

Validation of the Dominican Republic

Report on initial data collection

and stakeholder consultation

Abbreviations

ADOCEM	Asociación Dominicana de Productores de Cementos Portland
APR	Annual progress report
CAMIPE	Cámara Minera-Petrolera de la República Dominicana
CORDIMOM	Corporacion Minera Dominicana
DGA	Directorate-General of Customs (Dirección General de Aduanas)
DGII	Directorate-General of Internal Taxes (Dirección General de Impuestos Internos)
DGM	Directorate-General of Mining (Dirección General de Minería)
DR-EITI	Dominican Republic EITI
ENTRE	Espacio Nacional por la Transparencia de la Industria Extractiva
EU	European Union
FALCONDO	Falconbridge Dominicana
IA	Independent Administrator
IADB	Inter-American Development Bank
MEM	Ministry of Energy and Mines
MEPYD	Ministry of Economy, Planification and Development
MOF	Ministry of Finance
MOP	Ministry of Presidency
MSG	Multi-Stakeholder Group
OLADE	Latin American Energy Organization
TOR	Terms of Reference

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Executive Summary

The Dominican Republic joined the EITI in February 2016. Validation commenced on 1 January 2019. This report presents the findings and initial assessment of the International Secretariat's data gathering and stakeholder consultations. The International Secretariat has followed the Validation Procedures and applied the Validation Guide in assessing the Dominican Republic's progress with the 2016 EITI Standard. While the assessment has not yet been reviewed by the MSG, the International Secretariat's preliminary assessment is that three of the requirements of the EITI Standard have not been fully addressed. The suggested corrective actions identified through this process relate to production data (3.2), subnational transfers (5.2) and the outcomes and impact of implementation (7.4). Additional recommendations focus in particular on ensuring that EITI implementation further contributes to public debate and to improved extractive sector governance.

Overall conclusions

EITI implementation has improved the availability and accessibility of data, as well as dialogue between stakeholders. There is potential for further impact. EITI could cover topics of local relevance related to, for example, environmental reporting and revenue management on the subnational level. Stakeholders on the MSG are committed, but currently the MSG's work is process-oriented. The MSG could serve as a platform for discussing reforms in the sector.

The online portal for EITI data is comprehensive and easy to use. Contract transparency and the publication of, for example, production and export data in open format facilitates analysis. Public debate is, however, limited. Data is mostly available on government websites, and there is potential for further mainstreaming disclosures. The correct level of subnational transfers is a topic of interest for stakeholders, and the issue has been debated in MSG meetings.

The main challenge for the EITI in the Dominican Republic is to take the step from disclosures to using the data as a basis for dialogue about reforms. Mining, and potentially petroleum, are priority sectors for the government, and the EITI has potential to strengthen governance in the sector. A focus on impact and embedding disclosures in government systems would help ensure the continued commitment of stakeholders and the sustainability of the process.

Recommendations

The International Secretariat proposes three corrective actions that address gaps in compliance with the EITI Standard. Additionally, the secretariat proposes a number of strategic recommendations to strengthen EITI implementation and its impact.

Corrective actions

- 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.

- 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.
- 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.

Strategic recommendations

- To strengthen the implementation of **Requirement 1.1**, the government is encouraged to engage relevant agencies such as the Directorate-General of Mining and the Ministry of Environment and Natural Resources in EITI implementation. The Dominican Republic should also guarantee the participation of senior government representatives in MSG meetings. The government is encouraged to ensure that its commitment is sustained if the administration changes, including through sustained funding for the EITI.
- To strengthen implementation of **Requirement 1.2**, the industry constituency is encouraged to continue active participation in the EITI and facilitate the publication of beneficial ownership information, as well as routine disclosures of revenue data.
- To strengthen implementation of **Requirement 1.3**, the Dominican Republic is encouraged to consider funding capacity-building for CSOs interested in extractives governance. The civil society constituency is encouraged to clearly document the selection process of MSG members and to build the capacity of CSOs outside the MSG.
- To strengthen implementation of **Requirement 1.4**, the MSG is encouraged to re-orient its focus from the EITI process to reforms in extractive sector governance. The MSG is encouraged to revive the technical committee and invite key government institutions that regulate the extractive sector to participate closely in EITI debates.
- Civil society MSG members should develop a mechanism for systematic communication with the broader constituency, and the MSG is encouraged to support capacity-building of CSOs outside the MSG to ensure continuity and broad representation (**Requirement 1.4**).
- To strengthen EITI implementation, the MSG is encouraged to consider broadening the scope of implementation to cover topics considered relevant by stakeholders (**Requirement 1.5**). These could include, for example, environmental disclosures and revenue management on the subnational level. The MSG is encouraged to monitor regularly the implementation of the work plan and ensure that activities reflect current priorities.
- To strengthen the implementation of **Requirement 2.2**, the Dominican Republic is encouraged to continue the work 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.
- 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.
- To prepare for the implementation of *Requirement 2.5*, the MSG is encouraged to work with extractive companies, including non-metallic mining companies, to ensure that information on

their beneficial owners can be published by 1 January 2020. DGM is encouraged to request beneficial ownership information as part of the licensing process.

- The MSG is strongly encouraged to continue disclosing information regarding state participation in the extractive sector and to engage with the government entities taking over ownership of mining concessions and Falconbridge shares following the dissolution of CORDE (**Requirement 2.6**). The MSG should annually review, whether state participation gives rise to material revenues.
- The Dominican Republic is encouraged to improve the timeliness of revenue and payment disclosures (**Requirement 4.8**). The tax authorities (DGII) and companies are encouraged to seek solutions for real-time or regular disclosures of payments.
- To strengthen implementation of **Requirement 4.9**, the MSG should ensure that future EITI Reports include the Independent Administrator's assessment of data reliability. The MSG is encouraged to document the audit policies and practices of government entities. If the MSG concludes that all financial data is subject to credible, independent audit, and can work towards routine disclosure of the requisite information in the necessary level of detail, it may wish to consider options for mainstreaming that put less focus on reconciliation of payments and revenues.
- The MSG is encouraged to include information about auditing policies and practices in the online portal. The MSG is also encouraged to consider further disclosures related to the management of extractive revenue on subnational level (**Requirement 5.3**).
- To strengthen implementation of **Requirement 6.1**, the MSG is encouraged to regularly review the existence of mandatory social expenditures and to disclose voluntary social payments by extractive companies.
- The MSG is encouraged to create a communications strategy focused on enticing public debate on national and local level (**Requirement 7.1**). This is closely related to ensuring that EITI implementation covers topics of relevance in the Dominican Republic and leads to clear policy recommendations that are followed up on.
- To strengthen implementation of **Requirement 7.2**, Dominican Republic is encouraged to undertake capacity-building efforts that support the use of EITI data, especially with civil society organisations, media and parliamentarians. The MSG is also encouraged to continue to explore possibilities for routine disclosures through government systems.
- To strengthen implementation of **Requirement 7.3**, the Dominican Republic is encouraged to take steps to act upon lessons learnt with a view to strengthen the impact of EITI implementation on natural resource governance. The MSG is encouraged to draw from this Validation and existing studies to agree recommendations related to strengthening extractive sector governance.

Figure 1– initial assessment card

EITI Requirements		LEVEL OF PROGRESS				
		No progress	Inadequate	Meaningful	Satisfactory	Beyond
Categories	Requirements					
MSG oversight	Government engagement (#1.1)					
	Industry engagement (#1.2)					
	Civil society engagement (#1.3)					
	MSG governance (#1.4)					
	Work plan (#1.5)					
Licenses and contracts	Legal framework (#2.1)					
	License allocations (#2.2)					
	License register (#2.3)					
	Policy on contract disclosure (#2.4)					
	Beneficial ownership (#2.5)					
	State participation (#2.6)					
Monitoring production	Exploration data (#3.1)					
	Production data (#3.2)					
	Export data (#3.3)					
Revenue collection	Comprehensiveness (#4.1)					
	In-kind revenues (#4.2)					
	Barter agreements (#4.3)					
	Transportation revenues (#4.4)					
	SOE transactions (#4.5)					
	Direct subnational payments (#4.6)					
	Disaggregation (#4.7)					
	Data timeliness (#4.8)					
Data quality (#4.9)						
Revenue allocation	Distribution of revenues (#5.1)					
	Subnational transfers (#5.2)					
	Revenue management and expenditures (#5.3)					
Socio-economic contribution	Mandatory social expenditures (#6.1.)					
	SOE quasi-fiscal expenditures (#6.2)					
	Economic contribution (#6.3)					
Outcomes and impact	Public debate (#7.1)					
	Data accessibility (#7.2)					
	Follow up on recommendations (#7.3)					
	Outcomes and impact of implementation (#7.4)					

Legend to the assessment card

	No progress. The country has made no progress in addressing the requirement. The broader objective of the requirement is in no way fulfilled.
	Inadequate progress. The country has made inadequate progress in meeting the requirement. Significant elements of the requirement are outstanding and the broader objective of the requirement is far from being fulfilled.
	Meaningful progress. The country has made progress in meeting the requirement. Significant elements of the requirement are being implemented and the broader objective of the requirement is being fulfilled.
	Satisfactory progress. All aspects of the requirement have been implemented and the broader objective of the requirement has been fulfilled.
	Beyond. The country has gone beyond the requirement.
	This requirement is only encouraged or recommended and should not be taken into account in assessing compliance.
	The MSG has demonstrated that this requirement is not applicable in the country.

Introduction

Brief recap of the sign-up phase

The Dominican Republic announced its commitment to join the EITI in May 2011 in a conference exclusively organised to discuss EITI implementation¹. On 18 May 2015, Minister of Energy and Mines Antonio Isa Conde was nominated to lead the process². On 3 December 2015, the multi-stakeholder group (MSG) was set up. A National Coordinator was appointed in May 2015³. A candidature application was submitted on 18 December 2015⁴ and approved by the EITI Board at its meeting on 23 February 2016⁵.

Objectives for implementation

The MSG has defined as the main strategic objective for the Dominican Republic EITI (DR-EITI) to strengthen the governance of the extractive sector through the implementation of transparency and accountability. The aim is to ensure that the management and use of resources derived from mining and petroleum activities benefit society.

The 2019 work plan includes the following objectives for implementation: to improve the functioning of the MSG and generate constructive dialogue that builds trust between the parties involved; to integrate transparency into existing mechanisms for the management of the extractive sector, in accordance with the EITI Standard and based on EITI principles; and to increase public understanding of the management of the extractive sector by disseminating information, data and mechanisms for participation.

History of EITI Reporting

The Dominican Republic has published two EITI Reports covering fiscal years 2015 and 2016, respectively, and is currently preparing its third EITI report covering 2017 and possibly also 2018. This initial

¹ Intervention of Juan Temístocles Montás, former Minister of Finance, Planification and Development accessed on <https://www.mem.gob.do/images/documentos/EITI-RD/1.Requisito1.1/1.20110512-DiscursoMinistroMonts.pdf> in December 2018.

² Official Document PR-IN-2015-12428.

³ Letter from the Minister of Energy and Mines, Antonio Isa Conde, appointing the National Coordinator, accessed on <https://www.mem.gob.do/images/documentos/EITI-RD/2.Requisito1.2/2.20150525-DesignacionVIACCoordinadoraNacionalITIE-RD.pdf> in December 2018.

⁴ Letter from the Minister of Energy and Mines, Antonio Isa Conde, expressing the intention of Dominican Republic to be a EITI Candidate Country accessed on <https://www.mem.gob.do/images/20151218--Presentacin-Candidatura-ITIE-RD.pdf> in December 2018. In addition, the Dominican Republic Candidature Application Form accessed on <https://www.mem.gob.do/images/FormularioAplicacionCandidaturaITIE.pdf> in December 2018.

⁵ Letter from the International Secretariat designating Dominican Republic as EITI Candidate Country, 13 May 2016, accessed on https://eitird.mem.gob.do/wp-content/uploads/2018/12/Comunicado_del_Secretariado_Internacional_de_EITI_declarando_a_la_República_Dominicana_país_candidato.pdf in December 2018. Letter from the Dominican Republic Champion acknowledging the Dominican Republic Candidature Status, 18 May 2016 accessed on https://eitird.mem.gob.do/wp-content/uploads/2018/12/Carta_del_Ministro_Antonio_Isa_Conde_sobre_aceptación_candidatura_a_la_Iniciativa_EITI.pdf in December 2018.

assessment is based on the 2016 EITI Report. The report consists of a contextual report (referred to here as the “EITI Report”) and a reconciliation report (referred to here with that term). The contextual report, which is also published as a website, was drafted by Aida Aamot, a consultant contracted by the Inter-American Development Bank. The reconciliation was undertaken by Deloitte.

Summary of engagement by government, civil society and industry

Government, civil society and industry are fully and actively engaged in EITI implementation. Civil society engagement is organised through ENTRE, a coalition of over 100 CSOs. Industry participation is organised through the Chamber of Mining and Petroleum (CAMIPE), which had an active role already in the sign-up phase. While there is high-level government support to the EITI, further engagement with the Directorate-General of Mining and the Ministry of Environment could improve the EITI’s relevance.

Key features of the extractive industry

The main commodities produced are gold, silver, copper and ferronickel. The extractive sector contributes roughly 2% of GDP and 3% of government revenue (2016). The sector’s contribution to the economy was merely 0.4% before the Pueblo Viejo gold mine re-opened in 2012.⁶ Pueblo Viejo, jointly owned by Barrick and Goldcorp, is one of the world largest gold mines⁷. Minerals account for 42% of national exports (2016), mostly consisting of gold.⁸ The Dominican Republic does not produce petroleum, but preparations for exploration are underway. The government has identified six zones that have potential for petroleum discoveries and is planning a bidding round.⁹

Explanation of the Validation process

Validation is an essential feature of the EITI implementation process. It is intended to provide all stakeholders with an impartial assessment of whether EITI implementation in a country is consistent with the provisions of the EITI Standard. It also addresses the impact of the EITI, the implementation of activities encouraged by the EITI Standard, lessons learnt in EITI implementation, as well as any concerns stakeholders have expressed and recommendations for future implementation of the EITI.

The Validation process is outlined in chapter 4 of the EITI Standard¹⁰. It has four phases:

1. Preparation for Validation by the multi-stakeholder group (MSG)
2. Initial data collection and stakeholder consultation undertaken by the EITI International Secretariat.
3. Independent quality assurance by an independent Validator who reports directly the EITI Board
4. Board review.

The [Validation Guide](#) provides detailed guidance on assessing EITI Requirements, and more detailed [Validation procedures](#), including a standardised procedure for data collection and stakeholder

⁶ pp. 80-84, 2016 EITI Report

⁷ <https://www.barrick.com/operations/pueblo-viejo/default.aspx>.

⁸ pp. 85-86, 2016 EITI Report

⁹ pp. 4-5, 2016 EITI Report

¹⁰ See also <https://eiti.org/validation>.

consultation by the EITI International Secretariat and standardised terms of reference for the Validator.

The Validation Guide includes a provision that: “Where the MSG wishes that validation pays particular attention to assessing certain objectives or activities in accordance with the MSG work plan, these should be outlined upon the request of the MSG”. In this case, the MSG did not make such a request.

In accordance with the Validation procedures, the International Secretariat’s work on the initial data collection and stakeholder consultation was conducted in three phases:

1. Desk Review

Prior to visiting the country, the Secretariat conducted a detailed desk review of the available documentation relating to the country’s compliance with the EITI Standard, including but not limited to:

- The EITI work plan and other planning documents such as budgets and communication plans;
- The multi-stakeholder group’s Terms of Reference, and minutes from multi-stakeholder group meetings;
- EITI Reports, and supplementary information such as summary reports and scoping studies;
- Communication materials;
- Annual progress reports; and
- Any other information of relevance to Validation.

In accordance with the Validation procedures, the Secretariat has not taken into account actions undertaken after the commencement of Validation.

2. Country visit

A country visit took place on 7-13 March 2019. All meetings took place in Santo Domingo. The secretariat met with the multi-stakeholder group and its members, the Independent Administrator and other key stakeholders, including stakeholder groups that are represented on, but not directly participating in, the multi-stakeholder group. In addition to meeting with the MSG as a group, the Secretariat met with its constituent parts (government, companies and civil society) either individually or in constituency groups, with appropriate protocols to ensure that stakeholders are able to freely express their views and that requests for confidentiality are respected. The list of stakeholders consulted is outlined in Annex D.

3. Reporting on progress against requirements

This report provides the International Secretariat initial assessment of progress against requirements in accordance with the Validation Guide. It does not include an overall assessment of compliance.

The International Secretariat’s team comprised Lydia Kilpi, Validation Manager and Jaqueline Terrel Taquiri, Technical Officer. Quality assurances were provided by Santiago Dondo, Regional Director and Sam Bartlett, Technical Director.

Part I – MSG Oversight

1. Oversight of the EITI process

1.1 Overview

This section relates to stakeholder engagement and the environment for implementation of EITI in country, the governance and functioning of the multi-stakeholder group (MSG), and the EITI work plan.

