

Santo Domingo, 29 July 2019

Additional comments from Dominican Civil Society (CS) on the ongoing EITI validation process

Dear Members of the Extractive Industries Transparency Initiative International Board, International Secretariat and Validation Committee

We representatives of civil society in the EITI National Committee of the Dominican Republic (CN-EITIRD) warmly greet you and send our position on the validation process in our country on the basis of fundamental evidence to defend the legitimacy of EITI decisions and compliance with the rules established in the validation processes of the EITI Standard in countries that are implementing the initiative.

Our starting point for reinforcing all the points raised and/or proposed in the communication of 9 June 2019 sent to the Validation Committee and EITI Standard Board takes as its central axis the provisions of Requirement 8.3.i of the EITI Standard 2016 of 20 February, adopted in Lima, Peru, which reads as follows:

EITI Validation deadlines and consequences

a) Assessment of progress with EITI Implementation

i) Assessment of each EITI Requirement. The Validation process will assess the country's progress in complying with each of the EITI Requirements The validation guide available at www.eiti.org.

The level of progress and compliance with each individual EITI Requirement shall be indicated by applying one of the following designations:

Satisfactory Progress. In order for the EITI Board to conclude that a country has made satisfactory progress, Validation needs to demonstrate that all aspects of the requirement have been implemented and that the broader objective of the requirement has been fulfilled.

In addition to the information sent previously, we would like to present the various aspects that need to be strengthened, to support our assertion about a possible incorrect decision by the Validation Committee and the Board, so that that this decision does not become a licence to obstruct the transparency of the extractive industries in the Dominican Republic and cause irreparable damage to the EITI process in our country. These items are:

1. "Technical Notes" and their meaning

Reiterating all the comments mentioned and raised in the document sent by the civil society representatives of the EITI-RD National Committee, we wish to establish the following:

- It was on 21 March 2019 that the Executive Secretariat of the Dominican Republic National Committee stated, without giving any details, that technical notes would be made to clarify elements of the evaluation report. At no time, except in that communication, was there any discussion in the Dominican Republic National Committee of the meaning and consequences of the aforementioned "Technical Notes" and neither was there any discussion of the evaluators' report that arrived later; this report has still not been discussed.
- We did not know what was intended by the technical notes that were created, which ended up being a means of distracting civil society so that the Executive Secretariat of the Dominican Republic EITI could send a communication to the EITI International Secretariat stating that we had Satisfactory Progress on implementing the Standard. This was without first explaining that the content of these "Technical Notes" showed the absence of a consensus on the explanation given and that it made plain that the opinion of civil society was divergent from that of the other members of the National Committee.
- The fact that the requirements of partial progress, minimal progress and corrective measures should

be addressed even in a "Technical Note" does not mean that the points made wholly and comprehensively resolved compliance with the requirements and the questions raised by civil society around the process. The clearest example is that there are two different positions (one of them from civil society) in the content of the three "Technical Notes", rather than a measure agreed by consensus to adequately address full implementation of each requirement.

- It is necessary to note that not all the information in the "Technical Notes" is complete; these Notes only show information from 2016 and not the validation period. In other words, even with the Notes having been forwarded and taken into account in the process, this is insufficient because this covers the period January to December 2016 and not the whole Dominican Republic validation period, which ends on 31 December 2018.
- We now understand the goal of the enormous insistence from the EITI International Secretariat, passed on by the Executive Secretariat of the Dominican Republic EITI that we should exclusively concern ourselves with resolving the proposed corrective measures through the "Technical Notes" and leave the review and opinion of the validation reports until after the Global Conference. This created the conditions for facilitating such lenient treatment on the designation of "Satisfactory Progress" for the Dominican Republic on the basis of the irregular forwarding of the "Technical Notes".
- At the time of writing this letter, discussion of the validation reports as required by the specific procedure for this process has still not been scheduled by the Executive Secretariat of the EITI National Committee of the Dominican Republic; equally, the correction and signing of the minutes upon which this body based the sending of the "Technical Notes", ensuring that they were ready by 31 May 2019, have still to be completed. In this way, a deceptive view was put before the Validation Committee and an attempt was made to change the course of what was determined by the information and data obtained from the validation, to be weighed with the rigour required by a designation of compliance.

