[Country]

Stakeholder engagement – Template for EITI data collection

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**Period under review:** [from previous Validation to commencement of this Validation]

**Validation team**: [Names and emails]

**Deadline for submission**: [Validation commencement date]

# Introduction

The EITI requires effective multi-stakeholder oversight, including a functioning multi-stakeholder group that involves the government, companies, and the full, independent, active and effective participation of civil society.

The key requirements related to multi-stakeholder oversight include: (1.1) government engagement; (1.2) industry engagement; (1.3) civil society engagement, including [EITI Protocol: for civil society](https://eiti.org/document/eiti-protocol-participation-of-civil-society) engagement, and (1.4) the establishment and functioning of a multi-stakeholder group.

The purpose of this template is to collect information from MSG members about the implementation of these provisions. Parts I to IV of this template should be completed and submitted to the International Secretariat by the commencement of Validation.

Part I: MSG oversight addresses Requirement 1.4.b and should be approved by the MSG before submission to the International Secretariat.

Parts II to IV should be completed by each constituency and submitted to the International Secretariat. These should be shared with the MSG for information.

The Validation team will undertake virtual or in-person consultations to gather additional information. Ahead of the Validation, a public call for stakeholder views will be launched by the International Secretariat.

# Part I: MSG oversight

The objective of this [requirement](https://eiti.org/eiti-standard-2019) is to ensure that there is an independent MSG that can exercise active and meaningful oversight of all aspects of EITI implementation that balances the three main constituencies’ (government, industry and civil society) interests in a consensual manner. As a precondition for achieving this objective, the MSG must include adequate representation of key stakeholders appointed on the basis of open, fair and transparent constituency procedures, make decisions in an inclusive manner and report to wider constituencies.

MSG’s self-assessment.

Not applicable /Not met / Partly met / Mostly met / Fully met / Exceeded

Justification:

 *This section is to be filled out by the national secretariat or an MSG working group and should be approved by the MSG before submission to the International Secretariat.*

## MSG members and attendance

**1. Current MSG members. Please fill out the table below. Add rows when necessary.**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Constituency | Full / alternate member | Member since(MM/AA) | Name | Position | Organisation | Gender | Meetings attended in period under review (dates) |
| Government | Full member | 02/2020 | Jair Paolo Bedoya | Technical – Tax Oversight Assistant Directorate | Taxes and National Customs Directorate (DIAN) | M |  |
| Government | Alternate member | 06/2022 | Sebastián Arcila Gómez | Technical – Tax Oversight Assistant Directorate | Taxes and National Customs Directorate (DIAN) | M |  |
| Government | Regular member  | 09/2014 | Amparo García Montaña | Territorial Deputy Director  | National Department of Planning (DNP) | F |  |
| Government | Alternate member  | 09/2014 | Luis Leonardo Rojas | Territorial Deputy Director Advisor  | National Department of Planning (DNP) | M |  |
| Government | Alternate member | 09/2014 | María del Carmen López | Royalties Monitoring, Follow-up and Assessment Assistant Directorate | National Department of Planning (DNP) | F |  |
| Government | Full member | 08/2021 | Mauricio Barón | Royalties Manager | National Mining Agency | M |  |
| Government | Alternate member | 03/2022 | Yheny Naranjo | Royalties Official | National Mining Agency | F |  |
| Government | Full member | 01/2021 | Alejandro Niño Avella | Hydrocarbons Contracts Vice President | National Hydrocarbons Agency | M |  |
| Government | Alternate member | 01/2021 | Consuelo Bejarano Almonacid | Operations, royalties and interests Vice President’s Office  |  National Hydrocarbons Agency | F |  |
| Government | Alternate member | 01/2021 | Carlos Diego Martínez Morales | Royalties and Economic Duties Manager- Operations, royalties and interests Vice President’s Office  | National Hydrocarbons Agency | M |  |
| Government | Full member | 05/2021 | Juan Carlos Loaiza Charry | Mining Assistant Director | Energy-Mining Planning Unit – UPME | M |  |
| Government | Full member | 05/2021 | Ligia del Carmen Galvis Amaya | Support for the Mining Assistant Directorate | Energy-Mining Planning Unit UPME | F |  |
| Industry | Full member | 04/2021 | Carolina Ocampo Maya  | Corporate Responsibility Manager | Ecopetrol | F |  |
| Industry | Full member | 06/2021 | Mónica Andrea Tangarife Pedraza | Corporate Responsibility Management Office - Professional | Ecopetrol | F |  |
| Industry | Alternate member | 06/2021 | Paola Quintero | Corporate Responsibility Management Office - Professional | Ecopetrol | F |  |
| Industry | Full member | 08/2014 | Francisco Lloreda | Executive President  | Asociación Colombiana del Petróleo  | M |  |
| Industry | Full member | 08/2014 | Alexandra Hernández | Economic and Regulatory Matters Vice President | Asociación Colombiana del Petróleo  | F |  |
| Industry | Alternate member | 01/2020 | Ana Carolina Ulloa |  Upstream-Midstream Coordinator | Asociación Colombiana del Petróleo  | F |  |
| Industry | Assistant | 06/2021 | Ángelo Montilla | Operational Viability Coordinator | Asociación Colombiana del Petróleo  | M |  |
| Industry | Full member | 03/2019 | Juan Camilo Nariño | President | Asociación Colombiana de Minería  | M |  |
| Industry | Full member | 03/2019 | María Carolina Gutiérrez | Sustainability Director | Asociación Colombiana de Minería | F |  |
| Industry | Assistant | 08/2014 | Juan Sebastián Martínez | Economic Matters Director  | Asociación Colombiana de Minería  | M |  |
| Civil Society | Full member | 11/2019 | Álvaro Jiménez  | Director | Crudo Transparente | M |  |
| Civil Society | Alternate member | 11/2019 | Yessica Prieto Ramos  | Alternate member | Crudo Transparente | F |  |
| Civil Society | Full member | 12/2020 |  Isabel Cristina Blandón Jaramillo | Executive Director | Fundación Atabaque  | F |  |
| Civil Society | Alternate member | 04/2022 | Pilar Federica Acosta | Technical Secretary for the Civil Society Board (TI CO)​  | Transparencia por Colombia | F |  |
| Civil Society | Full member | 04/2022 | Gerardo Andrés Hernández | Executive Director  | Transparencia por Colombia | M |  |

***2.* Changes in membership in the period under review and the reason behind each change. (I.e. if there are people who have been members in the period under review but no longer are) Please fill out the table below. Add rows when necessary.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Constituency  | Name of former member | End of MSG membership (MM/AA) | Reason for membership ending | Replaced by |
| Government | Carolina Rojas Hayes | 11/2020 | End of government administration | Sandra Rocío Sandoval |
| Government | Sandra Rocío Sandoval | 08/2022 | End of government administration | -- |
| Government | Andrés Londoño | 01/2020 | Job change | Jair Paolo Bedoya |
| Government | Elizabeth Salamanca | 01/2020 | DIAN internal changes | Camilo Perilla |
| Government | Camilo Perilla | 06/2022 | Job change | Sebastian Arcila |
| Industry | Daniel Suarez | 03/2020 | Job change | Carolina Ocampo |
| Industry | Ariel Suarez | 05/2021 | Job change | Mónica Tangarife |
| Industry | Santiago Ángel | 12/2018 | Job change | Juan Camilo Niño |
| Industry | Claudia Elena Niño | 01/2019 | Job change | Carolina Gutierrez |
| Civil society | Universidad Externado | 02/2022 | End of the representation period (2 years) according to the Civil Society protocol for Extractive Industries Transparency  | Transparencia por Colombia |
| Civil society | Observatorio Colombiano de Minería de la Universidad del Rosario OCMI | 09/2020 | End of the representation period (2 years) according to the Civil Society protocol for Extractive Industries Transparency  | Fundación Atabaque |
| Civil society | Alianza por la Minería Responsable | 02/2020 | Organizational reasons | Universidad Externado |
| Civil society | Conciudadanía | 12/2018 | * Organizational reasons
* Difficulties to attend meetings since they are in Medellín.

Inconvenience in terms of installed capacity to understand and participate in the process, given the technical level required by the initiative.  | Observatorio Colombiano de Minería de la Universidad del Rosario OCMI(Colombian Observatory of Mining) |

**3. MSG working groups and technical committees. If the MSG has established working groups or committees, please briefly describe their mandate and membership.**

|  |
| --- |
| 1. **MSG:** The Multi-Stakeholder Group called in Colombia National Tripartite Committee (CTN) is an autonomous and independent agency headed by the Ministry of Mining and Energy, with decision-making and consultative functions.

