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EITI Mainstreaming: Opportunities and Risks for the Role of Civil Society in EITI

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Key messages

- The Extractive Industries Transparency Initiative (EITI) board, its international secretariat, development partners, as well as many implementing countries Governments and stakeholders, encourage "mainstreaming" within EITI. This involves a transition away from standalone EITI reports and toward meeting EITI requirements through routine and publicly accessible government and company disclosures.

- Mainstreaming has the potential to increase civil society's ability to effectively monitor and demand improvements in resource governance with the benefit of more timely, relevant information that is integrated into the ongoing government and company processes that directly impact peoples' lives. Mainstreaming can facilitate improved channels for civil society engagement if outreach, consultation and participation activities are integrated into ongoing sectoral policy-making and commercial operations.

- Amid a global context of continuous attacks on civic space, there are concerns among many in civil society that mainstreaming could undermine the multi-stakeholder approach of EITI. Unless EITI recognizes and addresses such concerns, there is a danger that mainstreaming processes may alienate civil society from EITI processes.

- Those governing the EITI, including the board, the international secretariat, development partners and country-level multi-stakeholder groups should recognize the concerns that mainstreaming may raise regarding the role of civil society and should address these concerns by:

  1. Adhering to the EITI rules and procedures that govern mainstreaming applications, multi-stakeholder groups, and civil society participation, especially as outlined in the Civil Society Protocol, throughout the process.

  2. Incorporating civil society outreach, consultation and participation mechanisms alongside technical disclosures as part of plans for mainstreaming; and implementing processes to ensure that disclosures are easily accessible and contribute to public debate.

  3. Developing data quality assurance procedures to ensure that all stakeholders regard mainstreamed disclosures as credible and fair.

"Mainstreaming" is central to the future of EITI, a global standard to foster transparency and accountability in the oil, gas and mining sector. Mainstreaming—or the move toward meeting EITI requirements through routine and publicly available company and government reporting, rather than standalone EITI reports—has the potential to significantly improve the timeliness, contextualization and quality of disclosed data. These changes offer several opportunities to strengthen the role of

civil society, but many in civil society are also worried that mainstreaming processes could undermine the multi-stakeholder nature of EITI. In the wider context of continued attacks on civic freedoms and dialogue (hereafter called "civic space") and democratic values, there are concerns that the role civil society plays more generally in national resource governance decision making may be jeopardized.

With this brief, we aim to contribute to the nascent discussion around EITI mainstreaming by exploring civil society opportunities and concerns in detail. In doing so, we hope to outline ways that those involved in EITI processes, including the board, the international secretariat, development partners and country-level multi-stakeholder groups, could take steps to address civil society concerns, encourage civil society engagement in mainstreaming processes, and most importantly, increase the mainstreaming of civil society consultation and participation itself. To do this, we start by providing background information on mainstreaming. We then give an overview of four opportunities and three key concerns that have been voiced relating to the role of civil society in EITI. For each of the concerns we raise, we identify several ways that actors in EITI processes, especially at the country level, can support civil society to be fully, actively and effectively engaged in the shifts associated with mainstreaming. These approaches apply to all stages of mainstreaming, from planning to the application process to the oversight of implementation.

Box 1. Terminology

To describe the changes associated with mainstreaming in EITI, this briefing makes the distinction between the following terms:

- **Conventional EITI reporting.** This refers to longstanding practice in most EITI countries by which EITI disclosure requirements are met through the publication of EITI reports, usually produced on an annual basis.

- **Mainstreamed EITI reporting, also called "mainstreaming" or "systematic disclosure."**[1] This refers to a desired end-state for EITI reporting, under which EITI disclosure requirements are met through routine and publicly available company and government reporting, rather than EITI reports. This could include public financial reporting, annual reports, information portals and other open data initiatives.

