI Board, which defines the EITI Standard and evaluates countries' performance in reaching its requirements through validation processes.

Specifically, these Guidelines define the CSO constituency membership, the application and renewal processes for membership, and the management of the EITI member's registry. They outline the nominations

process of the CSO international EITI Board Members, which occurs every three years ahead of the EITI [Members' Meeting](#) which formally elects EITI Board members. The selection will be conducted and decided, in line with a rigorous procedure, by a “Civil Society Advisory Group” (CSAG), a new body created in 2018 to strengthen the linkage between CSO International EITI Board members and civil society constituencies at the national level. An “independent organisation” may be contracted by the EITI International Secretariat and/or the CSO Coordination Focal Point (CFP) to facilitate the CSAG and Board member selection processes and ensure that they proceed in an equitable and timely manner. These Guidelines further contain the responsibilities of the CSO Board members (which include regular consultation with CSO constituencies and serving as sub-constituency contact-points), and the identification and responsibilities of the “Constituency Coordination Focal Point” (CFP), an organisation that will assist the Board members in delivering their obligations to the EITI and the CSO constituencies. Finally, this document provides information about how complaints from within the constituency would be handled.

2. Constituency guidelines

For the purpose of this document, “constituency” is understood to mean the civil society sub-constituency as defined by Article 5.2(iii) unless otherwise stated.

2.1 Membership of the EITI Association

2.1.1 General Overview

- The parameters of Membership are outlined by Article 5 of the [EITI Articles of Association](#) as summarised below:

- (1) “A Member of the EITI Association is a **personal representative** of a country (meaning state), company, organisation or legal entity that is appointed by a Constituency as set out in Articles 5 (2) and (3).
- (2) The Constituency of Civil Society Organisations comprises non-governmental organisations, global action networks or coalitions that support the objective of the EITI Association as defined by the EITI Board.
- (3) The Membership shall be limited to the following: (iii) From the Constituency of Civil Society Organisations, **up to one representative from each Civil Society Organisation.**
- (4) A Constituency may **replace any of its own appointed Members** at any time. The Constituency shall inform the EITI International Secretariat of its Members at any time.
- (5) The EITI Board may **terminate any Member’s Membership** of the EITI Association if: i) The Member, or the country or other entity the Member represents, does not comply with these Articles of Association; or ii) The Member, or the country or other entity the Member represents, has conducted his/her/its affairs in a way considered prejudicial or contrary to the EITI Principles.
- (6) A resolution by the EITI Board in accordance with Article 5(5) may be appealed by any Member to the Members’ Meeting for final decision.”

- Articles 6 and 8 of the EITI Association states that EITI membership confers the right to attend the triennial EITI Global Conference and the EITI Members’ Meeting. The latter is an official governance body and has three primary roles:
 - (1) approval of the activities reports, the accounts and the activity plan of the EITI Board;
 - (2) elect the Members, and Alternates for each Member, of the EITI Board, on nomination of the Constituencies, and
 - (3) elect the EITI Chair on proposal of the Board. In addition, in accordance with Articles 5.5., a resolution by the EITI Board may be appealed by any Member to the Members’ Meeting for final decision.”
- The EITI International Secretariat is tasked with keeping an updated [Members’ Registry](#) at all times (Article 15.3)

2.1.2 CSO EITI Association membership: Eligibility and process

These Constituency Guidelines aim to encourage the participation in the international EITI Membership of a broad range of civil society organisations whose interests are aligned with the EITI. The criteria and protocols for application and vetting aim to achieve broad geographic diversity as well as the inclusion of an array of organisations working on different extractive-governance related issues at the international, regional, national, and local levels. At the same time, the independence and legitimacy of the CSO constituency must be safeguarded.

To ascertain whether a civil society organisation is qualified to be a member of the international EITI CSO Constituency, the organisation must support “the objectives of the EITI Association,” defined as follows in Article 2.2:

- “to make the EITI Principles and the EITI requirements the internationally accepted standard for transparency in the oil, gas and mining sectors, recognising that strengthened transparency of natural resource revenues can reduce corruption, and the revenue from extractive industries can transform economies, reduce poverty, and raise the living standards of entire populations in resource-rich countries.”

