



Fisheries
Transparency
Initiative



Guidance Note #1

Implementing the sign-up steps

31 October 2019

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Introduction

The purpose of this Guidance Note is to provide practical guidance to countries intending to implement the FiTI on how to complete the requirements set out in Part I, Section A of the FiTI Standard (the sign-up steps).¹

According to the FiTI Standard, the overall implementation process is based on three main stages:

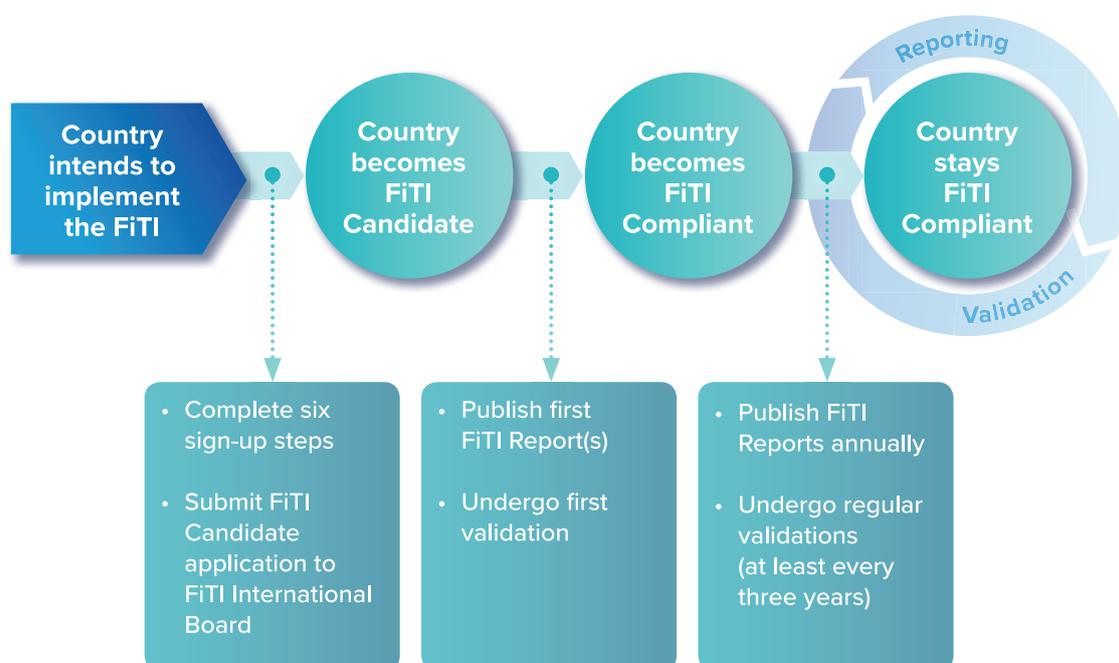


Figure 1: From intention to FiTI Candidate country to FiTI Compliant country

¹ This Guidance Note reflects input and recommendations of fisheries and governance experts from governments, business and civil society. Furthermore, good practices from other multi-stakeholder transparency initiatives, most notably the Extractive Industries Transparency Initiative (EITI) and the Construction Sector Transparency Initiative (CoST), have been integrated. The Guidance Note also incorporates recommendations and lessons learned from studies which have analysed the functioning of multi-stakeholder transparency initiatives and identified issues that merit improvement.

The sign-up steps

The FiTI Standard lists six requirements (sign-up steps) that countries intending to implement the FiTI must adhere to.

- ▶ **Step 1: Public Commitment**
- ▶ **Step 2: Enabling Environment for Stakeholder Participation**
- ▶ **Step 3: FiTI Lead Ministry and FiTI National Lead**
- ▶ **Step 4: FiTI National Multi-Stakeholder Group**
- ▶ **Step 5: FiTI National Secretariat**
- ▶ **Step 6: Workplan**



When a country has completed these requirements, and wishes to be recognised as a FiTI Candidate, the government must submit a FiTI Candidature Application to the FiTI International Board².

As part of this Guidance Note, the main objectives for each requirement are stated (*what needs to be achieved*). In order to further elaborate on the objective, short descriptions of its purpose and relevance are provided. Countries are free to choose different implementation activities to reach the objectives of each FiTI Requirement.

Further support

The FiTI International Secretariat works closely with countries to clarify any outstanding issues and, upon request, provide further clarification or guidance regarding the completion of the sign-up steps.

² The FiTI International Board is the global oversight body of the FiTI. The FiTI International Board oversees the activities of the FiTI through regular Board meetings, committee meetings and more frequent Board circulars. The FiTI International Board is represented by the FiTI Chair.

Public Commitment

FiTI Standard: Requirement A.1

The government must make a clear public statement that it intends to implement the FiTI. This public statement must be made by the head of state or government, or an appropriately delegated government representative. It must be published in writing.

The FiTI requires a strong, explicit and visible commitment from the country's government to work with civil society and businesses and create or maintain the necessary enabling conditions for a trust-based collaboration. This includes not only high-level political support, but also that necessary resources are provided for implementing the FiTI in the country. **Governments carry the primary responsibility for financially securing the viability of the national FiTI implementation process.**³

The purpose of the public statement is to enable the government to publicly commit to implementing the FiTI as well as to demonstrate to all stakeholders the government's political will and sincere intention to engage in the FiTI process. It also serves to announce the initiative to a broad audience, including relevant stakeholders for the FiTI National Multi-Stakeholder Group ([Step 4](#)). This requirement underscores the FiTI's characteristic of being a country-led initiative and that national ownership of the FiTI process is crucial.

Guidance for implementing this requirement

- In case the public statement is initially made in an oral form, for example as a speech at a formal FiTI launch event, the public statement must be followed by an **official written record**, such as a press release.
- The public statement should be **translated** into all the official languages of the country.
- The public statement should be **publicised through diverse media outlets**, such as radio, television, online and print media. It can be placed on the country's dedicated FiTI website, if applicable.
- The statement can also **indicate measures and actions** the government intends to take to meet the FiTI Requirements, including ensuring high-level political support.
- A copy of the public statement should be sent to the **FiTI International Secretariat as part of the candidate application**.

³ This does not preclude the possibility to raise funds from third parties, such as international organisations or donors.

Step 2

Enabling Environment for Stakeholder Participation

FiTI Standard: Requirement A.2

The government must commit to work with civil society and business on the implementation of the FiTI. For this, the government must ensure that there is an enabling environment for business and civil society participation with regard to relevant laws, regulations, and administrative rules as well as actual practice in implementation of the FiTI. Such an enabling environment for stakeholder participation entails that relevant stakeholders, including but not limited to Members of the National Multi-Stakeholder Group, must be able to:

- i. engage in the public debate related to the FiTI;
- ii. express their opinions about the FiTI without restraint, coercion or reprisal;
- iii. operate freely in relation to the FiTI;
- iv. communicate and cooperate with each other regarding the FiTI;
- v. engage fully, actively and effectively in the design, implementation, monitoring and evaluation of the FiTI; and
- vi. speak freely on fisheries governance issues.

The FiTI Principles emphasise that multi-stakeholder participation is a key cornerstone of the initiative. The purpose of this commitment is to ensure that the FiTI is understood and enabled to operate as a multi-stakeholder initiative, recognising civil society and business (including large-scale and small-scale fisheries actors) as equal partners in the FiTI national implementation alongside the government.

Guidance for implementing this requirement

While recognising that such an enabling environment may look different across countries, there are five key aspects that can give governments guidance on how to demonstrate that it has ensured an enabling environment for stakeholder participation.

- **Expression:** Stakeholder representatives are able to engage in public debate related to the FiTI and express opinions about the FiTI without restraint, coercion or reprisal. For example:
 - Stakeholder representatives are able to speak freely in public about the FiTI process including for example during National Multi-Stakeholder Group (MSG) meetings, FiTI events including for the promulgation of FiTI Reports, public events, in the media, etc.
 - Actual practice, including diverse stakeholder views or substantive evidence provided by independent third parties, indicates that no self-censorship or self-imposed restriction by stakeholder representatives has taken place related to the FiTI due to fear of reprisal and no such barriers have impacted stakeholder representatives' dissemination of information and public comment on the FiTI process.
- **Operation:** Stakeholder representatives are able to operate freely in relation to the FiTI process. For example:
 - There are no legal, regulatory or administrative obstacles affecting the ability of stakeholder representatives to participate in the FiTI process. This could include legal or administrative procedures related to the registration of civil society organisations or small-scale fishers and their organisations that have adversely affected their ability to participate in the FiTI process; legal or administrative restrictions on access to funding that have prevented civil society organisations or small-scale fishers and their organisations from undertaking work related to the FiTI process; legal or administrative issues preventing civil society organisations or small-scale fishers and their organisations from holding meetings related to the FiTI process, legal or administrative barriers to the dissemination of information and public comment on the FiTI process, etc.
 - The fundamental rights of stakeholder representatives have not been restricted in relation to the implementation of the FiTI process, such as restrictions on freedom of expression or freedom of movement.
- **Association:** Stakeholder representatives are able to communicate and cooperate with each other regarding the FiTI process. For example:
 - Representatives of a stakeholder group in the National Multi-Stakeholder Group (see [Step 4](#)) may seek and are not restricted from engaging with other stakeholders who are not part of the National MSG, including collecting their input for National MSG discussions and communicating outcomes of National MSG deliberations.
 - Formal or informal communication channels between National MSG members and their wider constituency have not been restricted.