The Multi-stakeholder Group consists of nine (9) members, as follows: three (3) members from the government, three (3) members from the industry, and three members (3) from the civil society organisations. More details are presented below: 1. **National Government**
* **Ministry of Mining and Energy** –­ Minister of Mining and Energy, or his/her deputy the Vice Minister of Mining.
* **National Planning Department** – General Director or his/her deputy
* **National Directorate of Taxes and National Customs** – General Director or his/her deputy
1. **Industry**
* Ecopetro­l ‐ President or his/her deputy
* Asociación Colombiana de Petróleo (Colombian Oil Association) – Executive President or his/her deputy
* Asociación Colombiana de Minería (Colombian Mining Association) – Executive President or his/her deputy
1. **Civil Society**
* The participation of the members of civil society shall be defined by the Civil Society Board for extractive industries transparency, according to the board’s regulations in effect.

The Minister of Mining and Energy shall be the Leader of the Initiative and head of the MSG. The National Technical Secretariat of the MSG shall be headed by the Vice Minister of Mining. Several sector agencies, such as the National Hydrocarbons Agency, the National Mining Agency and the Energy-Mining Planning Unit will participate in a permanent manner at the MSG, providing advisory services and technical assistance. They will have voice and voting rights at the committee and will vote in alignment with the Ministry of Mining and Energy. 1. **GAT:** Group created at the MSG’s request by officials of public and private entities, civil society representatives and experts to contribute to the implementation of the MSG’s work agenda, in the drafting of documents, reports or surveys, as well as in the coordination of the execution and monitoring of the policies and measures recommended by the MSG.
2. **Technical Secretariat:** Supporting group for the MSG functioning. The Inter-secretariat Group defines who will be in charge of the functions of the Technical Secretariat.
 |

MSG Terms of Reference and practices

**4. Link(s) to publicly available MSG Terms of Reference and/or other documents containing the provisions of Requirement 1.4.b.**

|  |
| --- |
| 1. News on EITI Colombia, outreach activities:https://eiticolombia.gov.co/es/noticia/?page=22. Minutes of the Multi-Stakeholder Group meetings https://www.eiticolombia.gov.co/es/documentos/comite-tripartito-nacional/3. MSG Regulationshttps://www.eiticolombia.gov.co/es/documentos/comite-tripartito-nacional/ |

**5. Date of MSG approval of its latest Terms of Reference or similar document containing the provisions under EITI Requirement 1.4.b.**

|  |
| --- |
| On 6 February 2014 the current version was approved: <https://www.eiticolombia.gov.co/es/documentos/comite-tripartito-nacional/>However, the MSG approved to begin with the updating of the regulations, and during several GAT sessions we have been working on this update. We expect to have these regulations approved before the end of 2022. The document we are working on can be found at: [https://minenergiacol.sharepoint.com/:f:/r/sites/EITICOLOMBIA/Documentos%20compartidos/CTN/Gobernanza%20EITI%20Colombia/0.%20Reglamento%20en%20construcci%C3%B3n%202022?csf=1&web=1&e=zF295X](https://minenergiacol.sharepoint.com/%3Af%3A/r/sites/EITICOLOMBIA/Documentos%20compartidos/CTN/Gobernanza%20EITI%20Colombia/0.%20Reglamento%20en%20construcci%C3%B3n%202022?csf=1&web=1&e=zF295X) |

**6. MSG’s policies and practices. Please fill out the table below.**

|  |
| --- |
| **Elements of MSG Terms of Reference (1.4.b)** |
| 1. Terms of reference - 2014 regulations
2. Terms of reference – 2022 regulations (work in progress)
 | ***Where is the policy documented?***1. [*https://www.eiticolombia.gov.co/es/documentos/comite-tripartito-nacional/*](https://www.eiticolombia.gov.co/es/documentos/comite-tripartito-nacional/)
2. [*https://minenergiacol.sharepoint.com/:f:/r/sites/EITICOLOMBIA/Documentos%20compartidos/CTN/Gobernanza%20EITI%20Colombia/0.%20Reglamento%20en%20construcci%C3%B3n%202022?csf=1&web=1&e=zF295X*](https://minenergiacol.sharepoint.com/%3Af%3A/r/sites/EITICOLOMBIA/Documentos%20compartidos/CTN/Gobernanza%20EITI%20Colombia/0.%20Reglamento%20en%20construcci%C3%B3n%202022?csf=1&web=1&e=zF295X)
 | ***Briefly describe practices in the period under review. Explain the eventual discrepancies between the ToRs and practice.*** There are no discrepancies between practice and the Terms of Reference (regulations), since we understand that these guidelines govern the functioning of all the parties, and there is agreement on the provisions therein, both individually and by the MSG constituencies.  |
| **The role, responsibilities and rights of the MSG** |
| Definition of the role, responsibilities and rights of the MSG and its members | MSG Regulations – Article four – MSG members’ rightsMSG Regulations – Article five – MSG members’ obligations | *[[Have the roles, responsibilities and rights been respected in practice?]*MSG members shall have the following rights:1. The right to participate in MSG meetings.
2. Voice and voting rights, under the terms of these regulations.
3. The right to receive prior call for MSG meetings.
4. The right to submit proposals or initiatives to be considered by the MSG, and thus contribute to the proper management of the candidature or of the National Action Plan.
5. Right to timely receive clear information on the progress of the EITI process in Colombia.
6. Any other rights indicated by the MSG.

MSG members shall have the following obligations: 1. To conduct any action required to ensure MSG’s compliance with the functions needed to submit Colombia’s candidacy and the drafting of the National Action Plan.
2. To attend MSG meetings.
3. To inform the sectors they represent on MSG’s decisions and any progress on the candidacy and the national action plan.
4. To communicate the MSG about the sector positions and decisions seeking to strengthen the candidacy and the implementation of the National Action Plan.
5. To facilitate the participation of the members of the technical support groups.
6. To give a respectful and kind treatment to all MSG members.
7. Any other obligation indicated by the MSG.

**PARAGRAPH:** The position of EITI spokesperson is vested upon the National Lead, that is the Minister of Mining and Energy, or his/her deputy, the Vice Minister of Mining. EITI National Technical Secretariat will be in charge of the implementation of the Communications Strategy. This strategy shall be adapted in all cases to the decisions and procedures adopted by the MSG. Note: The roles, responsibilities and rights have been respected.  |
| Adherence to the EITI Association code of conduct, including addressing conflicts of interest. | MSG Regulations – Article fourteen – Code of Conduct and conflicts of interest | *[Has the code of conduct been adhered to in practice? If conflicts of interest have emerged, how have these been addressed?]*The MSG members shall address and comply with the EITI Standard and ensure to have a good conduct both, as representatives of the MSG as well as in their professional life. Furthermore, in situations where the interest of the MSG members influences or may influence the objective and unbiased performance of their obligations in the group, they have to state that in an open and clear manner before the MSG. In this respect, interests include any advantage for themselves or their families, the organization they work for, or in their personal relationships. *Note: The code of conduct has been followed at all times.*  |
| **Approval of work plans and oversight of implementation** |
| Approval of annual work plans | MSG Regulations – Article seventeen – National Action Plan (PAN) | *[[Did the MSG approve the latest work plan? If yes, when?]*The National Action Plan (PAN) is the management tool of Colombia’s EITI, that guides, aligns and coordinates institutional and human efforts as well as the resources of the stakeholders members of the Multi-Stakeholder Group. The drafting of the National Action Plan must involve all MSG members and must have a three-year scope. Before the end of this term, we must draft a new one. *The latest work plan was approved in 2020. This PAN was to be in effect till 2023. However, this was extended up to 2025 at the MSG meetings numbers 48 and 50***National Action Plan:**[*https://www.eiticolombia.gov.co/media/filer\_public/7d/dc/7ddc50c1-fcc6-4059-b40d-bbde42eeeab4/20200410\_plan\_accion\_2020\_2023.pdf*](https://www.eiticolombia.gov.co/media/filer_public/7d/dc/7ddc50c1-fcc6-4059-b40d-bbde42eeeab4/20200410_plan_accion_2020_2023.pdf)**Action Plans**[*https://www.eiticolombia.gov.co/es/documentos/plan-de-accion-nacional/*](https://www.eiticolombia.gov.co/es/documentos/plan-de-accion-nacional/)In 2021, the 2020 report was developed and approved by all the members of the MSG. It can be found at the following website: Colombia’s 2020 EITI Report[*https://www.eiticolombia.gov.co/es/informes-eiti/informe-2020/*](https://www.eiticolombia.gov.co/es/informes-eiti/informe-2020/) |
| Oversight of the EITI reporting process and engagement in Validation, including approval of Independent Administrator ToRs and EITI Reports. | MSG Regulations – Article seventeen- National Action Plan - PAN | *[[Is the MSG providing effective oversight of implementation? Has the MSG approved ToRs and EITI Reports? If yes, when?]*At least once a year the Technical Secretariat submits any progress achieved in the implementation to the MSG, and in this manner, adjustments can be made according to the initiative needs and opportunities. ***Note:*** *In the latest National Action Plan of 2021 (PAN), the MSG identified EITI implementation at territorial level as a priority in Colombia. In like manner, in the recent visit of the EITI International Secretariat in April 2022, the conclusion that the EITI implementation effort must be conducted at territorial level was reached together with the MSG, since it is essential to understand the development needs of this sector and to promote trust among actors located in places where these activities are undertaken.* Progress Annual Reports:[*https://www.eiticolombia.gov.co/es/documentos/informes-anuales-de-progreso/*](https://www.eiticolombia.gov.co/es/documentos/informes-anuales-de-progreso/) |
| **Internal governance rules and procedures** |
| Inclusive decision-making process throughout the implementation; each constituency is treated as a partner with the right to table issues | MSG Regulations – Article five – Rights of MSG members | *[[Have all MSG members been able to table issues for discussion in practice?]*MSG members shall have the following rights:* Right to receive prior call for MSG meetings.
* Right to participate in the meetings called for by the MSG.
* Voice and voting rights under the terms set forth in the regulations.
* Right to submit proposals or initiatives to be considered by the MSG.
* Right to table or include topics on the MSG Agenda, as well as for discussion at the Technical Support Groups (GAT).
* Right to receive timely and clear information about any progress in the EITI process in Colombia.
* Any other right the MSG considers relevant to attain objectives, prior an implementation agreement at the MSG.

