# Dominican Republic Validation 2019 comparison matrix

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| **Requirement** | **International Secretariat’s initial assessment and Validation report** | **MSG feedback (received 31 May)** | [**MSG feedback**](https://eiti.org/sites/default/files/documents/en_15._informe_de_comentarios_al_informe_de_validacion_eiti-rd.pdf) **(received 9 October)** | **For consideration by the Validation Committee** |
| [**1.3 CSO engagement**](https://eiti.org/document/eiti-standard-requirements-2016#r1-3) | The International Secretariat’s and the Validator’s assessment was that the Dominican Republic had made **satisfactory progress** towards meeting this requirement.The assessment notes: “Civil society is actively and effectively engaged in the EITI process and there are no indications of government actions that result in narrowing or restricting public debate in relation to EITI implementation. There are examples of stakeholders’ ability to speak freely on transparency and natural resource governance issues. Stakeholders are able to engage actively in the design, implementation, monitoring and evaluation of the EITI process, and there are examples of how it contributes to public debate. Stakeholders are able to communicate and cooperate with each other and to operate freely and express opinions about the EITI without restraint, coercion or reprisal.” | - | The MSG feedback does not comment on Requirement 1.3. The letters submitted to the Validation Committee by the civil society members of the MSG in June and August include claims about restrictions to civic space. The conflict described in the letters relates to the social and environmental impact of the Pueblo Viejo mine. The civil society platform ENTRE and its members are active in the protests. ENTRE coordinates civil society representation on the MSG. The letters quote incidents where private and public security forces have intervened in protests and arrested activists. For example, protesters who had chained themselves outside the mine for seven months were removed by the military in June 2018. The letters claim that in January 2019, Fernando Peña from the Dominican Public Policy Observatory (ODPP/UASD) and other ENTRE members were arrested during a protest march. ODPP is represented on the MSG by Maritza Ruiz. | Some of the civil society actors active in the protest movement are also substantively engaged in the EITI. However, there is no indication of restrictions to their freedom of expression, operation, association, engagement or access to public decision-making related to the EITI. The civil society protocol addresses activities related to preparing for EITI sign-up, MSG meetings, CSO constituency side-meetings on EITI, producing EITI Reports, producing materials or conducting analysis on EITI Reports, and expressing views related to EITI activities and natural resource governance.Civil society representatives engage actively and critically in public debate about extractives governance (provision 2.1 of the civil society protocol). CSOs operate freely in relation to the EITI process and are free to associate with other local and international civil society actors (provisions 2.2 and 2.3). Civil society representatives are actively engaged in the design and implementation of the EITI (provision 2.4). They promote public debate on the EITI by organising events and conducting advocacy (provision 2.5).**The International Secretariat’s assessment remains ‘satisfactory progress’, as there is no evidence of breaches of the civil society protocol.** |
| [**2.2 License allocations**](https://eiti.org/document/eiti-standard-requirements-2016#r2-2) | The International Secretariat’s and the Validator’s assessment was that the Dominican Republic had made **satisfactory progress** towards meeting this requirement. The assessment notes: “Information about licenses awarded and transferred in 2016 is publicly available. The process for awarding and transferring licenses is described. Clear internal criteria for assessing applications appears not to have existed in 2016. Recent efforts to develop such criteria are commendable. No material licenses or contracts were awarded in 2016, and stakeholders did not express concerns about non-trivial deviations.” The assessment includes the following recommendation: “The Dominican Republic is encouraged to continue thework to clarify the internal criteria for assessing license applications and to communicate these publicly. DGM and MEM are encouraged to further clarify their roles in the licensing process to avoid unnecessary overlaps.” | - | The MSG feedback includes concerns from civil society regarding the license award process, including the lack of technical and financial criteria in the license award process and resulting discretion.The three sectors agree that these issues will be addressed in the action plan for addressing recommendations arising from Validation. The MSG has established a working group to develop the plan. | Requirement 2.2 requires disclosing the technical and financial criteria used for awarding licenses, to the extent it exists. The concerns raised by civil society are relevant but go beyond what is required by the Standard. The lack of clear criteria is noted in the initial assessment and reflected in the strategic recommendations. The Secretariat welcomes the MSG’s commitment to address the recommendations.**The International Secretariat’s assessment remains ‘satisfactory progress’.** |