Broadly speaking, the following factors will be considered in assessing eligibility:

- The organisation should specialise in issues related to extractive industries, such as good governance, open budget, and other related areas. Its mission, vision, and track record of activities should reflect these interests.
- The organisation should demonstrate commitment to transparency principles, and provide evidence of non-governmental status and independence in operation and policy from governments and/or companies.

As EITI Association membership is primarily associated with participation in the EITI's Members Meeting, the renewal of membership takes place ahead of the Members' Meeting. A drive for new applications and membership renewal are therefore conducted every three years in the lead-up to the Members' Meeting. At that point, active scrutiny of changes in member organisations' profiles is undertaken.

The Coordination Focal Point and CSO Board members will send out notifications, with sufficient lead time, to CSO members of the Association (as listed on the EITI International Secretariat's most recent membership registry contact list), reminding them to update their membership. It is the responsibility of applicants, both new and existing members, to do so within the given deadline via the civil society page of the EITI website.

Failure to file an updated application between Members' Meetings will result in a lapse of membership.

The documentation necessary to complete an application for CSO EITI membership is below:

- The individual representatives of a civil society organisation, when applying for EITI membership, should provide the following information in order to confirm their adherence to the objectives of the EITI Association:
 - The name of the individual who will represent the organisation as a member of the EITI Association and the position that individual currently holds in the organisation
 - The name and basic organisational profile information (size, mission, types and areas of activity and geographic reach)

- Evidence of non-profit status
- Evidence of the organisation's independence, operationally and in policy terms, of governments and/or companies, (such as the names and affiliations of persons occupying governance and leadership positions);
- The individual applying should not be a current member of the government, extractive industries, or business association representing extractive industries, or held such a position in the past 3 years
- Evidence of a commitment to transparency (e.g., published annual reports, websites or social media presence over the past 2 years, minimum)
- A statement explaining how the organisation supports the objectives of the EITI (in line with Article 5.2iii)
- Signed personal statement affirming commitment to adhere to the [EITI Code of Conduct](#) and support for the [EITI Principles](#), and an attestation of independence.
- Process of application:
 - Applications are accessed via the civil society page on the EITI website and submitted electronically to the CSO CFP. The EITI International Secretariat hosts the application form, but in line with the Articles of Association it does not have a substantive review role.
 - CSO Board Members shall review the applications to review the candidate organisation's alignment with the objectives and principles of the EITI.
 - Once approved, the name, organisational affiliation and contact information for a CSO EITI Association member will be forwarded to the EITI International Secretariat for inclusion in the EITI Association registry.
 - **Membership applications should be submitted minimum 3 months prior to the Members' Meeting.**
 - Review of new applications is to be completed within 90 days.

2.2 Nominations of CSO international EITI Board Members

The Articles of Association state that the civil society constituency should nominate 5 Board Members and 5 alternates from the Constituency of Civil Society Organisations. EITI Board members are officially elected at EITI Members' Meetings, regularly held every three years.

2.2.1. Principles and criteria governing the nominations procedures for CSO Board Members

Based the EITI's [Guidance to EITI constituencies](#), the following principles apply for the nomination procedures:

1. The nomination process should be open and transparent.
2. Applications are welcome from members of independent civil society organisations from both implementing and non-implementing countries.
3. Women are especially encouraged to apply as well as representatives from organisations working directly with communities affected by extractive industries. The process is based on merit.
4. The Call for applications, which will include selection criteria, the timeframe, process and other details, is announced on the EITI, independent organisation (IO)¹, and Coordination Focal Point (CFP)² websites.
5. The selection process for the EITI CSO Board members is facilitated by an Independent Organisation (IO). Board members are selected by a civil society advisory group (CSAG) which the IO will convene.

EITI Board membership is personal and not institutional. If a full Board member moves on from her/his job, s/he can retain her/his Board membership as long as the new position remains within civil society. Should that not be the case, then the full EITI Board member has to resign, and his/her alternate is consulted to step into the role. The CSAG, which has a three-year mandate mirroring the Board term, will be recalled to run an independent selection process to fill the open seat. Candidates

¹ Defined below

² Defined below

must be **members of the EITI Association** at the time of assuming the Board role.