- National MSG representatives have not been restricted from engaging in outreach to broader civil society, including related to discussions about National MSG representation and the FiTI.
- **Engagement:** Stakeholder representatives are able to be fully, actively and effectively engaged in the design, implementation, monitoring and evaluation of the FiTI process. For example:
 - Stakeholder representatives are able to contribute fully and provide input to the FiTI. This could for example include input and advocacy related to key National MSG deliberations on issues such as workplan objectives and activities, the scope of the FiTI reporting process, approval of FiTI Reports, validation, etc. It could also include evidence that stakeholders are regularly participating in National MSG meetings, National MSG working groups and other FiTI events, and that the views of stakeholders are taken into account and documented in National MSG meeting minutes.
 - Stakeholders consider that they have adequate capacity to participate in the FiTI. This should include evidence that technical, financial or other capacity constraints affecting stakeholders have been considered and that plans for addressing such constraints have been agreed upon and/or effectuated including by providing access to capacity building or resources.
- **Access to public decision-making:** Stakeholder representatives are able to speak freely on transparency and marine fisheries governance issues, and ensure that the FiTI contributes to public debate. For example:
 - Stakeholder representatives are able to use the FiTI process to promote public debate, for example, through public events, workshops and conferences organised by or with participation of civil society or small-scale fisheries associations to inform the public about the FiTI.
 - Stakeholder representatives are able to engage in activities and debates about marine fisheries governance, for example, conducting analysis and advocacy on marine fisheries issues, use of FiTI data, engagement with media outlets, development of tools to communicate the findings of the FiTI Reports.

Step 3

FiTI Lead Ministry and FiTI National Lead

FiTI Standard: Requirement A.3

The government must designate a ministry to lead the FiTI implementation.

The government must appoint a senior government official from this ministry to lead the implementation of the FiTI in the country. This official, referred to as the FiTI National Lead, should have the confidence of all stakeholders, the authority and freedom to coordinate action on the FiTI implementation across relevant ministries and agencies, and be able to mobilise resources for the FiTI implementation.

The appointment must be publicly announced.

The FiTI is a country-centred initiative. The intention to join and the responsibility to implement the FiTI must come from a country's government. Therefore, roles and responsibilities need to be assigned within the government to lead this process. The purpose of appointing a senior official as the **FiTI National Lead** is to ensure that FiTI has continuous high-level political support and the necessary resources beyond the initial public statement. The FiTI National Lead represents the government's responsibility for implementing the initiative in line with the FiTI Standard.

Guidance for implementing this requirement

- **The FiTI Lead Ministry** does not necessarily have to be directly related to fisheries, but can also be another ministerial body (e.g. Ministry of Finance, Ministry of Economic Development) or directly located in the President's or Prime Minister's office. It is important that the FiTI Lead Ministry has the appropriate powers and resources to lead the FiTI implementation.
- **The FiTI National Lead** should be active in office and not retired. Furthermore, the FiTI National Lead has to conduct a variety of activities to coordinate the FiTI implementation across relevant ministries and agencies, including (but not limited to):
 - Mobilising political and financial support for the FiTI implementation;
 - Coordinating the process of establishing a FiTI National Multi-Stakeholder Group;
 - Coordinating the establishment of the FiTI National Secretariat⁴;
 - Coordinating action on the FiTI across relevant ministries and agencies;
 - Representing the country vis-à-vis the FiTI International Board.
- The FiTI National Lead may also chair the FiTI National Multi-Stakeholder Group.

4 The FiTI National Secretariat will also support the FiTI National Lead in conducting her or his responsibilities.

Step 4

FiTI National Multi-Stakeholder Group

FiTI Standard: Requirement A.4

The government must establish a FiTI National Multi-Stakeholder Group (hereafter National MSG) to oversee the implementation of the FiTI (Section B [of the FiTI Standard]).

The FiTI National Lead must coordinate the establishment of the National MSG. In establishing the National MSG, the government must ensure that:

- i. the National MSG comprises of representatives from three stakeholder groups:
 - government (which may also include parliamentarians);
 - business (including large-scale fisheries and small-scale fisheries associations); and
 - organised civil society (including independent civil society groups and other civil society such as the academia, media and unions).
- ii. the invitation to participate in the National MSG is open and made public.
- iii. each stakeholder group has the right to identify and nominate its own representatives through a process that is independent and free from any suggestion of coercion. It is encouraged that the nomination process considers the desirability of pluralistic and diverse representation.
- iv. the three stakeholder groups in the National MSG are represented equally.
- v. senior government officials are represented on the National MSG.

Representatives from government, business and organised civil society must be appropriately qualified and fully, actively and effectively engaged in the FiTI.

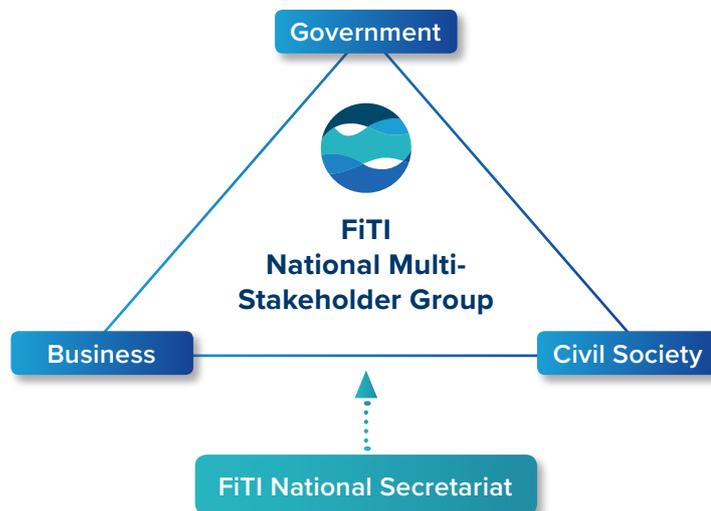
Representatives from organised civil society must be operationally, and in policy terms, independent from government and/or business.

The National MSG must agree on clear, formally documented, public and accessible Terms of Reference (ToR) for its work. The ToR must contain a set of minimum provisions as set out in the *Guidance Note for countries intending to implement the FiTI*.

The government may consider establishing a legal basis for the National MSG.

The **multi-stakeholder approach** is the defining characteristic of the FiTI. It reflects how the initiative is implemented and governed. The FiTI brings together representatives from three stakeholder groups, i.e. government, business and civil society, working jointly as a group to steer and oversee the implementation of the national FiTI process in a country. Having the support of a broad range of actors and reconciling their often-diverging perspectives through deliberation increases the legitimacy of the outputs. Furthermore, the multi-stakeholder approach creates momentum for change as it allows for the development of solutions that reflect and incorporate the concerns of the main stakeholder groups and that are broadly supported.

Each country intending to implement the FiTI must establish a dedicated National Multi-Stakeholder Group. This group is the main national decision-making body in charge of applying the global FiTI Standard to the national context and overseeing its implementation.



Major responsibilities of a FiTI National Multi-Stakeholder Group:

- Determining the country’s annual FiTI Workplan
- Producing annual FiTI Reports that provide an assessment on the accessibility and completeness of information in the public domain for all transparency requirements set forth in the FiTI Standard (Part I, section B.1)
- Making recommendations on how to improve information published by national authorities
- Contributing to public debates on how the fisheries sector is managed

Figure 2: FiTI National Multi-Stakeholder Group

The aim of adequately representing stakeholders in the FiTI National MSG is to ensure that a diverse set of interests is represented. As a general principle for the FiTI, each National MSG consists of three stakeholder groups (government, business, civil society). Each stakeholder group is treated as an equal partner. The representation should reflect the composition of the country's fisheries sector, with a balanced distribution within each stakeholder group.

Given its central role in the process, it is crucial that the National MSG is perceived as legitimate and as having integrity from the start of the implementation process. Otherwise, the credibility of the national FiTI implementation process as a whole may be jeopardised. Following an open and transparent process in establishing the National MSG also demonstrates that the government is willing to work with all appropriate stakeholders and is not pre-selecting or handpicking some groups or restricting the access of others. It also ensures that a diverse set of stakeholders will become aware of the FiTI and be interested in participating in the initiative, creating a strong pool of potential candidates from which National MSG Members can be nominated.

The legitimacy and therefore the acceptance of the country's FiTI implementation depends significantly on establishing an effective and diverse National Multi-Stakeholder Group.

Guidance for implementing this requirement

Reaching out to stakeholders:

- Stakeholders involved must be relevant to the primary focus of the FiTI on increasing transparency regarding “access to marine fisheries”⁵ as follows:
 - **Government stakeholder group:** Including, but not limited to, relevant governmental ministries (fisheries, environment, development, etc.), fishing access licensing bodies, government scientific and statistical data collection bodies, financial institutions (e.g. central bank), governmental institutions working on maritime issues (e.g. maritime monitoring and surveillance), other relevant government entities (e.g. revenue collecting agencies), parliamentarians, Regional Fisheries Organisations of direct relevance to the country, and where appropriate representatives of respective institutions at the international, sub-national and local level.
 - **Business stakeholder group:** Including, but not limited to, national and international commercial fishing companies, small-scale fisheries associations, recreational fishing providers.
 - **Civil Society stakeholder group:** Including, but not limited to, civil society organisations that work primarily on fisheries, as well as those focussing on environmental protection, climate change, or wider integrity issues. Furthermore, representatives from the academic community as well as the media should be involved.