1.2 Assessment

Government engagement in the EITI process (#1.1)

Documentation of progress

Public statement: The Government of the Dominican Republic first committed to implement the EITI in May 2011 in a conference exclusively organised to discuss the implementation of the EITI in the country. Former Minister of Finance, Juan Temístocles Montás confirmed in a speech the government’s decision to join the EITI¹¹. In May 2012, President Danilo Medina, declared his unequivocal commitment to EITI implementation in a public Protocol¹². From 2015, there have also been regular high-level public statements delivered by the former Minister of Energy and Mines, Pelegrín Castillo, and the current Minister Antonio Isa Conde on Dominican Republic’s continuing commitment to implement the EITI and expanding its scope¹³.

Senior lead: In a letter dated 18 May 2015, the Minister of the Presidency, Gustavo Mondalvo, informed the EITI Board of the appointment of the Minister of Energy and Mines, Antonio Isa Conde to lead the process¹⁴. Article 10 of the MSG ToR states that the MSG is led by the Minister of Energy and Mines and

¹¹ Intervention of Juan Temístocles Montás, former Minister of Finance, Planification and Development accessed on <https://www.mem.gob.do/images/documentos/EITI-RD/1.Requisito1.1/1.20110512-DiscursoMinistroMonts.pdf> in December 2018.

¹² Participacion Ciudadana, Transparency International and PLD. (May 2012), Protocol for Transparency and Institutionalism in Dominican Republic, accessed on <https://eitird.mem.gob.do/wp-content/uploads/2018/12/2.20120507-ProtocoloTransaparenciaeInstitucionalidad.pdf> in January 2019.

¹³ Speech from the Minister Pelegrin Castillo in the public conference “Leading to the Transparency of the mining industry in Dominican Republic (February 2015) accessed on <https://eitird.mem.gob.do/wp-content/uploads/2018/12/3.20150210-DiscursoExMinistrotodeEnergiaYMinas.pdf> in January 2019. Speech words from the Minister Antonio Isa Conde in the public conference “Opening event related with Dominican Republic” (July 2015) accessed on <https://eitird.mem.gob.do/wp-content/uploads/2018/12/4.20150730-DiscursoDelMinistro2doaniversarioMEM.pdf> in January 2019.

¹⁴ Official Document PR-IN-2015-12428. Accessed on <https://www.mem.gob.do/images/documentos/EITI-RD/2.Requisito1.2/1.20150518-DesignacionLiderEITI.pdf> in January 2019.

lists the EITI Champion's rights and obligations¹⁵.

Active engagement: The MSG's ToR reserve four sets for representatives of government institutions and agencies¹⁶. This does not include the Dominican Republic EITI (DR-EITI) Chair which according to the ToR should be the Minister of Energy and Mines. According to the list of MSG members on the DR-EITI website, the current composition of the government constituency (not counting the Chair) includes one representative from the Ministry of Energy and Mines (MEM, with respective alternate), one representative from the Ministry of Presidency (MOP, with respective alternate), one representative from the Ministry of Finance (MOF, with respective alternate), and Ministry of Economy, Planning and Development (MEPYD, with respective alternate). This list differs from the list of government representatives in the 2017 Annual Progress Report (*see Requirement 1.4*)¹⁷.

Government MSG members hold senior positions, but an analysis of MSG meeting attendance (see Annex B) shows that government attendance at meetings varies. 13 meetings were held by the MSG on 2018, while 21 meetings were held by the MSG during 2017. Whereas the MOP, MOF and MEPYD representatives participated regularly, most of meeting were attended by alternate representatives. It seems that the MOP alternate representatives¹⁸ participated in 100% of the meetings. Meeting minutes show that government representatives had an active participation in discussions.

The 2016 EITI Report confirms full government participation in EITI reporting (*see Requirement 4.1*). The EITI is occasionally mentioned within government policy documents. It has been included within the "Presidential Goal System" (Sistema de Metas Presidenciales, in Spanish) of the MOP and the MEM since August 2016 and October 2016, respectively¹⁹. On February 2019, President Danilo Medina mentioned in his 2019 Accountability Speech that "...we understand that it is a top priority to build with the mining sector a new relationship based on transparency, justice and trust"²⁰. The EITI Chair and Minister of Mines and Energy, Antonio E. Isa Conde widely disseminated the first EITI Report among council and university representatives²¹. He has also been involved in data requests to reporting agencies and companies to elaborate the second EITI Report²². There is evidence related to government agencies - including the MEM, the MOF, the Ministry of Environmental and the Vice-Ministry of Hydrocarbons-, providing information requested by the National Secretariat. The MOF (General Direction of Policy and Tax Law) and the MEM (Juridical Direction and International Relations Direction) gave presentations on beneficial ownership and contractual disclosures²³.

¹⁵ MSG Terms of Reference accessed on https://eitird.mem.gob.do/wp-content/uploads/2018/12/2_20151216_-_Reglamento_de_la_Comisin_ITIE-RD_FINAL_MT.pdf in January 2019.

¹⁶ Idem, article 5 of the MSG Terms of Reference.

¹⁷ DR-EITI(2017), Annual Progress Reports, website accessed on <https://eiti.org/sites/default/files/documents/informe-de-progreso-anual-2017-eiti-rd-1.pdf> in January 2019.

¹⁸ Principal representative according to the DR-EITI website.

¹⁹ Confirmation letters from the MOP and MEM has been share with the International Secretariat and are available per request.

²⁰ 2019 Accountability Speech has been shared with the International Secretariat and is available per request.

²¹ All relevant letters have been shared with the International Secretariat and are available per request.

²² All relevant letters have been shared with the International Secretariat and are available per request.

²³ All relevant presentations have been shared with the International Secretariat and are available per request.

According to the 2019 work plan, the government is providing USD 120,000 approx. for EITI implementation (see *Requirement 1.5*). Budget proposals for 2017 and 2018 of the Direction of International Relations within the MEM include funds to be used exclusively for EITI implementation²⁴. The national secretariat is housed in the MEM and it has four staff. There is no evidence on government agencies or the parliament using data from EITI reports.

Stakeholder views

Senior government officials expressed strong support for EITI implementation. Stakeholders from the government constituency noted that the inclusion of a specific objective related to the consolidation of an appropriate environment that encourages investment for the sustainable development of the mining sector in the National Development Strategy 2030 (*“Estrategia Nacional de Desarrollo 2030”*) reflects the government’s commitment to the EITI. One development partner noted that the lack of participation of key government representatives and agencies is having a negative impact on the use of the EITI as a platform for reforms. Several CSOs and industry representatives considered that the lack of impact of the EITI is caused by the absence of senior government representatives during the MSG meetings. In their view, the government is not using the MSG as a platform to discuss reforms. They also expressed concern about the frequent participation of alternate government representatives instead of full members. Although all stakeholders consulted expressed trust in the EITI Champion, Minister Isa Conde, they confirmed that his absence had meant that MSG meetings had at times been chaired by Vice Minister of Hydrocarbons Alberto Reyes. National secretariat staff confirmed that the MEM has been contributing to funding EITI implementation given that this has been included as a “Presidential Goal” (*Meta Presidencial*)., secretariat staff confirmed the sustainability on government funding despite elections taking place in 2020.

Several government representatives mentioned that the EITI has helped to strengthen relationships between the government agencies which has made easier to agree protocols within the recently created (January 2018) Economic Audit Board for Industry (*“Mesa de Fiscalización Económica para la Industria”*). A government representative mentioned that the EITI data has indirectly helped to the Competitiveness Council (*“Consejo de Competitividad”*) to measure informality levels in Dominican Republic.

A development partner noted that they have prepared a diagnosis with a list of opportunities to improve governance in the mining sector in Dominican Republic which was shared with the MEM. This document however has not been discussed within the MSG.

Initial assessment

The International Secretariat’s initial assessment is that Dominican Republic has made satisfactory progress in meeting this requirement. The government is engaged in the EITI process. Relevant government agencies have played an active role in implementing the EITI including engaging in the MSG and collaborating in technical support groups. Government agencies participate actively in the EITI reporting process.

To strengthen the implementation of Requirement 1.1, the government is encouraged to engage relevant

²⁴ Budget Proposal 2017 and 2018 have been shared with the International Secretariat and are available per request.

agencies such as the Directorate-General of Mining and the Ministry of Environment and Natural Resources in EITI implementation. The Dominican Republic should also guarantee the participation of senior government representatives in MSG meetings. The government is encouraged to ensure that its commitment is sustained if the administration changes, including through sustained funding for the EITI.

Industry engagement in the EITI process (#1.2)

Documentation of progress

Active engagement: There is ample evidence that industry engages actively in the EITI process and in the MSG. The MSG's ToR establish that four seats in the MSG should be allocated to the "extractive industries and their institutional bodies".²⁵ According to the list of MSG members on the DR-EITI website, the current composition of the industry constituency includes one representative from Barrick PVDC (Barrick, with respective alternate Compañía Dominicana de Cales, S.A - DOCALSA), one representative from Falconbridge Dominicana (FALCONDO) with respective alternate DOVEMCO), one representative from the Corporación Minera Dominicana (CORDIMON), with respective alternate Asociación Dominicana de Productores de Cementos Portland (ADOCEM)), and the Cámara Minera-Petrolera de la República Dominicana, Inc. (CAMIPE), with respective alternate from the same organisation.

From 1997, CAMIPE is the chamber of mining and oil companies in Dominican Republic. CAMIPE has an Executive Board composed by representatives from service companies, and metallic and non-metallic companies including *Implementos y Maquinarias* (IMCA), CORMIDON, FALCONDO and ADOCEM²⁶. Currently CAMIPE has 23 members²⁷. There are some conditions for companies to join CAMIPE depending on the category of affiliation: corporative, associate and adherent. This list of conditions includes carrying out activities related to mining and paying an entrance and annual fee²⁸.

CAMIPE has been involved in EITI implementation in Dominican Republic from the beginning in 2010-2011 with EU support. In 2012, CAMIPE included within its Development Plan the adherence to the EITI as a strategic objective. In November 2012, CAMIPE's representatives attended the event "Natural Resources Management in the Caribbean– An introduction to the EITI". In April 2013, CAMIPE met with the World Bank in order to seek support for EITI implementation in the Dominican Republic. In June 2015, CAMIPE convened its membership to a first meeting to discuss on EITI themes and participated actively in the "Comité Impulsor" which functioned as a provisional MSG²⁹.

Analysis of the MSG meeting attendance and minutes (see Annex B) shows that industry participation is among the most consistent. The industry constituency includes representatives from CAMIPE. There was full reporting of all material companies in the 2016 EITI Report (See *Requirement 4.1*). Dominican

²⁵ Idem, article 5 of the MSG Terms of Reference.

²⁶ See: <https://camiperd.org/consejo-directivo/>

²⁷ See: <https://camiperd.org/listado-de-miembros/>

²⁸ See: <https://camiperd.org/afiliacion/>

²⁹ "CAMIPE role in the promotion of the EITI. Chronology since 2010 to 2016" (2016). The document was shared with the International Secretariat and is available per request.

Republic's Annual Progress Report (APR) 2017 reveals an actively industry participation in the EITI implementation (p.15)³⁰. The industry constituency follows CAMIPE regulations ("*Reglamento Electoral CAMIPE*")³¹ to select their representatives within the MSG. The industry procedure for selecting MSG members is documented. The latest nomination process took place in late January 2018³². The nomination process was open to all extractive companies, not only CAMIPE members.

There is no evidence on companies using EITI data. There is some evidence of companies participating in outreach activities. For example, on December 2018, FALCONDO participated in a seminar which took place in Plaza de la Cultura in Bonao City³³. Companies have not provided funding for EITI implementation.

Enabling environment: It appears that the Government of Dominican Republic has ensured an enabling environment for company participation in EITI implementation regarding laws, regulations and administrative rules. For example, CAMIPE has been able to share its views with the MEM on the Bill to modify the Mining Law³⁴. There is no evidence that fundamental rights of company representatives engaged in the EITI were not respected. Participating in EITI reporting is not required by law and no sanctions exist for non-reporting companies.

Stakeholder views

Industry representatives expressed strong support for the EITI but lamented that lack of government leadership meant that it was not reaching its potential as a tool for reform. Industry representatives on the MSG said that they had sent numerous proposals to the MEM to discuss the draft mining law but that they did not expect these to be taken into account because the MEM's principal representative within the MSG did not wield sufficient authority.

Stakeholders from all constituencies expressed satisfaction with companies' engagement with the process. Stakeholders from all constituencies concurred that there were no legal or administrative obstacles to company participation. A company representative confirmed that industry representatives serve in technical groups. Stakeholders from all constituencies said that using EITI data is a constant challenge for industry representatives. Industry representatives confirmed that their constituency did not provide funding for EITI implementation but expressed some interest in funding outreach activities.

Initial assessment

The International Secretariat's initial assessment is that the Dominican Republic has made satisfactory progress in meeting this requirement. Company representatives are fully, actively and effectively engaged in the EITI process. All material companies participated in EITI reporting. There is an enabling environment

³⁰ Annual Progress Report – Dominican Republic (2017) See: <https://eiti.org/sites/default/files/documents/informe-de-progreso-anual-2017-eiti-rd-1.pdf>

³¹ CAMIPE regulations were shared with the International Secretariat and are available per request.

³² See Press Release, presentations and the list of attendees related to the latest selection process in late January 2018, here: <http://camiperd.org/reunion-de-rendicion-de-cuentas-comision-nacional-eiti-2015-2017-y-eleccion-de-miembros-del-sector-de-la-industria-extractiva-para-la-comision-nacional-eiti-rd-periodo-2018-2020/>

³³ Resplandor Magazine. Newspaper of national circulation. Year 23 No.281. December 2018. Bonao, Monsenor Nouel.

³⁴ Letter from CAMIPE expressing its views on the Bill to modify the current Mining Law was shared with the International Secretariat and is available per request. See: <https://camiperd.org/camipe-pide-reevaluar-anteproyecto-de-ley-minera/>

for company participation and the fundamental rights of company representatives engaged in the EITI are respected. There are no obstacles to company participation in the EITI process.

To strengthen implementation of Requirement 1.2, the industry constituency is encouraged to continue active participation in the EITI and facilitate the publication of beneficial ownership information, as well as routine disclosures of revenue data.

Civil society engagement in the EITI process (#1.3)³⁵

Documentation of progress

Freedom of expression, media freedom, and the right to access government information are guaranteed under Article 49 of the Dominican Republic's constitution, while Article 47 guarantees the right of assembly. Freedom House ranked Dominican Republic as Partly Free in its 2018 Freedom in the World ranking with a rating of 67/100 noting that although the "law guarantees freedom of speech and of the press, journalists risk intimidation and violence when investigating sensitive issues, particularly drug trafficking and corruption". There is no indication of restrictions or repression related to civil society engagement in extractive sector governance.

Expression: There is little evidence to suggest constraints on an enabling legal framework for civil society organisations to participate in EITI. Freedom of expression and information, including for the press, are enshrined in Article 49 of the 2015 Constitution prohibiting censorship³⁶, and the Law No.6132, Law of Freedom of Expression and Diffusion of Ideas promotes the expression of free thoughts "unless the honour of persons, social order or public peace is violated"³⁷. Dominican Republic's Penal Code prescribes jail sentence and fines for defamation³⁸.

As mentioned, Freedom House International ranks Dominican Republic as "partly free" in 2018 noting that "Several national daily newspapers and a large number of local publications operate in the country"³⁹. The US State Department's Human Rights Country Report in 2017 noted that "individuals and groups were generally able to criticize the government publicly and privately without reprisal, although

³⁵ The first Validation under the EITI Standard (Azerbaijan 2016) established precedent for the Validation of requirement 1.3. The CSO protocol "operationalises" requirement 1.3. Each part of the CSO protocol speaks to specific parts of Requirement 1.3:

2.1 of the CSO protocol is intended to assess provisions 1.3(d), 1.3(e)(i), 1.3(e)(iv).

2.2 of the CSO protocol is intended to assess provisions 1.3.(b) and 1.3(c).

2.3 of the CSO protocol is intended to assess provision 1.3(e)(iii).

2.4 of the CSO protocol is intended to assess provisions 1.3.(a) and 1.3(e)(ii)

2.5 of the CSO protocol is intended to assess provision 1.3(d).

³⁶ Political Constitution of Dominican Republic (2015) accessed on

https://www.google.no/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwiR6-PenuPfAhUrWVkkKHYCzAAAsQFjAAegQIBBAC&url=https%3A%2F%2Fwww.one.gob.do%2FMultimedia%2FDownload%3FObjId%3D7082&usq=AOvVaw035X27yT2D91JyT_GgnimH in January 2019.

³⁷ Accessed on <https://www.ilo.org/dyn/natlex/docs/ELECTRONIC/83343/91947/F1965099340/DOM83343.pdf> in January 2019.

³⁸ Accessed on https://www.oas.org/juridico/spanish/mesicic2_repdom_sc_anexo_21_sp.pdf in January 2019.

³⁹ Freedom International House (2018). Dominican Republic Report. Accessed on <https://freedomhouse.org/report/freedom-world/2018/dominican-republic> in January 2019.

there were several incidents in which authorities intimidated journalists or other news professionals.”⁴⁰.

