



Government of Malawi



**Technical Assistance to the Government of Malawi to support the
implementation of Public Finance Management Reforms**

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**Malawi Extractive Industries Transparency Initiative:
Multi-Stakeholder Group Engagement Handbook**

Final

August, 2023

Foreword

The Malawi EITI (MWEITI) is comparatively small in relation to other countries but it has performed reasonably well since its beginning in 2015. It has produced six annual reports on revenues from the extractives industry and it has undergone two successful validation cycles for compliance. It has huge potential considering the country’s assessed mining potential whose realisation may start soon. This perspective is based on recent investor related developments that have been officially announced on various mineral discoveries and some pending large-scale mining investments. The county’s promising mining potential is what makes the MWEITI a relevant institution operating on the natural resource governance space. The governing body of MWEITI, the Multi-Stakeholder Group (MSG), has therefore taken the right moment to close gaps and shortfalls in its work procedures on the governance of the EITI implementation by developing this stakeholder engagement handbook.

This Handbook is outlining everything EITI stakeholders need to know about how to work in consultation or partnership with the MSG – hence the name ‘engagement’ handbook. It is helping the MSG Members and the EITI stakeholders to understand what is expected of them, from the big things like accountability and management of EI revenues in Malawi to smaller things like personal access to EI reports and other related information. This Handbook helps to inform MSG members on how to deliver their services and ensure that they are consistent in their approach. This is very important for the MSG as its members keep changing over time, and this applies equally to other EITI stakeholders. It is a ‘one-stop shop’ for appreciating and understanding everything related to the interaction of the MSG and the EITI stakeholders in the governance of natural resources.

The Handbook’s primary purpose is to ensure continuous and effective interaction between the EITI MSG and its key stakeholders, even beyond those directly engaged in implementing extractives governance initiatives. It is important to use this handbook for strengthening institutional relationships. It is more likely to gain the trust of stakeholders if consultation and engagement is consistent, transparent and inclusive. Creating clear engagement channels and an open space where stakeholders can contribute their efforts and voice their opinions is vital for success.

I urge MSG members and all other stakeholders in the governance of extractive industries to read and refer to this Handbook in order to promote productive engagement in implementing the country’s EITI.

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Director of Revenue Policy Division
MWEITI MSG Chairman
Ministry of Finance and Economic Affairs

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Multi-Stakeholder Group Engagement Handbook

1. Introduction

1.1 Malawi EITI

The Malawi EITI (MWEITI) is all about attaining and sustaining good governance for the extractives industry: accounting for its revenues as they accrue to government and community beneficiaries, directly or indirectly, in areas affected by extractive activities. EITI tries to ensure that there is transparency and accountability in the whole value chain of extractive industries. It started in 2015 and has succeeded in producing data and information on an annual basis on the contribution of extractives industries to government revenues and the challenges being faced in governance of the industries and the reforms and activities needed to resolve outstanding challenges.

1.2 MWEITI Vision

The vision for Malawi EITI is **“A transparent and accountable extractives sector that contributes to equitable and sustainable national development.”**¹

1.3 MWEITI Mission Statement

The mission statement for MWEITI is **“To be a platform for improving governance in the extractive sector by ensuring fairness in the payments, and equity in the allocation of revenues from this sector for the benefit of all the people of Malawi.”**

1.4 What is MWEITI MSG?

In nearly all the countries in the world where the Extractive Industries Transparency Initiative (EITI) is being implemented, there is established an EITI MSG at the national level to manage its implementation. The Multi-Stakeholder Group (MSG) comprises of government institutions, civil society organisations and private companies in the extractives industry. The direction, programmes and activities of the MWEITI are determined by the Multi-Stakeholder Group (MSG).

¹ MWEIT Strategic Plan 2017-22. The mission statement on 1.3 is also taken from there.

