

CODE OF CONDUCT Of Civil Society organizations involved in EITI Process

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Since Albania was granted compliant status of in May 2013, the representatives of CSO-s in MSG Group were advocating for the implementation of EITI standards, for transparency to be translated into accountability and ensuring that the revenues generated by natural resources are used to benefit all citizens.

The CSO-S in MSG Group supported and elected from the Coalition of Civil Society Organisations involved in EITI process, sees transparency as a mean to demand accountability from both companies and governments. The CSO-s to MSG will be always very active to monitor and to ensure that natural resource revenues reach the state, get involved in how these should be spent and ensure that this was successfully carried out. As the part worldwide networks of Civil Society organisations working in extractive industry transparency initiative worldwide, Coalition of the Albanian CSO organisations will also refer to PWYP Strategy and Vision 20/20.

This code of ethics aims to improve the efficiency of the entire civil society's participation in the process, establishing parameters for CSO MSG representatives to work cohesively together and with their wider constituency in order that the people most affected by extractive industry activity have a voice in the process.

Chapter I Election and mandate

Section 1 Election

Article 1

Any person, member of a civil society organization adheres to this code, can be nominated as representative of the civil society at the Multi-stakeholder Group without prejudice to the provisions in article 2 of the code hereby.

The entire election process should be fair, participatory and transparent:

- a. A call for candidates and nomination process should be publicized with the qualifying criteria through network on line website, organizations member in the network and other informing means when is possible; in order to insure a wide relevant participation.
- b. The Board of AlbNet –Eiti Coalition does the selecting process, screening out candidates that do not meet the eligibility criteria.
- c. Civil society should ensure not allowing any government interference or involvement in proposal, nomination, and selection or election process.

Article 2

The mandate period of the civil society's representative at the Multi-stakeholder Group is for 3 years renewable only once in conformity with the article 6, point 2 of the Code hereby.

Article 3

The election is organized according to a direct universal suffrage process and to a secret ballot mode. It is approved by an official report signed by all the members of the Ad hoc committee (Support group members and 2 MSG members, elected in advance) and supported by the list of those who participated in the said elections.

In case of only one candidate should be elected the two candidates who received the majority of votes should go under a second round.

The candidate who receives the overall majority of votes (50% +1) is elected.

Article 4

In the event of a tie, the candidates will be asked to find a consensus; otherwise, the second round is organized to decide between the candidates in conformity with the article 8 of this code. In the event of another tie, the candidate who has more seniority and is more experienced is elected. It is up to the candidate to produce the documents proving their seniority and experience.

Chapter II Definition of the terms, and basic principles

Article 5 *Definition of the terms*

Under this code, we mean by:

1. Representatives of the civil society in the Multi-stakeholder Group: any private individual member of a civil society organization who want to be involved in the natural resources sector

who was nominated by their peers to represent and defend the opinions of the civil society within the Multi-stakeholder Group;

Article 6
Basic principle

1. Any representative from the civil society at the Multi-stakeholder Group is nominated through consensus and a transparent and democratic process from organisations signatory to this Code.

2. The mandate of the civil society's representative runs for three years renewable only once.

3. Any candidate for the position of the civil society representative in the Multi-stakeholder Group must first fulfill the criteria hereafter:

- Be a member representing of an independent civil society organization that is active in the natural resources domain
- Have at least three years of experience in the domain of advocacy for the extractive industries transparency, including with state-level institutions and representatives of the private sector;
- Have an advanced knowledge in EITI in particular;
- Demonstrate the independence from the government and extractive companies.
- Show evidence of a high degree of morality, integrity, respect of their colleagues.
- It is NOT politically affiliated as individual or organization.
- Doesn't have high/leading position in the state administration or public office, private companies connected with extractive industry covered by EITI.
- Should never allow any government interference or involvement in CSO issues.
- Doesn't have any conflict of interest either with government or business in extractive industry.

4. Have full commitment to the gender questions and take the necessary measures to guarantee a woman's representation within the Multi-stakeholder Group;

5. Insures representation of the stakeholders from areas affected by extractive activities and take the necessary measures to guarantee their presentation in the Multi-stakeholder Group;

Chapter II
Rights, duties and obligations

Article 7
Rights

Any member, duly mandated by a civil society organization adhered to this code, who fulfills the requirements mentioned above has the right to be nominated as representative of the civil society in the Multi-stakeholder Group.