Note: All MSG members have openly submitted topics for discussion. Evidence of this can be found in the minutes, the presentations used, and the recordings made of the meetings that are included in the EITI binder. [https://minenergiacol.sharepoint.com/:f:/r/sites/EITICOLOMBIA/Documentos%20compartidos/CTN?csf=1&web=1&e=VllLFx](https://minenergiacol.sharepoint.com/%3Af%3A/r/sites/EITICOLOMBIA/Documentos%20compartidos/CTN?csf=1&web=1&e=VllLFx)In addition, over the last year, there was comprehensive feedback on the 2020 Report, opening the possibility for all members to consider new topics for discussion, or to be included in the report. As a result from these discussions, the Technical Secretariat has started to prepare a series of booklets with details of the topics submitted by the various MSG members. More details about these booklets can be found at: <https://www.eiticolombia.gov.co/es/documentos/> |
| Procedures for nominating and changing multi-stakeholder group representatives, including alternate members | MSG regulations – Article seven – Participation of members | *[Indicate the practice in Part I and in constituency-specific questionnaires.]*The election of the MSG members shall be carried out in an independent manner by each of the three actors participating in the committee. Entities or institutions members of the CTN shall inform the National Technical Secretariat through written communication, the name of the representative or delegate who will be attending the meetings. Representatives or delegates may lose their seat at the MSG if one of the following circumstances arise:* Unjustified absence to more than three consecutive MSG sessions.
* If a disciplinary action or a criminal conviction is received.
* In the event of a conflict of interest and failing to timely inform the members of the MSG or the Technical Secretariat about it.

The representatives or delegates of the actors making up the MSG may be replaced at the express request of an entity or institution.**PARAGRAPH – FULL AND ALTERNATE MEMBERS.** MSG full and alternate members are the entities or institutions appointed by each sector. Through written communication addressed to the MSG Chair, selected organizations will inform about their full and alternate members. The selection of full and alternate members shall be carried out internally by each sector in accordance with their rules and regulations. |
| Decision-making procedures, e.g., rules for voting and quorum | MSG Regulations – Article eleven – Decision-making mechanism | *[Have the decision-making procedures been followed in practice? Has the MSG taken any decisions by vote?]* Ideally, consensus will be the procedure followed for decision-making. In the event one representative disagrees with a proposal, this representative will try to offer an alternative to the rest of the members. When consensus is not possible, decisions shall be approved through qualified majority. *Note: At the MSG all decisions have been made by consensus, after an open and constructive dialogue, and no decisions have been made by vote.* |
| Duration of the MSG’s mandateBy provision of the Administrative Department of the President’s Office of the Republic of Colombia, since 2013, the initiative mandate is allocated to the Ministry of Mines and Energy, and the Vice Ministry of Mining is in charge of presiding over the initiative.This mandate was renewed in 2022 by the [memorandum of] understanding between the Ministry of Mining and Energy and the EITI International Secretariat. |  | *[ Have provisions regarding the duration of the MSG’s mandate been respected in practice?]*Yes, this provision has been abided by.  |
| *Per diems*  | N/A | *[ Were per diems for MSG meetings paid out in the period under review? If yes, what was the per diem per meeting and how much was paid out in total?]* No per diems are paid out.  |
| Frequency of meetings | MSG Regulations – Article nine– Call for meetings and periodicity. | *[How often did the MSG meet in the period under review?]*The MSG shall meet prior call for meeting at the request of its chair. The MSG shall hold regular meetings three times a year, at least. In like manner, it may hold extraordinary meetings at the request of its chair, or when requested by a third of its members minimum. ***2019**** *MINUTES 38*
* *MINUTES 39*
* *MINUTES 40*
* *MINUTES 41*
* *MINUTES 42*

***2020**** *MINUTES 43*
* *MINUTES 44*
* *MINUTES 45*
* *MINUTES 46*
* *MINUTES 47*

***2021**** *MINUTES 48*
* *MINUTES 49*
* *MINUTES 50*
* *MINUTES 51*

***2022**** *MINUTES 52*
* *MINUTES 53*
* *MINUTES 54*
* *MINUTES 55*
 |
| Advance notice of meetings and timely circulation of documents | MSG Regulations – Article Nine – Call for meetings and periodicity. | *[How much advance notice was given for MSG meetings? How much ahead of meetings were documents circulated on?]*The call for regular meetings must be made in writing and send via email ten (10) business days before the date of the MSG meeting. Each sector and/or member is entitled to submit any relevant matter for discussion. The Chair, with the support of the Technical Secretariat, will preside over the meetings in accordance with these regulations. Calls for extraordinary meetings must be made in writing and may be sent via email five (5) business days prior the date of the meeting. *Note: Calls for meetings were sent via email according to the regulations and often nearly two months in advance, since the meetings programmed for every year were communicated by the MSG.*  |
| Record keeping | MSG Regulations – Article twelve – Minutes. | *[Were written records kept of MSG discussions in the period under review?]*The minutes of MSG meetings shall be signed by the MSG members attending the meeting. Such minutes must explicitly state recommendations and decisions made by the MSG and shall be available for public access. *Note: Minutes are available on the following link:* [*https://www.eiticolombia.gov.co/es/documentos/comite-tripartito-nacional/*](https://www.eiticolombia.gov.co/es/documentos/comite-tripartito-nacional/) |
| **Other aspects covered in the ToRs that the MSG wishes to highlight** |
|  | Since the beginning of the year, new MSG regulations are being drafted in GAT meetings. |  |

## MSG meetings and minutes

**7. Please provide the dates and a link to the published minutes of MSG meetings that have taken place in the period under review or provide any unpublished minutes as an attachment.**

|  |
| --- |
| Link to MSG minutes: <https://www.eiticolombia.gov.co/es/documentos/comite-tripartito-nacional/>**2019*** MINUTES 38 – 1 March 2019
* MINUTES 39 – 23 May 2019
* MINUTES 40 – 31 July 2019
* MINUTES 41 – 31 October 2019
* MINUTES 42 – 3 December 2019

**2020*** MINUTES 43 – 19 February 2020
* MINUTES 44 – 24 April 2020
* MINUTES 45 – 15 July 2020
* MINUTES 46 – 15 September 2020
* MINUTES 47 – 2 December 2020

**2021*** MINUTES 48 – 9 April 2021
* MINUTES 49 – 22 June 2021
* MINUTES 50 – 10 September 2021
* MINUTES 51 – 05 November 2021

**2022*** MINUTES 52 – 22 February 2022
* MINUTES 53 – 28 February 2022
* MINUTES 54 – 04 May 2022
* MINUTES 55 – 21 July 2022
 |

## MSG approval

**8. Date of MSG approval of this submission.**

|  |
| --- |
| 30 September 2022 |

# Part II: Government engagement

The objective of this [requirement](https://eiti.org/es/eiti-standard-2019) is to ensure a full, active and effective government lead for EITI implementation, both in terms of high-level political leadership and operational engagement, as a means of facilitating all aspects of EITI implementation.

MSG’s self-assessment

Not applicable /Not met/ Partly met / Mostly met / Fully met / Exceeded

Justification:

The Technical Secretariat is entrusted to the government, specifically to the Ministry of Mining in charge of the vice minister’s office, and also of the entities ascribed to the ministry, that is, ANH, ANM, UPME, that are members of the MSG.

