

*Terms of Reference*  
**Selection of Civil Society Representative  
In the Multi-Stakeholder Group of EITI Indonesia  
Period 2017 – 2020**

**A. Preface**

Indonesia has committed to implement the global initiative for transparency in extractive industries sector called the Extractive Industries Transparency Initiative (EITI). This commitment is expressed in Presidential Decree Number 26 Year 2010 on "Transparency of State and Local Revenue from the Extractive Industry Sector Oil and Gas and Mining" The ruling is a legal basis for the implementation of the EITI initiative in Indonesia as a whole, both at the national and regional levels.

So far, Indonesia has published series of EITI report for Fiscal Year 2009 to 2013 for the oil and gas industry, Mineral (Nickel, Gold, Copper, Lead, and Bauxite) and Coal. The report generally contains preamble information and the reconciliation of data revenues both tax and non-tax revenue-sharing derived from extractive industries, SOE's information, as well as contextual information of extractive industry such as revenue stream, the contribution of extractive industries to the economy, etc. Since 2014, Indonesia has reached the status of "Compliant" as a member of the EITI - even Indonesia was the first country in ASEAN. Currently, Indonesia is becoming a piloting for the implementation of Commodity trading in early 2017 and has just completed a road map of beneficial ownership in the EITI.

Civil society organizations (CSOs) have long been involved in the work of promoting reforms on resource management, one of which is the improvement of state revenues governance from mineral, oil and gas and coal resources. CSOs play an important role in encouraging acceptance and implementation of the EITI by all the stakeholders in Indonesia<sup>1</sup>. CSOs involvement is very important in the implementation of EITI, in addition to controlling and monitoring the implementation of the EITI and ensuring transparency mechanisms have an impact for the community, the EITI standards also requires the existence of elements representing civil society in the Multi-stakeholder Group (or the Implementation Team), in addition to representatives of the government and extractive industry companies. Through the mandate stipulated in

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<sup>1</sup> Since 2008, PWYP Indonesia actively promoting EITI, mobilizing support from stakeholders, along actively involved in drafting a Presidential Decree, thus involved in the discussion of the preparation and implementation plan of EITI, and analysis as well as public awareness campaigns and wider.

Presidential Regulation No. 26/2010, the civil society to be part / element of Transparency Team (consisting of the Steering Committee and Implementation Team)<sup>2</sup>.

Publish What You Pay (PWYP) Indonesia Coalition – is a coalition of CSOs at national and regional level which encourages the implementation of the EITI and put concern on transparency and accountability in the extractive resource governance. To assign representatives of civil society in EITI Implementation Team in the first period (2010 - 2013), PWYP Indonesia has made the selection process that resulted three (3) representatives of civil society. The three CSOs representatives that been elected in the first period were: 1) Faisal Basri (Economist, University of Indonesia), 2) Maryati Abdullah (Pattiro; PWYP Indonesia); and 3) Wasingatu zakiah (IDEA Yogyakarta). Then, in the course of the process, the Implementation Team then choose the technical team that serves as alternate member of EITI Implementation Team Indonesia. The three of the alternate member are composed of Firdaus Ilyas (ICW), Sulastio (IPC) and Resa Reditio (ICEL).

Selection is held back to elect representatives of civil society for the second period (2014-2017). Civil society representatives that were elected are Chitra Retna Septyandrica (Article 33), Yenni Soecipto (FITRA), and Joko Purwanto (Bojonegoro Institute). Along the way, there is some displacement representative for the resignation of Chitra Retna due to continue her school, and there are technical problems in Joko Purwanto. To maintain continuity of civil society representatives in the Implementation Team, the General Meeting of PWYP Indonesia Members (RUA) which was attended by all members of the coalition Publish What You Pay Indonesia choose and add a number of representation of civil society in EITI into 6 people including alternate, namely: (1) Yenni Soecipto; (2) Joko Purwanto; (3) Fabby Tumiwa; (4) Ambarsari Dwi Cahyani; (5) Aryanto Nugroho; and (6) Justinus Prastowo.

The tenure of the second period of civil society Representatives in EITI will end by March 2017, therefore, Publish What You Pay Indonesia as a coalition of civil society that encourage, oversee and supervise the implementation of EITI in Indonesia, has responsibility to carry out the electoral process and the selection of CSOs representatives in Implementation team of EITI Indonesia. It is designed as a terms of reference in the election of CSOs representatives in EITI Indonesia for the period 2017-2020.

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<sup>2</sup> Presidential Decree No. 26/2010 Article 9 states that the Implementation Team is a multi-party team consisting of representatives of governments, companies, and civil society.

