

NEITI CIVIL SOCIETY PROTOCOL 2024

1. Background

Civil society constitutes one leg of the multi-stakeholder tripod upon which the Extractive Industries Transparency Initiative (EITI) is founded, the other two constituencies being the companies and government. NEITI is required by the EITI to operate this multi-stakeholder model with a participatory style of governance which brings together the three sectors. This multi-stakeholder framework, often referred to as the “magic triangle”, is unique in the sense that each leg of the tripod is as important and powerful as the other two in the decision-making processes.

Meaningful engagement of civil society organisations is therefore, fundamental to the success of the EITI, and is key to ensuring that the transparency created by the EITI can lead to greater accountability and improved governance of oil, gas and mineral resources.

Recognising the foregoing, civil society organisations engaging with the NEITI process met on November 2, 2024 and voluntarily and unanimously adopted a comprehensive framework for civil society engagement with NEITI.

2. Sources of the NEITI Civil Society Constituency Protocol

This framework, to be known as the NEITI Civil Society Constituency Protocol, derives, to a greater or lesser extent, from the following source documents:

1. The NEITI Act 2007
2. The Handbook: The Role of Civil Society in the NEITI Process 2012
3. Civil Society Memorandum of Understanding in 2014 (revised 2022)
4. Policy Guidelines on Appointment/Nomination of Civil Society Representative on the NEITI Board 2018
5. NEITI Civil Society Engagement Framework 2022
6. NEITI Civil Society Constituency Guidelines and Transitional Protocol 2024
7. Communications/Civil Society Steering Committee Terms of Reference 2024
8. EITI 2023 Standard
9. EITI Civil Society Protocol
10. Constituency guidelines for Civil Society

The ideas in this Protocol, while domestically owned and designed to address the Nigerian civil society context, derive from shared principles and guidelines already articulated in global EITI frameworks, namely, the EITI 2023 Standard, the EITI Civil Society Protocol, and the EITI Constituency guidelines for Civil Society.

At the domestic level, the work of civil society groups have furthered the mandate of Nigeria’s EITI (NEITI) through their advocacy for increased transparency and the utilisation of NEITI-generated data to hold governments and companies to account. This important role has been amply acknowledged over the years in the inclusion of civil society roles in the NEITI Act 2007, the adoption of the manual - the Role of Civil Society in the NEITI Process in 2012, the adoption of a Civil Society Memorandum of

Understanding in 2014 (revised 2022), Policy Guidelines on appointment/Nomination of Civil Society Representative on the NEITI Board 2018, and the NEITI Civil Society Engagement Framework 2022. The NEITI Communication Strategy 2022-2026 also recommended that NEITI develops a framework that would guide its relationship with the third sector.

The NEITI Civil Society Constituency Protocol draws from the foregoing background documents and seeks to provide a framework for the meaningful engagement of civil society organisations in the NEITI process.

3. Content

This document outlines how the civil society constituency in the Nigeria Extractive Industries Transparency Initiative (NEITI) organises itself at the national level, specifically elaborating the following:

- What name should be adopted for the NEITI Civil Society Constituency?
- Who constitute members of the NEITI civil society constituency and what should be the criteria for membership?
- How is this Constituency organised and how is its database maintained?
- What is the process for nominating/electing the Civil Society representative on the NEITI NSWG?
- How do we ensure that the civil society representative is proactively elected at least one year ahead of the expiration of the incumbent's term?
- Who is eligible to vote at this election?
- How is the Civil Society and Communications Steering Committee chosen?
- What thematic groups are represented? By how many persons each?
- What is the complaints procedure/dispute resolution framework for the Civil Society Constituency?

4. Basic Principles

The NEITI Civil Society Protocol is underpinned by a number of basic principles already articulated in the documents listed in 2 above. They include, but are not limited to the following:

- A. The participation of civil society is fundamental to achieving the objectives of EITI and is key to ensure that the transparency created by the EITI leads to greater accountability (i.e. citizens must be able to work actively to make use of

the information generated by the EITI in demanding greater accountability for the governance of natural resources)

- B. Civil society, if not protected, could become the weakest link in the EITI process because it has neither access to nor control of the vast and enormous resources that are synonymous with natural resource extraction and exploitation as do the government and companies
- C. Civil society representatives are able to be fully, actively and effectively engaged in the design, implementation, monitoring and evaluation of the NEITI process
- D. Civil society as a constituency has the right to nominate its own representatives to the NEITI Multi-Stakeholder Group through an open, inclusive and independent process

5. Trajectory of Civil Society Engagement in NEITI

From the outset, the participation of civil society was mainstreamed in the EITI/NEITI framework. EITI itself resulted from the advocacy of the third sector for more transparent and accountable management of natural resources in resource-rich countries.