| [**2.3 License register**](https://eiti.org/document/eiti-standard-requirements-2016#r2-3) | The International Secretariat’s and the Validator’s assessment was that the Dominican Republic had made **satisfactory progress** towards meeting this requirement. The assessment includes the following recommendation: “Publicly available license information appears to be comprehensive, and it is commendable that the government has published licensing documents. However, information is scattered and sometimes challenging to find. To strengthen the implementation of Requirement 2.3, the Dominican Republic is encouraged to continue the development of a digital license cadastre with a public interface containing all information featured in the requirement.” | - | The MSG feedback includes concerns from civil society that the improvement of the license cadastre is not being prioritised.The three sectors agree that these issues will be addressed in the action plan for addressing recommendations arising from Validation. The MSG has established a working group to develop the plan. | The Secretariat welcomes the MSG’s commitment to address the recommendations arising from Validation.**The International Secretariat’s assessment remains ‘satisfactory progress’.** |
| [**2.4 Contract transparency**](https://eiti.org/document/eiti-standard-requirements-2016#r2-4) | The International Secretariat’s and the Validator’s assessment was that the Dominican Republic has made **progress beyond** this requirement. The policy for disclosing contracts is clearly documented and the contracts are easily accessible on the ministry’s website. | - | The MSG feedback notes that the full contracts, including annexes, are not always easy to access.The three sectors agree that further contextual information about contract transparency will be included in the next EITI report. | The Secretariat welcomes the MSG’s commitment to include further contextual information about contracts in EITI reports.**The International Secretariat’s assessment is that the Dominican Republic has made progress ‘beyond’ Requirement 2.4 by disclosing all extractive contracts.** |
| **[3.2 Production data.](https://eiti.org/document/eiti-standard-requirements-2016%22%20%5Cl%20%22r3-2)** | The International Secretariat’s and the Validator’s assessment was that the Dominican Republic had made **meaningful progress** towards meeting this requirement. The following corrective action was proposed:“In order to meet Requirement 3.2, the Dominican Republic should publish the value of production of non-metallic minerals by commodity. In order to improve the reliability of production data, the government is encouraged to ensure that the accuracy of volumes reported by companies is sufficiently monitored.” | The MSG provided a link to the [EITI portal](https://eitird.mem.gob.do/informe-eiti-rd/produccion-y-exportacion/produccion-minera-dominicana/), where production values of non-metallic minerals by commodity have been included. The data is for 2016, which is the year assessed in the Validation. The information was collected from the Directorate-General for Mining and the companies.  | The MSG feedback includes civil society’s criticism of the methodology used for calculating the value of production of non-metallic minerals (value of sales). They also raise concerns about the level of monitoring of non-metallic minerals production.Government and industry reconfirmed their view that the disclosed information addresses the corrective action. | The information presented after the commencement of Validation is specific and verifiable, has potential to materially impact the assessment of the requirement, and was presented in a reasonable timeframe. The information was approved by the MSG, but the MSG feedback from October 2019 indicates that CSO members have since withdrawn their support.The complementary information published by the MSG directly addresses the proposed corrective action. The identified weaknesses related to methodology and monitoring are relevant but go beyond the minimum requirements of the 2016 EITI Standard.**The International Secretariat’s view is that the assessment of Requirement 3.2 should be ‘satisfactory progress’, if information published after the commencement of Validation is taken into account.** |
| [5.1 Revenue distribution](https://eiti.org/document/eiti-standard-requirements-2016#r5-1) | The International Secretariat’s and the Validator’s assessment was that the Dominican Republic had made **satisfactory progress** towards meeting this requirement.  |  | The MSG feedback notes civil society’s concerns that there is no mechanism for saving part of the extractive revenues for future generations. The assessment itself is not disputed.Government and industry consider that ‘satisfactory progress’ has been made in implementing the requirement. | **The International Secretariat’s assessment remains ‘satisfactory progress’.** |
| [**5.2 Subnational transfers.**](https://eiti.org/document/eiti-standard-requirements-2016#r5-2) | The International Secretariat’s and the Validator’s assessment was that the Dominican Republic had made **meaningful progress** towards meeting this requirement. The following corrective action was proposed:“To meet Requirement 5.2, the MSG is required to assess and disclose any discrepancies between the formulas and actual amounts transferred (1) from the central government to FOMISAR and (2) from FOMISAR to municipalities. The MSG is encouraged to document and disclose disagreements related to the interpretation of the concept of ‘net benefit’ in the Pueblo Viejo contract.” | The MSG provided links to (1) a [technical note](https://eitird.mem.gob.do/wp-content/uploads/2019/05/Nota-Te%CC%81cnica-Calculo-de-la-Transferencias-Subnacionales.pdf) that assesses and discloses discrepancies between the formulas and actual subnational transfers that took place in 2016, and (2) a [conceptual note](https://eitird.mem.gob.do/wp-content/uploads/2019/05/20190530-Nota-Conceptual-F%C3%B3rmula-Transferencias-Subnacionales-1.pdf) that documents differences in the government’s and CSOs’ views on how the concept of ‘net benefit’ that forms the basis for transfers should be calculated.The technical note also provides explanations for the identified discrepancies. In the case of transfers from the central government to FOMISAR, it notes that transferred amounts are based on revenue projections, which may lead to discrepancies. Discrepancies in transfers from FOMISAR to municipalities were