

Supporting Countries Sub-Constituency Guidelines

This document establishes guidelines for countries wishing to support the Extractive Industries Transparency Initiative (EITI) in promoting good governance in the extractive industries across the world.

Countries supporting the EITI (Supporting Countries) are committed to help the EITI through financial, technical, and political support at the international level and in implementing the EITI Standard in resource-rich countries.

1. Sub-Constituency Representation

(a) The Supporting Countries understand that:

- (i) the sub-constituency encourages diversity in terms of gender and nationalities.
- (ii) each country is represented at the senior level by one individual per country.
- (iii) Board Members from their sub-constituency are senior representatives of their governments, which are demonstrably giving financial, political, or technical support to EITI implementation, and who comply with the Guidance on Financial Contributions from Supporting Countries.

(b) The Supporting Countries are currently made up of three sub-sub-constituencies:

- (i) Group 1: Australia, Canada, Japan, United States of America;
- (ii) Group 2: European Union, France, Germany, Italy, Netherlands, Switzerland;
- (iii) Group 3: Belgium, Denmark, Finland, Norway, Sweden, United Kingdom.

(c) The Supporting Countries will ensure that their sub-sub-constituency Board Members (three Primary and three Alternate) align their Board Committee service to ensure that the sub-constituency is represented by two Board Members on every standing EITI Board Committee.¹

2. Sub-sub-constituencies

(a) The Supporting Countries understand that each sub-sub-constituency has its own policies for the selection of Board Members, the replacement of Board Members with alternates, and minimum attendance:

(i) For Group 1:

- A. The non-European sub-sub-constituency makes decisions on a consensus basis. Members of the sub-sub-constituency have adopted a longstanding practice of deciding together nominees for the Board representation as well as Alternate representation.

¹ It is understood that during special circumstances, e.g. when Board Members have to recuse themselves to serve on an ad-hoc special committee, like the Nominations Committee, the Supporting Country sub-constituency may not be able to be represented in every standing EITI Committee.

B. There has been a rotation of Board Members at the triennial Members Meeting.

C. The Board Member consults sub-constituency members on the agenda of Board meetings and integrates their views into his/her interventions.

D. Board Members are expected to attend and participate, or in exceptional circumstances, to be represented by the Alternate Board Member, in all Board meetings during their tenure.

E. Both the Primary and Alternate Board Members are expected to be a member of at least one standing EITI Board Committee, in alignment with the sub-constituency's other four Board Members and alternates, and to participate in as many Committee meetings as possible.

F. In case of closed-door Board sessions, the Primary and Alternate Board Members are expected to subsequently brief the rest of the group.

(ii) For Group 2:

A. Based on an informal modus operandi aimed at keeping a balance between continuity and the need for renewal and broadening of the ownership of EITI, representation on the Board rotates in principle on an annual basis between members of Group 2.

B. The full Board Member is expected to serve as alternate before he/she can become full Board Member, to ensure that he/she fully understands EITI Board procedures and EITI policies. This rotation process is based on a jointly decided upon calendar, whereby each group member gets an opportunity to be represented on the Board.

C. The full Board Member speaks on behalf of the countries he or she represents, which are systematically consulted on the agenda of Board meetings. The full Board member should endeavor to facilitate consensus in the group. If no consensus emerges, the Board Member is expected to represent the position reflecting the smallest common denominator.

D. In case of closed-door Board sessions, the full Board Member is expected to subsequently brief the rest of the group.

E. As Board Members rotate regularly, they only serve one term on the Board. Board Members are expected to sit in at least one EITI Board Committee, or be represented by their alternates, and participate in as many meetings as possible.

(iii) For Group 3:

A. Based on an informal modus operandi aimed at keeping a balance between continuity and the need for renewal and broadening of the ownership of EITI, Board Members rotate on an annual basis in the month of June.

B. Board Members, to the extent possible, serve for one year as alternates before they can become full Board Members in order to ensure that they

fully understand EITI Board procedures and EITI policy issues. This rotation process is based on a jointly decided upon rotation scheme, whereby each group member gets an opportunity to be represented at the Board.

C. The Board Member speaks on behalf of group members, who are systematically consulted on the agenda of the Board meeting. As Board Members rotate regularly, they only serve one term on the Board. Full Board Members are expected to participate, or exceptionally to be represented by their alternates, in all Board meetings during their tenure.

D. Both Full Board Members and alternates are expected to be a member of at least one standing EITI Board Committee and to participate in as many Committee meetings as possible.

(b) The Supporting Countries understand that:

(i) Other country representatives of the sub-constituency are encouraged to participate in Board and Committee meetings as observers.

(ii) The sub-constituency is open to other potential Supporting Countries wishing to join the EITI family and to support its objectives and constituency guidelines.

3. Replacement of Board members and vacancies

- (a) If a Board Member is absent from a Board Meeting, that Board Member's Alternate may attend, participate in discussions, vote and generally perform all the functions of that Board Member in the Board Meeting.
- (b) If it should be necessary for the constituency to consider replacing a Board member, for example because a Board member fails to attend three consecutive Board meetings or because the Board member no longer represents the government of the supporting country, it will be the responsibility of the sub-sub constituency to nominate a new Board member for election by the Board. If the government of the Board member being replaced wishes to nominate a replacement, the sub-sub constituency should consider this option first. In the case of a vacancy on the EITI Board in a Board meeting, the vacancy shall be filled by the Board Members Alternate.
- (c) If a Board member fails to attend three consecutive Board meetings, the Constituency Coordinator will write to the Board member and ask him or her to explain the reasons for failing to attend and suggest a way forward to ensure his or her participation. The Constituency Coordinator will inform the Board. If no response is received or if a way forward is not found, the Constituency Coordinator may ask the sub-sub constituency to begin the procedures for replacing the Board member within a given timeframe.

4. Constituency coordinators and sub-constituency contact points

- (a) The sub-constituency nominates annually a member to act as sub-constituency coordinator, who will chair sub-constituency meetings and serve as an honest broker in order to consolidate sub-constituency input on EITI matters.
- (b) Supporting country Board members from the three groups will function as sub-constituency contact points.

5. Procedures for ensuring consultations within the constituency

- (a) Supporting country Board members consult with the members of their sub-sub-constituency on strategic policy issues on a regular basis.
- (b) The three sub-sub-constituencies coordinate on a regular basis and hold a sub-constituency meeting prior to all Board meetings to discuss strategic policy issues.
- (c) Supporting Countries will endeavor to coordinate their respective donor funding for EITI implementing countries. The purpose of donor coordination is to optimize financial assistance by eliminating duplicate funding efforts and assimilating assistance priorities into a cohesive, forward-looking strategy. Donor coordination will help consolidate and utilize input from the EITI Secretariat, Supporting Country embassies, and other stakeholders to facilitate successful implementation of the EITI Standard.
- (d) The three Primary and three Alternate Board Members liaise on a regular basis with other constituencies and sub-constituencies prior to Board meetings.

6. Complaints

- (d) The EITI Board has recommended the following guidance on addressing complaints within the constituency: *“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”.*