Any representative has the right to speak its mind, take part in discussions of the MSG and cast a vote.

Article 8

Duties

1. All representatives of the civil society in the Multi-stakeholder Group should consult with their constituency (so local communities, networks or other NGOs, etc) and to regularly report back.
2. All representatives of the civil society in the Multi-stakeholder Group have the duty to provide sufficient information to the networks to allow opportunities to meaningful input regarding decisions made in conformity with the rules and procedures governing the Multi-stakeholder Group's functioning.
3. Preparatory meetings must always be held to notably coordinate and decide on the civil society's position on the items on the agenda of the Multi-stakeholder where any representative commits to stand up for the position adopted by the civil society organizations during preparatory meetings or other meetings and for the shared interests.

Article 9

Obligations

1. All representatives have the obligation to actively take part in the Multi-stakeholder Group's meetings,
2. To stand up for the civil society's interests like transparency, anticorruption, governance and public control during the Multi-stakeholder Group's sessions.
3. All representatives have the obligation to take part in the preparatory meetings which are called by civil society's Spokesperson or by each representative where points on the agenda and of civil society position or recommendation will be presented.
4. If one the members voted against decision taken by the group, he should anyway have to support the group decision during the Multi-stakeholder Group's sessions or in public.
5. It should be a strong encouragement to have a united position as a group.
6. Individual or personal inconveniences should be not reflected in MSG meetings.

Section 2

Reprehensible facts and acts

Article 10

At the end of this code, the acts hereby are considered reprehensible facts likely to entail the loss of a representative status:

1. Any fact or act taken including words, positions by vote, emails, expressions, statements and whose final goal is to break up the position taken by the civil society organizations following a debate among peers;
2. Any act of corruption, such as underground personal relation/agreement, related to government EITI authorities which hinders the CSO- group interests and principles, is considered as an open violation to this code.

3. Acceptance by a representative of a gift exceeding a value of 300 lek, or any other advantage undue by a member of another stakeholder or any other person working for an EITI structure. In the last case, any gift exceeding the value mentioned above must be declared and can be notified by email or by a letter duly signed by the person concerned.

4. Except only the payments as reimbursement (according to the Albanian Law) for trip, accommodation and reasonable per diem by EITI Secretariat to the CSO members living outside the capital to be present in MSG meetings.

5. In case of a doubt that may lead to be perceived or actual conflicts of interest based on their role and responsibilities, an explanation or disclosure of personal information for CSO representatives in the MSG may be required.

6. The group members of CSO-s in MSG will be in charge of implementing those sanctions.

Article 11

Without prejudice to the provisions in article 6, point 3, any representative who is found guilty or complicit with the acts listed above shall lose their representative status.

Section 3 Loss of status, decline and substitutions

Article 12

The status of a delegate/representative can be lost by

1. Written resignation letter notifying the Spokesperson, desertion, revocation, unjustified unavailability not attending 3 consecutive Multi-stakeholder Group's meetings, incompatibility according to article 2 point 5, of this code, negligence or violation of the provisions of this code, death.

Except in cases of justified reasons, the representative who does not attend 3 consecutive Multi-stakeholder Group's meetings, can nominate another member of his organization to represent him/her as long as he/she will be absent.

2. When changes his status; is nominated in high/leading position in the state administration or public office or private company, connected with extractive industry and covered by EITI process.

Article 13

Loss of the representative status is certified by the members of CSO-s in MSG.

Chapter IV: Communication

Article 14

A function for the civil society delegates' Spokesperson is set up within the Multi-stakeholder Group nationally.

The spokesperson is nominated by the civil society representatives in a consensual manner overall majority vote (50% +1).

Article 15

The Spokesperson has the obligation to pass on the information to the civil society organizations, including sharing work documents by email or any other method deemed efficient.

Chapter V Final provisions

Article 16

The first nomination takes place 3 years after the effective date of this code and in conformity with the provisions in articles 6, 7, 8, and 9.

The delegates who have completed more than 3 years shall be replaced according to the arrival order (first elected is replaced first).

Article 17

Former representatives of the civil society at the Multi-stakeholder Group can be considered as support group which can assist in overall issues including the process of election, etc.

A person who has had their mandate rejected cannot be part of the support Group at all;

Article 18

The provisions of this code can only be subject to a revision provided there in a written consent by two thirds of the signatory organizations (of this code).

Tirana April 2015

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