MSG Minutes demonstrate that CSOs represented in the DR-EITI in Dominican Republic are able to express critical views, including opinions related to government policies⁴¹. There is no evidence of reprisal of CSOs expressing critical views in the media related to extractive industries. Moreover, there is evidence of CSOs stating their critical observations related to the extractives and the EITI in public⁴². For example, SODOGEO published an article related with the EITI work⁴³. A recent Inter-American Development Bank (IADB) report “Extractive Sector and Civil Society: when the work of communities, governments and industries is synonymous with development” noted that “Civil society is becoming increasingly organised due to cases of corruption and lack of transparency... The most critical movements against mining have come from the Academy of Sciences of the Dominican Republic (ACRD) and the Environmental Commission of the Autonomous University of Santo Domingo (UASD), followed by a popular movement led by Father Rogelio Cruz, who staged a series of protests against Loma Miranda and more recently against the possible exploitation of gold in the Romero de San Juan de la Maguana mine of the mining company GoldQuest”⁴⁴. CSOs were able to speak freely during EITI events such as the launch events of EITI Reports⁴⁵.

Operation: There are no indications of legal, regulatory, administrative or actual barriers to civil society operation preventing participation in EITI, nor any restrictions of fundamental rights. The Freedom House ranking notes freedom of association is constitutionally guaranteed, and in practice the government respects the right to form civic groups. Non-Governmental Organizations (NGOs) are currently regulated by the 2005 Law 122-05 on Rules and Promotions of NGOs⁴⁶, and the Regulations 40-08⁴⁷ for the applications of the mentioned Law. NGOs are defined as “an agreement between five or more real or legal persons, with the purpose of developing or carrying out activities of social good or public interest for lawful purposes and which do not have as their purpose the obtaining of pecuniary or appreciable profits

⁴⁰ US Department of State (2017), Country Reports on Human Rights practices in 2017 – Dominican Republic, accessed on <https://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2017&dclid=277327#wrapper> in January 2019.

⁴¹ For example, 10th Meeting Minute (12 November 2015) accessed on <https://www.mem.gob.do/images/documentos/EITI-RD/3.Requisito1.3/3.Actas CI/10.20151112-10ma Reunin del CI.pdf> in January 2019, 5TH Meeting Minute (5 February 2016) accessed on https://www.mem.gob.do/images/docs/EITI_actas/Acta-No.-5-CN-EITI-RD.pdf, and 2nd Meeting Minute (2 February 2017) accessed on https://www.mem.gob.do/images/docs/EITI_actas/Acta-No.-20-CN-EITI-RD.pdf in January 2019.

⁴² Organizaciones Sociales presentan Retos y Desafíos para la Transparencia en la Industria Extractiva de Republica Dominicana (December 2018). Accessed on <https://www.eldinero.com.do/74732/organizaciones-sociales-presentan-retos-y-desafios-para-la-transparencia-en-la-industria-extractiva-de-rd/> in January 2019. Estado recauda RD\$15,624 millones por actividad minera. Accessed on <https://www.diariolibre.com/economia/estado-recauda-rd-15-624-millones-por-actividad-minera-DC11648784> in January 2019.

⁴³ Sociedad Dominicana de Geología. (May 2018). GEONOTICIAS. Revista Científica de geociencias publicada por la Sociedad Dominicana de Geología. Vol.15, No.43. This magazine has been shared with the International Secretariat and is available per request.

⁴⁴ Inter-American Development Bank (2018). “Extractive Sector and Civil Society: when the work of communities, governments and industries is synonymous with development”. Accessed on <http://cecig.org.mx/wp-content/uploads/2018/10/Sector-extractivo-y-sociedad-civil.pdf> in January 2019.

⁴⁵ Launch of the 2nd EITI Report, See: <https://eitird.mem.gob.do/informe-eiti-rd-estado-recauda-rd15624-millones-por-mineria/> accessed in January 2019. Launch of the 1st EITI Report, see: <https://www.mem.gob.do/index.php/noticias/item/rd-presenta-primero-informe-de-transparencia-minera>

⁴⁶ Accessed on <https://gm-consult.com/images/pdf/ley-de-regulacion-y-fomento-de-las-asociaciones-sin-fines-de-lucro.pdf> in January 2019.

⁴⁷ Accessed on <http://www.ojd.org.do/TributariaAdministrativa/Decreto%20No.%2040-08%20G.O.%2010457.pdf> in January 2019.

in money to be distributed among their associates” (article 2 of the NGO Law). NGOs are registered at the Attorney’s General Office (AGO) for the Judicial Department of Santo Domingo or the Attorney’s General Office of the Department concerned (article 3 of the NGO Law). The AGO’s website lists 297 NGOs incorporated to December 2018⁴⁸. Domestic and Foreign NGOs are required to submit different documentation including Minutes of the Constitutive Assembly, Bylaws, the NGO’s Objectives, among others (article 3 and 16 of the NGO Law, respectively). There is no evidence on legal barriers to international contact or access to resources.

There is no evidence of legal, regulatory or administrative obstacles affecting the ability of civil society representatives to participate in the EITI process. International development partners work through civil society organizations such as “Participacion Ciudadana” which is regularly funded through grants by United States Agency for International Development (USAID) and the EU⁴⁹. There was not funding related to their EITI related work. All organizations that form part of the CSO constituency in RD-EITI appear duly registered, without an evidence of challenge in registration.

Association: There is no evidence to suggest that there are restrictions or limitations on CSO in terms of their ability to associate, communicate and cooperate with other national or international CSO organisations. Article 47 of the Dominican Republic’s constitution guarantees the right of assembly. Participacion Ciudadana is the Dominican Republic’s chapter of Transparency International. This CSO also regularly publishes reports and policy briefs in direct cooperation with Oxfam⁵⁰. There is no evidence on civil society organisations regularly working in partnership with other local and international organisations. However, there is the possibility for CSOs to freely associate with international civil society.

Although there is not a formal platform for extractive civil society organizations, the “*Espacio Nacional por la Transparencia de la Industria Extractiva*” (ENTRE for its Spanish acronyms) is an informal platform of about 130 organizations “with the aim of carrying out working sessions on legal, technical and economic aspects on the transparency of the extractive industry”⁵¹. ENTRE includes CSOs working on extractive issues. ENTRE coordinates the appointment of EITI MSG members. Thirteen CSOs form the National Coordination of ENTRE. ENTRE has held three assembly: a first meeting where ENTRE was created (38 CSOs participated), a second meeting with 98 CSOs attending where EITI members were selected (4 seats and 4 alternates), and the third one attended by 138 CSOs, where they approved ToR, the Work Plan, among other documents. There appears to be no systematic mechanism for communication between CSO MSG members and the broader constituency.

Engagement: Civil society is actively involved in the design, implementation, monitoring and evaluation of the EITI through its participation in MSG meetings⁵², disseminations events and campaign efforts. CSOs

⁴⁸ Accessed on <https://www.pgr.gob.do/transparencia/> in January 2019.

⁴⁹ Participacion Ciudadana Financial Statements (September 2017,2016) accessed on <https://pciudadana.org/explorer/finanzas/Auditorias/PC/Estados%20Financieros%202017-09-30.pdf> in January 2019.

⁵⁰ Sociedad Civil Dominicana Reports accessed on <https://issuu.com/pciudadana/stacks> in January 2019.

⁵¹ See Minute Act No.9 from 14 June 2016 accessed on https://www.mem.gob.do/images/docs/EITI_actas/Acta-No.-9-CN-EITI-RD.pdf in February 2019.

⁵² See Meeting Minutes https://www.mem.gob.do/images/docs/EITI_actas/Acta-No.-6-CN-EITI-RD.pdf,

have been heavily involved in discussions related to EITI implementation, for example on the elaboration of the work plans, the Terms of Reference for the Independent Administrator, and the Annual Progress Reports. Observatorio de Políticas Públicas de la Universidad Autónoma de Santo Domingo, (ODPP – UASD) gave a presentation⁵³ to the MSG using EITI data to discuss distribution of revenues generated by mining.

The minutes from DR-EITI point to active CSO engagement over the years and it is clear that there is adequate capacity amongst wider civil society to engage in questions related to the extractive sector and technical topics, such as the elaboration of key documents. There is little evidence of CSOs using EITI Reports in their advocacy efforts for the sector through news articles or events.

According to the list of MSG members on the DR-EITI website, the current composition of the CSO constituency includes one representative from Participacion Ciudadana (with respective alternate, Fundacion Cuaya), one representative from ODPP – UASD (with respective alternate, Colegio Dominicano de Economistas), one representative from Articulacion Nacional Campesina (with respective alternate, Fundación para la Protección del Medio Ambiente Vida y Salud), and one representative from Fundación Guayacán de Energía y Medio Ambiente, Capítulo GEMA AMBIENTAL (with respective alternate, Sociedad Dominicana de Geología, SODOGEO).

Access to public decision-making: There is not sufficient evidence on civil society's ability to ensure that the EITI process contributes to public debate and to influence public decision making (see *Requirement 7.1*). CSOs did provide comments on the draft mining law, although no formal public consultation took place. Legislation guarantees access to information, and the several versions of the draft mining law have been published online. There is no evidence on participation of CSOs on parliamentary hearings. Dominican Republic has an Access to Information Law (AIL), Law No.200-04, which came into effect in July 2004 and applies to governmental institutions⁵⁴.

Stakeholder views

All CSOs representatives consulted confirmed that MSG members do not experience any restrictions in relation to the EITI process. All CSOs MSG members said that they have the ability to speak freely on transparency and natural resource governance issues, to be substantially engaged in the design,

https://www.mem.gob.do/images/docs/EITI_actas/Acta-No.-7-CN-EITI-RD.pdf,
https://www.mem.gob.do/images/docs/EITI_actas/Acta-No.-9-CN-EITI-RD.pdf,
https://www.mem.gob.do/images/docs/EITI_actas/Acta_10-2016_1.pdf, https://www.mem.gob.do/images/docs/EITI_actas/Acta-No.-11-CN-EITI-RD.pdf,
https://www.mem.gob.do/images/docs/EITI_actas/Acta-No.-13-CN-EITI-RD.pdf,
https://www.mem.gob.do/images/docs/EITI_actas/Acta_14-2016_1.pdf, https://www.mem.gob.do/images/docs/EITI_actas/Acta-No.-18-CN-EITI-RD.pdf,
https://www.mem.gob.do/images/docs/EITI_actas/Acta-No.-20-CN-EITI-RD.pdf. These meetings have been accessed in January 2019.

⁵³ Presentation of ODPP – UASD using EITI data to discuss on distribution of revenues coming from mining. (2018). The presentation has been shared with the International Secretariat and is available per request.

⁵⁴ Accessed on http://www.unesco.org/culture/natlaws/media/pdf/dominicanrepublic/repdom_ley2004_spaorof.pdf in January 2019.

implementation, monitoring and evaluation of the EITI process, and to communicate and cooperate with each other.

CSOs representatives said that in practice they did not face any obstruction related to their right of association with other CSOs. CSOs represented in the MSG confirmed that they have been involved with CSOs outside the group as well. MSG members confirmed that they can freely express critical opinions to the government and companies. MSG members showed their satisfaction with the possibility of presenting issues in front of the MSG and influencing the agenda. CSOs members outside the MSG however alleged that they suffered repression when expressing their opinions against an important mining company. CSOs MSG members confirmed that they had the chance to contribute to the work plan, however they said that they feel that constituency needs are not appropriately reflected in the work plan.

CSOs MSG members expressed their concerns related with the rotation of MSG membership in 2020 given the important transfer of knowledge already gained by the current MSG members. They said this could put on risk the sustainability of their commitment. A civil society MSG member confirmed they referred to EITI data in their publication about the mining sector.⁵⁵ Other CSOs however could not confirm they used EITI data in relevant publications. CSOs confirmed that there are no restrictions to receiving international funding. All CSOs MSG members consulted confirmed that the National Space for the Transparency of the Extractive Industry ENTRE covers most relevant CSOs in the Dominican Republic and that membership is open to all CSOs. Some government and industry stakeholders consulted posed some doubts about the capacity and representativeness of this platform. According to CSOs MSG members, there is not enough capacity within CSO members to ensure that the EITI process contributes to public debate and influences public decision-making. Civil society representatives noted that the lack of financial resources was a constraint for capacity-building and intra-constituency communication.

Initial assessment

The International Secretariat's initial assessment is that Dominican Republic has made satisfactory progress in meeting this requirement. 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.

To strengthen implementation, the Dominican Republic is encouraged to consider funding capacity-building for CSOs interested in extractives governance. The civil society constituency is encouraged to clearly document the selection process of MSG members and to build the capacity of CSOs outside the MSG.

⁵⁵ Geonoticias #43, May 2018. Available at: <http://sodogeo.org/geonoticias/>.

MSG governance and functioning (#1.4)

Documentation of progress

The MSG Terms of Reference (ToR) were approved at its third meeting on 14 December 2015⁵⁶. The ToR is available on the EITI-Dominican Republic website⁵⁷. Through Decree No.248-16, the President of the Republic, Danilo Medina, created the CNITIE-RD (the MSG)⁵⁸.

MSG composition and membership: The MSG's ToR allocates four seats to each constituency not including the Chair, which the ToR states should be the Minister of Energy and Mines⁵⁹. There is no reference to the minimum requirements for MSG members. The ToR does not determine a process to select the constituencies' representatives. The ToR establishes two-year terms and allows members to nominate an alternate to attend MSG meetings in their absence⁶⁰. According to MSG minutes, since 2015 the MSG has been refreshed in one occasion: within the industry constituency, DOVEMCO replaced IMCA as an alternate member of FALCONDO. There were however several changes in the persona that represented each constituency on the MSG (See Annex C). Purposes, rights and obligations are clarified in substantial detail in the ToR. Provision 8 in the ToR makes membership in the MSG dependent on election by the wider constituency. The ToR states that MSG representatives exercise their functions ad honorem⁶¹. MSG composition is listed by constituency on the Dominican Republic website⁶². The MSG has a technical committee that focuses on facilitating EITI reporting. The committee includes members from reporting government agencies beyond the MSG membership.

Civil society representation: As part of preparations to apply to the EITI, the government organised four EITI awareness-raising workshops⁶³. The government invited six individuals representing six CSOs, Propuesta Ciudadana and ODPP-UASD, to a working group (Comité Impulsor)⁶⁴ which functioned as a provisional MSG. In September 2015, MEM published a press release in three national newspapers inviting all "...organizations, entities, associations that promote transparency and accountability in

⁵⁶ 3rd DR-EITI Meeting Minute accessed on https://www.mem.gob.do/images/docs/EITI_actas/Acta_3_-_2015.pdf in January 2019.

⁵⁷ DR-EITI (2015), "Terms of Reference for the Multi-Stakeholder Group", accessed on <https://www.mem.gob.do/images/documentos/EITI-RD/3.Requisito1.3/5.20151214-ReglamentoFuncionalComisionNacionalITIE-RD.pdf> in January 2019.

⁵⁸ See: <https://www.mem.gob.do/images/docs/Decreto-Presidencial-CN-EITI-RD.pdf>

⁵⁹ MSG Terms of Reference (2015), article 5.

⁶⁰ MSG Terms of Reference (2015), article 8, paragraph 1.

⁶¹ MSG Terms of Reference (2015), article 8, paragraph 2.

⁶² Accessed on <https://www.mem.gob.do/images/docs/20181112-Lista-miembros-de-la-CNEITI-RD-2018-2020.docx> in January 2019.

⁶³ See Items 14 and 15 of the list of documentation for candidature available at <https://www.mem.gob.do/index.php/component/zoo/item/documentos-de-soporte-para-la-candidatura-de-itie-republica-dominicana-2#documentosRelacionados> in January 2019.

⁶⁴ See coordination letters with CSOs: Participación Ciudadana https://www.mem.gob.do/images/documentos/EITI-RD/3.Requisito1.3/1.Convocatorias_a_reuniones_CI/1.20150630-Solicitud_representante_de_Participacin_Ciudadana_a_CI.pdf, ODPP – UASD https://www.mem.gob.do/images/documentos/EITI-RD/3.Requisito1.3/2.Correos_respuestas_y_confirmaciones_reuniones_CI/7.20151104-Confirmacion_ODPP_almuerzo_CI_Secretara_ITIE.pdf in January 2019.

Dominican Republic” to participate in the EITI process⁶⁵. In October 2015 the Minister of Energy and Mines convened civil society organisations interested in the EITI to participate in a videoconference where the International Secretariat explained the EITI application process⁶⁶. The government received several letters of interest from CSOs to participate in the EITI process⁶⁷.

In November 2015, ENTRE, the civil society platform working on extractives, organised a National Assembly to select the CSOs to participate in the MSG⁶⁸. Twenty CSOs presented candidates for the MSG. Following a vote, four CSOs that received the highest number of votes became MSG members: Participación Ciudadana, ODPD-UASD, Fundación Guayacán de Energía y Medio Ambiente, and Organización Articulación Nacional Campesina. Another four CSOs were selected as alternative members. The selected organisations represent a broad range of interests from academics to grassroots organisations and professional associations. The International Secretariat received documentation of the election process.

Membership in ENTRE and the call to participate in the assembly appear to have been open and transparent. The same civil society representatives have continued into the second term without a new selection process. In practice, it seems that the coordinating committee of ENTRE, composed by 13 CSOs, confirmed the re-appointment of MSG members for a second term. There is no indication that the civil society constituency has a mechanism for communicating regularly on EITI-related issues, apart from the coordinating committee of ENTRE.