*This questionnaire seeks to collect information from government MSG members about the engagement of the government in the EITI process from \_\_ to \_\_ [insert period under review]. Government MSG members are requested to fill out the form together and either submit it directly to the Validation team (**disclosure@eiti.org**) or request the National Coordinator to submit it. Government MSG members may also mandate the National Coordinator to fill out the questionnaire. The deadline for submitting the form to the Validation team is (insert Validation commencement date). It is recommended that government MSG members coordinate to agree one submission. Diverging views within the constituency can be documented in the form. The signatories of the submission should be indicated at the bottom of the form. Stakeholders may contact the Validation team directly to provide additional views.*

**1. Examples of statements or actions in support of the EITI and/or matters in the scope of the EITI Standard by high-level government representatives, such as ministers or the head of state.**

|  |
| --- |
| - Statement at the 6th EITI Global Conference, Stakeholder Forum Words – Official Announcement, Interest on Colombia’s EITI by the Vice Minister of Mines, May 2013.- Letter from the Administrative Directorate of the President’s Office addressed to the International Board ratifying the interest in EITI implementation. September 2013. - Session 34 of the Multi-Stakeholder Group of Colombia’s EITI where the Vice Minister of Mining, Carlos Andrés Cante, presented the details of the “satisfactory progress” outcome obtained by the country in the Validation conducted by the EITI International Secretariat. <https://www.eiticolombia.gov.co/media/filer_public/36/93/3693668c-718f-4c65-8682-b6d645fc8df6/201218_acta_sesion_34_ctn.pdf>* 2018 Colombia’s Validation before the EITI International Board granting the country the “Satisfactory progress” score.

<https://www.eiticolombia.gov.co/es/noticia/mark-robinson-director-ejecutivo-de-eiti-destaca-la-labor-de-colombia-en-el-cumplimiento-del-estandar/>* Memorandum of Understanding signed in 2022 by and between the Ministry of Mining and Energy and the EITI International Secretariat. The purpose of this memorandum was to share the country’s good practices in the implementation of the International Standard,

<https://www.minenergia.gov.co/en/web/10180/1332?idNoticia=24346882><https://minenergiacol-my.sharepoint.com/personal/hdmateus_minenergia_gov_co/_layouts/15/onedrive.aspx?login_hint=hdmateus%40minenergia%2Egov%2Eco&id=%2Fsites%2FEITICOLOMBIA%2FDocumentos%20compartidos%2FSecretar%C3%ADa%20Internacional%2FValidaci%C3%B3n%202022%2FEvidencia%20por%20Requisitos%2FRequisito%201&listurl=https%3A%2F%2Fminenergiacol%2Esharepoint%2Ecom%2Fsites%2FEITICOLOMBIA%2FDocumentos%20compartidos&viewid=362176f7%2D4b17%2D4d97%2Da8a9%2D50eb146b40e4>* Memoirs Webinars

<https://www.eiticolombia.gov.co/es/la-iniciativa/memorias-del-evento/?edit&language=es>* The Investment Project “STRENGTHENING TRUST IN THE ENERGY MINING INDUSTRY IN COLOMBIA (EITI INITIATIVE)”, for the 2023-2026 period was approved. This Project is identified under the Bpin code 2022011000075 and its purpose is to ensure the EITI Technical Secretariat monitoring this period.

[https://minenergiacol.sharepoint.com/:b:/r/sites/EITICOLOMBIA/Documentos%20compartidos/Secretar%C3%ADa%20Internacional/Validaci%C3%B3n%202022/Evidencia%20por%20Requisitos/Requisito%201/Ficha%20Proyecto%20EITI%202023-2026%20VF.pdf?csf=1&web=1&e=6Unx9k](https://minenergiacol.sharepoint.com/%3Ab%3A/r/sites/EITICOLOMBIA/Documentos%20compartidos/Secretar%C3%ADa%20Internacional/Validaci%C3%B3n%202022/Evidencia%20por%20Requisitos/Requisito%201/Ficha%20Proyecto%20EITI%202023-2026%20VF.pdf?csf=1&web=1&e=6Unx9k) |

**2. Name and position of senior individual leading implementation.**

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| The Multi-Stakeholder Group is presided by the Minister of Mines and Energy, the Vice-Minister of Mining or his/her deputy. August 2018 – November 2020 – Carolina Rojas Hayes (Vice-Minister of Mining)December 2020 – August 2022 – Sandra Rocio Sandoval (Vice-Minister of Mining) |

**3. Describe the process for nominating government MSG members, including whether consideration was given to ensuring the seniority and diversity of representation.**

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| Procedure adopted to select the MSG members representing the Government. | Practice in the period under review |
| The nomination derives from the definition of the initiative in Colombia, when the entities that should be members of the MSG board were defined. The Multi-Stakeholder Group consists of nine (9) members, as follows: three (3) from the government, three (3) from the industry, and three (3) from the civil society. More detail follows below: 1. **National Government**
* **Ministry of Mining and Energy** –­ Minister of Mining and Energy, or his/her deputy, the Vice-Minister of Mining.
* **National Planning Department** – General Director or his/her deputy
* **National Directorate of Taxes and National Customs** – General Director or his/her deputy
1. **Industry**
* Ecopetro­l ‐ President or his/her deputy
* Asociación Colombiana de Petróleo – Executive President or his/her deputy
* Asociación Colombiana de Minería – Executive President or his/her deputy
1. **Civil Society**
* The participation of the civil society members will be defined by the Civil Society Board for the transparency of the extractive industries, according to the regulations in effect, and who shall timely notify the MSG on any change of representative or delegates.

The Ministry of Mining and Energy shall act as the initiative lead and chair of the MSG.  The National Technical Secretariat of the Multi-Stakeholder Group shall be presided over by the Vice Minister of Mining. The National Hydrocarbons Agency, the National Mining Agency and the Energy-Mining Planning Unit will participate in the committee in a permanent manner providing advisory services and technical assistance. They all shall have voice and vote in the committee and shall vote in alignment with the Ministry of Mining and Energy.  | Participation has been according to plan. |

**4. If any MSG representatives changed during the MSG’s term, please describe the process followed for replacing them.**

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| Agreed procedure for replacing government MSG members. | Practice in the period under review |
| No changes were made in the government MSG membersNo changes were made in the industry MSG membersAccording to the provisions in the regulations, a new representative of the civil society board was appointed for the MSG: Participation and organisation of the Civil Society board for the Transparency of Extractive Industries:<https://mesatransparenciaextractivas.org/La-Mesa/EITI-en-Colombia> | Not applicable |

**5. Government resources directed to EITI implementation in the period under review, such as staff and funding for work plan activities.**

|  |
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| **Staff:*** Minutes number 53 dated 23 February, session where the team of the 2022 Technical Secretariat is presented:
* Participant Government members:

 <https://www.eiticolombia.gov.co/es/participantes/>* Participation of the Vice-Minister in the MSG, as well as representation of the National Government. This is stated in the minutes.

<https://www.eiticolombia.gov.co/es/documentos/comite-tripartito-nacional/><https://www.minenergia.gov.co/en/web/10180/1332;jsessionid=Hca9URptH6EnJ57lGLfpmrbb.portal2?idNoticia=24354084><https://www.eiticolombia.gov.co/es/la-iniciativa/memorias-del-evento/?edit&language=es><https://minenergiacol-my.sharepoint.com/personal/hdmateus_minenergia_gov_co/_layouts/15/onedrive.aspx?login_hint=hdmateus%40minenergia%2Egov%2Eco&id=%2Fsites%2FEITICOLOMBIA%2FDocumentos%20compartidos%2FSecretar%C3%ADa%20Internacional%2FValidaci%C3%B3n%202022%2FEvidencia%20por%20Requisitos%2FRequisito%201&listurl=https%3A%2F%2Fminenergiacol%2Esharepoint%2Ecom%2Fsites%2FEITICOLOMBIA%2FDocumentos%20compartidos&viewid=362176f7%2D4b17%2D4d97%2Da8a9%2D50eb146b40e4>**Funding:**As part of the National Government initiatives for transparency and the fight against corruption, and to show its commitment to the good governance of natural resources, the government has ensured the EITI operation through regular budget allocations since 2014. For the 2023-2026 period, the investment project for the “STRENGTHENING OF TRUST IN THE MINING-ENERGY INSTITUTIONS IN COLOMBIA (EITI INITIATIVE)” was approved in 2022, identified under the Bpin code number 2022011000075. This will ensure the monitoring of the EITI Technical Secretariat for such period. [https://minenergiacol.sharepoint.com/:b:/r/sites/EITICOLOMBIA/Documentos%20compartidos/Secretar%C3%ADa%20Internacional/Validaci%C3%B3n%202022/Evidencia%20por%20Requisitos/Requisito%201/Ficha%20Proyecto%20EITI%202023-2026%20VF.pdf?csf=1&web=1&e=6Unx9k](https://minenergiacol.sharepoint.com/%3Ab%3A/r/sites/EITICOLOMBIA/Documentos%20compartidos/Secretar%C3%ADa%20Internacional/Validaci%C3%B3n%202022/Evidencia%20por%20Requisitos/Requisito%201/Ficha%20Proyecto%20EITI%202023-2026%20VF.pdf?csf=1&web=1&e=6Unx9k) |

**6. Efforts undertaken by the government to ensure an enabling environment for company and CSO participation in the EITI and/or to remove any obstacles to EITI disclosures.**