2. MSG Terms of Reference

2.1 Responsibilities and functions of the MSG

The responsibilities and functions stated here are broadly in accordance with the minimum provisions of EITI requirement 1.4(b), and a few others that have been added by the MSG:

- i Defining the scope and strategic direction of the EITI process
- ii Approval of annual work plans and where need be others for specific activities;
- iii Oversight of the EITI reporting process, including the appointment and approval of the Terms of Reference of the Independent Administrator, and endorsement of the EITI Reports;
- iv Development of annual activity reports;
- v Facilitate the provision of information and data for the periodic validation process, including facilitating key consultations for the process;
- vi Outreach and liaison with constituency groups: to facilitate dissemination of EITI progress, participation in governance activities, membership mobilisation and representation;
- vii Carrying out communication activities for dissemination of annual reports on revenues, activities, and progress.
- viii Establishing and supporting any sub-groups or/ and ad hoc sub-groups to examine or respond to specific issues as the needs arises. The sub-groups may invite outside expert to participate.
- ix Engage with Parliament, through its relevant sub-committees, on the annual EITI Report and Budget
- x Directing and supervising the National Secretariat (roles outlined in a separate Terms of Reference)

2.2 MSG Composition

2.2.1 Membership

The MSG shall be comprised of:

- a) Four government representatives:
 - i) Ministry responsible for finance,
 - ii) Ministry responsible for natural resources (Department of Mines),
 - iii) Reserve Bank of Malawi, and,
 - iv) National Audit Office.
- b) Four extractive industry representatives (selected through their association)
- c) Four civil society representatives (selected through a process initiated by CSOs with the support the Council for Non-Governmental Organisations in Malawi (CONGOMA))
- d) The MSG may agree by consensus to change the composition of the MSG, such as, by selecting new members from the extractive industries and their respective government ministries currently not represented.
- e) Each organisation shall designate two representatives: one being the principal member, and the other an alternate.

- f) All MSG sub-groups or sub-committees will have at least one member from each constituency, be led by an MSG member and may invite outside experts to participate but only with agreement of all MSG sub-group members.

2.2.2 Terms of Membership

- a) Members serve for a term of 3 years and may be reappointed for an extra 3 year term, making a maximum of two terms; the members of each constituency shall select their own members. Members from government institutions shall rotate on the same terms and duration.
- b) The MSG may through consensus, or if consensus cannot be reached, a formal vote, remove a full member of the MSG if there are grounds for believing that member's participation would be detrimental to the ongoing work or reputation of the MWEITI, in line with these ToRs.
- c) Costs incurred by MSG members while in the course of conducting MWEITI business will be reimbursement where applicable and according to the prevailing guidelines

2.2.3 Observers and Experts

- a) The MSG shall welcome up to 6 observers and experts at each meeting, with no voting rights.
- b) Permanent observer status may only be obtained upon application and approval of the MSG or agreement of MSG.
- c) Standing observer slots will be allocated to Parliamentary Committees as well as to the EITI International Secretariat.

2.2.4 Chairmanship

- a) The MSG will be chaired by the designated representative from the Ministry responsible for finance who will be responsible for convening the group.
- b) The Vice chairman position shall be appointed by the MSG and shall rotate every years among constituencies already in the MSG, but the Secretariat will remain the same.

3. Responsibilities of an MSG Constituency member

3.1 Government representatives

- i Participate regularly in MSG meetings and related events
- ii Facilitate high level participation at annual report launch, from guest of honour at the political level to other senior government officials in EITI implementing institutions
- iii Organise and participate in events and other communication initiatives related to EITI at the national, sector and district levels
- iv Ensure consistency and stability on government MSG representation. Where changes are made in representation, inform MSG accordingly
- v Assist to mobilise and provide resources for EITI related activities especially at sector level

3.2 Civil Society representatives

- i Participate regularly in MSG meetings and related events

- ii Promote participation in the annual EITI report launch, by facilitating some launch events with publicity materials where possible. The materials to be based on data from the report being launched.
- iii Support the development of the annual EITI work plan, providing comments and appropriate feedback to the Secretariat; and participate in monitoring of its implementation
- iv Active participation in public debates or fora on EITI or governance of natural resources
- v Participation in the design, implementation, and monitoring and evaluation of EITI processes, including community outreach activities and feedback surveys
- vi Facilitate and communicate governance changes and nominations in MSG representation for the civil society in line with regulations