## **B. Duties and Authorities of Implementation Team of EITI Indonesia**

In accordance with the Presidential Decree No. 26 of 2010, Implementation Team of EITI Indonesia tasks include:

1. To develop work plan for period 3 (three) years
2. To develop EITI Reporting Templates
3. To assign the Reconciler
4. To conduct necessary activities to ensure the implementation of national and regional revenue transparency of extractive industry

## **C. Selection Procedures**

### **1. Formation of Selection Committee**

- a. The Advisory Board and National Secretariat of PWYP Indonesia formed Selection Committee to organize the process of selecting CSOs representatives in Implementation Team of EITI Indonesia.
- b. Selection Committee consist of representatives of the Advisory Board members, Coalition members' representatives and National Secretariat of PWYP Indonesia.
- c. Role of Selection Committee:
  - i. To develop and validate the election procedures;
  - ii. To establish the Voters and Voters' list;
  - iii. To verify the requirements and announced the list of candidates;
  - iv. To appoint a panel of experts to conduct an interview to deepen the vision and mission of the candidates who meet the requirements;
  - v. To held a public consultation for candidates to convey their vision and mission to voters;
  - vi. To Setting up polling voters, performing calculations and recapitulation of the vote;
  - vii. To Assign 6 (six) candidates who have received the majority votes as representatives of civil society who will sit in Implementation Team of EITI Indonesia;
  - viii. To coordinate a meeting for the 3 (three) CSOs representatives and three (3) technical team is determined by the advisory board of PWYP Indonesia with 6 (six) candidates who have received the majority votes.
- d. Selection Committee reported the results of the election to the Advisory Board of PWYP Indonesia.
- e. The Advisory Board and the National Secretariat of PWYP Indonesia announced the 3 (three) names of CSOs representatives of the Implementation Team of EITI Indonesia together with the 3 (there) technical team names to the Chairman of the Implementation Team through EITI Secretariat at the Ministry for Economic Affairs.

## 2. Voters

- Voters are organizations/institutions of PWYP Indonesia coalition members and CSOs that are not members of PWYP Indonesia who have registered their participation to conduct the selection and focus on issues related to extractive industries governance, environment, budget governance and anti-corruption.
- Voters who are not members of PWYP Indonesia coalition should be verified by the Selection Committee.
- Voters give voting rights on 6 candidates by giving the rank ordering of the numbers 1, 2, 3, 4, 5, 6.

## 3. Process

- Selection Committee validate and establishing procedures and schedule of events;
- Selection Committee do and socialize the registration;
- Selection Committee do the crawl candidates until the number of candidates meet the requirements and criteria (E)
- Selection committee appointing a panel of experts;
- Selection committee facilitate the convey of the vision and mission of the candidates;
- Selection committee do voting;
- Selection committee do vote count;
- Selection committee make the determination of vote counting results to be reported to the Advisory Board of PWYP Indonesia;
- Selection committee make accountability report.

## D. Timeline (January – April 2017)

No	Description of Activities	Month			
		Jan	Feb	Mar	April
1	Finalization of TOR by the Board and Secretariat PWYP Indonesia	30-31			
2	Formation of Selection Committee		12 -17		

3	Announced the commencement of the selection process and at the same time do the Registration socialization to the PWYP Indonesia Member and voter registration			11-21	
4	Registration of Candidates			11-25	
5	Verification and announcement of candidates who meet the criteria			25	2
6	Public consultation and convey of the vision and mission of the candidates				10-14
7	Voting				17-22
8	Establishment of majority voting and announcement				24-28
9	Meeting of the Advisory Board and the establishment of CSOs representatives and Technical Team				24-28
10	Announcements & Submission Results				24-28

#### E. Requirements and Criteria for the Implementation Team of the civil society elements

1. Having experience in CSOs activities and or a minimum of five (5) years, has integrity, has a good track record, and has commitment to promote the interests of civil society on issues related to the improvement of good governance, anti-corruption, transparency and accountability of state finances, as well as matters relating to the management of natural resources, especially extractive industries and other natural resources.
2. Having knowledge, understanding and capacity of extractive industries of oil and gas and mining, in particular in terms of the following: state and regional revenue, state/regions financial transparency and accountability aspects, practices, regulations and policies in the oil and gas and mining sectors, and social and environmental impact analysis.
3. Having ability to communicate well and be able to speak in public forums, and have the ability of analytical and negotiation.
4. Having commitment to promote transparency and accountability in the extractive industries sector through the implementation of Extractive Industries Transparency Initiative (EITI) standard.

5. Having commitment to carry out the functions and duties as Implementation Team of EITI Indonesia and actively carry out the analysis and development of public discourse related to the interests of civil society.
  6. Having commitment to communicate and build a network and constituency with PWYP Indonesia coalition and network of civil society at large.
  7. Candidates are nominated by at least 3 civil society organizations in Indonesia as evidenced by a letter of support from the three institutions/organizations in Indonesia.
  8. Candidates who come from the extractive industry regions and female candidates are preferred.
  9. Candidates fill out a registration form that comes with personal data/curriculum vitae (CV), and a statement of candidacy that contains the commitment, motivation, relevant experience to the criteria, the statement of willingness to perform the duties and functions as Implementation Team of EITI Indonesia, a short essay about the management of natural resources and its publication ever written by the candidate (if any), and there is no objection from any party related to the nomination of candidates. #
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