5 The initial focus of the FiTI Reporting scope targets “access to marine fisheries”, which includes regular information on tenure arrangements, large-scale fisheries, and small-scale fisheries. In addition, contextual information on broader industry aspects, such as the post-harvest sector or fisheries-related subsidies is included biannually in national FiTI Reports.

- A **public invitation process** to participate in the National MSG can be done by publishing invitations on the national FiTI website, through media announcements, and through any other channels that ensures that as many relevant business and civil society organisations are contact as possible.
- The government (e.g. FiTI National Lead) should organise **informational meetings** for the stakeholder groups, at which it presents the FiTI and invites organisations to participate in the National MSG. For example, the government can:
 - contact the leading organisations from the three stakeholder groups and, with their support and outreach channels, organise FiTI informational meetings;
 - organise a national FiTI launch conference with an open invitation to all interested parties.
- Depending on the context of the country (especially based on the diversity within stakeholder groups), the government should, at an early stage, meet with national **civil society organisations** to discuss the best way for reaching out to all relevant civil society organisations in the country. The same process should be applied to small-scale **fisheries associations**.
- In the process of reaching out to stakeholders, it is important to **provide information about the FiTI** in order to raise the interest of stakeholders. Some stakeholders might have limited budget or time to devote to a new initiative and taking time off work to participate might mean a loss of income. This entails for instance that the government should:
 - provide information on the **objectives, scope, processes and benefits of the FiTI**. It should highlight key aspects of the FiTI, such as equal representation of all stakeholder groups, dialogue and consensus-oriented decision-making. The FiTI International Secretariat provides an information set which can be used and tailored to the national context.
 - **inform about the expected operational procedures for the National MSG** so that stakeholders can better understand the level and kind of commitment they need to make as Members, including the terms and conditions, the roles and responsibilities, the level of effort and the cost. At this point in the process, such information can only be preliminary. The exact operational Terms of Reference (ToR) need to be determined at a later point by the National MSG Members themselves.
- It is important to reach out to **diverse types of organisations within each stakeholder group**, in order to ensure multiple perspectives within the National MSG. Only when diverse perspectives are reflected the FiTI process will be perceived as relevant and credible. Within each stakeholder group, the government should also ensure a diverse **geographical representation** (if applicable). This is especially the case in countries with large territory or in federal countries where preserving the balance between regions is a consideration. The government has to make extra effort for reaching out to stakeholders from relevant remote communities, e.g. from **islands or in remote coastal areas** (if applicable). This may also require translations of information material or the use of additional communication channels.
- Within each stakeholder group, attention should be paid to **gender diversity**.

- The government may consider the commission of a **stakeholder assessment study** to map out the stakeholder landscape and identify the relevant organisations to be invited. Instead of a separate activity, such a stakeholder assessment may be included in an initial baseline survey (see [Step 6](#)).

Establishing the key parameters for the National MSG:

- The government should determine the **initial size of the overall National MSG**. The size refers to the distribution of Members (i.e. stakeholder representatives, officially referred to as National MSG Members) among the three stakeholder groups. The size of the country's National MSG should be determined:
 - by **considering** the need for **adequate representation of all three stakeholder groups**, while keeping the group to a size that allows for efficient operations⁶;
 - in **consultation** with representatives from the stakeholder groups and other sources, such as the FiTI International Secretariat and other countries implementing the FiTI.

The justification for the decision has to be documented and made public.

- Following the spirit of the FiTI in establishing an inclusive decision-making process where all stakeholder groups are seen as equal partners, one way of dividing the overall size of the National MSG among the three stakeholder groups is to assign **equal shares of one-third for each group**. Each stakeholder group then nominates and appoints the same number of representatives (i.e. Members) to the National MSG.⁷
- Each stakeholder group should strive to **distribute its allocated number of Members** in a way that reflects the makeup of its constituency (see above).
- **Consensus** is the preferred mode of decision-making within the National MSG. Thus, Members of the National MSG should use a deliberative and inclusive process until they reach decisions that are acceptable to all participants. Experiences from other global transparency initiatives show that consensus ensures ownership and sustainability of decisions. Voting is, therefore, reserved only for exceptional situations where consensus cannot be reached.
- Experts may be invited to the National MSG as general **observers** or in a form deemed appropriate, but without voting rights. This may include representatives from international organisations, civil society organisations, international professional organisations, technical agencies, donor organisations, individual national or international experts and other relevant partners.
- The **list of current Members of the National MSG must be made publicly avail-**

6 A high number of Members may be needed in cases where there is a diverse set of interests within a stakeholder group in order to enable a more balanced reflection of the configuration of the stakeholder constituency.

7 Countries can deviate from a numerically equal representation of the three stakeholder groups. For example, in case where there are a very large number and diversity of fisheries companies, where there are numerous government agencies involved, or a diverse civil society working on fisheries industry related issues, it may be necessary to include more business, government or civil society representatives. However, this unequal distribution of stakeholder representatives must not impact the principle of equal voting rights among the three stakeholder groups.

able, including Member names, organisational affiliation, the stakeholder group they represent, and some method for contacting Members. Contact details may be kept confidential for privacy reasons, but some information should be published to enable communication with National MSG Members, or through a generic contact point.

Conducting the nomination process:

- The process of nominating and appointing representatives to the National MSG is a crucial activity, especially when conducted for the first time. When conducting this process for the first time, the government should support each stakeholder group by providing relevant information (e.g. statistics about the composition of the sector). Furthermore, **nomination guidelines**⁸ can be established to reduce any perception of ambiguity or unfairness of the process. Such guidelines can be either determined by each stakeholder group, or proposed by the government (after consultation with key representatives from the stakeholder groups).
- It is paramount for a successful implementation of the FiTI that each stakeholder group is **empowered, free and capable to identify, nominate and appoint its own Members**. The government ensures that within this process, each stakeholder group (especially business and civil society):
 - has the freedom to determine independently the *modalities* of its own nomination procedure;
 - has the freedom to conduct their own *nomination procedure* independently⁹; and
 - has the freedom to *appoint their own Members* for the National MSG.
- Each stakeholder group is invited to seek its own **external support or facilitator** for this process. In cases where a stakeholder group encounters **difficulties in nominating its representatives** within a reasonable timeframe, the government should provide an independent external facilitator.
- It is important that each stakeholder group nominates Members (and Alternates) who **reflect the diversity of their respective sector**. This contributes to an overall adequate representation, which is especially relevant in countries where there is:
 - a diversity of company types in the fisheries sector (e.g. large-scale vs. small-scale fishing companies; recreational fishing providers; companies specialising in catching specific fish species or using specific fishing methods);
 - a large number of government agencies and bodies involved in the governance of the fisheries sector or a federal structure of the country that requires the inclusion of sub-national institutions;
 - a diverse civil society engaged in issues of transparency and fisheries; and
 - geographical diversity.

8 For example, it may be considered whether an active in-country presence is a prerequisite for participation in the nomination process.

9 It can be assumed that representatives for the government stakeholder groups are directly appointed through an inter-ministerial process, overseen by the FiTI National Lead.

- The process of nominating Members (and Alternates) of the National MSG should be **documented and made public** for each stakeholder group.
- The National MSG has to make important – and often technical – decisions **concerning the implementation of the global FiTI Standard in the national context**.¹⁰ The appropriate qualification of Members representing their stakeholder group (both in terms of technical expertise needed as well as time commitments) is therefore a crucial success factor¹¹. Appropriate qualification should be understood to include:
 - *Technical expertise*, which stems primarily from the scope of the FiTI, which is on “access to marine fisheries”. For instance, National MSG Members whose expertise is solely on aquaculture may not contribute fully to necessary discussions within the National MSG.
 - *Time commitment*, which is an important – and often limiting – factor for representatives. A reimbursement policy, including regulations on whether per diems will be provided to compensate representatives for their expenses incurred through their participation in the National MSG, must be part of the Terms of Reference of the National MSG.

Providing Terms of Reference (ToR):

- Effective implementation and oversight of the FiTI process requires a robust National MSG that is guided by **clear, comprehensive governance rules and procedures**.
- The development of these procedures (i.e. Terms of Reference) provides the **first opportunity for the National MSG to work together** and to establish trust and goodwill amongst the National MSG Members.
- Failure to agree on such Terms of Reference at the beginning of the implementation can create problems in the long term as unclear rules and informal practices can put into question the legitimacy of decisions taken by the National MSG and jeopardise the entire FiTI process. Therefore, it is important that the National MSG takes time as a first priority to establish clear, formally-documented, public and accessible ToR as a **solid foundation** for its future work.
- Prior to establishing the Terms of Reference, it should be ensured that all Members **understand the FiTIs key underlying principles and governance procedures**, including, but not limited to, the FiTI Principles, the FiTI Standard and this Guidance Note. If necessary, a training session may be conducted to familiarise each Member (or even stakeholder group) with these provisions.
- It is important that all National MSG Members take part in the discussions of the draft Terms of Reference in order to demonstrate the spirit of an **inclusive and deliberative process**.