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| --- |
| EITI contributes to achieve the objectives described in the Policy for Transparency and Integrity of the Energy-Mining Sector – PTISME, published by the Ministry of Mining and Energy in 2022. This policy has two relevant components where EITI contribution is key: Transparency and accountability. Furthermore, EITI supports:* *Trust generation:* By creating trust among the various stakeholders who have seen the will of the parties to make progress in achieving a more transparent industry, with better business practices. To this date, after eight years of implementation, this committee has met in more than 50 occasions.
* *Consolidation of information:* EITI reports are the sole instruments that are consolidating information from this sector. Additionally, these reports are generating a dialogue with information that was previously missing and that civil society wants to know.
* *Leveraging of other processes:* Thanks to the diagnosis deriving from EITI implementation in Colombia, the sector information systems have been consolidated. Some examples that can illustrate this are: The IADB funding for creating the Map of Royalties, the agreement on an IADB loan to strengthen information systems, and the development of a Policy of Transparency and Integrity of the ENERGY-MINING sector inspired on EITI, among others.
* *Transparency Pilot with MAPE:* A transparency project has been started with subsistence miners enabling them to improve their report and transparency standards.
* *Sub-national dialogues:* To this date, we have two territorial committees created and operating in the departments of Cesar and Boyacá. Furthermore, outreach events are being conducted in the departments of Santander and Casanare. We are planning to start dialogues in five new territories in 2022.
* *Industry studies*: Through studies promoted by EITI, the understanding of topics such as sub-national payments, gas and oil pipeline transportation taxes, environmental payments, and Small and Artisanal mining has increased.
 |

## Liaison with the broader constituency

**3. Describe the government constituency’s structures, policies and practices for coordination on EITI matters.**

Please provide supporting evidence. If the evidence is available online, please provide a link. If it is not, please annex the evidence to this questionnaire.

|  |  |  |
| --- | --- | --- |
| Structures in place for liaison with the broader constituency such as coordination groups | Policies and agreed procedures for liaison with the broader constituency | Practice in the period under review |
| 1. **MSG:** The Multi-Stakeholder Group is an independent and autonomous agency under the lead of the Ministry of Mining and Energy, with decision-making and consultative authorities.
2. **GAT:** Group created at the request of the MSG, by officials from public and private entities, Civil Society representatives and experts to contribute to push forward the MSG work agenda, to prepare documents, reports or studies, as well as to coordinate the implementation and monitoring of policies and measures recommended by the MSG.
 | The MSG meets at least once every quarter, and GATs are organised in accordance with the MSG requests to develop technical issues.  | *[Please describe how the constituency coordinated on EITI matters in the period under review, including a description of actors engaged.]*MSG meets at least once every quarter and GATs are created in accordance with the MSG requests to develop technical issues. Note: From 2020, the MSG started to hold virtual meetings, and the signing of the minutes was also carried out digitally.  |

**4. Have MSG members sought input from the broader constituency on the following documents. If yes, how did you receive input?**

 a) The latest EITI work plan, including priorities for EITI implementation

 b) The latest annual review of outcomes and impact

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| --- |
| **a. Work plan:*** Civil Society: The representatives of the civil society board conducted…
* Industry: Work plans were communicated to the companies’ sustainability committees
* Government: The work plan was communicated to the ascribed entities ANM, ANH, DIAN, Ministry of Finance and UPME

**b. Latest annual review of outcomes and impact:**Several sessions have been held in 2022 to review the compliance with each requirement, and the evidence supporting such compliance.These sessions were held within a GAT framework, with representatives of each constituency, in the following dates: Session 1: requirements 2 and 3 – 25 May 2022Session 2: requirements 4 and 5 - 22 June 2022Session 3: requirements 1 and 7 – 28 July 2022Session 4: requirement 6 – 24 August 2022This is the link to Access the recordings of the sessions and the material prepared in such meetings: [Participación en Proceso de Validación](https://minenergiacol.sharepoint.com/%3Af%3A/r/sites/EITICOLOMBIA/Documentos%20compartidos/Secretar%C3%ADa%20Internacional/Validaci%C3%B3n%202022/Participaci%C3%B3n%20en%20Proceso%20de%20Validaci%C3%B3n?csf=1&web=1&e=DdDgBq)At the end of each session the participants received the document reviewed so they could supplement them, and the Technical Secretariat received the comments at the agreed upon time.  |

## Use of data

**5. Have government representatives contributed to communicating or using EITI data, including participation in outreach activities?**

If yes, please provide examples with links to any supporting evidence, such as reports, speeches or news articles.

|  |
| --- |
| Law enforcement Department (*Función Pública*) <https://www.funcionpublica.gov.co/documents/34206843/36546256/2018_Modulo_10_control_social_industria_extractiva.pdf/5a692bfd-addb-c0f0-de50-6e68614e4a52?t=1582124661928>DIAN <https://www.dian.gov.co/impuestos/RUB/Documents/Manual-beneficiarios-finales.pdf>MINSUS <https://minsus.net/mineria-sustentable/wp-content/uploads/2020/01/PDF-Cartilla-pagos-ambientales-EITI-Colombia-Vf.pdf>- Transparency policy and value content – social media <https://twitter.com/ColombiaEiti>- Dialogues and activities with citizens – <https://twitter.com/ColombiaEiti/status/1519400980034555906?s=20&t=z0QlhXtXPR54yUaD3EzuqA>- Communication of activities in the territory <https://twitter.com/MoniVerdugo/status/1506326994690220044?s=20&t=z0QlhXtXPR54yUaD3EzuqA> - Webinars: Good practices and trends of the extractive industry<https://www.eiticolombia.gov.co/es/noticia/finaliza-con-exito-serie-de-webinars-buenas-practicas-y-tendencias-de-la-industria-extractiva/><https://www.eiticolombia.gov.co/es/noticia/quinto-webinar-de-la-industria-extractiva-tratara-equidad-de-genero-en-el-sector-minero/> |

## Sign-off

**Please include below the names and contact details of the MSG members from the government constituency who sign off on submitting the above information to the Validation team. Add rows as needed.**

|  |  |  |  |
| --- | --- | --- | --- |
| Name | Email address or telephone number | Date | Signature (optional) |
| MME - Mónica Verdugo | mmverdugo@minenergia.gov.co | 29 September 2022 |  |
| DIAN – Jair Paolo Bedoya | jbedoyar@dian.gov.co | 29 September 2022 |  |
| DNP – Luis Leonardo Rojas | luirojas@dnp.gov.co | 29 September 2022 |  |

#

# Part III: Industry engagement

MGS’s self-assessment

Not applicable /Not met/ Partially met / Mostly met / Fully met/ Exceeded

Justification:

The objective of this [requirement](https://eiti.org/es/eiti-standard-2019) is to ensure that extractive companies are fully, actively and effectively engaged in the EITI, both in terms of disclosures and participation in the work of the multistakeholder group, and that the government ensures an enabling environment for this.

*This questionnaire seeks to collect information from industry MSG members about the engagement of oil, gas and mining companies in the EITI process from \_\_ to \_\_ [insert period under review]. Industry MSG members are requested to fill out the form together and either submit it directly to the Validation team (**disclosure@eiti.org**) or request the National Coordinator to submit it. The deadline for submitting the form to the Validation team is (insert Validation commencement date). It is recommended that industry MSG members coordinate to agree one submission. Diverging views within the constituency can be documented in the form. The signatories of the submission should be indicated at the bottom of the form. Stakeholders may contact the Validation team directly to provide additional views.*

## MSG nominations

**1. Describe the process for nominating industry MSG members, including whether consideration was given to ensuring the diversity of representation.**

Please provide supporting documentation related to the latest nomination process. This could include the invitation to participate in the MSG, a list of interested organisations or individuals, constituency ToRs, minutes of the election process, etc. If the evidence is available online, please provide a link. If it is not, please annex the evidence to this questionnaire.

|  |  |
| --- | --- |
| Agreed procedure for selecting Industry MSG members | Practice in the period under review |
| Corporate representation is done through the trade chambers and associations that represent slightly more than 97% of the industry materiality.ACP manages Hydrocarbons through the office of economic and regulatory matters supported by the Operations and Sustainability divisions. ACM manages Mining through the Sustainability area, with the Sustainability Director supported by the Economic Director.Ecopetrol is included, ensuring the disclosure of information through reports to third parties. Therefore, the Corporate Responsibility Management Office of the Corporate Affairs Vice-Presidency was entrusted with developing this area.  | Representatives have attended the sessions and have complied with their duties.  |

**2. If any MSG representatives changed during the MSG’s term, please describe the process followed for replacing them.**

|  |  |
| --- | --- |
| Agreed procedure for replacing industry MSG members  | Practice in the period under review |
| Ecopetrol – The person appointed has not changed, appointment made according to MSG regulations ACP – The person appointed has not changed, appointment made according to MSG regulationsACM – The person appointed has not changed, appointment made according to the MSG regulations | Regardless of the person appointed to participate in EITI, we have always ensured information traceability, so any other person can take on the position.  |