3.3 Private Sector representatives

- i Facilitate the provision of accurate and comprehensive data for the EITI revenue annual reports
- ii Mobilise high level private sector participation in the annual EITI report launch.
- iii Support the development of the annual EITI work plan, providing comments and appropriate feedback to the Secretariat
- iv Participate in the monitoring of implementation of annual work plan
- v Participate and even facilitate MSG outreach in mining communities
- vi Facilitate and communicate governance changes and nominations in MSG representation for the civil society in line with regulations. Ensure that competent representation is nominated to the MSG

4. Key activities for MSG engagement

The MSG has to engage with its stakeholders on a regular basis through many different channels depending on the type of the activity under consideration. The MSG has to communicate important information to EITI stakeholders and beyond that will promote the contribution of extractive industries to national development.

In the slightly adjusted words of the 2022/23 EITI work plan, most of the EITI activities are repetitive in nature as they are required to be undertaken every year according to EITI standard requirements. Some other activities are also repetitive but not on a yearly basis, like the appointment of new MSG members that repeats itself every three years. Here is a list of key repetitive activities drawn mostly from annual EITI work plans that would require the MSG to engage with its stakeholders for ease of implementation.

- i Appointment and replacement of MSG Representatives
- ii Preparation of annual work plan (e.g. planning sessions)
- iii Annual feedback survey-based progress report
- iv Preparation of annual EITI Report and its launch
- v Communication of annual EITI report findings
- vi Outreach in mining communities (near EITI companies)
- vii Participation in international annual EITI meetings
- viii Trainings on EITI templates filling for annual report

These have been identified as the key repetitive annual activities and they find space in this engagement handbook. There are other activities that the MSG engages in that are not repetitive in nature and these have been left out of consideration. It is expected that such non-repetitive activities will have their own engagements tasks specified in their individual implementation plans.

This section reports engagement arrangements based on each routine activity listed above. Given that stakeholders for EITI are organized into constituencies, the engagements arrangement have also been organized on a constituency basis.

4.1 Appointment and replacement of MSG Representatives

Constituency	Reason for Engagement	Means for engagement	Timing and Frequency
Government	To provide new names of MSG members	<ul style="list-style-type: none"> • Formal communication to Heads of appropriate institutions. MSG Chair and Secretariat to facilitate 	Unclear but should be once in three years. Changes within the tenure depends on internal changes within MDAs
Civil Society	To provide new names of MSG members	<ul style="list-style-type: none"> • Formal communication through CONGOMA to heads of EITI related CSOs • Constituency liaison and/or consultative meeting 	Once at the end of two terms for a member, or after absence on three consecutive meetings. Changes within the tenure depends on internal changes within the Institution
Private Sector	To provide new names of MSG members	<ul style="list-style-type: none"> • Formal communication through Chamber of Mines to heads of extractive companies • Constituency liaison and/or consultative meeting 	Once at the end of two terms for a member, or after absence on three consecutive meetings. Changes within the tenure depends on internal changes within the company

4.2 Preparation of annual work plan

Constituency	Reason for Engagement	Means for engagement	Timing and Frequency
Government	To identify EITI activities and budget for the following year	<ul style="list-style-type: none"> • Constituency wide consultation meetings or bilateral with MSG Secretariat 	Two-three months before the new financial or planning year
Civil Society	To identify relevant EITI civil society related activities for the year	<ul style="list-style-type: none"> • Constituency wide consultations or meetings led by CSO MSG representatives 	Same as above
Private Sector	To identify relevant EITI private sector activities for the year	<ul style="list-style-type: none"> • Same as above, but led by company MSG representatives 	Same as above

