

MINUTES OF VIRTUAL MEETING No. 07-2018

**Seventh Virtual Meeting of the Extractive Industries Transparency Initiative's National Implementation Commission**

**MINUTES OF VIRTUAL MEETING**

Date convened				
<ul style="list-style-type: none"> <li>Friday, 4 October 2019</li> </ul>				
Deadline given				
<ul style="list-style-type: none"> <li>The decision of each Commissioners to be submitted no later than Monday 7 October 2019 at 12:00 p.m.</li> </ul>				
Establishing a Quorum				
Sector	Commissioner	Institution	Date of receipt	
	Marta González	Ministry of Cabinet Affairs	4 October 019	
	Alberto Reyes	Ministry of Energy and Mines	7 October 2019	
	Pascual Valenzuela <sup>1</sup>	Ministry of Economy, Planning and Development (MEPyD)	7 October 2019	
Business	Elizabeth Mena	Dominican Mining Corporation	4 October 2019	
	Mayra Jacobo	Barrick Dominicana Corporation (PVDC-Barrick)	7 October 2019	
	Rosa de los Santos	Falconbridge Dominicana	7 October 2019	
Civil society	Maritza Ruiz	Observatorio Dominicano de Políticas Públicas de la UASD	4 October 2019	
	Carlos Pimentel	Participación Ciudadana	4 October 2019	
<p><b>Motion:</b> To approve the document “Consultation on Information Disclosed since the Start of the Dominican Republic’s Validation”.</p>				

This Virtual Session of EITI's National Commission in the Dominican Republic (NCEITI-DR) has been convened and conducted in line with the procedures set out in the “Procedures Manual for Virtual Sessions of the National Commission”, approved at the 44<sup>th</sup> meeting of NCEITI-DR, with the proviso that this latter is submitting a waiver of the notice period established in said procedure, such that the 48 hours given for a decision includes the weekend (Saturday and Sunday).

<sup>1</sup> Vote delegated to Ms Ruth Montes from Oca, MEPyD substitute.

## I. Background

**Background:** On 18 September 2019, the EITI Board's Validation Committee agreed to again invite the Dominican Republic's MSG to submit its comments on the Validation Report, requesting that the International Secretariat inform the NCEITI-DR of the following:

- A. That it strongly urges the MSG to agree comments on the Validation Report.
- B. That the MSG may also take this opportunity to agree an action plan to address the strategic recommendations included in the *Report on the initial data collection and consultation of stakeholders* and other recommendations submitted by the interest groups.
- C. That the MSG is advised to confirm whether it supports the information disclosed since the start of the validation (Technical Notes), given that on 27 February 2019 the Board decided to exercise its discretion and take into account the events and information disclosed since the start of validation provided the following four criteria are met:
  1. *Support of the multi-stakeholder group*: the proposal to consider the developments and information disclosed since the start of Validation has the support of the MSG.
  2. *Specific and verifiable*: the information is specific, detailed, well-founded and of clear origin, and can be rapidly and independently verified. Non-specific information will not be considered, including that related to planned actions.
  3. *Material significance*: the information may have a material impact on the evaluation of individual requirements and/or mean that the corrective actions proposed are redundant.
  4. *Timely*: the proposal to consider developments and information disclosed since the start of the validation is submitted to the Validation Committee within a reasonable time frame, leaving sufficient time for verification and debate. The Validation Committee and the Board will not consider representations made only shortly before Board decisions.

In order to address this request from EITI's Validation Committee, EITI-DR's Executive Secretariat called the NCEITI-DR to meeting no. 14-2019 on 26 September 2019. This meeting agreed that the request would be handled as follows:

Point A: A full-day's meeting to be held on 3 October. Each sector to send in their comments prior to the meeting.

Point B: It was recalled that, in July 2019, the NCEITI-DR set up a working group to address the recommendations of the validation reports. These conclusions shall be submitted to the NCEITI-DR to incorporate into the EITI-DR Work Plan 2020.

Point C: It was agreed that this issue was to be addressed at this meeting and fully discussed.

As a result of the discussions, the Executive Secretariat produced the document entitled "Consultation on Information Disclosed since the Start of the Dominican Republic's Validation", which was circulated to the NCEITI-DR via email on Friday 27 September, requesting comments and/or its approval no later than 1 October in order to submit it for everyone's signature.

The document indicated the following:

- I. Confirmation of Technical Notes:

The three NCEITI-DR sectors unanimously ratified and stated their support for the content of the Technical Notes submitted to EITI's International Secretariat on 30 May 2019.