¹⁰ This includes for example the definition of small-scale fisheries, referencing to the definition of Article 2.4 of the “Voluntary Guidelines for Securing Sustainable Small-Scale Fisheries in the Context of Food Security and Poverty Eradication”, and consistent with the national law.

¹¹ See also “[Synergies with other multi-stakeholder initiatives](#)” below.

- The National MSG is free to develop its own Terms of Reference, tailored to its particular needs and national circumstances. However, **at a minimum, the ToR need to include provisions on the following 13 aspects, as set forth in further detail in Annex I of this Guidance Note:**
 1. Mission and Objectives of [country's] FiTI
 2. Composition of the National Multi-Stakeholder Group
 3. Responsibilities and functions of the National Multi-Stakeholder Group
 4. Nomination and replacement of National Multi-Stakeholder Group Members
 5. Roles and responsibilities of National Multi-Stakeholder Group Members
 6. Chair of the National Multi-Stakeholder Group
 7. Meetings of the National Multi-Stakeholder Group
 8. Decision-making requirements and procedures
 9. Dispute resolution mechanism
 10. FiTI National Secretariat
 11. Other operational policies
 12. Code of Conduct
 13. Amendments to the Terms of Reference
- The FiTI National Lead should provide **draft Terms of Reference** to the National MSG. This task can also be delegated to the FiTI National Secretariat.
- The National MSG may consider liaising with **stakeholders outside of the group** to include external input.
- The National MSG must **adopt and (if necessary) amend the Terms of Reference by consensus**. This ensures ownership of the process by all stakeholder groups.
- Upon their adoption, the Terms of Reference for the National MSG **must be made public**.

FiTI National Secretariat

FiTI Standard: Requirement A.5

The National MSG must establish a properly authorised and resourced FiTI National Secretariat to provide administrative and operational support to the National MSG. The FiTI National Lead must coordinate the establishment of the FiTI National Secretariat.

In case similar secretariats or organisations that support other multi-stakeholder initiatives are already established in the country, the National MSG is encouraged to explore operational synergies.

The National MSG must agree on clear, formally documented, public and accessible Terms of Reference (ToR) for the FiTI National Secretariat.

The FiTI National Secretariat is accountable to the National MSG.

The National MSG requires operational support in order to perform its responsibilities. Such operational support relates not only to the day-to-day administration of the group itself (e.g. organising meetings, providing meeting minutes), but also to supporting the reporting processes, as well as maintaining regular interaction with the FiTI International Secretariat.

A dedicated FiTI National Secretariat is crucial for the implementation of the national FiTI process, as it can have substantial impact on the integrity and quality of the process as a whole. For example, it is important to schedule meetings well in advance in order to allow all National MSG Members, especially those based in remote regions, to prepare for their attendance. Similarly, timely circulation of draft materials enables Members of the National MSG to solicit input from their respective constituencies and participate in the decision-making processes in an informed way.

Guidance for implementing this requirement

- The **responsibilities of the FiTI National Secretariat** include, but are not limited to:
 - Supporting administrative activities of the National MSG as well as the FiTI National Lead;
 - Scheduling, preparing and following-up of National MSG meetings;
 - Drafting the National MSG Workplans and other documents;
 - Providing support with the procurement and administration of external consultant services, if needed (e.g. Report Compiler);
 - Arranging meetings for consultation and dissemination of information;
 - Preparing and implementing the communications/outreach strategy for the National MSG;
 - Supporting the FiTI reporting process (e.g. data collection);
 - Managing the FiTI budget, maintaining up-to-date financial records, preparing annual financial reports, and seeking further funding;
 - Preparing regular FiTI Impact Reports;
 - Maintaining liaison with the FiTI International Secretariat;
 - Supporting international visits.
- The **size and staffing of the FiTI National Secretariat** is highly dependent on the country's own context and complexity. In smaller countries (e.g. Small Island Developing States) or in countries with well-established processes and reporting procedures, it may be sufficient that the FiTI National Lead and the FiTI National MSG are supported by a single person. This may be sufficient for providing administrative support, but additional (external) support may be required to accompany the regular FiTI reporting process. In countries where the FiTI National Secretariat employs multiple employees, a dedicated Head of the National Secretariat should be appointed, subject to approval by the National MSG.
- Regarding the **hosting of the FiTI National Secretariat**, the National MSG should consider the following options:¹²
 - Hosted in government offices (e.g. the FiTI Lead Ministry) and staffed by civil servants;
 - Hosted by the National MSG itself (provided that the National MSG is set up as an independent legal entity);

¹² In deciding where the FiTI National Secretariat should be hosted, the National MSG should consider whether proximity of the National Secretariat to one stakeholder (e.g. government) is seen to threaten considerably its independence. On the contrary, close affiliation can also be associated with significant benefits because it facilitates communication to and relations with relevant government agencies and bodies, often speeding up government cooperation.

- Hosted in the offices of another stakeholder (e.g. industry association or civil society organisation) and staffed by its employees or volunteers assigned from each stakeholder group;
- Outsourced to a third party.
- Depending on the **qualifications of the FiTI National Secretariat staff**, various support activities within the reporting process may be assumed.
- In case of **existing support structures** from other similar multi-stakeholder initiatives, operational synergies should be sought (e.g. sharing office space and infrastructure, or administrative personnel) – see below.
- The primary responsibility for the **funding** of the FiTI National Secretariat lies with the country's government. Funding for the FiTI National Secretariat needs to be allocated in the Workplan ([Step 6](#)).

Synergies with other multi-stakeholder initiatives

Recent years have seen the emergence of several multi-stakeholder initiatives across various industry sectors. These include, inter alia, the Extractive Industries Transparency Initiative (EITI) and the Construction Sector Transparency Initiative (CoST). While each of these industry-specific initiatives has its own unique characteristics, they all share the defining paradigm that transparency is most effective when information is verified through the joint participation of governments, business and organised civil society as equal partners. This multi-stakeholder approach – embodied through National Multi-Stakeholder Groups – is also a core paradigm of the FiTI.

However, countries that are planning to implement the FiTI besides other already existing multi-stakeholder initiatives, such as EITI and CoST, are faced with the obligation to establish National Multi-Stakeholder Groups for each of these initiatives. While each of these initiative yields specific benefits for the country, it also requires commitment and contributions from all relevant stakeholders. Furthermore, while government and industry stakeholders in FiTI would be different from other sectors, some civil society stakeholders may serve in multiple initiatives. Thus, utilising synergies is imperative for countries.

The responsibilities of a National MSG are manifold, ranging from consolidating and disseminating relevant information, contributing to the public debate to determining work areas where the country shows weak performance against the initiative's standards. For this, a National MSG requires operational support in form of a national secretariat. **It is recognised that a national FiTI implementation can benefit from operational and administrative synergies with support structures that are already established for similar multi-stakeholder initiatives, such as EITI. This may include the sharing of administrative personnel, office space and infrastructure.**



However, there are strong **arguments against combining various cross-sectoral National Multi-Stakeholder Groups** or even establishing a single National Multi-Stakeholder Group that would govern all the country's multi-stakeholder activities.

- **Reduced quality, credibility and legitimacy:** Each National MSG has to make fundamental decisions for tailoring, reporting on and promoting the initiative within its own sector and to the general public. For a sector as complex as fisheries, each stakeholder group must therefore provide its own expertise and knowledge. Combining different National MSG would mean that experts from different fields, e.g. oil, gas and mining as well as fisheries, would need to collaborate on technical aspects unrelated to their area of expertise. This would not only negatively impact the quality of decisions and the credibility of the provided information, but would also decrease the legitimacy of the entire group.
- **Operational inefficiencies:** The size of a National MSG is a key defining factor for its efficient operation. For example, too few Members may not demonstrate adequate representation; too many Members may impact effective decision-making. Combining stakeholders from different initiatives would most likely not only reduce the number of representatives for each initiative, but also increase the total number for the overall group. There is a high risk that an enlarged group would result in inefficient processes. For example, combined meetings may run longer and still may not provide sufficient time to discuss detailed industry-specific aspects. This may gradually frustrate participating Members and make the general participation in such multi-stakeholder groups less appealing for stakeholders.
- **Decreased collaboration and trust-building:** The objective of the various transparency multi-stakeholder initiatives is not only to increase transparency, but also to enhance trust among the different stakeholders over time. Combining stakeholders from different industries into one group would most likely not only reduce the total number of industries' representatives, but also reduce opportunities for dialogue and collaboration amongst representatives from different stakeholder groups.

In summary: Countries seeking to implement the FiTI cannot combine the FiTI National Multi-Stakeholder Group with other multi-stakeholder groups from different industries. However, cooperation with other initiatives within the fisheries industry should be explored. Furthermore, operational synergies in the support of various multi-stakeholder groups (e.g. combined National Secretariats) should be pursued.

Workplan

FiTI Standard: Requirement A.6

The National MSG must provide a public Workplan for the country's first reporting period (B.2.2). The first Workplan must:

- i. define objectives for the first reporting period. The primary objective must be to meet the requirements set forth in section B of the FiTI Standard. The National MSG may consider other objectives linked to the FiTI Principles.
- ii. identify constraints in achieving the agreed objectives, stemming from
 - potential capacity constraints in government agencies, business and civil society;
 - potential legal or regulatory obstacles to FiTI implementation;
 - any other obstacles.
- iii. specify activities to achieve the agreed objectives as well as to address the identified constraints. For each activity, the following information must be provided:
 - Responsibility;
 - Timeline, taking into account administrative requirements such as procurement processes and funding;
 - Costs;
 - Funding sources, including domestic and external funding sources and technical assistance, where appropriate.
- iv. state the output(s) for each activity.