UNDERSTANDING EITI MAINSTREAMING

The move toward mainstreaming is motivated by concerns from all stakeholders, including civil society, that while the conventional report-centered approach of EITI has generated unprecedented levels of data, this data is often outdated, presented in locked-in formats that are difficult to use, and disconnected from government decision-making processes and commercial operations. By switching the attention of EITI processes toward improving government and company disclosure systems in place of compiling lengthy reports, mainstreamed EITI reporting aims to give citizens access to more timely, relevant and useful data about the management of oil, gas and mining in their country. In 2018, the EITI board agreed that all implementing countries should be expected to develop a costed work plan that includes steps to mainstream EITI implementation in company and government systems within three to five years.[2]

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1   In some EITI documents, such as the 2018 Policy Paper "Encouraging systematic disclosure," a further distinction has been made between mainstreaming and systematic disclosure, but we follow the definitions in the 2019 Standard (hereinafter the "Standard") which uses the terms interchangeably.
2   EITI, *Encouraging Systematic Disclosure* (2018), p.4, eiti.org/document/encouraging-systematic-disclosure

Evolution of approach

The 2016 EITI Standard gave country-level multi-stakeholder groups an option to seek board approval to mainstream EITI implementation through ongoing and publicly available government and company reporting processes in requirement 4.9. The requirement set a high bar for eligibility, stipulating that in order to mainstream, countries had to demonstrate (i) routine disclosure of the data required by the EITI Standard in detail;[3] and (ii) that financial data required by the Standard is subject to a credible, independent audit, applying international standards. Very few countries were able to meet the tests of this "all or nothing" approach across all EITI requirements, and only one country, Norway, submitted a mainstreaming application to the board.[4] The board approved Norway's application in October 2017.[5]

The 2019 Standard moves away from the "all or nothing approach" by providing country-level multi-stakeholder groups with the flexibility to make applications for mainstreaming of specific EITI requirements on a disclosure-by-disclosure basis. This allows implementing countries the possibility to make a gradual transition toward mainstreamed disclosure. At the same time, strict safeguards in a revised requirement 4.9 mean that any mainstreaming request will have to address:

(i) the rationale for deviating from the standard procedure;

(ii) whether there is routine disclosure of the data required by the EITI Standard in requisite detail;

(iii) whether the financial data is subject to credible, independent audit, applying international standards; and

(iv) whether there is sufficient retention of historical data.

Given the increased flexibility of these new rules, it is likely that more countries will now be able to move toward making applications to "mainstream" at least some of their EITI data.

Process to mainstream EITI disclosures

The EITI board approved a process for mainstreaming in 2016, captured in the document "Agreed upon procedure for mainstreamed disclosures."[6] According to the board's guidance, when a country-level multi-stakeholder group commits to move ahead with mainstreaming, the processes should start with a rigorous feasibility study made by an independent and technically competent body.[7] To ensure that feasibility studies meet certain basic standards, the international secretariat has issued a model terms of reference that implementing countries can adapt to their needs.[8] Once a feasibility study is complete, the next step for a multi-stakeholder group is to put together a "schedule for disclosure and assurance." The schedule will outline which specific disclosures it plans to mainstream; how it will start making those disclosures, including any capacity building and technical assistance needed; and plans to address any potential legal or regulatory obstacles.

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3   This was interpreted to mean all the data required by the Standard.
4   EITI, *Norway Mainstreaming Application* (2017), eiti.org/document/norway-mainstreaming-application
5   EITI, *The Board accepted Norway's mainstreaming request and implementation request* (2017), eiti.org/BD/2017-49
6   EITI, *Agreed upon procedures for mainstreamed disclosures* (2016), eiti.org/sites/default/files/documents/agreed_upon_procedure_for_mainstreamed_disclosures.pdf
7   Feasibility studies for Kazakhstan, Kyrgyz Republic, Mongolia and Norway have been completed and are available at eiti.org/systematic-disclosure#concluded-feasibility-studies
8   EITI, *Terms of Reference: EITI systematic disclosure feasibility study* (2018), eiti.org/document/terms-of-reference-eiti-systematic-disclosure-feasibility-study

Once agreed upon by the multi-stakeholder group, the schedule forms the core of the application that is submitted to the EITI board. Upon board approval of the mainstreaming application, the multi-stakeholder group can move ahead to implementing the schedule. Mainstreamed disclosures can be taken out of EITI reports, but they remain subject to ongoing monitoring and review by the multi-stakeholder group and by the board. Most EITI-implementing countries will mainstream disclosures progressively – rather than all at once – so they are likely to continue publishing EITI reports for the foreseeable future.

