

Annex III Governance Document Assessment Questionnaire

Each question was answered with either “Yes / No / Unknown” and sources were cited along with clarifying comments as necessary.

Establishing the MSG: EITI Standard

Source for criteria	Questions relating to the EITI Standard
Requirement 1.3(g)	1 Is the multi-stakeholder group Terms of Reference or similar governance document for its work available to the public (e.g., on the national EITI website)?
	2 Is there evidence that the Terms of Reference was agreed upon by all members? If no, briefly describe who appears to have decided upon the documents governing MSG, if any (e.g., government decree).
Requirement 1.3(f)(ii)	3 How many government representatives are allocated membership in the MSG under the governance documentation?
	4 How many civil society representatives are allocated membership in the MSG under the governance documentation?
	5 How many private sector representatives are allocated membership in the MSG under the governance documentation?
	6 Are there any other categories of stakeholder?
Requirement 1.3(f)(iv)	7 Is the EITI multi-stakeholder group given a legal basis in the establishing document or legislation?

Governance of the MSG: EITI Standard

Source for criteria	Questions relating to the EITI Standard
Requirement 1.3(f)(ii)	Within the terms of reference or other governing documentation, are there provisions:
	8 ▪ granting each stakeholder group the right to appoint its own representatives?
	9 ▪ setting out safeguards to ensure that the nomination process for representatives of each stakeholder group is independent and free from any suggestion of coercion?
	10 ▪ setting out safeguards that require civil society groups involved in the EITI as members of the multi-stakeholder group to be independent (operationally and in policy terms) from government?
	11 ▪ requiring stakeholder groups to consider the desirability of pluralistic and/or diverse representation in appointing their own representatives?

Governance of the MSG: EITI Standard *continued*

Source for criteria	Questions relating to the EITI Standard
	Within the terms of reference or other governing documentation, are there provisions:
Requirement 1.3(f)(iii)	12 ▪ ensuring that senior government officials are represented on the multi-stakeholder group?
Requirement 1.3(g)	13 ▪ on the role, responsibilities, and rights of the multi-stakeholder group?
	14 ▪ requiring the group to oversee the reporting process and approve annual workplans, the appointment of the Independent Administrator, the Terms of Reference for the Independent Administrator, EITI reports, and annual activity reports?
	15 ▪ on internal governance rules and procedures?
Requirement 1.3(g)(i)	16 ▪ to ensure that members have the capacity to carry out their duties?
Requirement 1.3(g)(ii)	17 ▪ requiring that the group to undertake outreach activities with civil society groups and companies? (e.g., informing stakeholders of the government's commitment to implement the EIT or the role of companies and civil society in EITI)
	18 ▪ requiring the group to widely disseminate the public information that results from the EITI process (e.g., the EITI report)?
Requirement 1.3(g)(iii)	19 ▪ requiring group members to liaise with their constituent groups?
Requirement 1.3(g)(v)	20 ▪ for the group to engage in Validation in accordance with Chapter 3 of the EITI Standard?
Requirement 1.3(g)(vi)	21 ▪ for an inclusive decision-making process throughout implementation of the EITI, with each constituency being treated as a partner?
	22 ▪ granting any member of the group the right to table an issue for discussion?
	23 ▪ for procedures for nominating and changing multi-stakeholder group representatives?
	24 ▪ for procedures for decision-making (e.g., voting procedures, quorum procedures, etc.)?
	25 ▪ for the duration of the mandate of MSG members?
	26 ▪ for procedures for the frequency of group meetings?
	27 ▪ that require a certain amount of advance notice of meetings? (If yes, indicate the amount of advance notice.)
	28 ▪ that require timely circulation of documents prior to their debate and proposed adoption? (If yes, indicate the requirements for timely circulation of documents.)
	29 ▪ requiring the group to keep written records of its decisions and/or discussions?