It is encouraged that the Workplan reflects input from stakeholders outside of the National MSG. The National MSG is encouraged to conduct an initial baseline survey to inform the design of the national FiTI process and the first Workplan.

The Workplan must be approved by the National MSG.

The Workplan must be made widely available to the public, for example published on a national FiTI website or in places that are easily accessible to the public.

The Workplan of the National MSG forms the foundation for all FiTI activities and ensures that implementation activities are targeted to deliver the results desired by stakeholders.

The National MSG is responsible for providing the Workplan, which sets out *how* the FiTI is being implemented and what issues the FiTI Process will focus on.

The Workplan has to be reviewed in detail and entirely every year in order to avoid stagnation and complacency. FiTI should be a process of continual improvement; therefore, the Workplan should be treated as a living document. In fact, for the Workplan to be useful as a management tool, the National MSG is advised to consider more regular updates and revisions. The National MSG could, for example, agree to revisit briefly the Workplan during each of its meetings to take stock of progress.

Guidance on implementing this requirement

- The development of a **draft Workplan** can be delegated to a committee of the National MSG, or to the FiTI National Secretariat.
- The provision of a Workplan requires – among other things – a sound understanding of the country’s stakeholders, its legal framework, data availability and quality. The National MSG may therefore consider conducting an initial **baseline survey**.¹³ Such a survey can be used to adapt the FiTI Standard to the national context and feed into the design of the national FiTI process. It can also serve to identify potential obstacles to the FiTI implementation stemming from, among other things, the legal framework or the lack of data availability, which should be addressed in the subsequent Workplan. The survey may cover the following aspects:
 - Identify the pool of relevant stakeholders who may be involved in the National MSG and assess the balance of stakeholders which may be required;
 - Identify institutions and stakeholders relevant for the implementation of the FiTI Standard (such as data providers, key influencers, supporters and decision makers);
 - Identify official data sources and assess the current levels of disclosure of information related to the FiTI reporting scope and whether this information is available in a suitable form;
 - Identify other related information that can be used to review the provided information;
 - Assess possible challenges and obstacles to implementing the FiTI (data availability, confidentiality clauses, institutional challenges etc.);
 - Identify national adaptations within the FiTI Standard, including the definition of large-scale and small-scale fisheries to be covered in reporting; country-specific reporting categories; the level of disaggregation of catch reporting information for large-scale fisheries.

An initial baseline survey should **not significantly delay the execution** of responsibilities of the National MSG (especially the provision of the Workplan). Therefore, the survey should neither involve significant resources, nor take longer than 3–4 weeks.

¹³ As some of the information of interest in this survey may already be useful for earlier steps within the sign-up process (e.g. identification of stakeholders for the nomination of National MSG Members), this baseline survey may also be conducted earlier in the sign-up process.

- As the **primary objective**, the National MSG should focus on the implementation of the FiTI Standard in order to publish information in the form of a FiTI Report as well as widely disseminate the report and stimulate public debate on it.
- An objective should also be to include **training and capacity-building measures** for National MSG Members to ensure their informed participation.
- The National MSG can also identify **other objectives** linked to the FiTI Principles and aligned with national priorities regarding fisheries.
- The Workplan has to include **all activities that are needed to implement** the FiTI, including activities (and regular operational costs) for the FiTI National Secretariat.
- After the detailed documentation of the objectives, constraints and related activities, the National MSG should **choose between different priorities** in case of financial resource constraints.
- The National MSG should seek to approve the Workplan by **consensus** to ensure full support of the planned activities by all stakeholders.

Submit a Candidate Application

When a country has completed the sign-up steps, and wishes to be recognised as a FiTI Candidate country, the government – with the approval of the National MSG – submits a FiTI Candidate Application to the FiTI International Board. The Candidate Application must be submitted at least one week before an FiTI International Board meeting. If this deadline is not met, the decision on the application will be postponed to the following Board meeting

The application must describe the rationales and objectives¹⁴ of the national FiTI process, the activities undertaken to date and provide evidence demonstrating that each of the sign-up steps (corresponding to the requirements in Part I, Section A of the FiTI Standard) has been completed. The application must also include contact details for government, business (large-scale as well as small-scale fishers) and civil society stakeholders involved in the FiTI.

The FiTI International Secretariat provides a template for the Candidate application.

In assessing the Candidate Application, the FiTI International Secretariat may contact stakeholders at the national level to ascertain their views on the sign-up process, and may seek comments from supporting governments, international civil society organisations, supporting companies, supporting multilateral organisations and investors.

The FiTI International Board will review the application and assess whether the sign-up steps have been completed. The FiTI International Board will make the final decision about the applicant country's status.

¹⁴ The FiTI is relevant in different ways for different countries. It can, for example, be implemented to address specific concerns about sustainability, corruption, lack of trust, to improve data quality (e.g. registered vessels, catch data), or simply bring all key data about the sector together in one place.

Annex I: Minimum Terms of Reference for FiTI National MSGs

Clear and comprehensive Terms of Reference provide a robust foundation that safeguards the legitimacy of the National Multi-Stakeholder Group (MSG) and ensure that the group is able to perform its duties effectively and legitimately. It is therefore paramount to the credibility of the national FiTI process as a whole, that the National MSG takes time as a first order of business upon its establishment to develop and adopt commonly agreed rules and procedures, which are binding for all Members of the group.

The adoption of Terms of Reference for the National MSG is also a formal requirement in the FiTI Standard (A.4) and thus, a mandatory step in the country's sign-up step process, leading to the submission of a FiTI Candidacy application.

Each National MSG is free to develop its own Terms of Reference (ToR) tailored to its particular needs and national circumstances. **However, the Terms of Reference must contain a set of 13 minimum provisions.**¹⁵

The minimum provisions are briefly explained in the following pages. Furthermore, for each provision, an example clause is provided. These example clauses are for illustration purposes only. It does not constitute an endorsement of optional provisions by the FiTI International Secretariat. Each FiTI National MSG should use these example clauses and tailor it to fit the specific needs of the National MSG and the context in which it operates.

¹⁵ A National MSG may choose to start the Terms of Reference with a "Background" section, outlining e.g. the importance of fisheries for the country, the alliance of the FiTI with other major fisheries reform efforts, or any legal decree that has been established to formally establish the FiTI in the country.

1. Mission and Objectives of [country's] FiTI

The National MSG should include a general statement on the shared mission and goals of the group, which will guide its subsequent work. It is an opportunity for the National MSG to declare its overarching purpose and broader aspirations as well as the impact that it wishes to ultimately achieve in their country through the national FiTI process.¹⁶

EXAMPLE CLAUSE

It is the objective of this National Multi-Stakeholder Group to ensure that the FiTI Standard is fully implemented in [name of country] in an innovative and efficient manner and in accordance with the FiTI Principles, thereby making a positive contribution to strengthening transparency, participation and accountability in fisheries governance for the benefit of a more sustainable management of marine fisheries in [name of country].

The National Multi-Stakeholder Group also expresses its ambition that [name of country]'s implementation of the FiTI helps the [name of country]'s people to hold decision makers to account, and encourages other countries around the world to take similar steps, thereby establishing a global level playing field of transparency in fisheries.

2. Composition of the National Multi-Stakeholder Group

The size and composition of the National MSG, reappointment provisions, as well as the length of term are essential and fundamental parameters for the group that must be stated in the Terms of Reference.

The Terms of Reference must clearly specify that the National MSG is composed of three stakeholder groups: government, business (including small- and large-scale fishers or fisheries associations) and civil society.

When determining the total number of National MSG Members as well as the number of Members for each of the three stakeholder groups, the need for adequate representation of all three stakeholder groups should be considered, while keeping the group to a size that allows for efficient operations. A high number of Members may be needed in cases where there is greater diversity within the stakeholder constituency.

Regarding the distribution of National MSG Members among the three stakeholder groups, the group should consider an equal number of Members. In national contexts where the adequate representation of one constituency requires more representatives, an unequal numerical representation may be acceptable, provided that justification is given. However, even in those cases, the voting shares of each stakeholder group

¹⁶ In accordance with the FiTI Standard, the mandate of the National MSG is not limited to the requirements of the FiTI Standard and the National MSG may choose to expand beyond those requirements. If applicable, this should also be explicitly stated in the Terms of Reference.

must remain equal, which means that voting weights must be specified in the Terms of Reference.¹⁷

Furthermore, it might not always be possible for National MSG Members to attend all meetings. To ensure that the work of the group can nonetheless proceed, the Terms of Reference must specify provisions regarding Alternates who may attend National MSG meetings instead of the Member, as well as the possibilities of proxies. In case an Alternate is allowed to attend meetings where the Member is also present, it must be stated that the Alternate does not have any voting right.