II. Understanding of the implications of submitting new information to the Board after the start of validation:

- a) Government sector and Business sector: stated their understanding that the Technical Notes will form part of the country validation process and be considered for the purposes of the evaluation.
- b) Civil society: stated their understanding that the Technical Notes will not have the status of corrective actions, and that EITI Board Decision of 27 February 2019 will not be applicable to the country validation.

On the detail, commissioners Yris González and Ruth Montes de Oca, from the Government sector, and Mayra Jacobo, Elizabeth Mena and Rosa De Los Santos, from the Business sector, approved the document. Mr. Carlos Pimentel, from the Civil Society sector, stated that he did not understand the aim of the document as he was not present at meeting no. 14. As no objections were received to the document, it was submitted for signature at meeting no. 15-2019, held on 3 October 2019. The Civil Society sector present at this meeting opposed its signing, and requested the opportunity to analyse the impact of the document and submit their position no later than Friday 4 October at 3:00 p.m., for a decision to be taken in a Virtual Session.

Given the above explanation, this Virtual Session is therefore being convened in line with the procedures set out in the "Procedures Manual for Virtual Sessions of the National Commission", approved at the 44th meeting of NCEITI-DR, with the proviso that this latter is submitting a waiver of the notice period established in said procedure, such that the 48 hours given for a decision includes the weekend (Saturday and Sunday).

II. Motion

To approve the document "Consultation on Information Disclosed since the Start of the Dominican Republic's Validation", the text of which is transcribed below:

**"Consultation on Information Disclosed since the Start of the Dominican Republic's Validation"**

Through EITI's International Secretariat, the EITI Board's Validation Committee hereby calls upon EITI's National Commission in the Dominican Republic (NCEITI-DR) to respond to the following queries regarding information provided by NCEITI-DR since the start of the country's validation:

- I. To confirm the NCEITI-DR's support for information disclosed since the start of the validation via Technical Notes.
- II. To state its understanding of the implications of submitting new information to the Board, in line with EITI Board decision dated 27 February 2019, adopted in Kiev; and of the exercise of the Board's discretionary power to take into consideration information disclosed since the start of the validation.

In response to the above request, the members of NCEITI-DR made the following observations:

- I. Confirmation of Technical Notes: the three sectors of the NCEITI-DR unanimously ratify and state their support for the content of the Technical Notes submitted to EITI's International Secretariat on 30 May 2019.
- II. Understanding of the implications of submitting new information to the Board by means of Technical Notes, since the start of the validation:
- a) Government sector and Business sector: state their understanding that Technical Notes will form part of the country validation process and will be taken into account for evaluation purposes.
- b) Civil society: states that it has not been informed and nor does it understand that the Technical Notes will be used retrospectively for the purposes of the validation process, according to EITI Board Decision dated 27 February 2019, nor that they may be taken into account and influence the results, according to the discretionary powers approved by the Board, it having understood:
- (i) That these were a result of IS recommendations aimed at getting the NCEITI-DR to implement improvements in order to comply with requirements 3.2, 5.2 and 7.4 in the context of escalating Standard implementation, and
- (ii) As commissioners, we have received no information regarding decisions taken in Kiev, and so we are not aware that the Technical Notes can be used in the country validation.”
- III. **Quorum**  
Given that the required number of Commissioners participated, as set out in Article Six of the National Commission's Procedures Manual for Virtual Sessions, a quorum was confirmed for the virtual session.
- IV. **Decisions of the Commissioners**  
The following is a summary of the decisions submitted by the Commissioners of the NCEITI-DR.

Sector	Commissioner	Institution	Decision	
			In favour	Against
Government	Marta González	Ministry of Cabinet Affairs	x	
Government	Alberto Reyes	Ministry of Energy and Mines	x	
Government	Ruth Montes de Oca	Ministry of Economy, Planning and Development	x	
Business	Elizabeth Mena	Dominican Mining Corporation	x	
Business	Mayra Jacobo	Barrick Dominicana Corporation (PVDC-Barrick)	x	
Business	Rosa De Los Santos	Falconbridge Dominicana	x	

**V. Commissioners' observations**

No observations were submitted.

**VI. Motion approved**

With 6 votes in favour, and by virtue of Article 7 of the NCEITI-DR Procedures Manual for Virtual Sessions, the NCEITI-DR approved the document "Consultation on Information Disclosed Since the Start of the Dominican Republic's Validation."

----- End of Document -----