The CSAG will use the **selection criteria below**, refined in 2018 and again in 2021, to inform their decision:

- Demonstrable experience in topics such as, but not limited to, transparency, the extractive industries and good governance
- Knowledge of and experience with key components of the EI value chain particularly those that are part of the [EITI Standard](#)
- Active engagement in the EITI and knowledge of EITI policies and rules relating to the implementation and validation processes
- Ability to apply long-term strategic thinking and to balance organisational, national, and regional interests while maintaining a strong EITI Standard
- Sufficient authority and ability to speak with conviction on behalf of civil society at Board and Committee meetings
- Sound experience in and interest to work with a wide spectrum of stakeholder groups (private sector, donors, IFIs, governments, media etc.) and related dialogue and negotiation skills
- Experience working with civil society organisations and local communities in extractive regions
- Demonstrable record of strong connection to, and experience actively liaising with, national and regional CSO networks and MSIs
- Sufficient time and willingness to consult widely with other civil society organisations and representatives in order to canvass views and opinions in a timely, responsive and open manner
- Sufficient time and willingness to report back regularly to wider civil society audiences on Board decisions and outcomes of meetings
- Relevant 'cooling off' period if applicable (i.e., individuals who have previously served on the International EITI Board under another constituency, such as government or companies, would need to

wait 3 years before being eligible to serve as a Civil Society Board Member)

- Demonstrable record of engagement in civil society and public life in a manner consistent with the EITI Code of Conduct.

In determining the final list of 10 CSO representatives to the Board, the CSAG shall consider the following to ensure the success of Board members as a group:

- Geographic balance and diversity
- Gender balance
- Racial and ethnic diversity
- Experience working directly with communities affected by extractive industries
- Substantive and diplomatic skills needed to proactively take on complex policy issues
- Representation of local and international CSOs.

Assuming all things are equal between two finalists, the CSAG should opt for geographic balance as final determinant.

Upon completion of the nominations process, the final candidates (as well as a final readout of the process) will be announced on the websites of the EITI, the Independent Organisation, and the Coordination Focal Point. The results shall be **open for contestation for two (2) weeks** after the posting of the results on the websites. A policy, including requirements, for filing an official grievance shall be clearly articulated on the IO's website and contact point shall be clearly identified. The results will be deemed final if there are no objections to the nomination within 10 working days after the list of the nominated CSO Board members is published. In case of objections or disputes to the nomination, the IO shall consult the CSAG on the resolution of the issue(s) raised. The CSAG shall come to a final decision by consensus after reviewing the evidence and arguments submitted. Both the complaint and the CSAG's response shall be made public.

2.2.2. Independent Organisation (IO)

An Independent organisation (IO) may be contracted through an open bidding process by the Coordination Focal Point and/or the EITI International Secretariat based on the following criteria:

- Ability to facilitate an independent and transparent selection process and convene the CSAG
- Independence from governments and industry
- Track record to show familiarity on governance principles
- Familiarity with the EITI

In the event that an IO is contracted, it has the following roles and responsibilities:

- The IO shall facilitate the process of establishing the CSAG ahead of the Board nominations process.
- The IO shall provide logistical and facilitation support to the CSAG in the process of nominating the 10 CSO Board members.
- The IO shall produce the final report of the selection process (for the report of the most recent process in 2019, please click [here](#)). The IO shall publish the results and the summary of the selection process on their website and shall forward the same to the EITI International Secretariat and the Coordination Focal Point for publication in their websites.

2.2.3. Civil Society Advisory Group (CSAG)

Functions of the CSAG

A civil society advisory group (CSAG) will be established every three years before the Board nominations process begins. This body was created in 2018 to make the selection process of EITI CSO Board members more independent, transparent, equitable and regionally representative, and to support the fair and efficient workings of the Constituency.

The CSAG's main responsibility is to select the individuals from the civil society constituency to be nominated for appointment to the EITI Board at the EITI Members' Meeting. The CSAG may also be called upon on an occasional basis to fulfil additional functions. More specifically, the list of CSAG responsibilities include:

- To select the EITI CSO Board members based on a rigorous process over the course of approximately two months (including initial screening of candidates against minimum requirements, reviewing written submissions and letters of reference/support provided by the candidates; conducting interviews, and making the final selection based on the criteria noted above).
- To address objections or disputes to the nomination of CSO Board members.
- To resolve grievances that may arise from among the CSO Constituency against an incumbent CSO Board member.