## Liaison with the broader constituency

**3. Describe the company constituency’s structures, policies and practices for coordination on EITI matters.**

Please provide supporting evidence, such as constituency ToRs, dates and minutes of constituency meetings, number of emails to mailing lists, etc. If the evidence is available online, please provide a link. If it is not, please annex the evidence to this questionnaire.

|  |  |  |
| --- | --- | --- |
| Structures in place for liaison with the broader constituency, such as industry associations  | Policies and agreed procedures for liaison with the broader constituency  | Practice in the period under review  |
| 1. **ACM**
2. **ACP**
3. **Ecopetrol**
 | There is regular communication among the three representatives, at the request of any of the parties to discuss and clarify any topic. To discuss EITI related topics as industry constituency, meetings are scheduled at request, according to the Standard dynamics and the requirements demands. Ecopetrol – Mention how the reporting is organised: Today, all the information collected for EITI is located on a platform called MERO, delivered by the persons in charge thereof. The approval of such information pertains to top managerial positions.  | *[Please describe how the constituency coordinated on EITI matters in the period under review, including a description of actors engaged.]*ACP and ACM – EITI related topics are discussed at the sustainability committees in the various companies.Regarding Ecopetrol – EITI topics are distributed to different committees (tax committee, social committee). Companies have direct contact with the Technical Secretariat to clarify any operational question.  |

**4. Have MSG members sought input from the broader constituency on the following documents. If yes, how and did you receive input?**

 a) The latest EITI work plan, including priorities for EITI implementation

 b) The latest annual review of outcomes and impact

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| In the development of the Colombia’s EITI Initiative, the industry has had wide and active participation as can be seen in the minutes of the MSG and GAT meetings, evidencing a constant and effective presence of the private sector. * Minutes of the Multi-Stakeholder Group sessions

<https://www.eiticolombia.gov.co/es/documentos/comite-tripartito-nacional/>* The extractive sector transparency policy was based on the lessons learnt from the Colombia’s EITI Initiative related to the need of consolidating actions to make the information from non-renewable resources extractive operations transparent and public, and also to the importance of fostering a permanent dialogue among government, industry and civil society. All of this, with the purpose of strengthening trust and governance in the extractive sector value chain.

<https://www.minenergia.gov.co/documents/6204/PTISME_-_15_03_2022.pdf> The work plan was taken into account and was updated based on the priorities identified by the MSG together with the International Secretariat. This review was conducted in committee sessions numbers 48 and 50.  |

## Use of data

**5. Have company representatives contributed to communicating or using EITI data, including participation in outreach activities?**

If yes, please provide examples with links to any supporting evidence, such as reports, blogs or news articles.

|  |
| --- |
| * *Industry’s commitment:* After eight tax reports, to this date there are 40 companies engaged and committed to EITI, reporting data, and convinced that transparency and dialogue are essential to continue operating in the country.
* Several sessions have been held with all the companies in trade specific committees – Presentation of the transparency policy, among others.
* EITI information is published on the ACM and ACP web pages, and there is a link directly to the official site of the Colombia’s initiative.
 |

## Obstacles to participation

**6. If company representatives have experienced any obstacles to participation in the EITI, please describe and specify these obstacles below or convey your concerns directly to the Validation team (****disclosure@eiti.org****)****by the commencement of the Validation. Please provide supporting evidence if available. Requests for confidentiality will be respected.**

|  |
| --- |
| There are no obstacles for EITI participation.Legal and institutional framework:<https://eiticolombia.gov.co/es/informes-eiti/informe-2020/marco-institucional/>MSG Regulations<https://www.eiticolombia.gov.co/es/documentos/comite-tripartito-nacional/>Legal and institutional framework<https://www.eiticolombia.gov.co/es/informes-eiti/informe-2019/contenido/2-marco-institucional-y-legal/>The mining and hydrocarbons sectors support EITI implementation <https://www.eiticolombia.gov.co/static//sites/default/files/documentos/El%20sector%20de%20minas%20e%20hidrocarburos%20apoya%20a%20implementacion%20del%20EITI.pdf>ACM – The Technical Secretariat is welcome to participate in the Sustainable committee -  |

## Sign-off

**7. Please include below the names and contact details of the MSG members from the industry constituency who sign off on submitting the above information to the Validation team. Add rows as needed.**

|  |  |  |  |
| --- | --- | --- | --- |
| Name | Emails address or telephone number | Date | Signature (optional) |
| Carolina Gutierrez | carolina.gutierrez@acmineria.com.co | 29 September 2022 |  |
| Ana Carolina Ulloa | aulloa@acp.com.co | 29 September 2022 |  |
| Carolina Ocampo | carolina.ocampo@ecopetrol.com.co | 29 September 2022 |  |

# Part IV: Civil society engagement

MSG’s self-assessment

Not applicable /Not met / Partially met / Mostly met / Fully met / Exceeded

Justification:

The objective of this [requirement](https://eiti.org/es/eiti-standard-2019) is to ensure that civil society is fully, actively and effectively engaged in the EITI process, and that there is an enabling environment for this. The active participation of civil society in the EITI process is key to ensuring that the transparency created by the EITI can lead to greater accountability and improved governance in oil, gas and mineral resources. The provisions related to civil society engagement seek to establish the conditions that permit this to occur over time.

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*This questionnaire seeks to collect information from civil society MSG members about the engagement of civil society in the EITI process from \_\_ to \_\_ [insert period under review]. Civil society MSG members are requested to fill out the form together and either submit it directly to the Validation team (**disclosure@eiti.org**) or request the National Coordinator to submit it. The deadline for submitting the form to the Validation team is (insert Validation commencement date). It is recommended that civil society MSG members coordinate to agree one submission. Diverging views within the constituency can be documented in the form. The signatories of the submission should be indicated at the bottom of the form. Stakeholders may contact the Validation team directly to provide additional views.*

## MSG nominations

**1. Describe the process for nominating civil society MSG members, including whether consideration was given to ensuring the diversity of representation.**

Please provide supporting documentation related to the latest nomination process. This could include the invitation to participate in the MSG, a list of interested organisations or individuals, constituency ToRs, minutes of the election process, etc. If the evidence is available online, please provide a link. If it is not, please annex the evidence to this questionnaire.

|  |  |
| --- | --- |
| Agreed procedure for replacing civil society MSG members  | Practices in the period under review |
| MSG regulations are currently being updated.Civil society has the [Protocol for the Civil Society Board members for Extractive Industries Transparency](https://www.mesatransparenciaextractivas.org/Noticias/Noticias-de-la-Mesa/Detalle-Noticias/ArtMID/484/ArticleID/382/Protocolo-para-los-integrantes-de-la-Mesa-de-la-Sociedad-Civil-para-la-Transparencia-en-las-Industrias-Extractivas), governing the MSG members selection, change or extension processes. |  In accordance with article six of current regulations, the election will be conducted independently by each of the participating sectors. The election process must comply with representativeness and transparency criteria, which process must be communicated to the MSG. Members will hold their positions for two (2) years, with the possibility of an extension.  |

**2. If any MSG representatives changed during the MSG’s term, please describe the process followed for replacing them.**

|  |  |
| --- | --- |
| Agreed procedure for replacing civil society MSG members  | Practice in the period under review |
| Civil society has the [Protocol for the Civil Society Board members for Extractive Industries Transparency](https://www.mesatransparenciaextractivas.org/Noticias/Noticias-de-la-Mesa/Detalle-Noticias/ArtMID/484/ArticleID/382/Protocolo-para-los-integrantes-de-la-Mesa-de-la-Sociedad-Civil-para-la-Transparencia-en-las-Industrias-Extractivas), governing the MSG representatives selection, change or extension processes.Civil Society representatives in the MSG hold their positions for two years.  | Formal notice was given to the National Technical Secretariat of the changes that took place. Within the Validation framework, Crudo Transparente requested the Civil Society Board for Extractive Industries Transparency an extension of its representative. This extension was unanimously approved by the Board’s civil society organisations and will last up to the delivery of the outcomes of this Validation.   |

## Liaison with the broader constituency,

**3. Describe the civil society constituency’s structures, policies and practices for coordination on EITI matters.**

Please provide supporting evidence, such as constituency ToR s, dates and minutes of constituency meetings, emails sent to the mailing list, etc. If evidence is available online, please provide a link. If it is not, please annex the evidence to this questionnaire.

|  |  |  |
| --- | --- | --- |
| Structures in place for liaison with the broader constituency, such as networks  | Policies and procedures for liaison with the broader constituency  | Practice in the period under review |
| Civil Society Board for Extractive Industries TransparencyAlliance of the Board with Publish What You Pay to become the national liaison of this global network in Colombia and support the validation process. | Civil society has the [Protocol for the Civil Society Board members for Extractive Industries Transparency](https://www.mesatransparenciaextractivas.org/Noticias/Noticias-de-la-Mesa/Detalle-Noticias/ArtMID/484/ArticleID/382/Protocolo-para-los-integrantes-de-la-Mesa-de-la-Sociedad-Civil-para-la-Transparencia-en-las-Industrias-Extractivas) setting forth the duties and topics to be discussed by the Board’s EITI subcommittee.  | In the period under review, the Civil Society Board participated in the EITI Colombia process through its representing organisations. These organisations regularly reported to all Board members any progress made or any challenge faced by Colombia’s EITI. Particularly, for the validation process:1. The Alliance with PWYP was carried out to receive support within the framework of the Colombia validation process in two ways: The first, to build the capacity of CSO members of the CS Board. Secondly, to conduct a survey on the civic space within the EITI 2019-2022 term framework.
2. In the work coordinated with PWYP and the CS Board EITI subcommittee, the priority topics to be included in the validation framework were identified and selected.
3. An analysis of the sources and minutes for the 2018-2022 period was developed. Deriving therefrom, a series of assessments and recommendations vis à vis the initiative in the country was established.

