

ANNEX G: Terms of Reference of the Mongolia EITI Council

National Council on Arrangement and Monitoring of Implementation of the Extractive Industries Transparency Initiative Working Group

Terms of Reference of the National Council charged with the duty to Arrange and Monitor the Implementation of the Extractive Industries Transparency Initiative

Ulaanbaatar 2006

Considered and approved at the May 12, 2006 meeting of the National Council

Terms of Reference of the National Council charged with the duty to Arrange and Monitor the Implementation of the Extractive Industries Transparency Initiative

One. General provisions

1. The National Council (hereinafter referred to as the Council) charged with the duty to arrange and monitor the implementation of the Extractive Industries Transparency Initiative (hereinafter referred to as the initiative) is the consultation entity with equal representation of state, producers, and NGOs.
2. The objective of the National Council is to establish the basic principles and political, legal, and institutional framework for implementing the initiative.
3. The basic form of the National Council's work shall be a meeting.

Two. Organization of the National Council

4. The Chairman of the National Council shall be the Prime Minister of Mongolia.
5. During the absence of the Prime Minister, any member of the National Council nominated by the Prime Minister shall chair meetings of the Council and coordinate Council's work during the recession of the meeting.
6. The National Council shall consist of an equal tri-partied representation of the state institutions such as Heads of the Parliament, Minister, Ministry, and agencies; mining operators; and civil society and NGOs. The composition of the National Council shall be approved by a Cabinet resolution.
7. The Secretary of the National Council shall be the Head of the working group. The Secretary of the National Council shall exercise rights and bear obligations akin to a Council member.
8. The National Council shall, when required, convene a meeting upon consent of the Chairman and/or, in his/her absence, a substitute member. The Secretary of the National Council shall provide for the preparation of the meeting.

9. An agenda of a Council meeting shall be presented to the Chairman and/or, in his/her absence, a substitute member and sent to members in writing at least 2 days prior to the meeting.
10. The Council meeting shall start upon majority of members attends the meeting. Upon consent of the Chairman and/or, in his/her absence, a substitute member a member can submit his/her proposal in writing.
11. Minutes of the Council meeting shall be prepared. Any member of the working group shall be keeping the minutes of the Council meeting. The minutes shall be validated upon the Secretary of the Council signing them.
12. The National Council shall be employing a working group under it. The composition of the working group shall be approved under the Prime Minister's ordinance. The working group shall be comprised of representation of the state, businesses, and NGOs.
13. Any matter related to the implementation of the initiative shall be formulated at the working group and presented to the National Council after consideration at the working group meeting.
14. A member of the National Council shall exercise a right to propose a matter for consideration at the Council meeting and to express his/her opinion regarding a matter. The member proposing a matter for consideration at the Council meeting shall submit documents to the Secretary of the council to include in the agenda and send out to members.
15. The National Council may set up an expertise group comprised of researchers, specialists, and consultants to review matters related to the implementation of the initiative and obtain an opinion.

Three. Agenda of the National Council meeting

16. Guidelines on formulating legislation and draft resolutions on the EITI;
17. Projects prepared by the working group in relation with the implementation of the EITI Update and proposals by ministers and heads of agencies in relation with the implementation of the EITI;
18. Terms of Reference of the National council, reports and update by the working group;
19. Other issues assumed to have the need to be on the agenda.

Four. Oversight by the National Council

20. The National Council shall update its members on its decisions and execution of its tasks, if required, put on the agenda of a meeting, and during the recession of the meeting, the Chairman shall be providing guidelines.
21. Council members and the working group shall be monitoring the execution of Council's decisions and actions of institutions and officials implementing the EITI.

22. The Chairman and members of the Council may get update, on the working group's action progress and execution toward implementing the EITI and take actions to intensify the progress.

Five. Other

23. The Cabinet Secretariat and administration unit shall bear stationary expenses of the National Council.
24. The National Council shall be using letterheads, stamps, and seals of the Cabinet and Cabinet Secretariat.