Industry representation: EITI has been promoted by CAMIPE since 2010. As with CSOs, as part of the preparations to apply to the EITI, the government invited CAMIPE⁶⁹ representing twenty-three companies to a working group (“*Comité Impulsor*”) which functioned as a provisional MSG⁷⁰. In October 2015, the Minister of Energy and Mines requested the selection of four representatives and alternates from the industry: one CAMIPE representative and three representatives from extractive companies⁷¹. In November 2015, CAMIPE coordinated the selection of industry members for MSG⁷². CAMIPE followed an open and transparent process to select their representatives. A announcement was published in the press

⁶⁵ Accessed on https://www.mem.gob.do/images/documentos/EITI-RD/3.Requisito1.3/9. Anuncios_prensa_a_la_SC/20150918-Invitacin_a_SC_interesada_ITIE_Peridico_El_Caribe.pdf, https://www.mem.gob.do/images/documentos/EITI-RD/3.Requisito1.3/9. Anuncios_prensa_a_la_SC/20150928-MEM_convoca_a_la_SC_a_adherirse_a_ITIE_peridico_El.pdf, and, https://www.mem.gob.do/images/documentos/EITI-RD/3.Requisito1.3/9. Anuncios_prensa_a_la_SC/20150928-MEM_invita_a_participar_en_esfuerzos_sobre_ITIE_peri.pdf.

⁶⁶ Opportunities for Transparency and Accountability in the Mining Sector of the Dominican Republic Conference. See Dominican Republic Application Form accessed on <https://www.mem.gob.do/images/FormularioAplicacionCandidaturaITIE.pdf> in January 2019.

⁶⁷ Letters of Interest from CSOs were shared with the International Secretariat and are available per request.

⁶⁸ Accessed on https://www.mem.gob.do/images/documentos/EITI-RD/3.Requisito1.3/16. 20151211-Correo_Electronico_Convocatoria_Asamblea_Nacional_SC.pdf

⁶⁹ Letter from CAMIPE selecting two individuals to participate in the “*Comite Impulsor*” shared with the International Secretariat and available per request.

⁷⁰ There is evidence on industry participation in the “*Comite Impulsor*”. CAMIPE paper shared with the International Secretariat and available per request.

⁷¹ Letter No. MEM-DRI-525-15 accessed from October 2015.

⁷² CAMIPE letter from 6 November 2015 accessed on https://www.mem.gob.do/images/documentos/EITI-RD/3.Requisito1.3/8. 20151130- Designacin_Representantes_de_la_Industria_Extractiva_a_CN.pdf in January 2019.

inviting nominations from all extractive companies, whether CAMIPE members or not (see *Requirement 1.2*). In January 2018, industry revised its representation in the MSG⁷³. There is evidence publicly available on the latest selection procedure within the industry⁷⁴. CAMIPE meetings and publications are used to communicate with the broader constituency about EITI-related issues.

Government representation: The first MSG included representatives from the MEM, the MOP and the Ministry of Treasury⁷⁵. According to the information available on the DR-EITI website, government is represented in the MSG by four permanent members, including a representative from the MEM different from the Chair, and four alternates. The permanent members include three Vice ministers from the MEM, the MOP, the MEPYD, and a Director General from the Ministry of Treasury (Policy and Tax Law). There are also four alternates from the MEM, the MOP, the Ministry of Treasury and the MEPYD. Although the process for selecting government representatives is not clear, it seems that the Minister of Energy and Mines and EITI Champion, Antonio Isa Conde invited relevant agencies – selected at its sole discretion – to nominate representatives to participate in the MSG. It appears that they were selected by the head of the respective agency⁷⁶. Additional government agencies are represented in the MSG’s technical committee, which focuses on solving issues related to EITI reporting.

Per diems: Although not explicitly stated in the MSG’s ToR or on the DR-EITI website, there are no provisions for per diems to be paid or evidence that any such payments are made in practice. Provision 8 in the ToR mentioned that memberships are ad honorem.

Attendance: The ToR for the MSG establish that missing three consecutive MSG meetings “without prior notification empowering the alternate to represent him/her” will lead to dismissal from the MSG⁷⁷. The decision will be announced by the Chair, and the correspondent constituency should look for a replacement by another member from the same group. In the meantime, the seat will be covered by the alternate member⁷⁸. Attendance of alternate government representatives is the rule according to MSG meetings Minutes. An analysis of attendance in MSG meetings on the basis of available minutes suggests that although meetings always include at least one representative from each of the constituencies, there were some absences (see Annex B). There is no record of any MSG representative’s membership having been reviewed following repeated consecutive absences as prescribed by the ToR. The analysis of MSG meetings attendance suggests that some observers such as the IADB and the World Bank consistently

⁷³ CAMIPE letter from 23 January 2018 shared with the International Secretariat and are available per request.

⁷⁴ See Press Release, presentations and the list of attendees related to the latest selection process in late January 2018, here: <http://camiperd.org/reunion-de-rendicion-de-cuentas-comision-nacional-eiti-2015-2017-y-eleccion-de-miembros-del-sector-de-la-industria-extractiva-para-la-comision-nacional-eiti-rd-periodo-2018-2020/>

⁷⁵ Accessed on <https://www.mem.gob.do/images/documentos/EITI-RD/4.Requisito1.4/Acta01-2015.pdf> in January 2019.

⁷⁶ Letters from the Minister of the MOP, the Minister of Treasury, the Minister of MEPYD confirming election of representatives accessed on https://www.mem.gob.do/images/documentos/EITI-RD/3.Requisito1.3/19_20151217-Designacin_representantes_Ministerio_de_Presidencia.pdf, https://www.mem.gob.do/images/documentos/EITI-RD/3.Requisito1.3/7_20151208-Designacin_representantes_Min_Hac_a_CN.pdf, https://www.mem.gob.do/images/documentos/EITI-RD/3.Requisito1.3/6_20151216-Designacin_representantes_MEPyD_a_CN.pdf respectively. Letter from the Minister of Energy and Mines selecting the Vice Minister of Hydrocarbons as alternate from 2015 to 2017, and principal from 2018 to 2020 was shared with the International Secretariat and are available per request.

⁷⁷ DR-ToR (2015), article 8, paragraph 3.

⁷⁸ DR-ToR (2015), article 8, paragraph 4.

participate in MSG meetings⁷⁹.

Terms of reference: The MSG's current ToR are available (in Spanish only) on the Dominican Republic EITI website⁸⁰. The ToR confirms the MSG's ability to approve the work plan, appoint the Independent Administrator and its ToR, manage the EITI budget, approve the annual progress reports and engage in Validation⁸¹.

Internal governance and procedures: The ToR set a minimum expectation that meetings be held at least twice every month. Meeting minutes should be approved in person or virtually before each session (Article 14 of the ToR). The ToR confirms the Chair's obligations before the MSG (Articles 14 of the ToR). Article 14 of the ToR also confirms the circulation of documents seven days ahead of MSG meetings and the process of approval. Meeting minutes show that the MSG has consistently met at least every month.

Decision-making: Article 14 of The ToR establishes that resolutions are adopted by consensus. It also states that when needed resolutions are to be "adopted by simple majority". There is not mention to the obligation of keeping individual opinions on record. For example, meeting minutes confirms that the MSG has approved work plans and Annual Progress Reports. There is no evidence that these rules have not been followed up in practice. The ToR does not include language on each constituency being treated as a partner, but this clearly seems to be the practice. According to stakeholders, the MSG has only voted once.

Record-keeping: Although the ToR states that minutes should be shared with the MSG members, there is no explicit timeframe on how soon after the meeting draft minutes should be circulated.⁸² In practice, all minutes are published on the DR-EITI website.

National secretariat: Article 11 of the ToR establishes the secretariat's obligation of convene ordinary and extraordinary sessions. The ToR require meeting documents to be submitted to MSG members and minutes to be available on the Dominican Republic website. The secretariat staff (four members) are employed by the MEM which uses their budget to pay salaries. In May 2015, Chair of the MSG, Minister Isa Conde, wrote to Vilma Arbaje confirming her appointment as National Coordinator for the MSG⁸³.

⁷⁹ See for example, MSG Minutes Meetings 40, 38, 34, 30, 28, 27, 26 and 24 accessed on https://www.mem.gob.do/images/docs/EITI_actas/20180412-Acta_No._40-2017_CN_EITI-RD.pdf, <https://www.mem.gob.do/images/docs/Acta-No.38-2017.pdf>, https://www.mem.gob.do/images/docs/EITI_actas/Acta_No.34_-_2017.pdf, https://www.mem.gob.do/images/documentos/EITI-RD/otros_documentos/Acta_No.30_-_2017.pdf, https://www.mem.gob.do/images/documentos/EITI-RD/otros_documentos/Acta_No.28_-_2017.pdf, https://www.mem.gob.do/images/documentos/EITI-RD/otros_documentos/Acta_No.27_-_2017.pdf, https://www.mem.gob.do/images/documentos/EITI-RD/otros_documentos/Acta_No.26_-_2017.pdf, https://www.mem.gob.do/images/docs/EITI_actas/Acta_24-2017.pdf respectively, in January 2019.

⁸⁰ Dominican Republic Terms of Reference (2015) accessed on https://eitird.mem.gob.do/wp-content/uploads/2018/12/2_20151216_-_Reglamento_de_la_Comisin_ITIE-RD_FINAL_MT.pdf in January 2019.

⁸¹ DR's ToR (2015). Article 4.

⁸² Minute Act No.42 accessed on https://www.mem.gob.do/images/docs/EITI_actas/Acta-42--05-04-10-CNEITI-RD.pdf in February 2019.

⁸³ Accessed on https://www.mem.gob.do/images/documentos/EITI-RD/2.Requisito1.2/2_20150525_-_DesignacionVIACCoordinadoraNacionalITIE-RD.pdf in January 2019.

Stakeholder views

MSG composition and membership: Stakeholders consulted agreed that the MSG had functioned well and served its purpose. Stakeholders consulted from all constituencies expressed broad appreciation for the good dynamic of tripartite dialogue and engagement in the EITI implementation process. Stakeholder consultations indicate that constituencies are in general adequately represented. However, some stakeholders noted that some government agencies were often represented at too junior a level to ensure adequate oversight of the process. Industry and civil society members noted that the government was not using the MSG as a platform for dialogue about reforms.

All stakeholders from all constituencies confirmed there were not major rotations of representatives with few exceptions within the CSOs and industry constituencies. Civil society representatives stated that an election process for the second term of the MSG had not been organised due to financial constraints. Civil society MSG members expressed their concern about the transfer of knowledge to the next MSG that is to be elected in 2020. The ToR currently allows only two consecutive two-year terms. Some stakeholders commented that sustaining representatives' interest and dedication over more than three years of EITI implementation had been challenging, particularly when MSG meetings were often devoted to more perfunctory duties such as revision and approval of bureaucratic documents such as the approval of the EITI Reports, Work plans and APRs. All stakeholders from the three constituencies concurred that the invitation to participate in the MSG was open and transparent, and that each stakeholder group has the right to appoint its own representatives following their own selection procedures.

Terms of reference and internal procedures: All stakeholders expressed satisfaction with sufficient advance notice of meetings and timely circulation of documents prior to their debate and proposed adoption. Representatives said that draft work plans, EITI Reports, the Terms of Reference for the Independent Administrator, annual progress reports were shared with them for feedback and approval. All MSG members confirmed that they oversaw the EITI reporting process and their engagement during the Validation of Dominican Republic. Stakeholders confirmed that decisions were generally made by consensus. All stakeholders said that they were able to propose agenda items for MSG meetings. Stakeholders confirmed that the MSG does not have a practice of paying per-diem. The civil society constituency expressed a wish for meeting minutes to reflect discussions in more detail.

Attendance: Stakeholders from all constituencies noted that government MSG members were often represented by alternates at MSG meetings. Most MSG members showed their satisfaction with the regular attendance of representatives from the three constituencies, which they said shows commitment with the EITI implementation in Dominican Republic.

National Secretariat: All stakeholders agreed that even though secretariat staff were MEM employees, all constituencies are treated equally. MSG members from all constituencies confirmed that the national secretariat regularly sent meeting minutes to MSG members.

MSG and secretariat capacity: All stakeholders consulted stated that civil society and industry had good capacity but that the MSG was missing key government institutions, such as DGM and the Ministry of Environment that would allow technical discussions. All stakeholders expressed their trust in the current National Coordinator, Vilma Arbaje. However, the civil society constituency noted that the fact that the secretariat is embedded in MEM limited its impartiality.

Initial assessment

The International Secretariat's initial assessment is that the Dominican Republic has made satisfactory progress towards meeting this requirement. The MSG includes self-appointed representatives from each stakeholder group with no suggestion of interference or coercion. However, constituency nominations procedures do not appear to be systematically codified or documented. The civil society nomination process for the MSG appears to have been open and transparent, and CSO members of the MSG are operationally and in policy terms independent from government and companies. The ToR for the MSG addresses the requirements of the EITI Standard, and stakeholders have not highlighted any significant deviations from the ToR in practice. Meetings are convened with sufficient advance notice and MSG members generally appear to have sufficient time to review documents ahead of meetings. Meeting attendance of MSG members is mostly consistent.

To strengthen implementation of Requirement 1.4, the MSG is encouraged to re-orient its focus from the EITI process to reforms in extractive sector governance. The MSG is encouraged to revive the technical committee and invite key government institutions that regulate the extractive sector to participate closely in EITI debates.

Civil society MSG members should develop a mechanism for systematic communication with the broader constituency, and the MSG is encouraged to support capacity-building of CSOs outside the MSG to ensure continuity and broad representation.

Work plan (#1.5)

Documentation of progress

Publicly accessible workplan: Work plans have been published⁸⁴ on the EITI-Dominican Republic website⁸⁴. The 2019 work plan was agreed by the MSG in its Meeting No. 56-2018⁸⁵ of November 2018 and is available online⁸⁶.

Objectives for implementation: The latest work plan covers 2019. Previous work plans covered 2015-2017 and 2018⁸⁷. The 2018 work plan focused on producing the ²⁰¹⁶ EITI Report, identifying beneficial ownership disclosures, mainstreaming, and subnational EITI implementation as priorities. The main objectives remain the same in the 2019 work plan.

The 2019 work plan includes the following objectives for implementation: to raise the quality of the MSG operation internally and generate sectoral participation activities through constructive dialogue that builds trust between the parties involved; to progressively integrate transparency into existing mechanisms for the management of the extractive sector, in accordance with the EITI Standard, and

⁸⁴ Accessed on <https://eitird.mem.gob.do/category/documentos/plan-de-trabajo-eiti-rd/> in January 2019.

⁸⁵ Although this Meeting Minute is not publicly available, the document was shared with the International Secretariat and is available per request.

⁸⁶ Accessed on <https://eitird.mem.gob.do/plan-de-trabajo-2019/> in January 2019.

⁸⁷ 2018 Work Plan accessed on <https://eitird.mem.gob.do/wp-content/uploads/2018/12/Plan-de-Trabajo-EITI-RD-2018.pdf> in January 2019. 2015-2017 Work Plan accessed on <https://eitird.mem.gob.do/plan-de-trabajo-2015-2017/> in January 2019.

based on EITI principles; and to increase public understanding of the management of the extractive sector by disseminating information, data and mechanisms for participation available in simple formats focused on key audiences.

A key priority for the government is to strengthen the governance of the Dominican Republic's extractive industry. Thus, having as a main objective to improve transparency and accountability through the participation of key actors, with the aim of optimising the management and use of resources derived from mining and hydrocarbon activities for the benefit of society is a central goal of the government. The DR-EITI 2018-2020 Strategic Plan describes the logic behind objectives and includes higher level goals.⁸⁸

Measurable and time-bound activities: EITI-Dominican Republic's work plans since 2015 include sub-objectives and specific tasks for each objective, with clear timelines and outputs. The previous work plans have been reasonably implemented mainly in relation with the elaboration of the first EITI Report 2015 and the identification and removal of obstacles to the reporting process⁸⁹. With some exceptions concerning the publication and approval of the Annual Progress Report 2018, the establishment of the scope of the 3rd EITI Report, and the participation and support during the 1st validation, most activities listed in the 2019 work plan are due for completion by end of 2019.

Activities aimed at addressing any capacity constraints: The 2019 work plan includes activities aimed at capacity building of the MSG members and National Secretariat such as activity 1.4 which established as an activity to “organize and conduct CNEITI-RD workshops to strengthen its capacities”⁹⁰. It does not clarify in detail which constraints in the MSG and national secretariat should be addressed.

Activities related to the scope of EITI reporting: The 2019 work plan includes activities related to the scope of EITI reporting, especially in terms of the approval of the Terms of Reference for the Independent Administrator for the elaboration of the 3rd EITI Report, the update of the contextual information available in the Dominican Republic EITI website, and the verification of the open data policy in the Dominican Republic website. The work plan includes activities aimed at improving technical aspects of EITI reporting and addressing challenges in governments database systems to support beneficial ownership disclosure and systematic disclosure (mainstreaming)⁹¹.