In case National MSG meetings are not open to the public as a general rule, the Terms of Reference must also specify procedures for the attendance of *observers* and *external experts*:

- The attendance of *observers* of National MSG meetings can be an important way to make the work of the National MSG more transparent, but also to include the views and gain the support of key actors, such as representatives from international organisations, civil society organisations, international professional organisations, technical agencies, donor organisations and other relevant partners. The Terms of Reference should specify whether observers have speaking rights. Three possible options should be considered: (i) observers have speaking rights as a general rule; (ii) observers may be given the right to speak on the discretion of the Chair; or (iii) observers do not have speaking rights.
- Furthermore, input by *experts* on specific topics relevant to the work of the National MSG can also significantly contribute to and facilitate its work. The Terms of Reference should specify that experts only have speaking rights on the topics for which they were invited, unless otherwise approved by the Chair.

The National MSG may consider setting a maximum number of observers and experts that can attend a National MSG meeting at the same time.

The National MSG may also consider allocating a permanent observer seat to a Member of the FiTI National Secretariat as well as the FiTI International Secretariat.

Finally, the National MSG may consider including a provision for a staggered membership whereby only a portion of the Members' term expires at a given time. This would create an overlap in the terms of Members and ensure institutional memory in the work of the National MSG.

¹⁷ For example, a National Multi-Stakeholder Group has a total number of 13 Members. Government and business have four Members each, while it has been determined that due to the diverse representation of civil society, this stakeholder group should be represented by five Members. To make sure that the civil society stakeholder group has the same voting share as the other two groups, despite their greater number of Members, the assigned voting weight for each civil society Member is 0,8 (4/5). Members of the government and business group follow the general rule of "one Member, one vote".

EXAMPLE CLAUSE

The National Multi-Stakeholder Group shall reflect its multi-stakeholder composition. The size of the group shall not exceed [value] number of Members and shall be [equally] distributed amongst representatives of the three stakeholder groups governments, business, and civil society.

Additionally, the National Multi-Stakeholder Group shall be presided and represented by a Chair.

Members shall be appointed for a term of [X] years.

Members may be reappointed [once].

Each Member – except the Chair – may have an Alternate, who is welcome to observe meetings and substitutes for the Member in case of absence of this Member. [OR: The National MSG may also choose to appoint general Alternates for each stakeholder group who shall substitute any absent Member from within their stakeholder group.]

Up to [number] representatives from intergovernmental organisations, development banks, development agencies, and other relevant organisations may be invited by [e.g. the Chair, or the National Multi-Stakeholder Group] to attend meetings as observers, when this can be practically accommodated. Observers may [e.g. be granted speaking rights by the Chair] to express their views on specific policy and implementation matters. Observers shall not have voting rights.

Up to [value] experts may be invited to attend National Multi-Stakeholder Group meetings by [e.g. prior agreement of the Chair]. Experts shall have speaking rights on the topics for which they were invited to, unless otherwise approved by the Chair. Experts shall not have voting rights.

The Chair shall be notified of any invitation extended to additional attendees no later than [xx] days prior to the meeting date.

3. Responsibilities and functions of the National Multi-Stakeholder Group

As an overarching principle, the Terms of Reference must include a statement on the joint responsibility of the National MSG to take into account the views of all stakeholder groups. The Terms of the Reference must also include a commitment of each stakeholder group to treating all Members as equal partners and to working in the spirit of good faith and cooperation based on trust and equality.

Furthermore, the Terms of Reference must outline the key responsibilities and functions of the National MSG.

EXAMPLE CLAUSE

The National Multi-Stakeholder Group shall take into account the views of all stakeholder groups in its deliberations and decisions. Each stakeholder group shall commit itself to work with the rest of the group in the spirit of good faith and cooperation based on trust and equality.

The National Multi-Stakeholder Group shall be responsible for the implementation and governance of the [name of country]'s FiTI with the initial aim of enabling [name of country] to meet its objectives of gaining candidacy, followed by achieving and maintaining compliance with the FiTI Standard.

The National Multi-Stakeholder Group shall be responsible for decision-making on the direction, implementation, monitoring, evaluation, and progressive improvement of the [name of country]'s FiTI implementation and shall ensure that the FiTI implementation contributes to an informed public debate on fisheries governance in [name of country].

The responsibilities of the National Multi-Stakeholder Group shall include, but are not limited to:

- *Establishing a properly authorised and resourced FiTI National Secretariat to provide administrative and operational support to the National Multi-Stakeholder Group;*
- *Defining the scope of the FiTI implementation in the country¹⁸;*
- *Preparing the country's application for FiTI candidacy;*
- *Developing and applying annually a fully-costed Workplan in accordance with the deadlines and periods specified in the FiTI Standard, containing measurable targets and a timetable for implementation which incorporates an assessment of capacity constraints and measures to address them;¹⁹*
- *Conducting the FiTI reporting process annually;²⁰*
- *Endorsing the appointment of a Report Compiler;*
- *Reviewing, approving and publishing national FiTI Reports in accordance with the reporting deadlines and periods specified in the FiTI Standard;*
- *Recommending improvements on the publication of relevant data in the public domain;*
- *Developing and applying a communication plan in order to contribute to wide dissemination of the national FiTI Reports and stimulate public debate on them;²¹*

18 This may include e.g. the definition of small- and large-scale fisheries (in accordance with the country's national legislation and international standards).

19 In accordance with FiTI Standard requirement A.6 and B.3.4

20 In accordance with FiTI Standard requirement B.2.3

21 In accordance with FiTI Standard requirement B.2.4

- *Contributing to enhance the FiTI Standard over time;*
- *Publishing an Impact Report in accordance with the reporting deadlines and periods specified in the FiTI Standard;²²*
- *Supporting validation²³; and*
- *Adhering to the FiTI Code of Conduct.*

4. **Nomination and replacement of National Multi-Stakeholder Group Members and Alternates**

Nomination: In accordance with the FiTI Standard (Sections A.4 and B.3.3), each stakeholder group has the right to identify, nominate and appoint its own representatives (i.e. Members) through a process that is independent and free from any suggestion of coercion. The Terms of Reference must specify that representatives from government, business and organised civil society shall be appropriately qualified and fully, actively and effectively engaged in the FiTI. The Terms of Reference may also outline requirements regarding geographical and gender diversity.

Replacement: In addition to a nomination procedure, the National MSG must specify a procedure for the replacement of its Members. A replacement of Members may become necessary due to the following reasons: resignation of Members, recall from its stakeholder group, suspension and ultimately removal of Members due to failure to perform responsibilities in accordance with the Terms of Responsibilities, including the Code of Conduct.

Finally, the Terms of Reference must specify the procedures for filling vacancies.

²² In accordance with FiTI Standard requirement B.3.5

²³ In accordance with FiTI Standard requirement D

EXAMPLE CLAUSE**Nomination of National Multi-Stakeholder Group Members:**

The three stakeholder groups shall appoint their Members independently and without government interference. This includes that stakeholder groups shall not pre-define any categories or types of actors that other stakeholder groups must or must not appoint; and that no stakeholder shall directly select or veto the selection of Members from other stakeholder groups.

Each stakeholder group shall appoint Members who have the capacity and qualification to carry out their responsibilities as a National Multi-Stakeholder Group Member.

Each stakeholder group shall ensure that their Members represented on the National MSG are representative of their constituency in terms of composition, geographical repartition and gender diversity.

The same procedures shall apply for appointments Members' Alternates.

Replacement of National Multi-Stakeholder Group Members:

- **Resignation:** *Any Member may resign at any time by delivering written or electronic notice to the Chair, or by giving oral notice at any National Multi-Stakeholder Group meeting. Any resignation takes effect at the time specified therein, or if the time is not specified, upon delivery receipt by the Chair.*
- **Recall:** *Each stakeholder group, upon the decision of its Members or constituencies and through its own independent process, may recall their representative(s) in the National MSG at any time and replace them in accordance with the procedure stated above.*
- **Suspension:** *In case a Member does not comply with key responsibilities as set forth in these Terms of Reference, the National Multi-Stakeholder Group may decide to suspend a Member, following its regular decision-making requirements and procedures. During the period of suspension, a Member may keep her or his status as a Member, but shall not engage in any National Multi-Stakeholder Group activities.*
- **Removal:** *The National Multi-Stakeholder Group may decide, following its regular decision-making procedures, to remove a Member. This may be the case if a suspension is in force for more than [xx] months or for severe breaches of the FiTI Principles or the present Terms of Reference, including, but not limited to, fraud, breach of fiduciary duties, or criminal activity.*

The same procedures shall apply for resignations, recall, suspension and removal of Alternates.

In the event of a Member vacating her or his seat before their term ends, the vacancy shall be filled by the former Member's Alternate. If there is no Alternate, the relevant stakeholder group shall conduct its regular nomination procedures, as stated above.

5. Roles and responsibilities of National Multi-Stakeholder Group Members

Membership of the National MSG is personal and not institutional. Consequently, Members do not represent their own organisation, company, or government. Members of the National MSG act in their personal capacity, reflecting the perspectives of their stakeholder group to which they are accountable.

In addition to the roles and responsibilities of the National MSG as a whole (see above), the Terms of Reference must also include provisions on the responsibilities of individual Members.

The Terms of Reference must include a provision committing all Members to full, active and effective engagement in the work of the National MSG. This may, in specific, include the responsibility to regularly attend meetings and complete assigned tasks in a timely manner.

The Terms of Reference must also include a provision requiring Members to regularly report to and consult with their respective stakeholder group regarding the work of the National MSG.