4.3 Annual feedback survey-based progress report

Constituency	Reason for Engagement	Means for engagement	Timing and Frequency
Government	To appreciate the impact of annually disseminated EITI information and other MWEITI activities	<ul style="list-style-type: none"> • Participation in field visits by sector Ministries to collect feedback and drafting report. Technical officials that are not on MSG can take part. • Circulation of report for feedback 	Once, in the middle of each year and after annual Report launch
Civil Society	To appreciate the impact of annually disseminated EITI information and other MWEITI activities	<ul style="list-style-type: none"> • Participation in data collection and report writing. It does not have to be by CSO MSG representatives, but those that have individual capacity from relevant CSOs • Communicating feedback after reviewing the report circulated 	Once, in the middle of each year and after survey report is circulated
Private Sector	To appreciate the impact of annually disseminated EITI information and other MWEITI activities	<ul style="list-style-type: none"> • Communicating feedback after reviewing the report circulated. The feedback can be from any members of the wider company constituency 	Once, in the middle of each year and after survey report is circulated

4.4 Preparation of Annual EITI Report and its launch

Constituency	Reason for Engagement	Means for engagement	Timing and Frequency
Government	To share annual progress in implementation and communicate the EITI report findings	<ul style="list-style-type: none"> • Formal invitations by MSG Chair through the Secretariat • Participation in the Launch by all entities 	Once for the annual report launch soon after completion by the IA
Civil Society	To appreciate annual progress in implementation	<ul style="list-style-type: none"> • Participation in the Launch by all available CSO entities • Facilitating part of the report launch activities 	Once for the annual report launch soon after completion by the IA
Private Sector	To appreciate annual progress in implementation	<ul style="list-style-type: none"> • Responding to formal invitations for participation in the Launch 	Once for the annual report launch soon after completion by the IA

4.5 Communication and Dissemination of annual EITI report findings

Constituency	Reason for Engagement	Means for engagement	Timing and Frequency
Government	To improve understanding of EITI achievements and challenges	Participation in dissemination activities in relevant forums: national or district or constituency level; media debates, and the like. Open to all entities on MSG	Once a year, within three months after the annual report launch.
Civil Society	To improve understanding of EITI achievements and challenges	Facilitation and participation in dissemination activities at national or district or constituency level through various forums or media. Not restricted to CSO MSG representatives	Frequency is as resources permit, but minimum could be once a year after the annual report launch.
Private Sector	To improve understanding of EITI achievements and challenges	Provide support and participate in dissemination activities at district or constituency level. Not restricted to company MSG members	Once a year, within three months after the annual report launch.

4.6 Outreach in mining communities (near EITI companies)

Constituency	Reason for Engagement	Means for engagement	Timing and Frequency
Government	To facilitate understanding and trust between investors and communities. Also to share information on EITI reports regarding that community for community awareness.	Facilitation and participation in community visits to specified mining areas	Once a year, after both the annual report launch and feedback survey report
Civil Society	To facilitate understanding and mutual appreciation between investors and communities. Also to share information on EITI reports regarding that community for community awareness.	Facilitation and participation in community visits to mining areas of operation. Can be led by CSO MSG representatives	Minimum once a year, after both the annual report launch and feedback survey report
Private Sector	To facilitate understanding and mutual appreciation between investors and communities.	Facilitation and participation in community visits to mining areas of operation.	Same as above

4.7 Participation in international annual EITI meetings

Constituency	Reason for Engagement	Means for engagement	Timing and Frequency
Government	To keep abreast of international EITI experiences and developments	Participation in the international conference by available MSG representatives	Once a year, timing as advised by organisers
Civil Society	To keep abreast of international EITI experiences and developments	Participation in the international conference by available CSO MSG representatives	Once a year, timing as advised by organisers
Private Sector	To keep abreast of international EITI experiences and developments	At association level, participation in the international conference. Not compulsory.	Once a year, timing as advised by organisers