At the discretion of individual CSO Board and CSAG members, CSAG members may also play an outreach function to national CSO constituencies in support of the Board member's engagement with CSO MSG and EITI Association members in the respective regions.

Composition and Selection of the CSAG

The CSAG consists of a total of ten members. CSO members of the EITI multi-stakeholder groups (MSGs) in Implementing countries will select six representatives who are members of the EITI Association within their region to serve on the CSAG as follows (the allocation roughly reflects the numeric distribution of EITI Implementing Countries across regions):

1. Eurasia Region: 1 member
2. Francophone Africa Region: 1 member
3. Anglophone and Lusophone Africa: 1 member
4. SE Asia and Pacific: 1 member
5. Latin America and Caribbean: 1 member
6. Europe, North America and MENA: 1 member

The selection of CSAG members in each region is conducted by electronic vote, administered by the IO, unless a regional constituency decides to proceed by consensus. Candidates can be put forward by peers or self-nominate. Candidates' CVs will be made available on the IO website. The voting or consultation process, from initial outreach and MSG mobilisation to results, is expected to take up to 10 weeks and must therefore be initiated well in advance of the Members' meeting in order to enable the

newly established CSAG to conduct the Board members nominations process.

In addition, the outgoing EITI CSO Board members who are not seeking an additional term will select:

7. Representatives of 2 international civil society organisations
8. Two former EITI CSO Board members. In the event that it is difficult to identify two former EITI Board members who have remained within the CSO EITI Constituency and are available to serve on the CSAG, current outgoing CSO Board members will be encouraged to self-nominate to fill these positions.

The final composition of the CSAG will be announced on the EITI, independent organisation (IO) and Coordination Focal Point (CFP) web sites. CSAG members serve a full three-year term and are eligible to serve as many as two terms (consecutive or not) so long as they remain CSO members of the EITI Association. First term CSAG members eligible to remain for a second consecutive term on a non-objection basis. In the event that a CSAG member during a term resigns or changes his/her professional affiliation in a manner that makes it incompatible with the requirements of CSO EITI Association membership, he/she will not be replaced, and the CSAG will continue to function with fewer than 10 members until the term ends, at which point a new selection process takes place.

2.3 Roles and responsibilities of civil society Board representatives

Functions of CSO EITI Board Members

Board members are expected to abide by the EITI Association's [Code of Conduct](#). The EITI Board shall act in the best interests of the EITI Association at all times. Board members exercise the functions of the EITI Board as set out in [Article 12 of the Articles of Association of the EITI](#) which include:

- Consider general and specific policy issues affecting the EITI Association
- Agree on the work plan and budgets of the EITI Association
- Engage the Executive Director of the Secretariat

- Oversee and direct (through the EITI Chair) the work of the EITI International Secretariat
- Ensure that the multistakeholder nature of the EITI Association is maintained and fully reflected in the EITI Association at all levels, including in its committees
- Establish its procedures regarding the validation process, including complaints, resolving disagreements, the question of de-listing a country and appeals procedures
- Recommend a candidate for the EITI Chair prior to each ordinary EITI Members' Meeting

Civil Society Board Representatives are called upon to fulfil the above **policymaking and governance functions**, including through preparation for and attendance at EITI Board meetings (held two to three times a year), and active participation in Committees of the Board to which they are assigned. These Board Committees often meet more frequently (virtually) to discuss specific issues in depth (validation, implementation, governance and oversight, finance, rapid response, etc.) and make recommendations to the Board. The official languages of the EITI are English and French, with Spanish and Russian interpretation available for Board and committee meetings when required.

In addition, EITI CSO Board Members have critical **Constituency liaison and representational functions**. EITI Board Members will review applications for EITI Association membership from representatives of civil society organisations. The EITI International Secretariat in turn is responsible for providing Board members with the relevant updated EITI Association membership lists for their regions. CSO Board members are expected to hold regular consultations with their sub-constituencies, especially to receive input in advance of Board Meetings, and to report back to their constituency after EITI Board Meetings. A variety of communications platforms and venues can be leveraged for this outreach in line with the different circumstances and needs of different audiences, and Board members are encouraged to leverage a variety of events at country level to introduce themselves, explain their roles and the work of the International EITI Board, and explore specific issues of interest that are on the International EITI Board agenda. In particular:

- Each Board member is responsible for holding consultative webinars/teleconference calls – or the equivalent – before Board

meetings (a minimum of two a year), advertised appropriately and open to all constituent members in the respective regions.

