Selection criteria for implementing countries

As agreed through no objection and confirmed in National Secretariat Circular of 27 November 2015

Summary

In order to decide on a nomination procedure, members of the Association representing the implementing country sub-constituency (in effect the National Coordinators) are invited to send comments and proposed amendments on this proposal to the Secretariat by 20 November 2015. It is proposed that the final nomination procedure be approved by the constituency representatives by non-objection on 27 November 2015. Following approval of the procedure, each country that wishes to have a representative on the Board is invited to propose a nominee by 18 December 2015. Between 18 December 2015 – 23 January 2016, the countries within each of the six groups would vote for and select their representatives for the seats their group has at its disposal.

The Secretariat recognises that there are many different ways in which implementing countries may decide to be grouped and select representatives. Given that most countries seemed satisfied with the approach adopted in 2013, the Secretariat has only suggested some amendments to the different groups to a) account for the increase of implementing countries from 37 in 2013 to 49 by the end of October 2015 and b) adapt the proposal to the scenario that the Board is considering of adding one Board seat with an alternate to the Implementing country sub-constituency.

Background

A new EITI Board will be elected at an EITI Members Meeting on 25 February 2016, in connection with the Global Conference in Lima, Peru. The different constituencies – countries, companies and civil society – need to establish their nomination procedures.

Representatives of all EITI Implementing countries will be invited to attend the members meeting as members of the Association.

Under the scenario currently being considered by the EITI Board, Implementing countries will have six of 21 seats for members on the new Board, with each member being entitled to have an alternate. At least three member seats should be filled by representatives from Compliant countries, according to Article 10.2.ii of the Articles of Association. The Implementing country sub-constituency must determine how it wishes to agree the nominations (6 Board members and 6 alternates under the current scenario) for the next Board to be appointed in Lima in February 2016.

Principles of selection

It is proposed that, as for the selection of the 2011-13 and the 2013-16 Boards, the following principles apply to the process:

1. Board seats are only available for Implementing Countries that have been classified by the EITI Board as either Candidate Countries or Compliant Countries (as per the EITI Articles of Association).

2. Each Implementing country's vote in the selection process will have the same weight.
3. The selection should be open and transparent.
4. There is a need to balance continuity against the need for renewal and rotation to broaden the ownership of the EITI. The process should be flexible and open to new implementers.
5. Recognising the important role the Board has for the EITI, countries are encouraged to be represented at senior level.
6. Also, elected Board members and their alternates are expected to be able and available to participate regularly and actively in all meetings of the Board.
7. It is important that the Board is representative of all of the implementing countries. It is, for example, expected that countries from different regions and representing different natural resource sectors 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.

The draft sub-constituency guidelines note that Board members might be selected from the governments of those countries who are 'demonstrably implementing EITI' i.e. representatives from countries that have produced at least one EITI Report within the last twelve months. As far as possible, the representation should also reflect both a geographical and sectoral distribution. A system of regional areas might be considered to ensure that all implementing countries' views are represented (see section 5).

Roles and responsibilities of implementing country Board representatives

Board members are expected to abide by the EITI Association's Code of Conduct.
Board members exercise the functions of the EITI Board as set out in Article 13 of the Articles of Association of the EITI. These functions include consideration of general and specific policy issues affecting the EITI Association and ensuring that the multi-stakeholder nature of the EITI Association is maintained and fully reflected in the EITI Association at all levels, including in its Committees.

The responsibilities of the Board, as listed in the Articles of Association, are to:

1. Consider general and specific policy issues affecting the EITI Association.

2. Agree on the work plans and budget of the EITI Association.

3. Agree on the arrangements for the EITI Conferences and the EITI Members' Meetings.

4. Present (through the EITI Chair) the activity report and the activity plan to the EITI Conference and obtain approval of the same from the EITI Members' Meeting.

5. Present (through the EITI Chair) the annual accounts and the audit reports for the accounting periods since the last ordinary EITI Members' Meeting.

6. Engage the Head of Secretariat.

7. Oversee and direct (through the EITI Chair) the work of the EITI Secretariat.

8. Ensure that the multi-stakeholder nature of the EITI Association is maintained and fully reflected in the EITI Association at all levels, including in its Committees.

9. Establish its procedures regarding the Validation process, including complaints, resolving disagreements, the question of de-listing a country and appeal procedures.

10. Adopt more detailed procedures and rules for the management and operation of the EITI Association including the contents of country workplans and company workplans, the Validation process, the management of funds, payments for projects, goods and services, auditing and reporting and the approval of projects.

11. Recommend a candidate for the EITI Chair prior to each ordinary EITI Members' Meeting.

In exercising these responsibilities, Board members are expected to accept a workload comprising the following:

- **Two to four Board meetings a year**, each normally of two days, with a rotating location. Interested candidates should note that implementing country representatives currently cover their own costs associated with these meetings.

- **Contributing to committee and working group meetings**, the number and nature of which will depend on circumstances, but which will normally be held by teleconferences or on the fringes of Board meetings (see below).

- Reading and preparation for Board meetings and, when appropriate, committee and working group meetings.

- **Communicating with – and coordinating input from – their constituency and sub-constituency regularly**, including ahead of Board and, where appropriate, Committee meetings. Implementing countries have expressed a strong focus on each representative building and working with their regional block and alternate in the coming Board period.

- Reading and responding to e-mail communications from the Chair, committee Chairs and other Board members, and the International Secretariat.

While it is not possible to quantify this work, it is anticipated that normally it would involve a commitment of up to 3-4 days a month.