Alongside the formal mainstreaming process, several countries are already developing their own information portals and communication tools that include disclosures required by the EITI Standard. In some countries, these processes have been initiated by or are closely aligned with EITI processes, as in Kazakhstan, where extractives companies use an automated online system to provide required EITI information on tax and non-tax payments, social expenditures and infrastructure.[9] In other cases, the development of information portals has happened outside the EITI framework, as was the case in Mexico where bid round and license information published on the Mexican Hydrocarbon Commission website, Rondas Mexico, is consistent with EITI requirements on contract and license allocations and license registers. The 2019 Standard allows country-level multi-stakeholder groups to reference these disclosures in conventional EITI reporting provided that those disclosures meet all EITI requirements. As a result, whether or not portal development and communication tools are led by EITI processes, it is in the interest of the multi-stakeholder group to ensure that developments along these lines meet the requirements of the EITI Standard, as this will help strengthen EITI implementation and streamline future mainstreaming requests.

MAINSTREAMING: OPPORTUNITIES AND RISKS FOR THE ROLE OF CIVIL SOCIETY

Mainstreaming presents several perceived opportunities and risks for civil society's ongoing role in EITI.

Opportunities

More timely, relevant, and useful information

While conventional EITI reporting processes have served an important role of collecting sector information in one place, mainstreaming can build on this approach by providing civil society and other stakeholders with information that is more timely, relevant and useful. It can do this in three ways. First, mainstreaming presents an opportunity for governments and companies to present data in real time, removing the one to two-year lag that is currently associated with compiling written reports. Second, mainstreaming allows governments and companies to reduce their dependence on print or PDF reports for data disclosure in favor of alternative formats that make data easier to extract and use for analysis. Third, mainstreaming could make access to information about the extractive sector more intuitive for citizens and civil society organizations who will be able to go directly to the relevant government agency or company to obtain the data they need.

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9   EY, *Feasibility study: Systematic disclosures of EITI data in Kazakhstan* (2017), p.5, eiti.org/sites/default/files/documents/eiti_mainstreaming_kz_final_report_from_ey_eng.pdf

Clearer reporting responsibilities

Under conventional EITI reporting, the multi-stakeholder group must act as a watchdog for the EITI Standard, ensuring that government and companies provide the information required, while at the same time also being responsible for making disclosure happen through the publication of EITI reports. These dual responsibilities expose the multi-stakeholder group to blame when the requirements of EITI are not met, even when this is the result of failings by specific government agencies or companies to cooperate with the EITI process. Given the high public profile attached to the success of EITI processes in some countries, being unfairly blamed for failures in EITI can have far reaching consequences for the national credibility of transparency advocates who participate in multi-stakeholder groups. In other instances, reporting entities have used lack of clarity in reporting responsibilities to shield themselves from having to publish reports. Mainstreaming clearly moves reporting responsibilities to the government agencies and, for certain data, companies that are the primary producers of data.

More time to spend on reform-oriented activities

Provided that civic space is protected as mandated by the "EITI Protocol: Participation of civil society" (hereinafter the "Civil Society Protocol"), the changes associated with mainstreaming provide civil society actors an important opportunity to reassess and renew their objectives within EITI. Through their involvement in country-level multi-stakeholder groups, civil society organizations can in principle engage in a range of planning, oversight, analysis and advisory activities. In practice though, preparation of annual EITI reports takes up much of multi-stakeholder groups' time—and by extension civil society actors' time. Should this time-consuming activity slowly fade away as a result of mainstreaming, the multi-stakeholder group will have more time to channel attention towards more impactful activities including:

- determining the scope of reporting and pushing the frontiers of transparency

- overseeing data quality and assurance procedures to ensure government and company disclosures are in line with the requirements of the EITI Standard

- investigating/establishing different data user needs and design information systems accordingly

- disseminating information to a wider audience and stimulating public debate about the management of the country's natural resources

- carrying out analysis of disclosures and developing policy recommendations

- protecting the role of civil society in natural resource governance

More opportunities for broader civil society to engage with reporting entities for greater accountability

Finally, if consultation and participation activities are embedded in mainstreaming plans, systematic disclosure presents citizens and civil society actors not directly involved in EITI country-level multi-stakeholder groups with the opportunity to input directly into sectoral policy-making and commercial operations. Consultation and participation activities can help citizens and civil society organizations improve their understanding of government and company roles, operations and objectives, enabling them to provide better feedback and formulate more concrete

and actionable demands in governance debates. These activities also enable government officials and company employees to better understand the concerns and needs of citizens and civil society. As the example from Mexico in Box 2 below demonstrates, consultation and participation can yield further positive results by helping institutions change the way they work and conceive of their missions by providing deep and long-term support for transparency and accountability that is no longer dependent on political support for EITI implementation. Beyond fostering greater transparency, mainstreaming can directly impact the way reporting entities do business and, in the case of state institutions in particular, deliver results for citizens.

Box 2. CNH Mexico: Changing institutional culture through direct engagement with citizens and civil society

In January 2017, Mexico's National Hydrocarbons Commission, CNH, embarked on a participatory process to improve the transparency of contracts, including their award and implementation. The centerpiece of this effort was the Rondas Mexico website, which seeks to make public all information related to hydrocarbon extraction contracts awarded since 2014.[10] Developed outside the EITI framework, Rondas Mexico publishes data for a range of information that cuts across the EITI Standard and has since become one of the primary sources of information for hydrocarbons in the Mexico EITI portal. Early on, CNH staff recognized that they should involve civil society actors in the design, implementation, monitoring and evaluation of the disclosures in order to optimize their impact. They invited civil society organizations to form a monitoring group to lead these activities in early 2017. Speaking to NRGI, CNH Mexico Commissioner, Sergio Pimental Vargas noted that the transparent approach "has improved their relationship with civil society and helped them oversee the obligations they have made by law."[11] This example shows how the end-result of a new form of 'mainstreamed' disclosure can continue to be inclusive of civil society. This was possible because the CNH Commissioner and staff were proactive in finding opportunities during the transition to systematic disclosure that involved civil society.

Risks

Undermining of multi-stakeholder platform

One concern within civil society is that mainstreaming could undermine the multi-stakeholder platform that lies at the heart of EITI implementation. This apprehension is particularly strong in countries where civil society groups are finding it increasingly difficult to play their watchdog role.[12] In some contexts, these concerns have been strengthened by common interpretations of the Norway mainstreaming application. However, as we note in box 3, certain nuances around this case limit its relevance to the ongoing conversation on these matters. The strong desire to see progress on mainstreaming among the board, the international secretariat, some development partners and country-level stakeholders opens at least two channels for degradation of the multi-stakeholder model.

First, there is a risk that the momentum behind mainstreaming could place pressure on the EITI board to either approve mainstreaming applications without adequate scrutiny of whether the country is meeting EITI requirements for multi-stakeholder oversight. Second, there is a risk that some governments will take advantage of the

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10 See rondasmexico.gob.mx/
11 Sergio Pimental Vargas, interview with NRGI, February 2019.
12 Amnesty International, *Laws designed to silence. The global crack down on civil society organizations,* 2019.

general momentum behind mainstreaming to sideline multi-stakeholder processes. Civic space is under pressure in many EITI countries: analysis by CIVICUS as of October 2019 shows that there are serious restrictions in 39 of the then 52 EITI member countries.[13] By approving the EITI Civil Society Protocol in 2015, the EITI board introduced criteria for how to assess whether civil society was able to adequately participate in the EITI process and to express views related to natural resource governance.[14] Since then, however, the board has not been able to settle on a clear interpretation of those criteria. This has, at times, made it difficult to understand where the board stands on civil society protection. Identifying threats posed by mainstreaming to civic space could be particularly difficult because of the gradual nature of these processes and the long implementation periods associated with them.