Finally, the Terms of Reference must also clearly state the duration Members serve in a National MSG and whether there are restrictions on re-appointments.

EXAMPLE CLAUSE

Membership of the National Multi-Stakeholder Group is personal and not institutional. Therefore, Members act in their personal capacity, reflecting the perspectives of their stakeholder group, to which they are accountable.

All Members shall engage fully, actively and effectively in the work of the National Multi-Stakeholder Group. This includes that Members shall make every effort to attend all meetings of the National Multi-Stakeholder Group. Members who are unable to attend a meeting shall, as a matter of courtesy, convey their apologies to the Chair before the commencement of the meeting. Such apologies are announced at the meeting and are recorded in the minutes.

Members shall assume several responsibilities and participate actively in the various activities of the National Multi-Stakeholder Group, including, but not limited to:

- *Preparing and participating in National Multi-Stakeholder Group meetings;*
- *[Preparing and participating in decision-making via circulars on a more frequent basis];*
- *Preparing and participating in dedicated Working Groups (if determined by the National Multi-Stakeholder Group);*

- *Holding regular consultations with their respective stakeholder groups to receive and coordinate their input ahead of National Multi-Stakeholder Group meetings; and reporting back to their stakeholder group after relevant meetings.*

In case a Member is absent from a relevant meeting, the Member's Alternate shall attend the meeting on their behalf, participate in discussions, vote and generally perform all the functions of that Member during the meeting.

In case of too many absences of a Member, the National Multi-Stakeholder Group may decide to suspend this Member for a certain period.

The term for serving on the National Multi-Stakeholder Group shall be [e.g. three] years.

All Members shall retire at the conclusion of their term.

Members shall be eligible for re-appointment [e.g. twice]. Each stakeholder group may however decide to set limits to the number of terms Members from their stakeholder group shall be able to serve.

The same procedures shall apply for Alternates.

6. Chair of the National Multi-Stakeholder Group

The Chair plays a crucial role in steering the work of the National MSG and in facilitating decision-making. As such, it is important to specify who is appointed as Chair and what her or his rights and responsibilities are. The Terms of Reference must also specify the appointment process of the Chair. Typically, the National MSG is chaired by a high-level representative designated by the Lead Ministry.²⁴ This is in line with the leading role of the government in implementing the FiTI.

The National MSG may consider whether to include a provision allowing the appointment of Vice-Chair(s) or Co-Chairs.

EXAMPLE CLAUSE

The National Multi-Stakeholder Group shall be presided and represented by a Chair. The Chair shall come from [name of institution] and be designated by [process].

The responsibilities of the Chair shall include, but are not limited to:

- *Setting the date and place of meetings;*
- *Preparing the agenda of meetings, in consultation with National Multi-Stakeholder Group Members, and with assistance of the FiTI National Secretariat;*
- *Chairing the meetings or, after consultation with National Multi-Stakeholder Group Members, appointing a facilitator to conduct the meeting;*
- *Approving the attendance of observers and experts prior to National Multi-Stakeholder Group meetings;*
- *Facilitating consensus and decision-making;*
- *Representing the National Multi-Stakeholder Group in external matters;*
- *Seeking collaborative relationships with other relevant stakeholders.*

The Chair shall serve for a term of [x] years.

A Chair shall be eligible for re-appointment [e.g. once].

²⁴ However, this does not necessarily need to be the FiTI National Lead.

7. Meetings of the National Multi-Stakeholder Group

National MSG meetings are the main decision-making mechanism through which the FiTI implementation is driven forward. Therefore, it is crucial that the National MSG meets regularly and that meetings are organised well in advance to secure attendance of National MSG Members. The Terms of Reference must include a provision ensuring that dates of meetings are communicated with sufficient advance notice. Also, it is important that preparatory materials are circulated well ahead of meetings to enable National MSG Members to consult with their respective stakeholder group.

The Terms of Reference must specify the minimum number of meetings per year. In deciding on the frequency of meetings, the National MSG should take into account the need to make progress towards meeting FiTI deadlines, without putting unnecessary burden on its Members.

The National MSG may consider including a provision for ad-hoc convenings of Members in exceptional circumstances, such as unforeseen events that affect the FiTI implementation or that require a quick response.

Also, the National MSG may consider including a provision on holding National MSG by telephone conference. In such a case, it should be specified how many in-person meetings are conducted per year.

EXAMPLE CLAUSE

The National Multi-Stakeholder Group shall meet at least every [X] months. If there are any urgent issues which need to be discussed and decided on, the Chair shall call an extraordinary meeting.

The meeting announcement shall be circulated at least [X] weeks before the meeting date.

The meeting agenda as well as any background information and preparatory material shall be circulated at least [x] weeks before the meeting date.

The FiTI National Secretariat shall take written notes of the discussions and decisions of the National Multi-Stakeholder Group meetings.

After each meeting, the FiTI National Secretariat shall prepare, under the supervision of the Chair, draft meeting minutes and submit these to the Members for approval no later than [X] working days after the meeting. The National Multi-Stakeholder Group Members shall have [X] working days to comment on the minutes. No comment shall be considered as an approval.

Names of attendees shall be listed in the minutes, but views that have been expressed within the meeting shall not be associated to individuals' names. Exceptions may be made on attendee's request. The same rule shall apply outside the meetings as well.

The meeting minutes shall be made publicly available after approval from the Members.

8. Decision-making requirements and procedures

Decision-making is a central aspect of the National MSG work in steering and overseeing the national FiTI implementation. It is important that National MSG decisions are taken on the basis of clear, comprehensive and transparent decision-making rules and procedures so that the legitimacy of decisions is not put into question. In order to do so, the Terms of Reference must address the following three aspects:

- **Quorum:** Quorum refers to the minimum number of National MSG Members who need to be present at a meeting in order for a decision-making procedure to be valid. Such a quorum must not only refer to the total number of Members present, but also to the number of Members from each stakeholder group.

For example: A National MSG consists of 15 Members (each stakeholder group has 5 Members) and the Terms of Reference specify that “at least two-thirds of the total number of Members, with at least two Members from each stakeholder group establish a quorum”:

➔ in this example, a quorum is reached when a total number of at least 10 Members are present, and thereof at least 2 Members from each stakeholder group.

- **Decision-making by consensus:** The multi-stakeholder approach, which is at the core of the FiTI, is based on an inclusive and deliberative process. The FiTI is therefore a consensus-oriented initiative. Experiences from other global transparency initiatives show that consensus ensures ownership and sustainability of decisions. Therefore, consensus must be specified as the preferred mode of decision-making in the ToR of the National MSG. A consensus is reached if all Members of the National MSG either agree to a decision, or no Member objects or actively opposes a decision.
- **Decision-making by voting:** Voting is reserved only for exceptional situations where consensus cannot be reached. Even though consensus is the preferred mode of decision-making, the Terms of Reference must nonetheless specify a voting procedure for such exceptional circumstances.
 - When voting is required, decisions should be adopted by a qualified majority of all Members voting and a qualified majority from each stakeholder group. The ToR should define what constitutes a qualified majority. Such a definition must consider that no stakeholder group can be outvoted by others.
 - A rule for handling abstentions should be included. Typically, abstentions are excluded from the total number of votes cast, i.e. they are not counted either for or against a decision.
 - Voting weights should be specified, i.e. for how much each Member’s vote counts. In cases of equal numerical representation of stakeholder groups, it should be “one Member, one vote”. In cases of unequal numerical representation, vote weightings must be specified in a way that gives all stakeholder groups an equal number of votes.

For example: A National MSG consists of 15 Members (each stakeholder group has 5 Members). With 10 members present at the meeting, a quorum has been established for the meeting, but despite all efforts, a consensus on a particular decision cannot be reached. The Chair of the National MSG decides to call a vote. The Terms of Reference specify that a qualified majority is reached when at least two-thirds of the quorum vote in favour of the decision, with support from at least two Members from each stakeholder group. In this example, for a decision to be made, 7 total votes must be cast in favour of the decision, including two Members from each Stakeholder Group.

In cases where the National MSG fails to reach qualified majority, the Chair may consider inviting a neutral facilitator or forming a Working Group to work out a proposed solution.

The National MSG may also consider including a provision about whether participation in decision-making via proxy, email, tele- or videoconferencing is acceptable. However, at the beginning of the national FiTI implementation process, it is recommended that all efforts are made to conduct face-to-face meetings.

EXAMPLE CLAUSE

No decision shall be made in a National Multi-Stakeholder Group meeting unless a quorum is present at the time of making the decision. At least [e.g. two-thirds] of the total number of Members, with at least [e.g. two] Members from each stakeholder group, establish a quorum. Where a Member is unable to be present at a meeting, she or he shall either be replaced by its designated Alternate, by an Alternate from the same stakeholder group, or appoint another Member of the National MSG to act as her or his proxy. The Member shall inform the Chair about this procedure in advance of the meeting. No person shall hold more than [e.g. two] proxy votes for National MSG Members at a time.

Members shall make every effort to adopt decisions by consensus.

Taking account of the view of the Members, the Chair may decide that a vote is required. Every Member of the National Multi-Stakeholder Group has [e.g. one vote]. Voting can be done by written proxy.