Importance of Board committee attendance

Board members make decisions at Board meetings or through Board circulars only. In order to facilitate its work, Article 14(1) in the Articles of Association allows the EITI Board to create committees to further specific issues. These committees meet more regularly than the Board, although generally not in person, to discuss matters under their responsibility and to make recommendations to the Board.

The Board's normal procedure is to only consider papers for discussion that have first gone through committees, so active participation in committees is important. Committees reflect the multi-stakeholder nature of the Board and attendance by Board members is important to ensure quorum. Attendance in committee meetings is registered and expected from Board members.

The Board currently has the following committees: Audit Committee, Finance Committee, Governance Committee, Implementation Committee, Outreach Committee, Rapid Response Committee and Validation Committee. The Board is currently discussing possible changes to this structure and considering requiring that all Board members participate in at least one Board committee.

Representation

Implementing countries for selection

The Implementing country representatives currently on the Board are:

- Mr Abdoul Aziz ASKIA, Niger, with Mr Didier Vincent Kokou AGBEMADON from Togo as his alternate.
- Mr Florent Michel OKOKO, Republic of Congo, with Professor Jeremy Mack DUMBA from the Democratic Republic of Congo as his alternate.
- Senator Gbehzohngar FINDLEY, Liberia, with Mr. Seth TERKPER from Ghana as his alternate.
- Mr. Fernando CASTILLO TORRES, Peru, with Mr. Alfredo PIRES from Timor Leste as his alternate
- Mr. Shahmar MOVSUMOV, Azerbaijan, with Mr Bazarbai NURABAEV from Kazakhstan as his alternate.

This reflects the agreed five regional groupings to reflect the five Board seats at this time.
As of end October 2015, 49 implementing countries are eligible for selection to the six member and six alternate seats under the current scenario under discussion by the Board. It is therefore suggested the regional groups be updated to six groups to reflect the proposed six Board seats. (Note: this was subsequently agreed by the EITI Board at its meeting in Kiev in December 2015 for recommendation to the EITI Members' meeting in February 2016).

Proportionate composition

The EITI continues to spread to new countries and regions. It is proposed that the composition of the new Board anticipate and accommodate the expected spread of implementing countries during the period 2016-2018 (for example, although region 5 looks small, Equatorial Guinea and Gabon are expected to apply in the next few months).

Under the scenario currently under discussion by the EITI Board, it is proposed that implementing countries organise themselves in six groups according to the following breakdown. Elections could then take place in these six groups.

Region 1	Region 2	Region 3	Region 4	Region 5	Region 6
Eurasia/MENA	South East Asia-Asia Pacific	Africa I	Africa II	Africa III	Europe and Americas
1 Afghanistan	1 Indonesia	1 Ethiopia	1 Burkina Faso	1 Cameroon	1 Albania

2 Azerbaijan	2 Mongolia	2 Ghana	2 Cote D'Ivoire	2 CAR	2 Colombia
3 Iraq	3 Myanmar	3 Liberia	3 Guinea	3 Chad	3 Guatemala
4 Kazakhstan	4 Papua NG	4 Malawi	4 Niger	4 Congo	4 Honduras
5 Kyrgyzstan	5 Philippines	5 Mozambique	5 Mali	5 DRC	5 Norway
6 Tajikistan	6 Solomon Isl.	6 Nigeria	6 Mauritania	6 Madagascar	6 Peru
7 Ukraine	7 Timor Leste	7 Sao Tome e Principe	7 Togo		7 Trinidad & Tobago
8 Yemen		8 Seychelles	8 Senegal		8 UK
		9 Sierra Leone			9 USA
		10 Tanzania			
		11 Zambia			
One member	One member	One member	One member	One member	One member
One alternate	One alternate	One alternate	One alternate	One alternate	One alternate

Suggested next steps

Step 1
In order to decide on a selection procedure, National Coordinators are invited to send comments and proposed amendments on this proposal to the Secretariat by 20 November 2015. These will be integrated by the Secretariat and an updated version of this paper will be sent around through National Secretariat Circular for approval by no objection by 27 November 2015.

Step 2
Each country wishing to nominate a representative on the Board will then be invited to propose a nominee to the Secretariat by **18 December 2015**. Nominees must be individuals (physical persons) and not countries or institutions (legal persons). The list of nominees will be posted on the Secretariat website and sent to all National Coordinators immediately after the deadline.

Step 3
From **18 December 2015 – 23 January 2016**, the countries within each of the six groups are to vote for the nominee that will represent their group. Countries may vote for their own candidate.

It is suggested that all countries have the right to rank up to four nominees in their respective groups. Four points will be attributed to a country's first choice, three to the second, two to the third and one to the fourth.

Countries are reminded in their voting that the EITI Articles of Association states that at least three Board members seats should be filled by compliant countries. They may therefore wish to give preference to compliant countries from their group.

It is suggested that if there is an insufficient number of nominees and these indicate clearly what seat they wish to take, voting can be waived.

Step 4

Voting will take place by email. The EITI Secretariat will guarantee the individual votes are not disclosed. Records will be kept for claims or a recount.

The Secretariat will count and tabulate the results. The Secretariat will then post the list of the cumulated results on its website and send it to all National Coordinators. The nominee with the highest score in each group will receive the first member's seat in this group, the second ranking nominee the alternate member seat.

It is proposed that at least two-thirds of the total number of eligible country representatives in the respective groups cast a vote in order for the selection to be considered valid. Voting should be done by the National Coordinator on behalf of the country, but can be done by proxy by whomever the National Coordinator assigns to this purpose.

If countries from a group are not able to select their nominees by 23 February 2016, the Secretariat will initiate a selection by lot, observed by neutral third parties.