Box 3. The exceptional case of Norway

As the only EITI-implementing country to have submitted a mainstreaming application, Norway might seem like a good place to start learning about mainstreaming. However, two exceptional aspects of the application and its approval in October 2017 limit its applicability to other contexts.[15]

First, in contravention of the "agreed upon procedure for mainstreamed disclosures," the country's multi-stakeholder group had not endorsed Norway's mainstreaming application. In its deliberations on whether to accept the application, the EITI board took into account that the application had been delayed as a result of deadlock within the multi-stakeholder group on data assurance mechanisms. Partly to move the decision-making forward, the board approval took the form of a compromise under which the board accepted the mainstreaming request on the condition that governments work with civil society stakeholders to agree on an approach to data assurance of company disclosures as per the EITI requirements.

Second, the Norwegian application to mainstream EITI disclosures was combined with a separate request to disband the multi-stakeholder group. Here it is important to note that the decision to withdraw the multi-stakeholder group was only approved after a detailed assessment of the Norwegian context which confirmed that there was already ample space for civil society to engage with government and companies and freely express their views on natural resource governance. In addition, there was consensus among all local stakeholders that the Norwegian multi-stakeholder group was superfluous, and that removing it posed no threat to civic space.

In one respect, the fact that board approval in both these instances involved such heated debate, even in light of Norway's strong democratic institutions, should go some way to assuage civil society fears that applications from countries lacking such strong civil society safeguards might not be scrutinized.

Recommendations

- The EITI board should uphold the rules and requirements of EITI in the approval processes and for mainstreaming. Where proposals for mainstreaming deviate from standard procedure, the board should thoroughly scrutinize whether alternative arrangements are at least as good and ensure full participation of civil society. Where they are not, the board should reject the application for mainstreaming. The EITI board, international secretariat and development partners should be mindful that the flexibility provided by the 2019 EITI Standard makes it easier for countries to make progress on

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13 In October 2019, the CIVICUS Monitor lists 24 implementing countries as "obstructed", 13 as "repressed" and 2 as "closed". In those countries, citizens are seriously hampered in effectively exercising fundamental rights relating to freedom of expression, assembly and association.

14 EITI, *EITI Protocol: Participation of civil society* (2015), eiti.org/document/eiti-protocol-participation-of-civil-society

15 EITI, *The Board accepted Norway's mainstreaming request and implementation request.*

mainstreaming. With more countries likely to make applications under these new requirements, the pressure to show progress on mainstreaming should abate, allowing the EITI board, international Secretariat and development partners to adhere to the EITI Standard with all applications and ensure that there is adequate space for civil society participation throughout the process.

• In the context of growing concerns about civic space, the EITI Board and international secretariat need to take extra care to ensure that they uphold the Civil Society Protocol consistently throughout the mainstreaming process. This may include re-activation of the Rapid Response Committee, thorough vetting in application processes and during the validation process, or more frequent trips by the secretariat with specific goals to assess civic space. They should take care to ensure that civil society's participation is enabled not only at the end of mainstreaming but in the design and process of mainstreaming to make sure that what is created is effective and responsive.

Sidelining of outreach, consultation and participation activities

Under the conventional approach to EITI, country-level multi-stakeholder groups are responsible for three important aspects of EITI reporting:

• **Disclosure**. They appoint an independent administrator and oversee the latter's work to collect and compile information on disclosures.

• **Data quality and assurance**. They agree on a procedure to ensure that data and disclosures are reliable and trustworthy.

• **Outreach, consultation and participation.** They provide a forum for consultation and participation for all stakeholders and ensure that outreach events are undertaken to spread awareness of and facilitate dialogue on the governance of extractive resources.