Activities aimed at addressing any legal or regulatory obstacles identified: The 2019 work plan does not clarify if legal or regulatory obstacles were identified when implementing the EITI in the country. Moreover, it does not identify specific tasks aimed at addressing those gaps. The work plan indirectly outlines plans to address legal obstacles related to beneficial ownership disclosure under objective 11 (Revision and update of the beneficial ownership roadmap).

⁸⁸ <https://eitird.mem.gob.do/wp-content/uploads/2018/12/Plan-Estrat%C3%A9gico-CNEITI-RD-2018-2020-con-anexos.pdf>.

⁸⁹ See the Annual Progress Report 2017 pp.5-9 accessed on <https://eiti.org/sites/default/files/documents/informe-de-progreso-anual-2017-eiti-rd-1.pdf> in March 2019.

⁹⁰ 1.4, 1.7, 1.8 and 5.2 sub-activities mentioned in the 2019 Work Plan.

⁹¹ 8 – 12.4 sub-activities covering these items in the 2019 Work Plan.

Plans for implementing the recommendations from Validation and EITI reporting: The 2019 work plan outlines plans to follow up on recommendations of past EITI Reports and the Validation procedure under Objectives 2.3, 3.5 and 7.4. Although not part of the work plan (see Requirement 7.4), the Dominican Republic's Strategic Plan 2018-2020 includes in detail some challenges identified for the EITI implementation such as the inexperience of the CNEITI-RD as a multi-stakeholder entity in carrying out its activities in a consensual manner⁹².

Costings and funding sources, including domestic and external sources of funding and technical assistance:

The 2019 work plan includes clear costs and sources of funding (primarily World Bank, the IADB and government). The 2019 work plan's budget amounts to USD 420,000 approx. (RD\$21,847,000) for the period in question. While the Dominican Republic government will be covering USD 120,000 approx., development partners are supporting with USD 300,000 (World Bank: USD 250,000⁹³ and the IADB: USD 50,000)⁹⁴. More than 80% of the budget costs (USD 370,000 = RD\$19,247,000) in the work plan is linked to specific tasks outlined in Objective I: to raise the quality of the MSG operation internally and generate sectoral participation activities through constructive dialogue that builds trust between the parties involved; and Objective II: to progressively integrate transparency into existing mechanisms for the management of the extractive sector, in accordance with the EITI Standard, and based on EITI principles.

Stakeholder views

A senior government representative noted that the work plan should ideally be used to guide the government's reform strategy for the sector but lamented that this was not possible because decisions on the development of the sector were often made outside of the MSG. Several industry and CSO MSG members confirmed that they had been able to influence the content of the work plan, including objectives that they considered aligned with national priorities for the sector, although they expressed some doubts about whether work plans actually reflected constituency priorities. Civil society MSG members noted that costs and funding sources are a key challenge that needed to be addressed along with closer follow-up on the implementation of activities. One development partner confirmed that their support for identifying the main governance problems in the mining sector was not consistently reflected in the MSG's work plan. It seems that input for the work plan was not sought beyond the MSG.

Initial assessment

The International Secretariat's initial assessment is that the Dominican Republic has made satisfactory progress towards meeting this requirement.

The 2019 work plan is publicly accessible, produced in a timely manner and updated annually, with clear objectives aligned with national priorities and EITI Principles. Activities are fully costed and measurable. All constituencies had the opportunity to influence the work plan.

To strengthen EITI implementation, the MSG is encouraged to consider broadening the scope of implementation to cover topics considered relevant by stakeholders (Requirement 1.5). These could

⁹² Dominican Republic's Strategic Plan 2018-2020. Shared with the International Secretariat available per request. P.14

⁹³ EGPS Grant Implementing EITI projects letter involves USD 200,000. Check during stakeholder consultations.

⁹⁴ Exchange Rate: RD\$52/USD1

include, for example, environmental disclosures and revenue management on the subnational level. The MSG is encouraged to monitor regularly the implementation of the work plan and ensure that activities reflect current priorities.

Table 1 – Summary initial assessment table: MSG oversight

EITI provisions	Summary of main findings	International Secretariat's initial assessment of progress with the EITI provisions
Government oversight of the EITI process (#1.1)	The government is engaged in the EITI process. Relevant government agencies have played an active role in implementing the EITI including engaging in the MSG process as full members and collaborating in technical support groups. Government agencies participate actively in the EITI reporting process.	Satisfactory progress
Company engagement (#1.2)	Company representatives are fully, actively and effectively engaged in the EITI process. There is an enabling environment for company participation and all material companies participate in EITI reporting.	Satisfactory progress
Civil society engagement (#1.3)	Civil society is actively effectively engaged in the EITI process and there is no indication of restrictions to expression, association or operation. Stakeholders are able to engage actively in the design, implementation, monitoring and evaluation of the EITI process. Stakeholders are able to communicate and cooperate with each other and are able to operate freely and express opinions about the EITI without restraint, coercion or reprisal.	Satisfactory progress
MSG governance and functioning (#1.4)	<p>The MSG has representatives from each stakeholder group with no suggestion of interference or coercion in the nomination processes.</p> <p>The mechanism for civil society nominations on the MSG was open to the public through ENTRE and CSO MSG members are operationally and in policy terms independent from government and companies.</p> <p>The ToR for the MSG addresses the requirements of the EITI Standard and stakeholders have not highlighted any significant deviations from the ToR in practice. Meeting attendance is mostly consistent and the MSG appears to be functioning well as an oversight body,</p>	Satisfactory progress

	although it rarely serves as a platform for policy debate.	
Work plan (#1.5)	The 2019 EITI work plan is publicly accessible, produced in a timely manner and updated annually, with objectives aligned with national priorities. The work plan also includes specific activities to follow up on recommendations from EITI reporting. The three constituencies have consulted their broader stakeholder groups in preparing annual work plans. Delays in work plan implementation appear reasonable given funding constraints.	Satisfactory progress
<p>Secretariat's recommendations:</p> <ul style="list-style-type: none"> • To strengthen the implementation of Requirement 1.1, the government is encouraged to engage relevant agencies such as the Directorate-General of Mining and the Ministry of Environment and Natural Resources in EITI implementation. The Dominican Republic should also guarantee the participation of senior government representatives in MSG meetings. The government is encouraged to ensure that its commitment is sustained if the administration changes, including through sustained funding for the EITI. • To strengthen implementation of Requirement 1.2, the industry constituency is encouraged to continue active participation in the EITI and facilitate the publication of beneficial ownership information, as well as routine disclosures of revenue data. • To strengthen implementation of Requirement 1.3, the Dominican Republic is encouraged to consider funding capacity-building for CSOs interested in extractives governance. The civil society constituency is encouraged to clearly document the selection process of MSG members and to build the capacity of CSOs outside the MSG. • To strengthen implementation of Requirement 1.4, the MSG is encouraged to re-orient its focus from the EITI process to reforms in extractive sector governance. The MSG is encouraged to revive the technical committee and invite key government institutions that regulate the extractive sector to participate closely in EITI debates. • Civil society MSG members should develop a mechanism for systematic communication with the broader constituency, and the MSG is encouraged to support capacity-building of CSOs outside the MSG to ensure continuity and broad representation (1.4). • To strengthen EITI implementation, the MSG is encouraged to consider broadening the scope of implementation to cover topics considered relevant by stakeholders (Requirement 1.5). These could include, for example, environmental disclosures and revenue management on the subnational level. The MSG is encouraged to monitor regularly the implementation of the work plan and ensure that activities reflect current priorities. 		

Part II – EITI Disclosures

2. Award of contracts and licenses

2.1 Overview

This section provides details on the implementation of the EITI requirements related to the legal framework for the extractive sector, licensing activities, contracts, beneficial ownership and state participation.

2.2 Assessment

Legal framework (#2.1)

Documentation of progress

The EITI Report includes a summary of laws and regulations governing the extractive sector, as well as links to them (pp. 16-22). The roles and responsibilities of government agencies and their legal basis are clearly described (pp. 13-16). Links directing to further information are provided. The Ministry of Energy and Mines (MEM) is the principal regulator of the sector and oversees the National Geological Service and the Directorate-General for Mining (DGM).

Both the general fiscal regime and the regimes defined in contracts are explained (pp. 63-67). The fiscal regime of each mining contract is summarised. Links are provided to both legislation and the contracts. Fiscal devolution is not explicitly addressed, but subnational entities are not listed among government agencies that collect extractive revenue (p. 67). The report's section on revenue management confirms that extractive revenues enter a single, centralised account (p. 76).

The report provides information about two major on-going reforms. Firstly, the mining law is being revised. The report includes a description of the process and related consultations, as well as links to the draft law and news items (p. 19). Secondly, a model production-sharing contract for the petroleum sector was presented in 2018 (p.20).

Stakeholder views

Stakeholders commented that the EITI Report and the online portal were useful sources of information about the sector as they compiled information that was previously scattered across many sources. Both industry and civil society representatives considered the draft mining law a significant reform and wished that it had been submitted to the MSG for discussion. Many stakeholders noted that there were institutional weaknesses in how the sector was governed and overlap between the responsibilities of different agencies.

Initial assessment

The International Secretariat's initial assessment is that the Dominican Republic has made satisfactory

progress in meeting this requirement. The EITI Report and the online portal provide a clear, concise overview of the legal framework and fiscal regime, as well as on-going reforms. Hyperlinks enable the reader to easily access further information.

License allocations (#2.2)

Documentation of progress

Awards/transfers:

The EITI Report includes a list of different types of licenses awarded and transferred in 2016 and 2017 (p. 31). The eight licenses transferred in this period are listed in a table, which includes the name of the licensee, the license type and the transfer date. For awards, the report includes links to web pages of the Ministry of Mines and Energy (MEM) where all licensing decisions made in 2016-2018 are available (p. 30). The pages include links to the licensing documents, which include detailed information about the licensee, the license area and the licensing process. The decisions are categorised by year, which facilitates reviewing license awards by certain year.

Award process and criteria:

The EITI Report summarises the process for obtaining an exploration or extraction license and includes links to extensive further information on MEM's website (pp. 17-20). Licenses are awarded on a first-come-first-served basis to an applicant who fulfils the criteria. The report provides a link to a list of information and documents that the applicant is required to provide, as well as to a flowchart that describes the process clearly.

The technical and financial criteria that MEM apply to assess applications is not clearly referred to. However, the level of documentation required from the applicant is detailed. The financial, legal and technical requirements include, for example, demonstrating tax compliance and liquidity and providing the CVs of the technical team. These are detailed on a MEM web page and specify the requirements outlined in the mining law and its regulation⁹⁵. According to the web page, the application is reviewed by several departments of the Directorat- General of Mining (DGM) before being sent for approval to MEM.

According to the mining law, the government may also establish by decree geographical areas called fiscal reserves and allow exploration and extraction within them on a contractual basis. The EITI Report notes that in 2016-2018 three fiscal reserves existed. No concessions had been granted for two of these. In the third, two companies were operating: Pueblo Viejo (PVDC) and EnviroGold Las Lagunas. The report describes that their contracts were signed in 2001 and 2004, respectively, following an international bidding process. The contracts for the production of bauxite (DOVEMCO) and ferronickel (Falconbridge) date back to the 1950s.

Transfer process and criteria:

⁹⁵ §43 of the Mining Law (Ley No. 146-71 del 4 de junio de 1971) and its regulation No. 207-98.

The report mentions that license transfers are subject to approval from MEM (p. 27). The report and the corresponding section in the online portal point to a MEM web page for further information.⁹⁶ The web page lists the documents that the licensee must submit for consideration by the ministry.

License awardee information:

The documents included in list of licensing decisions on MEM's website clearly identifies the licensee(s) and license types and includes the coordinates of the license area, the date of application, the date of award and the duration of the license.⁹⁷

Non-trivial deviations:

The report does not discuss possible deviations from the regulatory framework for allocating licenses.

Bidding process:

According to the report, there were no bidding rounds for mining concessions in 2016-2018 (p. 32). The report mentions that contracts in force were awarded through competitive international bidding rounds in earlier years, but details such as the list of applicants are not disclosed.

Commentary on efficiency:

The report does not include commentary on the efficiency of the licensing process.

Stakeholder views

Both civil society and industry representatives expressed concerns about discretion in the allocation of licenses. Government representatives noted that in the period covered by the EITI Report (2016), DGM did not have internal criteria for assessing license applications. Decisions were based on the law and the professional experience of staff. DGM has recently produced a written procedure, clarifying the technical and financial criteria for assessing applications. The document is yet to be made public as it forms part of a wider process of formalising government procedures. Stakeholders did not express concerns about non-trivial deviations regarding specific licenses awarded or transferred in 2016. Some stakeholders noted that there was unnecessary overlap between the responsibilities of MEM and DGM in the licensing process.

Initial assessment

The International Secretariat's initial assessment is that the Dominican Republic has made satisfactory progress towards meeting this requirement. 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.

To strengthen the implementation of Requirement 2.2, the Dominican Republic is encouraged to continue

⁹⁶ <http://www.dgm.gob.do/transparencia/index.php/servicios/gestion-de-aprobacion-para-inscripcion-de-transferencia-de-derechos-mineros>.

⁹⁷ Links included on p. 30 of the EITI Report.

the work 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.

License registers (#2.3)

Documentation of progress

The EITI Report includes links to the website of the Directorate-General of Mining (DGM), which contains information about licenses (p. 28-30). The website includes static maps showing different license types and allows the user to download a list of licenses in Excel format.⁹⁸ There is also a map and list of license applications being processed. According to the report, the information is updated monthly.

The list of licenses includes the following information about each license: license holder, commodity(ies), dates of application, award and expiry. In addition, the information includes the license name, the province(s), the municipality(ies) and the size of the license area. Coordinates are not included in the list. The report (p. 22) notes that while the list does not include the expiry dates of concessions, the law determines that licenses are valid for 75 years, with a revision taking place every 25 years.

DGM has uploaded scanned copies of the licensing documents that contain coordinates on its website. The repository is searchable by license name.⁹⁹ DGM maintains a public, interactive map that includes exploration and extraction licenses, as well as licenses that have been applied for but are yet to be approved. The report notes that DGM is undertaking efforts to ensure that the locations of all licenses are available in digital format and that the register does not contain outdated or inactive licenses (p.22).

The license information is available for all licenses, whether pertaining to material companies or not. All material companies except CORMIDOM operate under contractual regimes. The license held by CORMIDOM is listed and the coordinates are available in the licensing document¹⁰⁰. Information about exploration or extraction rights in fiscal reserves appears to be available only in the contracts themselves. The list of licenses includes the fiscal reserves but reserves to the state as the licensee.

The contracts are published in full (*see Requirement 2.4*). Additionally, the EITI Report summarises the content of each contract and provides information about the date of signature, the date of parliamentary approval, the duration of the contract and subsequent changes to the contract. The coordinates of contract areas can be found in legislation creating the fiscal reserves.

Stakeholder views

Government representatives confirmed that the list published on the DGM website includes all licenses.

⁹⁸ <http://www.dgm.gov.do/index.php/2016-02-09-14-15-30/mapa-de-concesion-de-exploracion-metalicas-y-no-metalicas>

⁹⁹ <http://www.dgm.gov.do/transparencia/index.php/publicaciones/category/concesiones-de-explotaciones-otorgadas/4>

¹⁰⁰

<http://www.dgm.gov.do/transparencia/images/docs/publicaciones/Resoluciones%20de%20Concesiones%20Mineras/Concesiones%20Mineras%20de%20Explotacion%20Otorgadas/BLOQUE%20MINERO%20C%20-%201%20CERRO%20DE%20MAIMON%20-%2011-04-2003.pdf>

Some civil society representatives were concerned that the government did not maintain a public cadastre with up-to-date data on license areas.

Initial assessment

The International Secretariat's initial assessment is that the Dominican Republic has made satisfactory progress towards meeting this requirement. 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.

Contract disclosures (#2.4)

Documentation of progress

The EITI Report notes that contracts are approved by the parliament and published in the official gazette. They are treated comparable to a law or decree and therefore must be published according to the law. The publication is also supported by the Freedom of Access to Information law. Current contracts are for mining and there are no petroleum contracts in place. More recent contracts relate to gold mining in the Montenegro fiscal reserve, while the contracts for producing ferronickel and bauxite originate from the 1950s.

The EITI Report includes a link to the MEM web page that contains the five contracts in force and later amendments and alterations to them (p. 54). Additionally, the report contains a summary of the key terms of the contracts and their history (pp. 38-54).

Stakeholder views

Government representatives confirmed that contracts were published in full, including all annexes and modifications. Contract transparency is allowing debate on, for example, the basis for calculating subnational transfers (*see Requirement 5.2*).

Initial assessment

The International Secretariat's initial assessment is 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 EITI Report and the online portal provide a helpful overview of the contracts.

Beneficial ownership disclosure (#2.5)

Documentation of progress

The MSG has published a roadmap towards beneficial ownership transparency. A working group is conducting an analysis of the legal framework and international best practices. Beneficial ownership information is currently not publicly available.

A 2017 law against money-laundering and financing terrorism includes definitions of beneficial owners and politically exposed persons. The report includes links to the legislation and the roadmap (p. 22).