2. The validation process and deadlines

- Technical notes had to be supported by the minutes of meetings 6, 7 and 8 of the CN-EITIRD; to date, however, the minutes of meeting 8 are still awaiting signature and those of meetings 6 and 7 were corrected and signed after the 2019 EITI Global Conference in Paris. Furthermore, the communication sent by CN-EITIRD to the International Secretariat and EITI Board Validation Committee did not attach the minutes that civil society continues to question on account of their not including information that was discussed.
- On 21 March 2019, work was done on the reporting year of the third report, 2017 and 2018, as well as having the presentation of the Technical Notes that the International Secretariat had requested, shown in the minutes of meeting 4.
- On 4 April 2019, a discussion was held on sub-national payments (Requirement 5.2 of the Standard), shown in the minutes of meeting 5.
- All the validation inputs (2015-2016 EITI-RD Reports on the 2015 cycle – which is not assessed – and 2016 cycle, carried out by CN-EITIRD; the 2016 and 2017 Progress Reports; the 2016, 2017 and 2018 Work Plans; the Minutes of Meetings of the CN-EITIRD; and the Initial Evaluation Report of the International Secretariat, to mention the most important documents) clearly indicate that it is not possible to achieve a final designation of "Satisfactory" for the period "January 2016 to 31 December 2018". The incorporation of other items cannot serve to change the results of the evaluation with its cut-off at the date initially indicated. They could only serve as supporting clarifications for the proposals for corrective actions.
- As we move forwards to current problems, the minutes of meeting 4 contain the following:

"Civil society stated in interviews with the Validators that CN-EITIRD has shortcomings because the focus of attention is on preparation of the Country Report, disregarding the ultimate goal of EITI, which is to improve the governance of non-renewable natural resources. It is necessary to take up the challenge to improve the need for public debate able to have an impact on governance and address the recommendations and the strengthening of the Technical Support Committee. Another point that

civil society highlighted was the need to work hard on disclosure and dissemination and, to be clear, the civil society representatives reflected on the need for further discussion of the option of recording meetings, in order to have an opportunity to review them in the event of there being any questions about decisions."

- The communication sent to EITI Executive Director Mr Mark Robinson, said that "The EITI-RD National Committee fully welcomed the corrective measures and that the actions taken are published on the EITI-RD transparency portal". This statement would be based on the minutes of meetings 6, 7 and 8 of the CN-EITIRD, of which only one (meeting 7 minutes) were formalised after this situation by email of 11 June 2019. This cover letter was never presented to the EITI-RD National Committee, which ignores and denies the content of the information and the references to contradictory positions reflected in the EITI-RD National Committee to be found in the minutes that are currently being reviewed by civil society, which is incorporating this information on disagreements. Therefore, no consensus was arrived at regarding the assessment of the requirements of the Standard for the validation process and without such consensus, there is no basis for "corrective measures" that are being relegated, diminished or rendered invisible.

- We, as civil society of the Dominican Republic, felt surprised because we did not know that new information could be taken into account as part of the process after the validation period had passed. Neither the International Secretariat nor the Executive Secretariat of the EITI-RD reported this information to all the members of the CN-EITIRD, which could change the rules of play. This could lead to ambiguity and reduce the credibility of the independent validation process. We also wish to state that we have not had the opportunity to talk with the international independent validator that evaluated our country, which would have been a great opportunity to pass on our own information from civil society, answer questions and enter into dialogue with organisations affected by extractive industries in our country.

- There was no indication of any change to the assessment process rule and procedures and NO REFERENCE WAS EVER MADE TO THIS in any meeting of the CN-EITIRD and neither has it been recorded in the minutes of any meeting. It was after the letter sent by civil society to the Validation Committee, International Secretariat and EITI Director Mark Robinson that the decision on the Dominican Republic country assessment was postponed. After that, we learned that the "Technical Notes" could and would be used to change the inevitable findings of the country validation. Since it is clear and indisputable that fundamental requirements of the Standard are not being met in the Case of the Dominican Republic. Apart from numerous views on other requirements, it is clear and indisputable that our country does not comply with three requirements that had corrective actions and on which CN-EITIRD was asked to provide clarifications and information through "Technical Notes".

We therefore reiterate that there are discrepancies in the data and there is no agreement among all the members of the MSG, as in the case of sub-national payments, for example. Moreover, the Barrick protesters question the lack of disclosure of social payments; not only is this an issue of pollution, but of having full knowledge of all the payments made by companies. We members of civil society, therefore, believe that the gathering of information cannot culminate in a conclusion that designates the country as having a satisfactory outcome, because it does not meet all the requirements, as we indicated in our previous document/letter sent to the EITI.