4.8 Trainings on EITI templates filling for annual EITI report

Constituency	Reason for Engagement	Means for engagement	Timing and Frequency
Government	To provide accurate and comprehensive data for annual EITI Report	Attending template filling sessions or workshop facilitated by the IA	Once a year, before data collection phase of the annual report
Civil Society	Not applicable	Not applicable	Not applicable
Private Sector	To provide accurate and comprehensive data for annual EITI Report	Attending template filling sessions or workshop facilitated by the IA	Once a year, before data collection phase of the annual report

4.9 Implementation of the MWEITI Anti-Corruption Strategy (ACS)

Constituency	Reason for Engagement	Means for engagement	Timing and Frequency
Government	Participate actively in the implementation of the ACS in accordance with the ACS implementation action	Attending ACS intervention meetings and putting in action the ACS action plan as stipulated in the strategy	Minimum of once a year, but as may required under the ACS
Civil Society	To promote the implementation of the ACS and fighting corruption in the extractive industries	Participate actively in the ACS intervention meetings and putting in action the ACS work plan as stipulated in the strategy	As may required under the ACS
Private Sector	To promote the implementation of the ACS and fighting corruption in the extractive industries	Participate actively in the ACS intervention meetings and putting in action the ACS work plan as stipulated in the strategy	As may required under the ACS

5. Related Stakeholders

Entity	Reason for Engagement	Means for engagement	Timing and Frequency
EITI Champion	Provide update on progress in implementation of EITI and high level political will, direction and moral support to the MSG.	Prepare and share high visibility publicity materials on progress, and host dinner or lunch presentations with several members of MSG. Or a one-hour presentation audience in their office by not more than three MSG members, one from each constituency.	Once a year, before annual report launch
Open Governance Forum	Share lessons on local governance initiatives with key stakeholders to build trust	Share progress reports for dissemination through their channel and/or make appropriate presentations. Participate in any round table events through Secretariat or designated MSG members	Minimum once a year, in the middle of each implementation year
Parliament: Budget Committee; Natural Resources Committee	Mobilise high level Parliamentary leadership support for EITI and resources for implementation	Provide one-hour presentation during their sessions. The presentations should be made by Chair of MSG or his designated representative among MSG members. The Secretariat can provide technical support for the presentations.	Once a year or in two years, after the launch of the annual report
District Councils	Promote understanding and appreciation of EITI initiative and natural resource investments and promote natural resources good governance at district level	Train and engage representative CSOs to present EITI progress at Council meetings (not more than 1 hour). Where available, MSG representatives should attend. Especially those residing in the district or region.	Once a year, as part of a phased annual report launch process
Anti-Corruption Bureau	Promote anti-corruption drive in natural resource governance	Organise a high visibility stand with EITI materials on the national anti-corruption day, and/or participate in anti-corruption debates	Once a year, when the Anti-corruption day is hosted

6. General administrative provisions

6.1 Participation in Malawi EITI Initiative

The EITI Initiative is open to membership from all stakeholders in the country that are engaged in natural resources governance. Public sector institutions, private sector companies, and civil society organisations are all welcome. Institutions should submit an application letter to MWEITI Secretariat indicating details about the institution's contact details and names of its key contacts, geographical space for its operations or activities, capacity available to utilise formal EITI information and deliverables. The Secretariat will verify the details and submit to MSG for approval. Once approval is granted, it will be added to the membership database and be communicated accordingly.

6.2 Handbook updates

The MSG is monitoring any new developments in EITI guidelines for improving the governance of natural resources across the countries in the world and any positive practices identified may be adopted and lead to changes in policies and procedures in this Handbook. Sometimes it will be changes related to economic governance in the country that will necessitate a review of procedures and policies contained herein. This will be done periodically as advised by the MSG.

6.3 Read it when uncertain!

This Handbook will remain one of the most easily accessible documents, and providing clear presentation of key issues in the interaction of the MSG and its EITI stakeholders. New MSG members and EITI stakeholders will need it as part of their induction, and refer back to the MWEITI Secretariat for any queries or questions.

The Handbook will be kept on-line so that it can be easily accessed by MSG members and its stakeholders at work or at home 24/7.