Stakeholder views

Government representatives confirmed that the government holds comprehensive beneficial ownership data in an internal register. Government agencies were confident that for mining companies, the data could be made public for EITI purposes with the approval of the companies. Civil society representatives expressed concern that the requirement to disclose beneficial owners was not yet included in the licensing process.

Initial assessment

Implementing countries are not yet required to address beneficial ownership and progress with this requirement does not yet have any implications for a country's EITI status. It is encouraging that the Dominican Republic already has a register of beneficial owners.

To prepare for the implementation of Requirement 2.5, the MSG is encouraged to work with extractive companies, including non-metallic mining companies, to ensure that information on their beneficial owners can be published by 1 January 2020. DGM is encouraged to request beneficial ownership information as part of the licensing process.

State participation (#2.6)

Documentation of progress

The Dominican Corporation of State-Owned Enterprises (CORDE) is the state's holding company and the licensee for five concessions for the extraction of non-metallic minerals (p. 28-29). CORDE has sold or leased the rights to companies that operate the mines and quarries. The EITI Report contains the key terms associated with each of the contracts, including the name of the company, the type of the contract, the contribution to CORDE and the current status of operations. Most of the operations are on hold or cancelled due to non-payment of agreed contributions to CORDE. The report does not explicitly state whether CORDE has ownership in any of the companies. It appears that companies previously pertaining to CORDE have been or are being privatised as part of the on-going dissolution of CORDE.

The report notes that the Directorate-General for Mining owns the Las Mercedes bauxite mine, which is run by the privately-owned company DOVEMCO (p. 25). The report notes that there has been no regular production since January 2016. The report documents the terms of a series of service agreements between the state and DOVEMCO, as well as DOVEMCO's outstanding debt to the state. The loans to

DOVEMCO derive from contracts with the state that are publicly available and summarised in the EITI Report (pp. 42-47).

CORDE also owns close to 10% of the shares of Falconbridge Dominicana, which produces ferronickel (pp. 40-42). A law passed in 2005 obliged CORDE to transfer the shares to a body representing the municipalities surrounding the mine. The law also requires that benefits from the shares are divided among the three provinces where the municipalities are located. In 2015, the Chamber of Accounts undertook an investigation into CORDE's receipts from Falconbridge in 2004-2014. The investigation, which the report provides a link to, found that CORDE was yet to transfer the shares. It had made one transfer of dividends to the municipalities in 2007 (RD\$98 m). Following the investigation and other revelations of mismanagement, the government decided to dissolve CORDE. The report notes that in 2015-2017, CORDE did not receive any revenues from Falconbridge.

The reconciliation report notes that CORDE failed to submit data or assurances for the 2016 EITI Report (p. 4). However, they informed the Independent Administrator that they did not receive any revenue within the scope defined for EITI reporting in 2016. Dividends were included in the scope of reporting, but no company reported to have paid dividends to government entities in 2016. Dividends were the only revenue stream defined as material collected by CORDE. The EITI Report notes that CORDE did receive revenues in 2016 from two companies for the non-metallic concessions it manages (p. 63). These totalled RD\$ 4 million (roughly USD 83,000). The information was provided by the commission that oversees the dissolution of CORDE. Non-metallic mining is not considered a material sector by the MSG (*see Requirement 4.1*).

Stakeholder views

Government representatives confirmed that the state did not have ownership in extractive companies, apart from Falconbridge. They noted that the closure of CORDE was scheduled to take place by the end of 2019 and following this the ownership of the non-metallic concessions would be transferred to another government agency and the shares in Falconbridge to the three provinces.

Government representatives explained that CORDE had been established to manage companies previously owned by Rafael Trujillo after the fall of his dictatorship. They confirmed that state participation in the mining sector was a historical legacy and the state was not seeking to expand its direct participation.

Initial assessment

The International Secretariat's initial assessment is that the requirement is not applicable in the Dominican Republic at this time. There is no indication that state participation in the extractive sector gave rise to material revenues in the period under review (2016). However, the information provided in the EITI Report increases public understanding about state participation, including debts that extractive companies owe to the state and the mismanagement of CORDE.

The MSG is strongly encouraged to continue disclosing information regarding state participation in the extractive sector and to engage with the government entities taking over ownership of mining concessions and Falconbridge shares following the dissolution of CORDE. The MSG should annually review, whether state participation gives rise to material revenues.

Table 2 - Summary initial assessment table: Award of contracts and licenses

EITI provisions	Summary of main findings	International Secretariat's initial assessment of progress with the EITI provisions
Legal framework (#2.1)	The EITI Report and the online portal provide a clear, concise overview of the legal framework and fiscal regime. Hyperlinks enable the reader to easily access further information. On-going reforms are comprehensively described.	Satisfactory progress
License allocations (#2.2)	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.	Satisfactory progress
License registers (#2.3)	Publicly available license information appears to be comprehensive, and it is commendable that the government has published licensing documents.	Satisfactory progress
Contract disclosures (#2.4)	The policy for disclosing contracts is clearly documented and full contracts are easily accessible on the ministry's website. The EITI Report and the online portal provide a helpful overview of the contracts.	Beyond
Beneficial ownership disclosure (#2.5)	The MSG has published a roadmap towards beneficial ownership transparency. A working group is conducting an analysis of the legal framework and international best practices. The government already holds information of beneficial owners and is working with companies to enable its publication.	
State-participation (#2.6)	There is no indication that state participation in the extractive sector gave rise to material revenues in the period under review (2016).	Not applicable

	<p>However, the information provided in the EITI Report increases public understanding about state participation, including debts that extractive companies owe to the state and the mismanagement of CORDE.</p>	
<p>Secretariat's recommendations:</p> <ul style="list-style-type: none"> • To strengthen the implementation of Requirement 2.2, the Dominican Republic is encouraged to continue the work 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. • 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. • To prepare for the implementation of Requirement 2.5, the MSG is encouraged to work with extractive companies, including non-metallic mining companies, to ensure that information on their beneficial owners can be published by 1 January 2020. DGM is encouraged to request beneficial ownership information as part of the licensing process. • The MSG is strongly encouraged to continue disclosing information regarding state participation in the extractive sector and to engage with the government entities taking over ownership of mining concessions and Falconbridge shares following the dissolution of CORDE (Requirement 2.6). The MSG should annually review, whether state participation gives rise to material revenues. 		

3. Monitoring and production

3.1 Overview

This section provides details on the implementation of the EITI requirements related to exploration, production and exports.

3.2 Assessment

Overview of the extractive sector, including exploration activities (#3.1)

Documentation of progress

The EITI Report includes an overview of the extractive sector (pp. 9, 56-58) and exploration activities (pp. 9-12). The report describes a recent gold discovery, significant gold exploration projects and the status of petroleum exploration. The report includes links to further information, including news articles.

Stakeholder views

Government representatives noted that the government is fully committed to ensuring transparency in the nascent petroleum sector. Stakeholders did not suggest that significant exploration activities would have been omitted from the report. The EITI Report was widely considered as a useful source for information about the extractive sector.

Initial assessment

The International Secretariat's initial assessment is that the Dominican Republic has made satisfactory progress towards meeting this requirement. The EITI Report and the online portal provide a comprehensive yet concise overview of extraction and exploration, including links to further information.

Production data (#3.2)

Documentation of progress

The EITI Report contains an overview of production and changes in recent years, as well as a table showing production volumes of metals in 2010-2017 (p. 58). The EITI online portal includes links for downloading more granular data.¹⁰¹ The report notes that the data is collected and published by the Directorate-General for Mining and the National Statistics Office.

For metals, data is disaggregated by concession and commodity and both volumes and values are available. Most recent data is from 2016 or 2017, depending on the concession.

For non-metal minerals, annual production volumes by commodity are available for 2003-2017. The

¹⁰¹ <https://eitird.mem.gob.do/informe-eiti-rd/produccion-y-exportacion/datos-de-produccion-visualiza-la-produccion/>

production values for non-metal minerals do not appear to be available.

Stakeholder views

Government representatives confirmed that currently production values for non-metallic minerals are not collected. The draft mining law proposes a change to this. The government is, however, planning to produce estimates of production values by commodity for 2016. Some stakeholders noted that DGM relied largely on companies for production data. Improving monitoring could strengthen revenue collection.

Initial assessment

The International Secretariat's initial assessment is that the Dominican Republic has made meaningful progress towards meeting this requirement. It is commendable that production data is published in open format and partly by concession.

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.

Export data (#3.3)

Documentation of progress

The report notes that export data is collected by the Directorate-General of Customs (p. 61). The online portal includes a link for downloading granular export data. The dataset covers years 2010-2017 and is disaggregated by year, company, commodity, volume, value and destination.

Stakeholder views

Stakeholders did not express views related to this requirement.

Initial assessment

The International Secretariat's initial assessment is that the Dominican Republic has made progress beyond this requirement. The Dominican Republic has exceeded the requirements of the Standard by disaggregating export data by company and destination. The data is published in open format, which facilitates further analysis.

Table 3- Summary initial assessment table: Monitoring and production

EITI provisions	Summary of main findings	International Secretariat's initial assessment of progress with the EITI provisions
Overview of the extractive sector, including exploration activities (#3.1)	The EITI Report and the online portal provide a comprehensive yet concise overview of extraction and exploration, including links to further information.	Satisfactory progress
Production data (#3.2)	Production volumes and values are available per commodity for metallic minerals. However, production values for non-metallic minerals are not available.	Meaningful progress
Export data (#3.3)	The Dominican Republic has exceeded the requirements of the Standard by disaggregating export data by company and destination. The data is published in open format, which facilitates further analysis.	Beyond
<p>Proposed corrective actions:</p> <ul style="list-style-type: none"> 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. 		

4. Revenue collection

4.1 Overview

This section provides details on the implementation of the EITI requirements related to revenue transparency, including the comprehensiveness, quality and level of detail disclosed. It also considers compliance with the EITI Requirements related to procedures for producing EITI Reports.

4.2 Assessment

Comprehensiveness (#4.1)

Documentation of progress

Material revenue streams:

The reconciliation report notes that the MSG had decided that all revenue streams representing over 1% of total extractive revenue should be reconciled. The MSG decided to include ten new revenue streams compared to the previous report. The reconciliation report (p. 24) includes references to MSG meeting minutes that document discussions and decisions. In practice, the reconciliation report demonstrates that in many of the selected revenue streams no payments were made by material companies in 2016.

The scoping study (pp. 23-29) includes a mapping of all revenue streams and their relevant importance. MSG meeting minutes demonstrate that the MSG decided to include nearly all revenue streams presented for discussion by the consultant who conducted the scoping study, following well-documented discussions.¹⁰² Based on the provided information, it appears that revenue streams excluded from the scope of EITI reporting are marginal and their omission does not materially affect the comprehensiveness of the report. For further details about reporting subnational payments, see Requirement 4.6.

The material revenue streams are described in the reconciliation report and the EITI Report.

Material companies:

The reconciliation report explains that the MSG decided that reconciliation should cover at least 85% of revenues. Based on the scoping study (pp. 32-33), the MSG decided that non-metallic mining companies should be excluded from the scope of reporting due to the immateriality of their payments. The MSG tasked the Independent Administrator (IA) to corroborate the decision. The reconciliation report documents the IA's efforts (pp. 15-19). Following analysis of information provided by government entities, the IA concluded that non-metallic mining companies were no material. Payments by non-metallic mining companies represented only 0.36% of total extractive payments in 2016. As a result, all five metal-producing companies were considered material. All of them submitted the requested data.

Material government entities:

The reconciliation report (p. 24) names the six government entities and the material revenue streams

¹⁰² Minutes of MSG meetings 43, 44, 45 and 48.

each of them collects. All except CORDE submitted the requested data within the indicated timeframe. They however informed the Independent Administrator that they did not receive any revenue within the scope defined for EITI reporting in 2016. Dividends were included in the scope of reporting, but no company reported to have paid dividends to government entities in 2016. Dividends were the only revenue stream defined as material collected by CORDE. The EITI Report notes that CORDE did receive revenues in 2016 from two companies for the non-metallic concessions it manages (p. 63). These totalled merely RD\$ 4 million (roughly USD 83,000). The information was provided by the commission that oversees the dissolution of CORDE. These payments were not reconciled as the companies that made them were not material. Non-metallic mining is not considered a material sector by the MSG.

Comprehensiveness:

Reconciliation covered 90.7% of all extractive revenue (including non-metallic mining) and 94.1% of revenue from metallic mining.¹⁰³ The reconciliation coverage thus exceeds the target of 85% set by the MSG. Based on the scoping study and the work undertaken by the IA, there is no indication that revenue streams or companies exceeding 1% of total revenue were omitted. Total government revenue from the sector (RD\$ 15.6 bn) includes revenues collected from metallic mining companies (RD\$ 15.1 bn), non-metallic mining companies (RD\$ 56m) and companies classified under mining and quarrying whose principal activity is in other sectors (circa RD\$ 500 million). Non-metallic mining and companies whose principal activity is not extraction are excluded from the scope of reconciliation. There is no indication that any of these companies made material payments related to extractive activities. See *Stakeholder views* for further information.

Discrepancies:

The initial reconciliation exercise identified a discrepancy of 1%, receipts by the government being RD\$ 26 m lower than payments reported by companies (pp. 38-39, reconciliation report). The discrepancy resulted from a number of smaller discrepancies across different companies and revenue streams. Each discrepancy is explained (pp. 41-47). They resulted from differences in exchange rates and other technical differences in reporting. All discrepancies were resolved.

Full government disclosure:

The reconciliation report (pp. 19-20) notes that total government revenue from the extractive sector was RD\$15,6 bn. Of this, RD\$15,1 bn originated from metallic mining. The EITI Report includes a table with total government revenues from each revenue stream (p. 60).

Stakeholder views

Government representatives and the Independent Administrator clarified that the figure for total government revenue from the extractive sector included all payments made by companies classified under the category of mining and quarrying. The category includes companies with activities in several sectors and it is not possible to distinguish payments based on extractive activities from payments based on other activities. For example, a company that runs a hotel and extracts sand for building purposes can be registered under mining and quarrying. There is no indication that any of these companies could be making material payments related to extractive activities, given the immateriality of the non-metallic mining sector as a whole and the fact that none of them hold metallic mining concessions. Stakeholders

¹⁰³ <https://eitird.mem.gob.do/informe-eiti-rd/recaudacion-de-ingresos/cotejo-del-eiti-rd-2016/>.

appeared confident that the scope of reconciliation included all material payments and revenue streams. Government representatives confirmed that the figure for total government revenue from the extractive sector (RD\$ 15.6 bn) included also non-material revenue streams.

Initial assessment

The International Secretariat's assessment is that the Dominican Republic has made satisfactory progress towards meeting this requirement. Reconciliation appears to include all material companies and revenue streams. The exclusion of companies that have activities outside the extractive sector does not give reason to suspect that material payments have been omitted. The reporting omissions by CORDE are documented in the report and do not affect the comprehensiveness of reconciliation. Total government revenues are disclosed by revenue stream.

In-kind revenues (#4.2)

Documentation of progress

There is no indication of payments made in kind. This was confirmed in the coping study for the 2015 EITI Report (p. 39) and re-confirmed in the corresponding study for the 2016 EITI Report. The first scoping study does note that future petroleum contracts may change the situation.

Stakeholder views

Government representatives confirmed that no payments are made in kind.

Initial assessment

The International Secretariat's initial assessment is that the requirement is not applicable in the Dominican Republic. The MSG is encouraged to review the applicability of the requirement if petroleum production commences.

Barter and infrastructure transactions (#4.3)

Documentation of progress

The scoping study for the 2016 EITI Report (p.15) and the report itself note that the contract with DOVEMCO, a bauxite-mining company, includes infrastructure provisions. The report describes that an agreement signed in 2015 obliges DOVEMCO to use credit granted by the state to rebuild a road affected by mining operations. The report notes that the road has not been built as DOVEMCO has not commenced production and that the credit remains intact. The report concludes that the MSG does not consider the requirement applicable in the Dominican Republic as the contract does not entail the provision of public goods in exchange for mining rights.

Stakeholder views

A company representative confirmed that the requirement for DOVEMCO to rebuild the road was a form of compensating damage made to the existing road by the mining operation and that the construction

had not taken place as the mine was not operating.

Initial assessment

The International Secretariat's initial assessment is that the requirement is not applicable in the Dominican Republic. The International Secretariat concurs with the MSG's assessment that the obligation to re-build a road affected by mining and to build an alternative road does not constitute an infrastructure or barter agreement as defined in the requirement. The purpose of the obligation appears to be to offset negative impacts from the mine. The public disclosure of contracts enables a comprehensive assessment of the terms agreed with DOVEMCO. The MSG is encouraged to continue monitoring adherence to the terms of the contract.

Transport revenues (#4.4)

Documentation of progress

There is no indication of the government receiving material revenues from the transportation of extractive resources. This was confirmed in the scoping study for the 2015 EITI Report (p. 39) and re-confirmed in the corresponding study for the 2016 EITI Report. The first scoping study does note that future petroleum contracts may change the situation.

Stakeholder views

Stakeholders did not express views about the requirement.

Initial assessment

The International Secretariat's initial assessment is that the requirement is not applicable in the Dominican Republic. The MSG is encouraged to review the applicability of the requirement if petroleum production commences.