However, the current approach to mainstreaming focuses largely on disclosures and data quality and assurance procedures, with insufficient attention paid to outreach, consultation and participation. For example, the Systematic Disclosure Toolkit, which aims to help implementing countries assess where EITI data is already being published outside of EITI, does not reference communication and outreach.[16] Likewise, the model terms of reference for systematic disclosure feasibility studies are oriented primarily around assessing the extent to which required EITI disclosures are already made publicly available in governmental and corporate systems. Furthermore, while consideration of "strengthening stakeholder engagement and making participation more effective" is included under the scope of work section, this provision is only optional.[17] It therefore comes as a concern that not one of the four completed mainstreaming feasibility studies featured on the EITI systematic disclosure webpage—Kazakhstan, Kyrgyz Republic, Mongolia and Norway— consider communication and outreach of EITI disclosures.[18] Similarly, the main work-plan for mainstreaming that countries are required to produce under the agreed upon procedure for mainstreamed disclosures is called a "schedule for disclosure and assurance." There is no mention of communication and outreach, not to mention consultation and participation.

16 EITI, *Systematic disclosure toolkit* (2017), eiti.org/document/systematic-disclosure-toolkit
17 See objectives, point 5, p.3 and Roadmap guidance, point (ii), p.5, eiti.org/document/terms-of-reference-eiti-systematic-disclosure-feasibility-study
18 These four feasibility studies are available at https://eiti.org/systematic-disclosure#concluded-feasibility-studies

A review of tangible disclosure and assurance mechanisms is a natural place to start for any mainstreaming approach, but concentrating solely on these aspects of EITI reporting carries the risk that governments and companies will not pay adequate attention to how outreach, consultation and participation activities will be conducted. On the one hand, if reporting entities do not conduct this work, there is a danger that communications and outreach work will be sidelined in country-level multi-stakeholder groups, posing a threat that outreach is disconnected from the entities actually making the disclosures. On the other hand, it also presents a risk that these all-important activities may not be adequately budgeted for by reporting entities or multi-stakeholder groups, presenting the possibility that they could disappear altogether. In both cases it directly and indirectly undermines the opportunities that mainstreaming represent for broader civil society consultation and participation. Given that the gap between disclosure, data use and actual accountability is already well documented,[19] this adds to existing concerns that EITI data could result in disclosures that produce a veneer of good governance but are not acted on due to poor communication and outreach, or weakened or limited space for debate and dialogue. In its most severe manifestations, such phenomena can undermine confidence in transparency more broadly, playing into the hands of those who may have a conflict of interest and thus legitimizing substantive non-compliance with the EITI Standard.[20]

Recommendations

- The board should clarify that, in order to comply with the requirements of the EITI Standard, mainstreaming applications must address outreach, consultation and participation requirements in addition to the disclosure and data quality and assurance aspects of reporting.[21] The board should consider whether these requirements are adequately addressed in approval processes for mainstreaming applications, and the success of measures should be reassessed in validation. The Implementation Committee should ensure that official tools and guidance on mainstreaming, including the systematic disclosure toolkit and the model terms of reference for EITI systematic disclosure feasibility studies, reflect these requirements.

- Country-level multi-stakeholder groups must ensure that they address outreach, consultation and participation activities in mainstreaming feasibility studies and in annual work-plans when they prepare budgets for mainstreaming activities.

- Development partners should anticipate that outreach, consultation and participation activities may have additional funding and technical assistance implications in countries where the government agencies do not have a long history of communication and outreach work.

19 Anja Rudiger, *Fiscal Transparency and Accountability, Research Note for the Fiscal Future's Scenario Planning Workshops* (Carnegie Endowment for International Peace, 2018), www.internationalbudget. org/wp-content/uploads/state-of-the-field-review-fiscal-transparency-and-accountability-2018.pdf

20 Robert Bourgoing, Daniel Kaufmann, *Zombie Transparency: Lessons from the Extractive Industries* (AidInfoPlus, 2016), aidinfoplus.org/zombie-transparency-lessons-from-the-extractive-industries/

21 Importantly, given that communication and outreach is already a firm EITI requirement, this does not require a change in the Standard, rather it just requires these requirements to be reflected clearly in assessment and implementation of mainstreaming processes.