- In Nigeria, the Publish What You Pay coalition, the Coalition for Change (C4C), Transparency International and other prominent civil society organizations led the calls for Nigeria's membership of the EITI.
- On May 25, 2007, President Olusegun Obasanjo signed into law the NEITI Act 2007 with clear provisions on civil society participation, making Nigeria the first country to entrench EITI implementation in its national laws
- In 2012, NEITI published the handbook, In 2012, NEITI developed a publication to further guide its relationship and engagement with the CSOs titled, The Civil Society in the NEITI Process. The publication also had as an appendix, a list of the Civil Society Organisations (CSOs) that were actively engaging with NEITI at the time.
- The second National Stakeholders Working Group (NWSG) of NEITI further created the opportunity for the inclusive participation of the third sector in its operations through a special committee- The Civil Society Steering Committee (CSSC), designed to serve as a feedback channel between the Civil Society Representative and wider civil society.
- In 2014, the NEITI Civil Society Memorandum of Understanding was adopted and signed NEITI to reinforce the partnership between civil society and NEITI
- In June 2018, the Policy Guidelines on appointment/Nomination of Civil Society Representative on the NEITI Board 2018 was adopted

- In 2022, the NEITI Civil Society Memorandum of Understanding was revised and signed by NEITI and the CS representative on the NSWG
- In August 2023, civil society organisations engaging with NEITI agreed during a meeting at the NEITI House Abuja to adopt a framework to guide engagement with the EITI process and the election/nomination of a civil society representative to the NEITI NSWG. This led to the adoption of the NEITI Civil Society Constituency Guidelines and Transitional Protocol which was relied upon to elect/nominate the Civil Society Representative on the NSWG in 2024.
- In July 2024, the NEITI NSWG during its Board meeting approved the Communications/Civil Society Steering Committee Terms of Reference 2024
- In November 2024, the NEITI Civil Society Protocol 2024 was adopted at the NEITI Civil Society Engagement Roundtable in Abuja (?)

6. The NEITI Civil Society Group

An associational framework to be known as the NEITI Civil Society Group (NCSG), is hereby established to represent the interest of the broad community of civil society organisations (CSOs) engaging the NEITI process in Nigeria. The NCSG will serve as the General Assembly of Nigerian civil society organisations engaged in the EITI process.

- 6.1. The civil society representative on the NEITI NSWG will serve as Coordinator of the proposed NCSG
- 6.2. The database of the NCSG will be maintained by the NEITI Secretariat under the supervision of the NEITI Civil Society Representative
- 6.3. A call for membership applications/re-validation for the NCSG will be issued every 12 months by the NEITI Civil Society Representative
- 6.4. The applications for membership of the NCSG will be screened and approved by a Committee set up for that purpose by the NEITI Civil Society Representative
- 6.5. The valid database of the NCSG six months to the expiration of the tenure of the incumbent NEITI Civil Society Representative will be deemed to be the authentic list of voters to elect the incoming NEITI Civil Society Representative
- 6.6. Membership shall be organisational, not individual. Each organisation will designate its prime representative and an alternate. Change of the prime representative or alternate can be done provided notice of such change is sent to the NEITI Civil Society Representative at least one month ahead of the representatives participation in NEITI activities

7. Criteria for CSO Membership of the NEITI Civil Society Constituency

For the purpose of admission into the NEITI Civil Society Group and listing on the NCSG Database, a civil society organisation is defined as:

- an organisation duly registered or recognised in Nigeria at the local government, state, or national level, and showing evidence of working in extractives, transparency, accountability, and good Governance, anti-corruption, and any other thematic area recognised in the EITI Standard 2023

- An organisation that is adjudged by the CSSC as having been substantially engaged with the NEITI process
- must be able to provide evidence of contributing to public debate on natural resource governance issues
- must be working in a thematic area that is relevant to the mandate of the NEITI as outlined in the EITI Standard 2023
- must be independent of government and/or companies, both operationally and in policy terms
- Membership renewal shall be every 12 months
- Membership of the NCSG can lapse resulting in the organisation reverting into the probational list on the condition that (i) the organisation is found to not be sufficiently independent of government and/or companies, both operationally and in policy terms, and (ii) the organisation is unable to demonstrate evidence of contributing to public debate on natural resource governance issues or of working in a thematic area that is relevant to the mandate of the NEITI

8. Procedure for self-selection of Civil Society Representative in the NEITI Board

- We acknowledge that Section 6 of the NEITI Act empowers the President of Nigeria to appoint all members of the NEITI Board, including the Civil Society Representative on the NSWG
- That this power remains and can only change with a review of the NEITI Act 2007. Civil society is committed to this review process to strengthen autonomy of civil society in the NEITI process and increase the number of civil society representatives from the current one member.
- We note that the self-select process for nominating the civil society representative on the NEITI Board has been historically adhered to by successive Presidents, as in making the appointment, the President has historically requested the constituency to self-nominate its representative on the Board.
- To strengthen the self-select principle, the following process will be adopted:

8.1. The selection process for CSO representative into the NEITI NSWG will begin at least six months before the end of a substantive tenure