Transactions between SOEs and government (#4.5)

Documentation of progress

There is no indication of material payments in 2016 1) from state-owned extractive companies to the government or vice versa or 2) from private extractive companies to SOEs. CORDE, the state's holding company, did not submit data for the 2016 EITI Report but confirmed to the Independent Administrator that it had not received any revenues within the scope of EITI reporting. Correspondingly, material companies did not report any payments to CORDE.

The EITI Report notes that CORDE did receive revenues in 2016 from two companies for the non-metallic concessions it manages (p. 63). These totalled merely RD\$ 4 million (roughly USD 83,000). The information was provided by the commission that oversees the dissolution of CORDE. Non-metallic mining is not considered a material sector by the MSG (*see Requirement 4.1*). There is no indication that CORDE made transfers to the government.

Stakeholder views

Government representatives confirmed that the only payments that CORDE received from extractive companies in 2016 were the RD\$ 4 million included in the report and that CORDE did not make any transfers related to extractive industries to the government or to extractive companies.

Initial assessment

The International Secretariat's initial assessment is that the requirement is not applicable to the Dominican Republic.

Subnational direct payments (#4.6)

Documentation of progress

The scoping study for the 2016 EITI Report (pp. 21-22) recommended that the MSG revisit its earlier decision to exclude subnational payments from the scope of EITI reporting. Meeting minutes demonstrate that the MSG decided that information about subnational payments would be included in the contextual report and the possibility of including these payments in the scope of future EITI Reports would be studied.¹⁰⁴

The 2016 EITI report explains that the only subnational payments applicable to extractive companies derive from the General Law on Environment and Natural Resources (64-00). It entitles municipalities where production is taking place to receive 5% of the "net benefits" generated. The report notes that in 2016, the requirement was only applicable to one material company, CORMIDOM. However, according to information obtained from the company, it did not make any payments in 2016 as no net benefit was generated. Between 2009 and 2014 CORMIDOM's payments to the municipality of Maimón totalled RD\$ 315 million. The report recommends, in line with the MSG's decision, that a study is conducted to better understand direct payments to municipalities.

Stakeholder views

Government representatives confirmed that the only possible subnational payments by extractive companies were made under the General Law on Environment and Natural Resources (64-00) and that CORMIDOM was the only material company within the scope of the law. Other material companies operate under a contractual regime. Company representatives confirmed that CORMIDOM did not make any subnational payments in 2016.

Stakeholders commented that while the MSG did not yet have a full picture of revenues received by municipal authorities, it was not possible that non-material companies would have made material subnational payments. They confirmed that the MSG had agreed to study the issue further and that local governments had been invited to EITI events.

¹⁰⁴ 44, <https://eitird.mem.gob.do/wp-content/uploads/2018/12/Acta-44-12-04-18.pdf>

Initial assessment

The International Secretariat's initial assessment is that the requirement is not applicable in the Dominican Republic. In the year under review, there is no indication that material direct subnational payments took place.

The MSG is expected to review the applicability of Requirement 4.6 annually. If subnational payments reach a material level, they should be reconciled. As even relatively small payments may be significant on the level of an individual municipality, the MSG is encouraged to collaborate with municipal authorities to gain a comprehensive understanding about payments made by extractive companies.

Level of disaggregation (#4.7)

Documentation of progress

Revenue and payment data are disaggregated by company, revenue stream and government entity. Each of the material companies has only one project in the Dominican Republic, so reporting is effectively by project.

Stakeholder views

Government representatives confirmed that reporting is effectively disaggregated by project.

Initial assessment

The International Secretariat's initial assessment is that the Dominican Republic has made satisfactory progress in meeting this requirement. Data is disaggregated at the level required by the Standard.

Data timeliness (#4.8)

Documentation of progress

The first EITI Report covering the fiscal year 2015 was published in October 2017. The second report, covering 2016, was published in December 2018. The contextual report includes also timelier information on, for example, licensing, production and export data, in many cases up to 2018.

Stakeholder views

Civil society representatives raised the issue of data timeliness at the MSG meeting during the Validation mission. There appears to be a shared interest in publishing data in a timelier manner, if technically feasible. The MSG is considering publishing data from 2017 and 2018 in one report by the end of 2019. Government representatives confirmed that the government publishes aggregated monthly revenue data each month. Disaggregating the data by sector and revenue stream is technically feasible. Routine disclosure of data by company would require addressing confidentiality restrictions.

Initial assessment

The International Secretariat's initial assessment is that the Dominican Republic has made satisfactory progress towards meeting this requirement. Efforts to include the most recent data in the EITI Report are commendable and improve the usability of the report. The Dominican Republic is encouraged to improve the timeliness of revenue and payment disclosures. The tax authorities (DGII) and companies are encouraged to seek solutions for real-time or regular disclosures of payments.

Data quality (#4.9)

Documentation of progress

Terms of Reference for the Independent Administrator:

The Independent Administrator's (IA) ToR for the 2016 EITI Report follows the standard ToR, apart from context-specific adjustments. The ToR mandates the IA to collate only the reconciliation report. The non-financial information was compiled by a consultant hired by the Inter-American Development Bank.

The MSG discussed a first draft of the ToR in May 2018 and decided to set a working group to further improve the document.¹⁰⁵ The final ToR was approved by the MSG in July 2018.¹⁰⁶

Appointment of the Independent Administrator (IA):

In May 2018, the MSG agreed to request the World Bank for approval to negotiate directly with Deloitte, which also produced the first 2015 EITI Report.¹⁰⁷ The MSG approved the appointment of Deloitte as the Independent Administrator in July 2018.¹⁰⁸ The contract between Deloitte and the Ministry of Energy and Mines was signed in August 2018. Deloitte is an international auditing firm and can be considered a credible Independent Administrator capable of applying international auditing standards.

Agreement on the reporting templates:

The MSG approved the reporting template presented by Deloitte in August 2018.¹⁰⁹ The MSG agreed a template letter for additional data assurances in October and November 2018.¹¹⁰

Assurance methodology and omissions:

As agreed by the MSG, reporting entities were requested to have the reporting templates signed by senior officials (p. 25, reconciliation report). Additionally, companies were asked to have their templates notarised by a lawyer or to provide documentation proving that the template was signed by a person legally mandated to represent the company. Reporting entities were also asked to provide audited financial statements for the year covered by the EITI Report, 2016.

All five material companies provided the requested assurances to the Independent Administrator,

¹⁰⁵ Minutes of MSG meeting 45, 22 May 2018.

¹⁰⁶ Minutes of MSG meeting 46, 5 July 2018.

¹⁰⁷ Minutes of MSG meeting 45, 22 May 2018.

¹⁰⁸ Minutes of MSG meeting 46, 5 July 2018.

¹⁰⁹ Minutes of MSG meeting 48, 23 August 2018.

¹¹⁰ Minutes of MSG meetings 53, 18 October 2018 and 55, 22 November 2018.

including signed templates and audited financial statements (pp. 34, 36). The report does not include links to the statements as they are not publicly available. In the case of one company, the auditor's opinion had been given with reservations.

Five out of six reporting government entities submitted signed data (p. 36). CORDE failed to submit any data but confirmed that it had not received payments within the scope of EITI reporting (*see Requirement 4.1*). The reconciliation report provides an overview of the auditing practices of the reporting government entities (p. 35). Three agencies submitted publicly available audited financial statements. The other three agencies did not submit audited financial statements. However, these agencies (DGM, DGA and CORDE) jointly collected only 1% of total extractive revenue.¹¹¹ The report includes links to the most recent audited financial statements, where available.

Reconciliation coverage:

Reconciled revenues represent 90.7% of total government revenue from the extractive sector. The initial discrepancy between reported payments and revenues was 1% and all discrepancies were resolved during reconciliation. (*See Requirement 4.1.*)

Data reliability assessment

The reconciliation report clearly documents the assurances requested and provided and explains the reasons behind discrepancies. The report discloses whether the payments and revenues reported were subject to audit and where available, includes the auditor's opinion. It does not include an assessment of the reliability of the data and merely notes that the Independent Administrator cannot guarantee data quality (p. 37).

Confidentiality:

The ToR of the independent Administrator (IA) notes the IA is expected to treat information with respect to confidentiality. The contract also obliges the IA not disclose any confidential information within two years from the end of the contract period.

Sourcing of information:

The contextual data, which is published in a separate report (referred to here as the 2016 EITI Report in contrast to the reconciliation report) is clearly sourced. It was compiled by Aida Aamot, a consultant hired by the Inter-American Development Bank to support RD-EITI.

Summary tables:

The national secretariat submitted the summary data tables following the standardised format to the International Secretariat in December 2018, when the 2016 EITI Report was published.

Recommendations:

The reconciliation report includes recommendations from the Independent Administrator (pp. 50-51) and a review of progress in implementing requirements from the 2015 EITI Report (pp. 51-58). The IA's

¹¹¹ The International Secretariat's calculation based on information about revenue streams provided in the reconciliation report.

recommendations are focused on materiality and scoping decisions.

Stakeholder views

Stakeholders across constituencies considered the data reliable and the Independent Administrator (IA) professional. Reporting entities were content that the IA respected data confidentiality. Government representatives noted that more revenue streams had been added to the second EITI Report following a recommendation made by the IA in the first report.

All consulted stakeholders considered the EITI Report as a reliable and independent source of data.

Initial assessment

The International Secretariat's initial assessment is that the Dominican Republic has made satisfactory progress towards meeting this requirement. The reconciliation report documents clearly which reporting entities underwent an independent audit, as well as compliance with assurances agreed by the MSG. Although not all government agencies had undergone an audit, all reporting entities provided requested assurances and there were no discrepancies. MSG members consider the IA to be credible and competent. The EITI Report does not include the IA's assessment of data reliability, but there is no indication of the data not being reliable and comprehensive.

The MSG should ensure that future EITI Reports include the Independent Administrator's assessment of data reliability. The MSG is encouraged to document the audit policies and practices of government entities. If the MSG concludes that all financial data is subject to credible, independent audit, and can work towards routine disclosure of the requisite information in the necessary level of detail, it may wish to consider options for mainstreaming that put less focus on reconciliation of payments and revenues.

Table 4- Summary initial assessment table: Revenue collection

EITI provisions	Summary of main findings	International Secretariat's initial assessment of progress with the EITI provisions
Comprehensiveness (#4.1)	Reconciliation appears to include all material companies and revenue streams. The exclusion of companies that have activities outside the extractive sector does not give reason to suspect that material payments have been omitted. The reporting omissions by CORDE are documented in the report and do not affect the comprehensiveness of reconciliation. Total government revenues are disclosed by revenue stream.	Satisfactory progress
In-kind revenues (#4.2)	The International Secretariat's initial assessment is that the requirement is not applicable in the Dominican Republic.	Not applicable
Barter and infrastructure transactions (#4.3)	The International Secretariat's initial assessment is that the requirement is not applicable in the Dominican Republic.	Not applicable
Transport revenues (#4.4)	The International Secretariat's initial assessment is that the requirement is not applicable in the Dominican Republic.	Not applicable
Transactions between SOEs and government (#4.5)	The International Secretariat's initial assessment is that the requirement is not applicable in the Dominican Republic.	Not applicable
Subnational direct payments (#4.6)	In the year under review, there is no indication that material direct subnational payments took place.	Not applicable
Level of disaggregation (#4.7)	Data is disaggregated in practice by project, as each material company only has one project.	Satisfactory progress
Data timeliness (#4.8)	Data has been published within two years from the end of the period covered. Efforts to include the most recent data in the EITI Report are commendable and improve the usability of the report. Improving the timeliness of revenue disclosures is encouraged.	Satisfactory progress

Data quality (#4.9)	<p>The reconciliation report documents clearly which reporting entities underwent an independent audit, as well as compliance with assurances agreed by the MSG. Although not all government agencies had undergone an audit, all reporting entities provided requested assurances and there were no discrepancies. MSG members consider the IA to be credible and competent.</p>	Satisfactory progress
<p>Secretariat's recommendations:</p> <ul style="list-style-type: none"> • The Dominican Republic is encouraged to improve the timeliness of revenue and payment disclosures (Requirement 4.8). The tax authorities (DGII) and companies are encouraged to seek solutions for real-time or regular disclosures of payments. • To strengthen implementation of Requirement 4.9, the MSG should ensure that future EITI Reports include the Independent Administrator's assessment of data reliability. The MSG is encouraged to document the audit policies and practices of government entities. If the MSG concludes that all financial data is subject to credible, independent audit, and can work towards routine disclosure of the requisite information in the necessary level of detail, it may wish to consider options for mainstreaming that put less focus on reconciliation of payments and revenues. 		

5. Revenue management and distribution

5.1 Overview

This section provides details on the implementation of the EITI requirements related to revenue management and distribution.

5.2 Assessment

Distribution of revenues (#5.1)

Documentation of progress

The EITI Report includes a comprehensive description of the distribution of revenues. In principle, all revenues enter a single account and are recorded in the national budget (pp. 72-79). In relation to three specific projects, revenues are partly transferred to subnational entities (*see Requirement 5.2*). The main beneficiary of subnational transfers is FOMISAR (provincial council for managing mineral revenues of the province of Sánchez Ramírez). The EITI Report includes a link to the audited financial statements of FOMISAR, its development plan for 2015-2020 and information about on-going projects. The structure and functioning of FOMISAR is summarised. In addition, local bodies are entitled to a share of revenue from bauxite trading.

The report refers to national revenue and budgeting classification systems and provides links to further information.

Stakeholder views

Government recipients confirmed that revenues received by CORDE in 2016 were retained by the entity and were not recorded in the national budget. CORDE's audited financial statements are not publicly available.

Initial assessment

The International Secretariat's initial assessment is that the Dominican Republic has made satisfactory progress in meeting this requirement. The allocation of funds to subnational government entities is comprehensively described and links are provided to further information about the use of funds, including audited financial statements. The management of revenues retained by CORDE is not explained in the EITI Report, but the Secretariat does not consider the omission material, given the low level of revenues (ca RD\$ 4m or USD 83,000 in 2016).

Sub-national transfers (#5.2)

Documentation of progress

The EITI Report identifies three cases where project-specific legislation requires the sharing of revenue with subnational entities (pp. 72-79). The legal basis for revenue-sharing is disclosed in the EITI Report

and links to legislation and contracts are provided. In practice, the subnational transfers of extractive revenues in the period covered by the EITI Report (2016) were related to the Pueblo Viejo gold mine and the trading of bauxite.

Firstly, the report discloses the monthly transfers made by MEM to FOMISAR, the provincial council managing the local revenue from the Pueblo Viejo mine, in 2015-2017 (p. 75). Total transfers in 2016 were RD \$200 million (approx. USD 4m). The report describes the basis for calculating the transferrable amount (5% of corporate income tax) and notes that the transfer is included in the national budget. However, the report does not comment on whether the amount actually transferred is in line with this calculation. A calculation based on the corporate income tax data included in the reconciliation report shows that actual transfers were circa RD \$80 m higher than the indicated formula dictates. The transferred amounts are provided by MEM. The transfers are not reconciled.

FOMISAR is obliged to further transfer the funds to municipalities in the region, following a formula defined by law (Law 91-05). The EITI Report discloses the formula and provides a link to the financial statement of FOMISAR, which includes the amounts transferred to each municipality in 2016 (pp. 75-76). However, the report does not comment on whether the transfers correspond to the agreed formula.

Secondly, the report discloses transfers made to the municipality of Pedernales, which represent a share of royalties received from the Las Mercedes bauxite mine (p.78). Total transfers in 2016 amounted to mere RD \$2.9 million (approx. USD 57,000) due to the closure of the mine in 2016. The report describes the basis for calculating the transferrable amount (5% of royalties, based on the Environmental Law). However, the report does not comment on whether the amount actually transferred in line with this calculation. The transferred amounts are provided by the Directorate-General for Mining, and transfers are not reconciled.

The EITI Report addresses each of the projects which could result in subnational transfers and demonstrates that no other transfers were made in 2016 (pp. 72-78).

Stakeholder views

Subnational transfers related to the Pueblo Viejo mine appear to be a central topic for debate. In civil society's view, 'net benefit' from the project should not be interpreted as total corporate income tax collected but rather as net income as stated in the financial statement. As a result, they argue that local governments are receiving less than they should. Government representatives claim that the interpretation was agreed with the communities and the companies, but no documentation was provided to support this. Civil society and company representatives called for more transparency regarding the use of funds on the subnational level.

Government representatives clarified that the subnational transfer to the municipality of Pedernales was not based on royalties paid and thus did not follow the determined formula. The mine generated no royalties in 2016 as there was no production. The transfer was ad hoc and was intended to help the municipality to overcome the economic shock caused by the stalling of mining operations.

Initial assessment

The International Secretariat's initial assessment is that the Dominican Republic has made meaningful progress towards meeting this requirement. Actual subnational transfers in 2016 and the underlying revenue sharing formulas are disclosed.

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.

Additional information on revenue management and expenditures (#5.3)

Documentation of progress

The EITI Report includes a comprehensive description of the budgeting process and links to further information (pp. 70-72). It also explains the revenue projections from the two largest gold producers are taken into account in budgeting. The report includes a link to the government's open data portal, which enables further analysis of revenues and expenditure. There is no indication of earmarking extractive revenues for specific areas or programmes, apart from the project-specific subnational transfers described under Requirement 5.2.