- Board members issue a consolidated update after every Board meeting, which is posted on the CFP website and summarises key issues and decisions from a CSO perspective while adhering to the EITI's confidentiality requirements. This can be drafted by the CFP and refined and approved by all Board members.

Thirdly, EITI CSO Board Members have a **grievance management function**. Complaints arising from within the Constituency, other than those against a Board Member, are referred to the Civil Society Board Members for inquiry, issuing recommendations and final decision-making.

In exercising their responsibilities, Board members are expected to accept a workload outlined in the [EITI Board manual](#). While it is not possible to precisely quantify this work, it is anticipated that normally it would involve a commitment of up to **3-4 days a month as a minimum**. The Articles of Association include provisions on what to do in the event of Board members failing to attend three consecutive Board meetings or resigning before the term is over (Articles 9.5 and 9.6).

2.4 Constituency Coordination Focal Point (CFP) and sub-constituency contact points

The EITI Board recommends that each constituency establish a position of constituency coordinator (Board decision 2018-17/BM-39/BP-39-6, Recommendation 7). In conformance with this recommendation, these Constituency Guidelines establish a set of functions and a process of selection for the CSO Coordination Focal Point (CFP).

The Coordination Focal Point is an CSO organisation that assumes responsibility to act on behalf of the EITI CSO Constituency at the global level in:

- Supporting Board Members in delivering on their strategic guidance and policy making functions
- Supporting Board Members in their consultation and constituency outreach functions
- Convening the CSAG in the event of a grievance against a CSO Board member

- iv. Liaising with the EITI International Secretariat
- v. Making available communications tools and products, including the maintenance of a webpage dedicated to issues and matters related to CSO EITI activities at the global level. This website should feature the names and short bios of all CSO Board members and all CSAG members. It should also provide the contact information of Board members in their role as sub-constituency focal points.

The Coordination Focal Point is selected by the incoming CSO Board members at the beginning of each Board term based on clear criteria addressing organisational capacity to play the role effectively through a light competitive process. The Coordination Focal Point assumes the role for 3 years and reports on its activities to the EITI CSO Board members on a yearly basis.

A basic MoU will be signed on the precise terms of cooperation and accountability lines between the incoming CSO Board and the CFP. It is the collective responsibility of the CSO Constituency to mobilise resources to support the CFP's coordination functions. The MoU will be accompanied by the development of a budget that will outline resource requirements and prioritise the CFP's tasks to meet the needs in way that is commensurate with available funding.

2.5 Complaints

The EITI in 2019 issued a [Policy on voicing concerns](#) and provides [instructions on its website](#) on the process and grounds for filing a complaint. The policy states that stakeholders' concerns should initially be directed to the attention of the relevant immediate EITI body. With respect to complaints that arise within a Constituency, the procedure is as follows:

“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.”

The directives below apply to the processing and management of complaints that arise within the CSO constituency at the global level.

A grievance is defined as a formal written complaint that alleges a violation of a responsibility by a member of the EITI Association or the EITI Code of Conduct. Grievances under these Constituency Guidelines can be brought by a member in good standing of the EITI Association. Complaints can be raised by contacting the CFP with the name, organisational affiliation and contact information of the complainant, a brief description of the alleged violation and, to the degree possible, evidence supporting the allegation.

The CFP will collect the complaint and refer it to the appropriate CSO body for review as follows:

- Complaints against a CSO EITI Board member are addressed by the CSAG collectively (i.e., not an individual CSAG member).
- Complaints arising from within the EITI CSO Constituency other than those against a Board member, are referred to the civil society Board members collectively (i.e., not to an individual Board member).

In their inquiry of the allegations, the CSAG and CSO Board members as relevant will review the documentation submitted and apply both due diligence and due process. They will conduct a prompt and informal – but thorough – investigation which afford the complainant, the subject of the complaint, and other and interested persons who may have knowledge of the circumstances surrounding the complaint, an opportunity to provide information relevant to the consideration and resolution of the complaint.

At the conclusion of their inquiry, the investigating body will issue its recommendations by providing a response in writing to the complainant.

As we continually strive for best practices, this document is liable to change in the future.