8.2. The Civil Society and Communication Steering Committee (CSSC) will issue a call for nominations into a Selection Committee in an open, independent and transparent process; and the Selection Committee will in turn conduct the election for CSO representative into the NEITI NSWG through an open, independent, and competitive process and announce the winner

8.3. On the notice from the President to the NEITI Secretariat for civil society to nominate their representative to the next Board, the Committee will send a letter to

the Presidency through the NEITI Secretariat identifying the nominee of civil society and providing documentary proof of the openness, transparency, and independence of the process

9. Role of the NEITI Civil Society Group

i. The NCSG shall meet virtually or physically at least once a year to do the following, among others:

i. Review the performance of the civil society representative on the NSWG for the past year

iv. Track compliance of public procurement and other governance processes in the extractive sector with international norms and domestic laws/policies, and subsequently collate and provide feedback to NEITI

v. Discuss the NEITI annual country workplan & Annual Progress Report (APR)

vi. Plan the implementation of public and community engagement activities in partnership with the NEITI Secretariat

vii. Identify and respond to capacity building needs of various clusters within the NEITI Civil Society Group

viii. Review and issue a statement on the state of civil society engagement and civic space in the NEITI process

ix. Review the NEITI Civil Society Protocol once every 4years in line with the tenure of the board.

x. The review should be started 12 months before the expiration of the board, in time to rectify, and bring it to force as the new board is inaugurated.

xi. Discuss and take decisions on any other relevant issues

10. The Communications and Civil Society and Communications Steering Committee (CCSSC)

The Communications and Civil Society and Communications Steering Committee (CCSSC), created by the second National Stakeholders Working Group (NWSG) of NEITI was aimed at expanding and deepening civil society participation in the NEITI process and provided a channel for feedback to the wider civil society community. This was an innovation in EITI implementation globally and has now either been adopted or is being considered by several other countries. The CCSSC will be retained as follows:

9.1. The CCSSC will be the coordinating structure of the NEITI Civil Society Group, responsible for broad policy making and implementation

9.2. The CCSSC will be a clearing house for civil society engagement and a channel for information brokerage between the NSWG and the NEITI Civil Society Group

9.3. The CCSSC will be made up of 15 members comprising 10 nos. members nominated by the civil society representative on the NEITI Board /NSWG and five Board members seconded to the Committee by the Board

9.4. The ten members nominated by the CS Representative will be drawn from the following thematic groups:

i. Persons With Disabilities (PWDs)

ii. National CSO or CSO network active in oil and gas

iii. National CSO or CSO network active in mining

- iv. Gender-based CSO
- v. Women in extractives
- vi. Host Communities in the mining sector
- vii. Host communities in the oil and gas sector
- viii. Youth-led organisation
- ix. The Media
- x. Professional bodies

9.5. The above sectoral/thematic representations will be balanced with geopolitical spread as a key consideration in the nominations of representatives of the CCSSC

10. Dispute Resolution

- i. Any complaints by a member of the NEITI Civil Society Group should first be directed to members of that constituency. If the dispute is not satisfactorily resolved, a written complaint should be made to the CCSSC. The CCSSC is to within four weeks of receiving such a complaint, investigate and make public its findings to the NEITI Civil Society Group
- ii. Dispute between members of the CCSSC, will be referred to the civil society representative(s) on the NEITI NSWG. The CSO representative will constitute an ad-hoc Committee from within the NEITI Civil Society Group to investigate the dispute, make public its findings to the broader NEITI Civil Society Constituency and issue resolutions within four weeks of receiving the complaint
- iii. Complaints against the CSO representative(s) on the NEITI NSWG will be addressed to the Chairman of the NSWG. The chairman of the NEITI NSWG and other members of the Board (excluding the CSO Representative) will investigate the complaint, make public the findings and issue resolution within six weeks of receiving the complaint.
- iv. The various levels of dispute resolution may discretionally sanction/reprimand members for wrong doing

11. The NEITI Civil Society Memorandum of Understanding (MOU)

This Protocol acknowledges the role of the previous (2014 and 2022) NEITI Civil Society Memorandums of Understanding (MOUs) in cementing the relationship between civil society and the other sectors in the multi-stakeholder group. Each successive NEITI NSWG will re-validate and endorse the NEITI Civil Society Memorandum of Understanding (MOU).

12. Civic Space Protection

We acknowledge that civic space violations are on the rise in countries with extractive industries across the world. Nigeria is no stranger to such human rights abuses and civic space restrictions. In line with the EITI Civil Society Protocol, the NEITI Civil Society Protocol acknowledges the following principles for protecting civic space in the EITI process:

- **Expression:** Civil society representatives can express opinions without restraint or reprisal
- **Operation:** Civil society representatives can organise and operate freely in relation to the EITI process
- **Association:** Civil society representatives can communicate and cooperate with each other
- **Engagement:** Civil society representatives can be fully engaged in all stages of the EITI process
- NEITI will enter into Memoranda of Association with human rights agencies such as the National Human Rights Commission (NHRC) and others to ensure protection of civic space in the implementation of the EITI in Nigeria.