

Validation of the UK
Response to MSG Feedback
CowaterSogema Independent Validator
14th August, 2019

The Validator wishes to thank the UK MSG for their helpful feedback. What follows is the Validator's response to the feedback from the MSG, focusing on the four areas of disagreement.

Requirement 1.3: Civil Society Engagement

The Validator notes the MSG's comments here, in particular the statement that "the MSG acknowledges that during 2018 civil society representation has not been as broad or as active as we would have liked" as well as the new civil society framework for representation agreed in May this year. The MSG claims that the proposed downgrade to "inadequate progress" and suggests this is "unevidenced". In fact, the evidence and rationale for a downgrade comes on page 25 of the initial assessment,

"The current CSO members of the MSG were nominated by the Extractive Industries Civil Society (EICS). At the time of validation, this network seems largely defunct. The current CSO members appear to be acting in an individual capacity, with limited interaction with civil society organisations outside the MSG."

Requirement 1.3a) of the EITI Standard states, "Civil society must be fully, actively and effectively engaged in the EITI process." It remains the Validator's view that, at the time of the Validation, this did not apply in any meaningful way, based on the findings of the initial assessment. This assessment is in line with assessments made elsewhere for other EITI validation assessments.

Requirement 2.4: Contracts

The MSG does not offer a response to the comment in the Detailed Findings section of the draft Validation report regarding the absence of an explicit government policy on the disclosure of contracts and licences – as required by 2.4b. However, the assessment has been upgraded to Meaningful Progress following on from communications with the International Secretariat.

Requirement 3.2: Production Data

The Validator notes the updates provided by the MSG for this requirement. A review of the 2018 UK Minerals Yearbook indicates that 2016 production values are provided for ball clay, barytes, building and dimension stone, clay, crushed rock, fluorspar, gypsum, lead, nickel, pig iron, potassium, salt, silica sand, sand and gravel, sulphur, talc, tin and tungsten. While this information was published subsequent to the commencement of Validation, it would address the gap and corrective action related to Requirement 3.2 if the EITI Board chose to exercise its discretion to take account of this new information. As it stands, the Validator has left the assessment of this requirement as Meaningful Progress.

Requirement 3.3: Export Data

In their comments, the MSG argues that the lack of export data on individual construction and industrial materials is not a material gap, given that the revenues they generate for the UK are not material, that the MSG is not aware of any public demand for this information and that it is unlikely that export data for construction and industrial materials will be collected in the foreseeable future. While public demand is

not a mitigating factor in assessing this requirement, the non-materiality of individual construction and industrial materials is a consideration. For this reason, the Validator recommends the assessment be upgraded to Satisfactory Progress.

Requirement 7.1: Public Debate

The Validator welcomes the MSG's acknowledgement that more could be done to increase UK EITI's impact and the planned activities of the MSG's Communications subgroup, including the planned fully independent website.