Annex: Full MWEITI Terms of Reference

1. Malawi and the Extractive Industries Transparency Initiative

The extraction of Malawi's natural resources and its associated revenue should underpin broad-based sustainable growth and socio-economic development of all Malawi's citizens. Greater transparency and accountability must be in place to make this a reality. Recognising this, the government found it fit to commit to the Extractive Industries Transparency Initiative (EITI) Standard in 2014. This global standard promotes open and accountable management of natural resources by requiring the full disclosure of taxes and other payments made by companies to governments. This data is reconciled with government receipts and published in a report which is aimed to enhance trust and to stimulate public debate on how the country's resource wealth should be managed.

Malawi's EITI (MWEITI) seeks to introduce and institutionalise transparency and accountability along the extractive industries value chain in accordance with the EITI Standard and Principles. This is expected to be achieved through open dialogue among stakeholders. The ministry responsible for Finance, through the Revenue Policy Division, is coordinating the MWEITI in coalition with the Multi-Stakeholder Group (MSG) comprising government institutions, civil society organisations and companies in the extractive industry. The direction, programmes and activities of the MWEITI will be determined by the Multi-Stakeholder Group (MSG). The MSG will be supported by a National Secretariat that will be organised and sustained by national government, housed within the Revenue Policy Division. However, in the long run, the secretariat will need to move out of Ministry of Finance and become independent.

2. Role of the MSG

The MSG will work together in collaboration and cooperation to direct the governance and implementation of EITI in Malawi, ensuring that Malawi meets its objective of maintaining the , producing EITI reports in a timely and effective manner, turning EITI reports and recommendations into results and impacts, maintaining compliance status to EITI standard, ensuring that the findings contribute to public debate and economic development.

2.1 Responsibilities of the MSG Members

The MSG is made up of the three major constituencies namely government, extractive industry and civil society representatives.

- a) These members shall contribute to the responsibilities and functions of the MSG (2.2) and uphold the principles of engagement (2.3).
- b) As MSG members are representative of their constituency, they shall consult regularly and transparently to ensure that the views of their constituency continue to be reflected. Each member shall also ensure the full participation of its constituency and communicate updates and results to their respective constituency and is responsible for assessing and building the capacity

of their constituency to understand and engage in the EITI process. Minutes or reports of such consultation meetings shall be presented at the MSG ordinary meetings

- c) The MSG will be chaired by the designated representative from the Ministry of Finance and Economic Affairs who will be responsible for convening the group. In addition, the Chair will be responsible for organising a National Secretariat, which will coordinate the EITI work and organise other related activities as determined by the MSG.
- d) The MSG will ensure that data on payments made by the extractive industry and on government revenues received and any other relevant information must be received in an accurate and timely manner, at a level of detail to be agreed upon by the MSG. Civil society is placed to monitor these disclosures by the extractive industry and government.

2.2 Responsibilities and functions of the MSG

Issues to be discussed by the MSG shall be limited to those related to EITI, unless otherwise agreed upon by consensus of the MSG.

The Malawi MSG is responsible for:

- i Defining the scope and strategic direction of the EITI process
- ii Approval of annual work plans and where need be others for specific activities;
- iii Oversight of the EITI reporting process, including the appointment and approval of the Terms of Reference of the Independent Administrator, and endorsement of the EITI Reports;
- iv Development of annual activity reports;
- v Facilitate the provision of information and data for the periodic validation process, including facilitating key consultations for the process;
- vi Outreach and liaison with constituency groups: to facilitate dissemination of EITI progress, participation in governance activities, membership mobilisation and representation;
- vii Carrying out communication activities for dissemination of annual reports on revenues, activities, and progress.
- viii Establishing and supporting any sub-groups or/ and ad hoc sub-groups to examine or respond to specific issues as the needs arises. The sub-groups may invite outside expert to participate.
- ix Engage with Parliament, through its relevant sub-committees, on the annual EITI Report and Budget
- x Directing and supervising the National Secretariat (roles outlined in a separate Terms of Reference)