If a vote is called by the Chair of the National Multi-Stakeholder Group, decisions are adopted by a qualified majority, requiring support of at least [e.g. two thirds] of the total votes cast (not counting abstentions) and the support of at least [e.g. two] of the votes cast by the Members representing each stakeholder group.

Where a Member intentionally abstains, her or his vote will not be counted for or against a decision. Their vote will be discounted from the number of eligible votes.

In addition to National Multi-Stakeholder Group meetings, decisions can also be made by Circulars. Under Circulars, decisions are made by a qualified majority of [e.g. 12] votes to be cast in favour of the decision, with at least [e.g. three] Members from each stakeholder group. Members must reply to a Circular in writing.

Members cannot vote in respect of any matter or arrangement in which they have a direct personal interest, or if there are any other special circumstances which could impair confidence in her or his impartiality. A Member shall declare such interests to the Chair as soon as possible after she or he becomes aware of the same and this will be recorded in the meeting minutes. Members who are not entitled to vote on a matter are not counted in the quorum. The same procedures shall apply for Alternates.

The meeting minutes shall be made publicly available after approval from the Members.

9. Dispute resolution mechanism

A Dispute Resolution Mechanism is an important means to ensure that the Terms of Reference and the Principles of the initiative are observed and complied with. It is a way to hold the National MSG and its individual Members accountable. The availability of a fair procedure for resolving internal disputes is also important for maintaining trust among the Members.

EXAMPLE CLAUSE

In case of perceived breach of the present Terms of Reference, National Multi-Stakeholder Group Member(s) shall register with the Chair a formal written grievance alleging such a breach of the present and outlining the grounds for the grievance.

An ad hoc Working Group shall be formed to review the grievance. The Working Group shall present its recommendations for a decision to the National Multi-Stakeholder Group within a time period of [X] weeks.

If the National Multi-Stakeholder Group cannot reach a decision on whether the grievance was founded or how to redress it, the matter shall be raised to the FiTI International Board.

10. FiTI National Secretariat

A dedicated Secretariat is crucial for the implementation of the FiTI national process, as it can have substantial impact on the integrity and quality of the process as a whole.

The FiTI Standard requires therefore the establishment of a FiTI National Secretariat to provide operational support to the National MSG (Section A.5 and B.2.3). The operational support relates not only to the day-to-day administrative support of the National MSG itself (e.g. organising meetings, providing preparatory materials, drafting meeting minutes), but also to supporting the reporting processes, as well as maintaining regular interaction with the FiTI International Secretariat.

A National Secretariat supports the Chair and National MSG as a whole, but not individual Members, unless otherwise agreed.

The National MSG must specify separate Terms of Reference for the FiTI National Secretariat.

EXAMPLE CLAUSE

The work for the National Multi-Stakeholder Group shall be supported by a FiTI National Secretariat. The Secretariat is hosted by the [name of ministry/organisation].

The National Multi-Stakeholder Group shall direct and supervise the National Secretariat in its activities.

The National Secretariat shall be accountable to the National Multi-Stakeholder Group as a whole.

11. Other operational policies

The National MSG must specify other operational policies, which are relevant to ensure an efficient and credible execution of its work. At a minimum, this must include the following three aspects:

- **Media policy:** The National MSG must consider including provisions on the use of traditional media (print, radio, television) and social media (e.g. Facebook, Twitter and other social networks). This includes a specification for handling media requests, e.g. who may comment on behalf of the National MSG as a whole. Furthermore, the Terms of Reference should explicitly state that individual Members' activity on social media should not harm or undermine the reputation and communication of the national FiTI process, e.g. by outlining that this reflects their personal point of view or that of their stakeholder group.
- **Openness policy:** Transparency is not only the overarching objective of the FiTI, but also a key principle for its own internal governance. Therefore, the National MSG must include provisions on openness and transparency in its Terms of Reference. These provisions must state that based on the presumption of transparency, all materials are made transparent²⁵ unless the National MSG specifically decides against it on a case-by-case basis or unless the type of document is explicitly exempted, for example:
 - *Internal working documents*, including personal emails between colleagues at the FiTI National Secretariat or internal coordination correspondence between the FiTI National Secretariat and the Chair.
 - *Personal information related to the staff of the FiTI National Secretariat or other stakeholder related to the FiTI implementation*, including documents on evaluations made in connection with recruitment and dismissal; documents regarding assessments of staff performance; and/ or personal information (e.g. health issues) are exempted from access. Contracts, salaries, compensation and expense accounting may be made public.
 - *Confidential information during the compilation of the FiTI Report*, including situations where e.g. the Report Compiler and the National MSG have access to detailed, large-scale vessel-by-vessel recorded catch data, which, in such detailed way, might not be made public in the final FiTI Report.
 - *Documents revealing information received from a third party if disclosure is likely to influence legitimate interests of that third party*, including the personal security of the third party and/or her or his family and/or any person closely connected to the third party in question. Further, the protection of personal privacy will also qualify as legitimate interest.

²⁵ This includes, but is not limited to, meeting agendas, minutes and conclusions, the National MSGs Terms of Reference, the composition of the National MSG – including each Member's name, organisational affiliation and position – annual Workplans, annual financial reports as well as any payments to National MSG Members, including reimbursements or per diem allowances.

- **Reimbursement policy:** In some contexts, attendance of National MSG meetings may incur prohibitive costs, in particular to Members from small civil society organisations or small-scale fishers who might have to forgo income in order to attend. Therefore, reimbursement for attendance of National MSG meetings might be necessary in order to enable Members from all stakeholder groups to participate. This contributes to creating an inclusive FiTI process. However, in some contexts, compensation for attendance might also raise suspicion of potential conflicts of interest. Therefore, the National MSG must specify a clear and transparent reimbursement policy for attendance of National MSG meetings, include the following aspects:
 - *Avoidance of conflicts of interest:* Reimbursement cannot be conditional on the outcome of a National MSG meeting as this would constitute a conflict of interest. Similarly, per diem payments should not exceed a reasonable amount corresponding to average prices for the area.
 - *Scope of reimbursement:* The Terms of Reference should specify which types of expenses are subject to reimbursement (e.g. travel expenses, accommodation, and per diem allowances) and be mindful of the judicious use of financial resources.
 - *Eligibility:* The National MSG should also consider specifying whether Alternates are eligible for reimbursement when the Member is present at the National MSG meeting.
 - *Procedure:* The Terms of Reference should also specify the procedures for claiming allowances or reimbursements, including any documentation that Members are required to provide.

EXAMPLE CLAUSE

Media policy:

National Multi-Stakeholder Group Members and Alternates shall coordinate with the Chair any media requests that require official information about the National Multi-Stakeholder Group work or seek comment on behalf of the National Multi-Stakeholder Group. This does not restrict National Multi-Stakeholder Group Members or Alternates from communicating their own views or the views of their stakeholder group. Members and Alternates shall not harm or undermine the [name of country]'s FiTI implementation in their media communications.

The FiTI National Secretariat shall keep a central record of events and publicity on the FiTI implementation in [name of country].

Openness policy:

In the spirit of openness, the documents of the [name of country]'s FiTI implementation are public, unless otherwise agreed by the National Multi-Stakeholder Group. [List examples of where access to FiTI-related documents are exempted].

Any attendee, whether a National Multi-Stakeholder Group Member, Alternate, observer or expert, shall respect and not discuss outside of the National Multi-Stakeholder Group meetings any confidential information that may become available at any point during the period of the FiTI implementation in [name of country]. Any attendee shall be bound by this obligation for [number of years] after termination of their mandate.

Reimbursement policy:

Members from the stakeholder groups representing civil society organisations and small-scales fisheries shall be eligible to receive reimbursement of expenses directly related to the attendance of National Multi-Stakeholder Group meetings. Directly related expenses are travel expenses, accommodation expenses and per diem allowances.

No reimbursement or any other payments shall be made conditional on the outcome of the National Multi-Stakeholder Group meeting.

Only travel and accommodation expenses of the economy class shall be reimbursed.

The per diem allowances shall not exceed a reasonable amount corresponding to average prices for the meeting location [alternatively, specify a concrete amount].

12. Code of Conduct

Guidelines on the personal conduct of National MSG Members must be included in the Terms of Reference to ensure that the Members are held to the highest standards, for example regarding disclosure of conflicts of interest.

The FiTI Global Code of Conduct, which is binding for all FiTI office holders at the national and the international level, must be cross-referenced in the Terms of Reference of the National MSG. The National MSG is free to add its own policies in order to address country-specific issues.

EXAMPLE CLAUSE

The provisions of the FiTI Global Code of Conduct shall apply to the [name of country]'s FiTI implementation.

Any attendee, whether a National Multi-Stakeholder Group Member, Alternate, observer or expert, shall declare any conflict of interest in writing to the Chair before attending a National Multi-Stakeholder Group meeting.

13. Amendments to the Terms of Reference

In the course of work of the National MSG, it may become apparent that the current Terms of Reference need to be improved either by making provisions clearer and more specific, adding new or eliminating existing ones.

EXAMPLE CLAUSE

The Terms of Reference shall be reviewed and, if necessary, amended by the National Multi-Stakeholder Group every [X] years.

Motions for earlier reviews and amendments of the Terms of Reference may be brought to the agenda of a National Multi-Stakeholder Group meeting at any other time in the period between the regular reviews.

The Terms of Reference shall be amended by consensus.

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