3. The repression of civil society in the Dominican Republic

Point 1 of the validation procedure on the "Initial data collection and stakeholder consultation undertaken by the EITI International Secretariat", lays down that:

"The International Secretariat reviews the relevant documentation, visits the country and consults stakeholders. This includes meetings with the multi-stakeholder group, the Independent Administrator and other key stakeholders, including stakeholders that are represented on, but not directly participating in, the multi-stakeholder group."

In the initial stage where the International Secretariat gathers information, two interviews were held with community representatives, but this information was not properly included in the Secretariat's information-gathering report. Also, a number of events occurred during the validation period that reflect the situation facing communities in relation to the lack of participation in and transparency of the

mining companies' operations. The civil society members of the CN-EITIRD hold considerable documentation indicating and relating to the communities involved in the extractive sector. The same members represent the National Space for the Transparency of the Extractive Industry (ENTRE), which is the space that elects the representatives and which is also involved in the struggles to safeguard the rights of local communities in areas with extractive industry.

The ENTRE Regional Committee, the Cibao Sur Coordination, which covers the active organisations of the mining area, especially the Nuevo Renacer Committee (New Rebirth Committee) which leads communities in conflict with Barrick Gold Mining are part of the leadership of ENTRE. These were interviewed by the persons gathering information for the International Secretariat's initial assessment report; in their interviews, they mentioned the processes in which they had been systematically repressed, presenting their cases in international forums and bodies, such as the Inter-American Commission on Human Rights. Their complaints and protests were even placed directly into the hands of the EITI International Secretariat during a capacity-building workshop held from 28-30 November 2017 and led by executive authorities of the EITI Standard. These situations of repression have also been confirmed in documents such as those that were handed to the Canadian authorities, to central bodies and to the president of Barrick Gold.

Civil society members belonging to the Nuevo Renacer Committee, which is part of ENTRE, were repressed while they were carrying out a protest outside the Barrick Gold site of Pueblo Viejo Dominicana Corporation (PVDC). Similar assaults took place when they were conducting a Stations of the Cross walk to the capital, committed by joint actions of the mining company's security service and the military and police forces of the Dominican Republic.

Information and reports on events appear in the national press and other news media of assaults on small farmers who have chained themselves in protest and on other members of civil society in EITIRD. Please find below some of the news reports about this issue:

Small farmers remain chained outside Barrick Gold community office

<http://ntelemicro.com/v1/campesinos-encadenados-frente-la-oficina-comunitaria-barrick-gold/>

Government and Barrick launch military force at dawn against chained protesters in Cotuí.

Ciudadoriental.com/External Source, 12 June 2018

<https://ciudadoriental.com/el-gobierno-y-la-barrick-lanzan-la-fuerza-militar-durante-la-madrugada-contra-los-encadenados-de-cotui/>

Camp cleared of chained Barrick Gold protesters

<https://www.youtube.com/watch?v=8S-3MKMbWr8>

This is the state of the camp at the gates of Barrick Gold Mining at Pueblo Viejo, Dominican Republic

<https://www.youtube.com/watch?v=7eYloZXi1XE>

Canadian company unleashes "silent genocide" in Dominican Republic

<https://www.youtube.com/watch?v=UcWrLZygoKI>

People in Cotuí ask for relocation in face of alleged Barrick Gold pollution – SIN News

<https://www.youtube.com/watch?v=UV-HFWwPScw>

Camp cleared of chained Barrick Gold protesters

<https://www.youtube.com/watch?v=8S-3MKMbWr8>

Rafael Guillen denounces on Z101 FM – Military force evictions from small farmers' camp against Barrick Gold

In the early hours of 12 June 2018, a contingent of soldiers assaulted the peaceful camp set up by those living near the hellish Barrick Gold operations in Cotuí, dismantling their camp, imprisoning its leaders and stealing their belongings. A real abuse by the mining company and the Government that permits it.