2.3 Principles of Engagement

Engagement between government, extractive industry and civil society stakeholders in the MSG will be based on the following principles:

- a) Openness — provide an environment where all participants can engage freely and openly
- b) Transparency — provide all parties, as well as the general public, timely, access to relevant and verified information/data, subject to the limits set by law and the EITI Openness Policy
- c) Accountability — abide by the policies, standards and guidelines of engagement that may be agreed upon, and fulfil commitments
- d) Integrity — adhere to moral and professional standards in fulfilling our commitments

- e) Inclusivity — freely appoint their own representatives, bearing in mind the desirability of diverse implementation
- f) Partnership — cooperate, share responsibilities and uphold mutual respect to ensure that the objectives of the engagement are achieved
- g) Consultation, Capacity-Building and Empowerment — enhance knowledge-sharing and continuing dialogue and will endeavour to equitably provide other opportunities
- h) Confidentiality-respect for internal processes, and not discuss or use outside MSG meetings and activities any confidential information made available at any point during MWEITI business which is not already in the public domain in case of any conflict of interest, it has to be disclosed to the Chair
- i) Sustainability — ensure continuing engagement by instituting progressive policies and operational mechanisms that will promote an environment of mutual trust
- j) National Interest — uphold the national welfare above the interests of organisations or individuals
- k) Channel and Procedures — All issues and inquiries shall be channelled through the EITI Secretariat
- l) Gender balance-MSG shall endeavour to abide by national gender policy

Notice:

- i. All instances of failure to adhere with these principles will be reviewed by the MSG and may result in exclusion from any further participation in MSG meetings.
- ii All these principles are applicable to anybody involved in MWEITI business including observers, and Secretariat staff.

3. MSG Membership

3.1 Composition of the MSG

The MSG will be composed of the following:

- a) Four government representatives:
 - i) Ministry responsible for finance,
 - ii) Ministry responsible for natural resources (Department of Mines),
 - iii) Reserve Bank of Malawi, and,
 - iv) National Audit Office.
- b) Four extractive industry representatives (selected through their association)
- c) Four civil society representatives (selected through a process initiated by CSOs with the support the Council for Non-Governmental Organisations in Malawi (CONGOMA))
- d) The MSG may agree by consensus to change the composition of the MSG, such as, by selecting new members from the extractive industries and their respective government ministries currently not represented.
- e) Each organisation shall designate two representatives: one being the principal member, and the other an alternate.

- f) All MSG sub-groups or sub-committees will have at least one member from each constituency, be led by an MSG member and may invite outside experts to participate but only with agreement of all MSG sub-group members.

3.2 Terms of Membership

- a) Members serve for a term of 3 years and may be reappointed for an extra 3 year term, making a maximum of two terms; the members of each constituency shall select their own members. Members from government institutions shall rotate on the same terms and duration.
- b) The MSG may through consensus, or if consensus cannot be reached, a formal vote, remove a full member of the MSG if there are grounds for believing that member's participation would be detrimental to the ongoing work or reputation of the MWEITI, in line with these ToRs.
- c) Costs incurred by MSG members while in the course of conducting MWEITI business will be reimbursement where applicable and according to the prevailing guidelines.

3.3 Observers and Experts

- a) The MSG shall welcome up to 6 observers and experts at each meeting, with no voting rights.
- b) Permanent observer status may only be obtained upon application and approval of the MSG or agreement of MSG.
- c) Standing observer slots will be allocated to Parliamentary Committees as well as to the EITI International Secretariat.

3.4 Chairmanship

- a) The MSG will be chaired by the designated representative from the Ministry responsible for finance who will be responsible for convening the group.
- b) The Vice chairman position shall be appointed by the MSG and shall rotate among constituencies already in the MSG, but the Secretariat will remain the same. The position can rotate every year, but not exceeding every three years.