With the general input received, the required EITI templates were filled out.  |

**4. Have MSG members sought input from the broader constituency on the following documents. If yes, how and did you receive input?**

 a) The latest EITI work plan, including priorities for EITI implementation

 b) The latest annual review of outcomes and impact

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| The MSG National Action Plan (PAN) does not include several key topics, and it is not fully implemented. Throughout the scheduled MSG sessions, the PAN topic was discussed in sessions numbers 37, 43 and 50. In the first session, civil society suggested to take into account the adoption of the recommendations related to: MAPE, strengthening institutional capabilities, transportation, environmental contributions, mainstreaming. All these topics have been studied in depth but no work plan or recommendations or follow-up actions are known, and there is not monitoring of these commitments. We still find it difficult to identify in the National Action Plan, civil society priority topics and actions in which we can have a bearing on. In session 43 all members of the multi-stakeholder group agreed on the PAN extension request. Civil society suggested at that time to hold meetings in advance to try to clearly determine the tasks to achieve the strategies and actions that had to be conducted. The above taking into consideration that one recommendation in the preceding PAN was that the timeline had not been complied with and that several topics remained to be addressed.To this date, no additional sessions have been held for monitoring the PAN compliance status, and no update of the PAN has been done in the framework of the initiative implementation. The topic of the Standard and of the MSG regulations was resumed in session 50, also discussing EITI reports, indicating that they are key for the validation process, as well as the PAN. In this regard, civil society highlights that the MSG consensus is essential to make progress and suggests the creation of study groups to evaluate the documents, thing that has not been done yet. We are expecting the review of this progress vis à vis the National Action Plan. |

## Use of data

**5. Have civil society representatives contributed to communicating or using EITI data, including participation in outreach activities or use of EITI data in advocacy and campaigns?**

If yes, please provide examples with links to any supporting evidence, such as reports, blogs or news articles.

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| The Civil Society Board for Extractive Industries Transparency has sought to disseminate EITI contents in a clear language from a social media reactivation process that started in 2021. This dissemination seeks to replicate the following content on Twitter, Facebook and the CS Board website:Request for opinions on the EITI 2022 progress - [(1) Mesa Sociedad Civil on Twitter: "Validación EITI Colombia 2022 | Petición de opiniones acerca del progreso. 🟠Enlace @ColombiaEiti https://t.co/jIw3x4EFdu 🟢Visítenos en: https://t.co/m5geOX0gB8 https://t.co/lImjXNme5b" / Twitter](https://twitter.com/MSociedadCivil/status/1573761688720982016)EITI Action Plan - [(1) Mesa Sociedad Civil on Twitter: "#EITI | El Plan Nacional @ColombiaEiti contempla 4 ejes que le permitirán al país contar con información exacta, oportuna, contextualizada y socialmente útil para fortalecer la transparencia en la cadena de valor del sector extractivo. 🟠Conoce más en: https://t.co/HubBOFMxpf https://t.co/wiXkspqmA4" / Twitter](https://twitter.com/MSociedadCivil/status/1564716673386561538)What is EITI - [(1) Mesa Sociedad Civil on Twitter: "#EITI | ¿Sabes que es EITI? Conoce más de este estándar internacional y cómo Colombia hace parte de esta iniciativa. 🟠Conoce más en : https://t.co/qxlKq77NM4 https://t.co/QRuRFbPFBn" / Twitter](https://twitter.com/MSociedadCivil/status/1563978474276065280)Outcomes from the 2020 EITI Report - [(1) Mesa Sociedad Civil on Twitter: "#Informativo | En el séptimo informe anual de #EITI Colombia demuestra los avances en la implementación del estándar, al fortalecer los sistemas de información pública. 🟢Más información: https://t.co/iAhLxTjN2Q 🟠Visítanos en: https://t.co/m5geOXhRZI" / Twitter](https://twitter.com/MSociedadCivil/status/1537574492079267841)Video\_ What is the extractive industry and the EITI value chain? – [¿Qué es la industria extractiva y la cadena de valor de EITI? (mesatransparenciaextractivas.org)](https://mesatransparenciaextractivas.org/Noticias/Noticias-de-la-Mesa/Detalle-Noticias/ArtMID/484/ArticleID/384/191Qu233-es-la-industria-extractiva-y-la-cadena-de-valor-de-EITI)Civil Society participation in the CTN has been constant, and we have table the need to develop communication strategies to enable the communities of the areas of influence of extractive projects and the citizens as a whole to know, understand and use the information deriving from the initiative. For example, in session 46, civil society stated that it would be important to include in the bulletin an overview of the situation in the first quarter due to the drop in prices due to the pandemic, to include the territorial topic with employment information, and the decrease of voluntary contributions from companies. Furthermore, to highlight topics such as materiality, gold, and the way in which reports are submitted so that they can be more easily comprehended by the community. The coordinator of the Extractive Sector Strategic Implementation Group (GEESE) mentioned that the objective of the bulletins submitted is to present timely information and in the end help in decision-making. Bulletins are providing information that is going to be included in annual reports. To this respect, civil society considers that the development of tools to make information more transparent in the territory has become more complex. Finally, it is acknowledged that a strategy has to be devised by civil society to disclose information in EITI reports, and this would be more effective if Colombia’s EITI can disaggregate and break down data per project, according to the needs identified in the work with grassroots organisations. |

## Obstacles to participation

**6. If civil society representatives have experienced any obstacles to participation in the EITI, including the use of publicly available extractive sector data, please describe and specify these obstacles below or convey your concerns directly to the Validation team (****disclosure@eiti.org****)****by the commencement of the Validation.**

The [EITI’s civil society protocol](https://eiti.org/document/eiti-protocol-participation-of-civil-society) requires that the government ensures an enabling environment for civil society engagement in the EITI. Any concerns related to potential breaches of the protocol should be accompanied with a description of the related incident, including its timing, actors involved and the link to the EITI process. If available, supporting documentation should be provided. Requests for confidentiality will be respected.

For purposes of Validation, ‘civil society representatives’ refer to civil society representatives who are substantively involved in the EITI process, including but not limited to members of the multi-stakeholder group. The ‘EITI process’ refers to activities related to preparing for EITI sign-up; MSG meetings; CSO constituency side-meetings on EITI, including interactions with MSG representatives; producing EITI Reports; producing materials or conducting analysis on EITI Reports; expressing views related to EITI activities; and expressing views related to natural resource governance.

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| Provision of the EITI civil society protocol | Potential breach identified in the period under review and accompanying evidence  |
| 2.1 Expression: civil society representatives are able to engage in public debates related to the EITI process and express opinions about the EITI process without restraint, coercion or reprisal. | In accordance with the *Report of the Analysis of the civic space in Colombia within the EITI Validation process (2019-2022):** Current legal framework on citizen participation matters promotes this right, as well as the protection of human-rights leaders and organisations. There are no rules prohibiting or restraining any means of expression.
* However, the existence of a rule has not been enough. Its implementation has not been efficient, rules are diverse and scattered, and they are not well coordinated. People in charge of them do not know them in depth. There is a disconnect between the rules and territorial realities.

To evaluate specific cases, please refer to the document. |
| 2.2 Operation: civil society representatives are able to operate freely in relation to the EITI process.  | In accordance with the *Report of the Analysis of the civic space in Colombia within the EITI Validation process (2019-2022):** No identification was made of legal obstacles or administrative or judicial measures that, under the terms of the Protocol, prohibit and/or penalise the creation, registration and operation of social organisations, or pointing to the existence of such organisations as a threat.
* Potential restrictions have been identified that link specifically to the obligation for civil society organisations of contributing 30% of the budget value to be able to contract with public entities. (Executive Order 092 of 2017).