Governance of the MSG: Supplemental Guidance

Source for criteria	Questions relating to the EITI Guidance Note 14
	Within the terms of reference or other governing documentation, are there provisions:
Guidance Note, §2.3	30 ▪ requiring members to commit to participate in and contribute effectively to multi-stakeholder group meetings?
Guidance Note, Step 2	31 ▪ requiring or encouraging stakeholder groups to consider diversity of commodities produced in the country when selecting representatives?
	32 ▪ requiring or encouraging stakeholder groups to consider geographic diversity when selecting representatives?
	33 ▪ specifying whether MSG members must or should have alternate members to the multi-stakeholder group?
Guidance Note, Step 2 and EITI Standard, Protocol: Civil Society Participation	34 ▪ that safeguard the right of civil society to self-appoint its own representatives on the multi-stakeholder group?
Guidance Note, Step 3	35 ▪ requiring decisions should be taken by consensus (collaboration and cooperation with a view to reach general agreement among all group members) when possible?
	36 ▪ provisions for allowing decisions by vote where required due to lack of consensus?
	37 ▪ provisions requiring that when a vote is required, resolutions are adopted by a qualified majority, requiring support from all constituencies?
	38 ▪ setting rules or procedures for quorum?
Guidance Note Annex, 2.5	39 ▪ requiring or encouraging stakeholder groups or the MSG to establish codes of conduct for group members?
	40 ▪ governing conflicts of interest by group members? For example, requiring that multi-stakeholder group members to refrain from voting in respect of any matter or arrangement in which they have an interest.
	41 ▪ governing the treatment of confidential information by group members?
Guidance Note Annex, 3.2	42 ▪ that specify a policy regarding the attendance of observers at MSG meetings?
Guidance Note Annex, 4.1	43 ▪ that specify the process for calling meetings?
Guidance Note Annex, 4.3	44 ▪ that require written records of the group's meeting minutes to be available to the public (e.g., on the national EITI website)?
	45 ▪ that clarify procedures for circulating and verifying MSG meeting minutes with multi-stakeholder group members?
	46 ▪ that clarify the relationship between the multi-stakeholder group and the national secretariat?
	47 ▪ that specify the role and responsibilities of the national secretariat?

Other governance practices for effective multi-stakeholder initiatives: MSI Evaluation Tool (released by MSI Integrity)

Source for criteria	Questions based on MSI Integrity's MSI Evaluation Tool
	Within the terms of reference or other governing documentation:
Internal Governance: Decision-making and Inclusivity	48 Are there criteria for membership of private sector representatives? (Yes, detail criteria / No)
	49 Does the MSG require private sector representatives to have a specified level of seniority, expertise or experience? (Yes, specify level / No)
	50 Are there criteria for NGO and civil society membership? (Yes, detail criteria / No)
	51 Are there criteria regulating payments or contributions from governments and/or extractive companies to civil society organizations? (Yes, payments or contributions are prohibited / Yes, payments or contributions are limited (specify limitations) / No)
	52 Does the MSG require the organizations' representatives to have expertise in issues relevant to EITI? (Yes, specify / No)
	53 Are affected populations or communities (e.g. those living near extractive sites) members of the MSG? (Yes / No)
	54 Does the MSI have a set of rules regarding the process for determining local community representatives? (Yes / No) If yes:
	55 ▪ Do the rules require that the local community select its own representative? (Yes / No)
	56 ▪ Do the rules require that representatives be chosen in line with human rights principles? (Yes / No)
	57 ▪ Is there provision for periodic community re-evaluation of the representative? (Yes / No)
	58 Is the appointment/election process for the MSG transparently explained? (Yes / No)
	59 Are the decisions of the body publicly available? (Yes, all / Yes, some / No)
	60 Is there a record, or policy to record, the vote or discussion that led to the decision? (Yes, all proceedings are recorded / Yes, some of the proceedings are recorded / No). If Yes, all or Yes, some:
	61 ▪ Does the record identify specific parties? (Yes, all / Yes, some / No)
62 ▪ Does the record include statements expressing disagreement with the final outcome or have a policy regarding recording such statement? (Yes, if relevant specify policy / No)	

Other governance practices for effective multi-stakeholder initiatives: MSI Evaluation Tool (released by MSI Integrity) *continued*

Source for criteria	Questions based on MSI Integrity's MSI Evaluation Tool
	63 Do the governance documents specify the percentage or number of votes required to make a decision? (Yes / No)
	64 Is there a system for taking grievances alleging a breach of the rules of internal governance? (Yes / No)
	65 Are there any provisions requiring a periodic review of the governance arrangements of the multi-stakeholder group?
	66 Are there any provisions regarding the governance and/or management of any funding or multi-stakeholder group bank accounts used to facilitate group functions?
	67 Looking at the establishing documents, Terms of Reference, or any other written policies, are there provisions requiring diversity of gender representation within each, or any, stakeholder groups for nominating members to the multi-stakeholder group?
	68 Looking at the current member lists, is there diversity of gender representation within each, or any, constituencies on the multi-stakeholder group? (Note the numerical representation of each gender overall, and each gender in each constituency.)
	69 Requiring the MSG to identify languages most widely spoken by rights-holders affected by the MSI and require that the documents about the governance of the MSI referred to above, or governance-related reports, are produced in the identified languages? (Yes, list languages / No)
	70 Requiring that meetings are able to be conducted in multiple languages when speakers of multiple languages are present? (Yes, list languages / No / Not Applicable, as the MSI only impacts regions that speak one language)
Transparency and Accessibility	Are the following publicly available on the national EITI website?
	71 A list of members; (Yes / No)
	72 A list of members of decision-making bodies such as: boards, caucuses, working groups, or other bodies, where applicable; (Yes, all bodies / Yes, some bodies (list) / No)
	73 A copy of the previous financial year's accounts; (Yes / No) If yes, specify if they are audited.
	74 Annual reporting of the MSI's key activities and developments over the previous year. (Yes / No)