3.5 Responsibilities of an MSG Constituency member

3.5.1 Government representatives

- i Participate regularly in MSG meetings and related events
- ii Facilitate high level participation at annual report launch, from guest of honour at the political level to other senior government officials in EITI implementing institutions
- iii Organise and participate in events and other communication initiatives related to EITI at the national, sector and district levels
- iv Ensure consistency and stability on government MSG representation. Where changes are made in representation, inform MSG accordingly
- v Assist to mobilise and provide resources for EITI related activities especially at sector level

3.5.2 Civil Society representatives

- vii Participate regularly in MSG meetings and related events

- viii Promote participation in the annual EITI report launch, by facilitating some launch events with publicity materials where possible. The materials to be based on data from the report being launched.
- ix Support the development of the annual EITI work plan, providing comments and appropriate feedback to the Secretariat; and participate in monitoring of its implementation
- x Active participation in public debates or fora on EITI or governance of natural resources
- xi Participation in the design, implementation, and monitoring and evaluation of EITI processes, including community outreach activities and feedback surveys
- xii Facilitate and communicate governance changes and nominations in MSG representation for the civil society in line with regulations

3.5.3 Private Sector representatives

- vii Facilitate the provision of accurate and comprehensive data for the EITI revenue annual reports
- viii Mobilise high level private sector participation in the annual EITI report launch.
- ix Support the development of the annual EITI work plan, providing comments and appropriate feedback to the Secretariat
- x Participate in the monitoring of implementation of annual work plan
- xi Participate and even facilitate MSG outreach in mining communities
- xii Facilitate and communicate governance changes and nominations in MSG representation for the civil society in line with regulations. Ensure that competent representation is nominated to the MSG

4. MSG Operations and Proceedings

4.1 Frequency, Notice and Venue of Meetings

- a) The Chair will call and preside over the MSG meetings. In the absence of the alternate Chair, the Chair shall delegate an MSG member or alternate to chair the meeting, Notice of meetings and an agenda shall be sent by the National Secretariat at least two weeks before the date of the meeting.
- b) The Multi-Stakeholder Group shall meet every three months (quarterly) or more frequently if the need arises at a place conducive and convenient enough for a meaningful discussion. In the event of an emergency, a meeting may be proposed by a member and be called by the chairman in consultation with the MSG
- c) Costs incurred by MSG members while in the course of conducting MWEITI business will be reimbursement where applicable and according to the prevailing guidelines

4.2 Decision Making

- a) Fifty percent' of the members, with at least one representative from the government, extractive industry and civil society, shall represent the quorum of the MSG.
- b) The MSG shall, in good faith, make every effort to adopt resolutions by consensus and all members shall be bound by it.
- c) If a vote is required, resolutions are adopted by a qualified simple majority requiring the support of at least two thirds of the total votes cast and must include the support of at least one third of the votes cast by the Members representing each Constituency

- d) For urgent matters where decision is needed, necessary information shall be circulated through email so that decisions can be made electronically, also by consensus.
- e) The MSG Terms of Reference can be reviewed on a needs basis, by consensus.
- f) Decisions made by MSG are final, secretariat shall ensure that it furnishes the MSG with enough information for it is the one to finally implement such decisions.

4.3 Record Keeping and Communication

- a) The National Secretariat will keep a central record of documents, events and publicity on EITI with the aim to frequently update a MWEITI website.
- b) The National Secretariat shall support the Chair in the documentation and preparation of the minutes of the meetings. The minutes and all supporting documents shall be circulated to the members no later than one week after the meeting.
- c) The members will also have one week to send their comments and when comments are not sent, the minutes shall be deemed endorsed. Implementation of the decisions made by the MSG will be reported by the National Secretariat and will be discussed in the subsequent MSG meeting.
- d) Minutes of meetings will be circulated to the MSG and will be made publicly available after agreement among the members. Names of attendees will be listed in the minutes but views that have been expressed within the meeting will not be allocated to individuals.

Attendees shall not allocate views to individuals when discussing the MSG outside the meetings and shall respect that differences of opinion may arise as it relates to the MWEITI business and should refrain from engaging in public discourse that would be disruptive to the development of the draft work plan prior to release for public review and commentary.