To evaluate specific cases, please refer to the document. |
| 2.3 Association: civil society representatives are able to communicate and cooperate with each other regarding the EITI process.  | * No evidence was found of legal restrictions that may affect the capacity of civil society representatives to communicate with each other regarding EITI Colombia, or that may affect natural resources governance.
* Practical restrictions were found that affect the relationships sought with grassroots organisations:
	+ The national violence context against environmental leaders in Colombia has caused fear or resistance from certain organisations (that are not members of the MSG nor of the CS Board) to get involved in EITI related topics. We have evidence, for example, that communities and grassroots organisations in Santander have expressed a lack of interest to participate in Sub-national EITI related conversations due to the conflicting situation in the territory. This has caused an increase in the threats against social leaders from the unlawful armed groups.
	+ There is a lack of interest of grassroots organisations to participate in this kind of initiatives since they do not find added value for their territories. That is, how this initiative can change relationships among the various actors.
	+ There are high levels of rejection against the EITI Colombia process due to the relationship existing between industry, government and civil society. Several civil society organisations consider that with their participation in this kind of initiatives they validate the positions and behaviour of the State and industry, positions and behaviour that they reject.
	+ Furthermore, their participation in these public dialogue spaces communicating the position vis à vis the industry, makes the work of social leaders more visible and therefore, the risk of threats increases.

Also identified were certain limitations associated to the lack of capacity of civil society organisations that are not of a national nature, to join in Colombia’s EITI conversations and/or for natural resource governance, and the lack of will and capacity of the Government from Colombia’s EITI to effectively include grassroots organisations (these topics are dealt with in depth in the Engagement section).  |
| 2.4 Engagement: civil society representatives are able to be fully, actively and effectively engaged in the design, implementation, monitoring and evaluation of the EITI process. | * Engagement has not been ensured since there is a limited and restrictive view of civil society engagement:
	+ There is the idea that civil society engagement in EITI is wearing out and is enough to have the organisations that are members of the board. The board has constantly stated that the representation they have refers to the mandate granted by the set of organisations in this constituency, but it is not a representation of the entire national civil society related to natural resource matters. No additional efforts are undertaken by Colombia’s EITI to include other views.
* Traditionally, from the Colombia’s EITI process the information “communication” approach has prevailed instead of conducting a process of informed and participative dialogue, thus limiting a broader participation of civil society:
	+ There are no sufficient tools to reduce asymmetries of knowledge among the actors involved, and in many cases, the access to and the appropriation of information by civil society is not ensured.
* There is also a lack of guarantees in the calls for meetings for a timely participation:
	+ For EITI Sub-nationals, the convening capacity must be strengthened, since calls are not timely issued thus not achieving wide coverage to involve different views from civil society on natural resources governance.
* We identify a lack of capacity and resources in civil society organisations that are not of a national nature to engage in Colombia’s EITI conversations and/or in the governance of natural resources.
	+ Grassroots organisations (or first level organisations) do not have this capacity or infrastructure in spite of the fact that they play an essential role in the governance of natural resources in their territories.
	+ Regarding the association with indigenous, afro, and gender approach organisations, only an attempt of contact by the civil society board with ONIC and Akubadaura was identified. However, because of the agenda their engagement with the board has not materialised yet.
	+ Gradual but slow progress is evident in the territorial engagement from Sub-national EITI, only covering four territories in nine years of Colombia’s EITI operation (progress can be seen only in two of them). Initially, with the World Bank Project, more territories were expected to be reached but to this date the process has only started with the territories mentioned above.
* A lack of will and capacity of the Government from Colombia’s EITI to engage grassroots organisations in a more effective manner is identified.
	+ Notwithstanding, the efforts to move forward Sub-national EITI pilots in Cesar, Boyacá, Santander, and Casanare are acknowledged; also, it has been pointed out that such efforts have not been enough to maintain conversations with these organisations and community leaders.
* Civil society interests and positions are not reflected on the board nor before the MSG. Specifically, no efforts from the Colombia’s EITI Government and industry members have been seen to acknowledge armed conflict and how it relates to engagement risks, nor the relationship of the Peace Accords to the investment of resources deriving from extractive industries.

For more details about these findings and to evaluate specific cases, refer to the *Report of the Analysis of the civic space in Colombia within the EITI Validation process (2019-2022).* |
| 2.5 Access to public decision-making: civil society representatives are able to speak freely on transparency and natural resources governance and ensure that EITI contributes to public debate.  | * EITI has not been an information source used to generate the sector public policies both, because of the low level of incidence that manage to have the civil society representatives and also because of the type of use that can be given to this information.
* EITI was not consulted in the process to reform the Royalties General System (SGR) in 2020, nor for the approval of the 1519 Resolution in 2020 on standards and guidelines for the publication of information of the public sector pursuant to the Transparency Law.
* Reports do not disaggregate territorial information but only national information. Therefore, this is the reason why in the various regions there are many topics that are not understood, such as: the royalty revenues that pertain to them, which companies make this contribution and how to monitor this locally, which are the authorities to be contacted for assistance, and which are the information access routes.
* It is very difficult for local or first level organisations that may or may not be part of the Board, to have access and understand and use this information, since they do not have the capacity to use the information reported within the EITI framework.

For more details about these findings and to evaluate specific cases, refer to the *Report of the Analysis of the civic space in Colombia within the EITI Validation process (2019-2022).* |

## Sign-off

**7. Please include below the names and contact details of the MSG members from the civil society constituency who sign off on submitting the above information to the Validation team. Add rows if needed.**

|  |  |  |  |
| --- | --- | --- | --- |
| Name | Email address or telephone number | Date | Signature (optional) |
| Andrés Hernandez | andres.hernandez@transparenciacolombia.org.co | 29 September 2022  |  |
| Isabel Blandón | direccionejecutiva@atabaque.org | 29 September 2022 |  |
| Álvaro Jimenez | direccion@crudotransparente.com | 29 September 2022 |  |

# List of stakeholders suggested by the MSG for consultations regarding EITI implementation during Validation

The MSG is required to provide a list of different stakeholders whose opinions would enrich the Validation procedure. The list should include stakeholders outside the MSG from different constituencies: government, industry and civil society. This list will be an important input for the Validation team to prepare and programme consultations. The data will be processed according to GDPR regulations.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Name | Institution | Constituency | Email  | Telephone (if possible) |
|  |  |  |  |  |

**Note: please review the Excel file enclosed**

# For the Validation team’s use: Guiding questions for consultations about stakeholders’ engagement

* What are the key strengths of the constituency’s engagement in EITI?
* Obstacles or barriers to participation in the EITI, including related to any of the provisions of the civil society protocol?
* Did actors from other constituencies intended to influence the MSG nomination process or constituency coordination?
* Which are the constituency’s (or the organization’s) priorities for EITI?
* To what extent are the constituency’s or organization’s priorities reflected in EITI implementation?
* Are other constituencies fully, actively and effectively engaged in EITI implementation?
* Other remarks, including commentary on the MSG’s functioning.
* For stakeholders not on the MSG: Commentary on opportunities to provide input to MSG’s work or agenda. Commentary on the representativeness of constituency MSG members, possible conflicts of interest and the openness of the MSG nomination process.
* Context specific questions arising from the written input, to clarify or seek further information.

# For the Validation team: Template for “Call for views on stakeholder engagement”

**Call for views on progress in EITI implementation in [country]**

[Summary of status implementation, including the commencement date of Validation and the outcome of the previous validation]

The EITI International Secretariat is seeking stakeholders’ views on [Country’s] progress in implementing the EITI Standard between [period under review]. Stakeholders are requested to send views to [contact of Validation team members] by [Validation commencement date].

The EITI Standard requires that the government, extractive companies and civil society are fully, actively and effectively engaged in EITI implementation. The Secretariat is seeking views on the following questions:

1. Are the government, extractive companies and civil society fully, actively and effectively engaged in EITI implementation?
2. Are there any obstacles or barriers to the participation of any of these constituencies or their sub-groups in EITI implementation?

Civil society engagement in the EITI will be assessed in accordance with EITI Protocol: Participation of civil society. Stakeholders are requested to provide input on [Country’s] adherence with the protocol.

Any concerns related to potential breaches of the protocol should be accompanied with a description of the related incident, including its timing, actors involved and the link to the EITI process. If available, supporting documentation should be provided. Stakeholders may also indicate which provision of the civil society protocol they consider the breach(es) to relate to. Responses will be anonymised and be kept confidential.

The Secretariat is seeking views on the following questions related to civil society engagement:

1. Are civil society organisations able to engage in public debate related to the EITI process and express opinions about the EITI process without restraint, coercion or reprisal?
2. Are civil society representatives able to operate freely in relation to the EITI process?
3. Are civil society representatives able to communicate and cooperate with each other regarding the EITI process?
4. Are civil society representatives able to be fully, actively and effectively engaged in the design, implementation, monitoring and evaluation of the EITI process?
5. Are civil society representatives able to speak freely on transparency and natural resource governance issues, and ensure that the EITI contributes to public debate?

For purposes of the protocol, ‘civil society representatives’ refer to civil society representatives who are substantively involved in the EITI process, including but not limited to members of the multi-stakeholder group. The ‘EITI process’ refers to activities related to preparing for EITI sign-up; MSG meetings; CSO constituency side-meetings on EITI, including interactions with MSG representatives; producing EITI Reports; producing materials or conducting analysis on EITI Reports; expressing views related to EITI activities; and expressing views related to natural resource governance.