Loss of trust in data quality and assurance procedures

Another concern raised by civil society and other stakeholders about mainstreaming is that the number of ministries involved, and the reduced role of an independent administrator would undermine the data quality and credibility. As part of the conventional approach to EITI reporting, the country-level multi-stakeholder group contracts an "independent administrator" to collect data and carry out data quality and assurance activities. Though oversight of the independent administrator can be fraught with challenges and frustrations, the practice has in many instances yielded important trust dividends for EITI data. Particularly in contexts where trust in government and/or companies' information is weak, the involvement of a neutral third party in the production of EITI disclosures has helped build confidence in the information produced. Given that mainstreaming will result in government agencies and companies directly taking on many of the activities carried out by independent administrators, multi-stakeholder groups will need to address how they plan to uphold data quality and assurance if they want to ensure that trust in mainstreamed EITI disclosures is maintained.

Two key challenges emerge in this regard. The first is practical. Given the sheer number of reporting entities in a typical EITI implementing country, it is necessary to address how the country-level multi-stakeholder group will ensure that each reporting entity is meeting the requirements of the EITI Standard for each mainstreamed disclosure. Existing mainstreaming feasibility studies for Kazakhstan, Kyrgyz Republic and Mongolia, for example, show that unless centralized data publication portals are established, full mainstreaming will require multi-stakeholder groups to assess the quality of disclosures made by several government agencies and state-owned enterprises, as well as by dozens of private sector companies. The second challenge relates to credibility. It will be necessary for the country-level multi-stakeholder group to develop procedures to ensure that it has achieved a consensus that disclosures are accurate and that any recommendations for reporting entities to bring their disclosures in line with the EITI Standard are viewed as legitimate in the context.

Recommendations

- For each mainstreamed disclosure, country-level multi-stakeholder groups must develop data quality and assurance procedures that are able to effectively assess whether all reporting entities are fulfilling their commitments to the EITI Standard. All stakeholders must strive to achieve a consensus that these processes are credible to ensure that trust in EITI information is not eroded, and so that any demands for reporting entities to bring their disclosures in line with EITI requirements are respected. As a result, it is crucial that civil society is able to take an active part in deciding what is mainstreamed and how. This must take place across all government bodies and companies involved, which may require additional capacity building and donor support across ministries. In countries where supreme audit institutions are strong, it may be possible to incorporate these activities into national audit processes. In other instances, it may be necessary to bring on "independent administrators" in a renewed role to carry out assessments.

CONCLUSION

This brief has sought to contribute to the nascent discussion around EITI mainstreaming by considering civil society opportunities and concerns in detail. We have shown that mainstreaming presents all stakeholders in general and civil society in particular with several potential benefits if implemented well, including opportunities to open up new channels for civil society to be consulted and participate more directly in sectoral policy-making and commercial operations, as well as broader natural resource governance. But this is not guaranteed, particularly because concerns around mainstreaming mean that there is a danger that civil society may not be able to fully engage in this important transition in EITI implementation. To ensure that the opportunities mainstreaming represents for EITI as a whole and for civil society in particular are realized, those involved in the governance of EITI including the board, the international secretariat, development partners and country-level multi-stakeholder groups must acknowledge these concerns and take steps to address them, in the planning, application and implementation stages of the transition. This can be done in the following ways:

1   Adhering to the EITI rules and procedures that govern mainstreaming applications, multi-stakeholder groups, and civil society participation, especially as outlined in the Civil Society Protocol, throughout the process.

2   Incorporating civil society outreach, consultation and participation mechanisms alongside technical disclosures as part of plans for mainstreaming; and implementing processes to ensure that disclosures are easily accessible and contribute to public debate.

3   Developing data quality assurance procedures to ensure that all stakeholders regard mainstreamed disclosures as credible and fair.

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