<https://www.youtube.com/watch?v=LVUjXKcTrwI>

Security forces approach enchained protesters' camp outside Barrick Gold

<https://ciudadoriental.com/fuerzas-de-seguridad-se-aproximan-al-campamento-de-los-encadenados-frente-a-la-barrick-gold/>

Chained protesters' camp denounces abuses by Barrick Gold and the Government

<https://www.armariolibre.com.do/al/index.php/component/k2/item/6097-campamento-de-los-encadenados-denuncia-atropellos-por-parte-de-la-barrick-gold-y-el-gobierno>

People in Cotuí ask for relocation in face of alleged Barrick Gold pollution

<https://noticiassin.com/caminan-desde-cotui-hasta-palacio-nacional-en-protesta-por-barrick-gold/>

Leoncia Ramos, the diminutive peasant farmer who stood up to the president of Barrick Gold in the bowels of the Pueblo Viejo mine

<https://ciudadoriental.com/leoncia-ramos-la-diminuta-campesina-que-planto-cara-al-presidente-de-barrick-gold-en-las-entradas-de-la-mina-de-pueblo-viejo/>

Barrick Gold Pueblo Viejo executives officially served for harm caused by the mining company

<https://ciudadoriental.com/notifican-mediante-acto-de-alguacil-a-ejecutivos-de-la-barrick-gold-pueblo-viejo-danos-provocados-por-la-minera/>

The terrible story hidden by the Government and Barrick Gold in Cotuí – and the media aren't interested

<https://ciudadoriental.com/la-horrible-historia-que-esconden-el-gobierno-y-la-barrick-gold-en-cotui/>

Small farmers from around Barrick Gold Pueblo Viejo removed from outside the mine site at ...

Camp outside Barrick Gold dismantled – SIN News

<https://noticiassin.com/desalojan-campamento-frente-a-barrick-gold/>

Camp cleared of chained Barrick Gold protesters

<https://www.youtube.com/watch?v=8S-3MKMbWr8>

Rafael Guillen denounces on Z101 FM – Military force evictions from small farmers' camp against Barrick Gold

<https://www.youtube.com/watch?v=LVUjXKcTrwI>

Cotuí farmers hold protest outside Barrick Gold mining company

<https://www.youtube.com/watch?v=PyZUHRFv0kw>

Cotuí farmers affected by Barrick Gold Mining march to National Palace, 9 January 2019

<https://www.cdn.com.do/2019/01/09/campesinos-de-cotui-afectados-por-minera-barrick-gold-caminan-hacia-el-palacio-nacional/>

It was on this day of the Stations of the Cross walk to the National Palace that the assault took place in the community of San José del Puerto, with the arrests of activists and leaders of the Nuevo Renacer Committee, Wendy Lazala, Eusebia Torres, Ludovino Fernández and Fernando A. Peña S., of the Dominican Public Policy Observatory (ODPP/UASD), among others, part of ENTRE.

See photo attached for strong military control over community protest and Nuevo Renacer Committee.

4. Agenda items to be suggested to the Committee

We shall suggest to the EITI-RD National Committee that all information on the process must be first sent formally by the International Secretariat so that the Dominican Republic Committee is able to give a formal opinion on the outcomes. This is essential and in line with transparent practice. For this reason, we have formally asked the National Committee to immediately schedule the following items for discussion, as urgent and key topics:

- The assessment reports pending discussion in the National Committee that have not been discussed in it, as required by the Standard's validation procedure.
- The letter/document sent by Civil Society to the EITI Validation Committee and Board on the occasion of the validation of the Dominican Republic which still has phases such as this one pending completion.
- The cover letter for the "Technical Notes" that the Executive Secretariat of CN-EITIRD sent without firstly submitting it to the National Committee.
- The Dominican civil society "Score card" prepared on the occasion of the information gathering process by the validators.

5. Document and information on the validation card prepared by CS

With this new information letter for the EITI Validation Committee and Board, we enclose new key elements to clarify the situation created around the Dominican Republic country assessment, in order to enrich the content of our previous communication on this subject.

We are also enclosing the "Score card" that we prepared as civil society as part of the information-gathering process regarding all the topics covered by the Standard and setting out our position on the issues in respect of which the International Secretariat requested additional answers and information under the heading of "Technical Notes" (Excel file attached with Validation Card prepared by Dominican Republic civil society).

In this respect, our recommendation is that Dominican Republic should be designated as achieving Meaningful Progress and we hope that the Board will recommend to the Government and the EITI-RD Committee that it fully comply with all the requirements of the Standard, especially those that we are assessing as making no progress, inadequate progress and meaningful progress on our Score card attached, and that they respect the rights and civic space of civil society and communities affected by extractive activities in our country.

Finally, we reiterate our commitment to continuing to promote transparency and governance in the Dominican Republic, as well as the EITI Standard and the mechanisms to achieve it in our country's extractive sector. In addition, we, as an active civil society, wish to state our most conscious support for the process of governance of natural resources on the pathway towards strengthening democratic institutions and social justice.

Please accept the expression of our respect and consideration.

Yours sincerely

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