minor and are explained by variations in data on population density. | The MSG feedback includes civil society’s comments, noting that the government’s interpretation of the formula for subnational transfers is against the law and contradicts with practice applied by other companies. CSOs highlight that actors on the MSG have not reached consensus about the formula.Government and industry reconfirmed their view that the disclosed information addresses the corrective action. | The information presented after the commencement of Validation is specific and verifiable, has potential to materially impact the assessment of the requirement, and was presented in a reasonable timeframe. The information was approved by the MSG, but the MSG feedback from October 2019 indicates that CSO members have since withdrawn their support. The complementary information published by the MSG directly addresses the proposed corrective action.The Secretariat recognises the level of subnational transfers as an issue of high interest and importance in the Dominican Republic. The technical notes published in May 2019 disclose the disagreement between government and civil society. The Secretariat’s view is that all information required by the Standard has been disclosed, and EITI Validation cannot determine the legality of the used formula. **The International Secretariat’s view is that the assessment of Requirement 5.2 should be ‘satisfactory progress’ if information published after the commencement of Validation is taken into account.** |
| [**7.1 Public debate**](https://eiti.org/document/eiti-standard-requirements-2016#r7-1) | The International Secretariat’s and the Validator’s assessment was that the Dominican Republic had made **satisfactory progress** towards meeting this requirement. The assessment notes that the two EITI Reports are comprehensible and publicly accessible through pioneering digital means. Although the reports have been promoted through launch events and letters sent by the Champion to different stakeholders outside the MSG, EITI data has not been widely promoted through active local outreach. The assessment encourages the MSG to create a communications strategy focused on enticing public debate on national and local level. | - | The MSG feedback includes comments from civil society, noting that there have been few outreach activities, beyond those organised by CSOs. The communications plan elaborated by the MSG has not been implemented.Industry and government disagree with civil society’s position.The three sectors agree that these issues will be addressed in the action plan for addressing recommendations arising from Validation. The MSG has established a working group to develop the plan. | Comments from civil society reflect views that were also captured in the initial assessment. The assessment takes into account all EITI outreach, also organised by CSOs. While public debate has been limited, the Secretariat’s assessment is that the all elements of Requirement 7.1 have been met and the MSG’s efforts to incite public debate have been reasonable. The Secretariat welcomes the MSG’s commitment to address the recommendations arising from Validation.**The Secretariat’s assessment is the Dominican Republic has made ‘satisfactory progress’ in implementing Requirement 7.1.** |
| [**7.4 Outcomes and impact.**](https://eiti.org/document/eiti-standard-requirements-2016#r7-4) | The International Secretariat’s and the Validator’s assessment was that the Dominican Republic had made **meaningful progress** towards meeting this requirement. The following corrective action was proposed:“In accordance with Requirement 7.4, Dominican Republic is expected to assess the impact and outcomes of EITI in Dominican Republic and identify opportunities for strengthening the impact of EITI implementation on natural resource governance.” | The MSG provided a link to a [document mapping the outcomes and impact of EITI implementation](https://eitird.mem.gob.do/impacto-del-eiti-en-republica-dominicana/). The document is published on the RD-EITI website. It is based on a workshop held by the MSG on 11 April 2019. The MSG approved the document on 23 May.The first part of the paper documents stakeholder views on progress against strategic objectives. The second part lists efforts made by the MSG to strengthen the impact of EITI implementation. The document also describes follow-up of recommendations from EITI Reports and lists EITI’s achievements in the Dominican Republic. | The MSG feedback includes proposals from civil society to strengthen the impact and policy-relevance of EITI implementation.Industry and government disagree with civil society’s position.The three sectors agree that these issues will be addressed in the action plan for addressing recommendations arising from Validation. The MSG has established a working group to develop the plan. | The information presented after the commencement of Validation is specific and verifiable, has potential to materially impact the assessment of the requirement, and was presented in a reasonable timeframe. The information was approved by the MSG, but the MSG feedback from October 2019 indicates that CSO members have since withdrawn their support. The complementary information published by the MSG directly addresses the proposed corrective action.The Secretariat agrees with the CSOs that EITI implementation has been process-oriented and focused on producing reports. However, the Standard requires the *review* of outcomes and impact. The initial assessment provides several strategic recommendations that can help the MSG reorient towards ensuring that EITI leads to improved policies and practices. The Secretariat welcomes the MSG’s commitment to address the recommendations arising from Validation and to strengthen the impact of the EITI.**The International Secretariat’s view is that the assessment of Requirement 7.4 should be ‘satisfactory progress’ if developments after the commencement of Validation are taken into account.** |