The report does not describe the audit processes of either government entities or companies, except for documenting whether reporting entities made 2016 financial statements available (*see Requirement 4.9*).

Stakeholder views

Some civil society representatives expressed interest in understanding how extractive revenues were used on the central level. They expressed concerns that revenues were utilised for recurrent costs rather than deposited in a wealth fund. Civil society and company representatives called for more transparency regarding the use of funds on the subnational level.

Initial assessment

It is encouraging that the MSG has included information on the budget-making process in the EITI Report. The MSG is encouraged to include information about auditing policies and practices in the online portal. The MSG is also encouraged to consider further disclosures related to the management of extractive revenue on subnational level.

Table 5 - Summary initial assessment table: Revenue management and distribution

EITI provisions	Summary of main findings	International Secretariat's initial assessment of progress with the EITI provisions
Distribution of revenues (#5.1)	Revenues are largely recorded in the national budget. The allocation of funds to subnational government entities is comprehensively described and links are provided to further information about the use of funds.	Satisfactory progress
Sub-national transfers (#5.2)	Subnational transfers in 2016 and the underlying revenue sharing formulas are disclosed. However, the EITI Report does not comment on whether actual transfers corresponded to the formula.	Meaningful progress
Information on revenue management and expenditures (#5.3)	It is encouraging that the MSG has included information on the budget-making process in the EITI Report.	
<p>Proposed corrective actions:</p> <ul style="list-style-type: none"> 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. <p>Secretariat's recommendations:</p> <ul style="list-style-type: none"> The MSG is encouraged to include information about auditing policies and practices in the online portal. The MSG is also encouraged to consider further disclosures related to the management of extractive revenue on subnational level (Requirement 5.3) 		

6. Social and economic spending

6.1 Overview

This section provides details on the implementation of the EITI requirements related to social and economic spending (SOE quasi-fiscal expenditures, social expenditures and contribution of the extractive sector to the economy).

6.2 Assessment

Social expenditures (#6.1)

Documentation of progress

The scoping study for the 2016 EITI Report (p. 17) notes that metallic mining companies do not make mandatory social expenditures. The study concludes that the requirement is not applicable.

Meeting minutes demonstrate that the MSG discussed voluntary social expenditures but decided not to include them in EITI reporting.¹¹² Industry representatives argued that disclosure may set an expectation that a certain level of payments was maintained annually. Civil society members noted that inclusion would require preparations and quality assurance mechanisms.

Stakeholder views

Government and company representatives confirmed that laws or mining contracts do not include provisions mandating social expenditure. Stakeholders noted that the MSG had debated whether social payments by Falconbridge should be considered mandatory. The legal opinion of the company and the Ministry of Energy and Mining is that the contract does not mandate social expenditure but allows the company to deduct social expenditure corresponding to a maximum of 5% of net benefits as a cost. The company confirmed that social expenditure was not a contractual obligation but part of the company's voluntary corporate social responsibility. There would be no legal consequences from not undertaking these expenditures. The MSG voted on the topic, and the outcome was that the expenses were not considered as mandatory social expenditures.

Initial assessment

The International Secretariat's initial assessment is that the requirement is not applicable in the Dominican Republic. The Secretariat agrees with the MSG's conclusion that social expenditure by Falconbridge do not appear to be mandated by the contract. The MSG is encouraged to regularly review the existence of mandatory social expenditures and to disclose voluntary social payments by extractive companies.

¹¹² 43rd meeting

SOE quasi-fiscal expenditures (#6.2)

Documentation of progress

The scoping study for the 2016 EITI Report (p. 17) notes that there is no indication of quasi-fiscal expenditures. The study concludes that the requirement is not applicable.

Stakeholder views

Stakeholders did not express views related to the requirement.

Initial assessment

The International Secretariat's initial assessment is that the requirement is not applicable in the Dominican Republic. The matter has been considered by the MSG and there is no indication that quasi-fiscal expenditures exist.

Contribution of the extractive sector to the economy (#6.3)

Documentation of progress

The EITI Report includes the size of the extractive industries in absolute terms and as a percentage of GDP (pp. 82-83), exports from the extractive industries in absolute terms and as a percentage of total exports (pp. 83-84), and employment in the extractive industries in absolute terms and as a percentage of the total employment (estimate) (pp. 87-89). Links to further information are provided, and information is clearly sourced.

The report discloses government revenues from extractive industries alongside total government revenues in absolute terms (pp. 68-69). Extractive revenues as a percentage of total government revenues is not included but can easily be calculated (3.2%).

Key regions where production is concentrated are described throughout the report and especially on pp. 49-50.

In addition to the disclosures required by the EITI Standard, the report includes information about the extractive sector's contribution to inward foreign investment (pp. 86-87).

Stakeholder views

Government representatives noted that the government considers the extractive sector as significant for the economic and social development of the country. They highlighted the contribution of the Pueblo Viejo gold mine to GDP growth in recent years.

Initial assessment

The International Secretariat's initial assessment is that the Dominican Republic has made satisfactory progress towards meeting this requirement. All required information is disclosed, apart from total

government revenues generated by the extractive industries as a percentage of total government revenues. The International Secretariat does not consider the omission material, as the percentage can be easily calculated from the absolute figures provided.

Table 6- Summary initial assessment table: Social and economic spending

EITI provisions	Summary of main findings	International Secretariat's initial assessment of progress with the EITI provisions
Social expenditures (#6.1)	The International Secretariat's initial assessment is that mandatory social expenditures do not exist in the Dominican Republic.	Not applicable
SOE quasi fiscal expenditures (#6.2)	The International Secretariat's initial assessment is that SOE quasi-fiscal expenditures do not exist in the Dominican Republic.	Not applicable
Contribution of the extractive sector to the economy (#6.3)	All required information is disclosed, apart from total government revenues generated by the extractive industries as a percentage of total government revenues. The percentage can be easily calculated from the absolute figures provided.	Satisfactory progress
<p>Secretariat's recommendations:</p> <ul style="list-style-type: none"> To strengthen implementation of Requirement 6.1, the MSG is encouraged to regularly review the existence of mandatory social expenditures and to disclose voluntary social payments by extractive companies. 		

Part III – Outcomes and Impact

7. Outcomes and Impact

7.1 Overview

This section assesses implementation of the EITI Requirements related to the outcomes and impact of the EITI process.

7.2 Assessment

Public debate (#7.1)

Documentation of progress

Comprehensibility: The 2016 EITI Report, both the contextual report and the reconciliation report, are written in clear, comprehensible and concise language.

Promotion: From the beginning in 2015, DR-EITI has conducted events aimed at government agencies, civil society organisations and industry (CAMIPE) to demonstrate what EITI implementation entails in the Dominican Republic¹¹³. The national secretariat has conducted outreach events in the provinces to discuss the findings of DR-EITI Reports. The national secretariat notes that seven such events have been carried out to promote the EITI implementation in the Dominican Republic including events in the province of Monseñor Nouel in 2018¹¹⁴. DR-EITI conducted regional outreach activities towards civil society organisations in 2015 in Santo Domingo, Santiago de los Caballeros, Sánchez Ramírez Cotuí, and San Juan de la Maguana provinces. These outreach activities were funded by the Latin American Energy Organization (OLADE)¹¹⁵. Antonio Isa Conde, the Minister of Mines and Energy and DR-EITI Chair, shared the 1st and the 2nd EITI Report with relevant international organisations such as the World Bank, and the Inter-American Development Bank, as well as government agencies such as the Presidency of the Republic of the Dominican Republic, the Ministry of Presidency, the Ministry of Treasury and the MEPYD, among others¹¹⁶. DR-EITI organised launch events for the two EITI reports¹¹⁷. There is no evidence of promotion materials, fact sheets, brochures or infographics related to the EITI Reports. However, summary reports

¹¹³ Presentations below the three constituencies were shared with the International Secretariat and are available per request.

¹¹⁴ The seven presentations were shared with the International Secretariat and are available per request.

¹¹⁵ All documents related to outreach activities towards CSOs were shared with the International Secretariat and are available per request. Two outreach activities took place on the 2nd, 3rd and 4th November 2015.

¹¹⁶ Letters were shared with the International Secretariat and are available per request.

¹¹⁷ 'RD presenta primer informe de transparencia minera' (2017) accessed on <https://mem.gob.do/index.php/noticias/item/rd-presenta-primer-informe-de-transparencia-minera-in-january-2019>; 'Presentación primer informe de transparencia minera EITI-República Dominicana' accessed on <https://www.youtube.com/watch?v=hivITAs332k> in January 2019; '2nd Informe EITI-RD: Estado recauda RD\$15,624 millones por minería' accessed on <https://www.eldinero.com.do/74551/informe-eiti-rd-estado-recauda-rd15624-millones-por-mineria/> in January 2019. Additional documents were shared with the International Secretariat and are available per request.

have been produced of both EITI Reports.¹¹⁸

Public accessibility: There is evidence of efforts to make EITI information publicly accessible through websites and social media such as Twitter. The MEM's website together with its Twitter account regularly publish statements from the Minister of Mines and Energy, Antonio Isa Conde, where the governmental agency highlights the significance of EITI in Dominican Republic¹¹⁹. There are several videos publicly available related to the launch of the EITI Reports¹²⁰ and an outreach statement from the Minister of Mines and Energy¹²¹. The DR-EITI online portal further improves the comprehensibility and accessibility of information. The online portal includes links to further information, including news articles, laws and contracts. It seems that paper copies of the 2016 EITI Reports are yet to be printed. EITI data is available in open format and is publicised.

Open Data Policy: On December 2016, the MSG approved by consensus that the NORTIC A3:2014 ("*Norma sobre Publicación de Datos Abiertos del Gobierno Dominicano*")¹²² should qualify as the Open Data Policy for Dominican Republic¹²³. NORTIC A3:2014 is a set of guidelines and recommendations that must be followed by each organism of the Dominican Government "*to publish the data it produces and transform them into reusable information, creating the opportunity to exchange or cross information between databases (of the same or different origin), in addition to promoting the development of applications, both from the government and from civil society*"¹²⁴.

DR-EITI's open data policy establishes a definition of open data: "*... data that can be freely used, reused and redistributed by any person, and that are subject, at best, to the requirement of attribution and of being shared in the same way in which they appear*". EITI reports are available in machine-readable formats. The open data policy also includes provisions on ensuring that data is interoperable with national

¹¹⁸ Summary of 2nd EITI Report: <https://eitird.mem.gob.do/wp-content/uploads/2018/12/Resumen-Ejecutivo-Segundo-Informe-EITI-versi%C3%B3n-digital.pdf>.

¹¹⁹ 'El MEM busca acabar el desorden y la irresponsabilidad con fondos mineros'. 29 January 2018. Accessed on <https://mem.gob.do/index.php/noticias/item/el-mem-busca-acabar-el-desorden-y-la-irresponsabilidad-con-fondos-mineros-in-january-2019>. 'Banco mundial dona USD 200 000 para apoyar transparencia en industria extractiva RD'. 5 July 2017. Accessed on <https://mem.gob.do/index.php/noticias/item/banco-mundial-dona-us200000-para-apoyar-transparencia-en-industria-extractiva-rd-in-january-2019>. 'Isa Conde: la minería está obligada a la sostenibilidad y la transparencia'. 22 June 2018. Accessed on <https://mem.gob.do/index.php/noticias/item/isa-conde-la-mineria-esta-obligada-a-la-sostenibilidad-y-la-transparencia> in January 2019. 'Isa Conde apuesta en Canadá por una minería constructiva que genere bienestar a la gente'. 7 March 2017. Accessed on <https://mem.gob.do/index.php/noticias/item/isa-conde-apuesta-en-canada-por-una-mineria-constructiva-que-genera-bienestar-a-la-gente-in-january-2019>. 'Isa Conde: La industria extractiva debe ser transparente y puntual del desarrollo sostenible'. 26 February 2017. Accessed on <https://mem.gob.do/index.php/noticias/item/isa-conde-la-industria-extractiva-debe-ser-transparente-y-puntal-del-desarrollo-sostenible> in January 2019.

¹²⁰ 'Presentación primer informe de transparencia minera EITI-República Dominicana' accessed on <https://www.youtube.com/watch?v=hvDH4Dt3g8M> in January 2019; 'República Dominicana presenta primer informe de transparencia minera EITI' accessed on https://www.youtube.com/watch?v=aaOMg_qtqNo in January 2019; 'MEMRD lanza portal de transparencia EITI' accessed on https://www.youtube.com/watch?v=luwl1SNp_GI in January 2019, and 'Presentación del Portal de Transparencia Minera EITIRD' accessed on <https://www.youtube.com/watch?v=RGaHTkVPIEw> in January 2019.

¹²¹ 'Palabras del Ministro Isa Conde en el Taller de Evaluación y Planificación Estratégica EITI-RD' accessed on <https://www.youtube.com/watch?v=wdjaE-Ln5k8> in January 2019.

¹²² Accessed on <https://eitird.mem.gob.do/wp-content/uploads/2018/12/NORTIC-A3-2014-low.pdf> in January 2019.

¹²³ Minute Meeting No.19 accessed on https://www.mem.gob.do/images/docs/EITI_actas/Acta-No.-19-CN-EITI-RD.pdf in January 2019.

¹²⁴ Accessed on <https://www.optic.gob.do/phocadownload/Normativas/nortic-a3-1-2014.pdf> in February 2019.

and international standards as well as storing “data in legible form and used for the exchange of information between different platforms”. There is no evidence that any of these provisions are currently not implemented. The open data policy is available online.

Contribution to public debate: There is little evidence of the stakeholders using EITI reports as part of their advocacy or communication efforts. In May 2018, the DR-EITI published an article related to the EITI progress achieved in Dominican Republic¹²⁵. The MEM’s institutional newsletter includes an article where the national secretariat briefly explained the EITI implementation in Dominican Republic¹²⁶. The Dominican Republic’s APR 2017 however showed the lack of a publicly-communication strategy¹²⁷. Media covered the launched of the first and second EITI Reports.

Stakeholder views

Consulted stakeholders across constituencies confirmed that EITI data was not contributing to public debate. This was considered to be partly due to the two-year time lag in publishing information. Stakeholders, however, considered the EITI online portal a credible source of information that they often referred to. Both civil society and industry representatives requested summarised user-friendly versions of the EITI Report to be distributed among municipalities. CSO and industry representatives noted that in some occasions local media covered EITI discussions. According to them, outreach efforts in mining communities have been insufficient. EITI data on subnational transfers was, however, referred to in a local protest demanding more benefits to the communities¹²⁸. Secretariat staff noted that in accordance with the APR 2017 and the MSG’s work plan both communication and outreach were considered a priority for their efforts. Some company representatives noted that the EITI should be integrated into the communications and community relations efforts of MEM beyond the national secretariat.

There were limited comments about the accessibility and comprehensibility of data among stakeholders from all constituencies. Secretariat staff confirmed that EITI Reports hard copies had been actively circulated among several agencies and organisations outside the MSG including local governors. Some industry and civil society representatives lamented the small number of available paper copies.

Initial assessment

The International Secretariat’s initial assessment is that the Dominican Republic has made satisfactory progress in meeting this requirement.

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

¹²⁵ ‘Avances en la Transparencia de las Industrias Extractivas en República Dominicana’ (2018). GEONOTICIAS. Revista científica de geociencias publicada por la Sociedad Dominicana de Geología. Vol.15. No.43. This report has been shared with the International Secretariat and is available per request.

¹²⁶ ‘La transparencia es un deber frente a la ciudadanía’ (2018). E&M. Boletín Institucional Trimestral del Ministerio de Energía y Minas. Año 2. No.8. Octubre-Diciembre 2018. This report has been shared with the International Secretariat and is available per request.

¹²⁷ Annual Progress Report 2017 accessed on <https://eiti.org/sites/default/files/documents/informe-de-progreso-anual-2017-eiti-rd-1.pdf> in January 2019. pp.12.

¹²⁸ See Annex E.

outreach. There is no evidence of EITI data contributing to public debate about extractives governance.

The MSG is encouraged to create a communications strategy focused on enticing public debate on national and local level (Requirement 7.1). This is closely related to ensuring that EITI implementation covers topics of relevance in the Dominican Republic and leads to clear policy recommendations that are followed up on.

Data Accessibility (#7.2)

Documentation of progress

DR-EITI has produced summary reports for its two EITI reports corresponding to fiscal years 2015 and 2016. These are available, only in Spanish, on the Dominican Republic EITI website¹²⁹. The 2016 DR-EITI summary report was published in December 2018 and includes among other things general information on the EITI, a summary of the content including information on the participating companies, summary on the exports and production volumes and values, and a brief commentary on the contributions of the mining sector to the economy.

Summary reports: The 2016 EITI Report is published online. The previous report was published online as well. Dominican Republic has published summary reports in Spanish for each report. The reports' branding indicates that they are produced by the national secretariat. There is no evidence of infographics produced by the MSG.

DR-EITI has submitted summary data following the template provided by the International Secretariat for each report. The national secretariat together with the Independent Administrator were able to resolve all discrepancies that were first time identified by the data team in the International Secretariat¹³⁰.

Revenue comparisons: The 2016 EITI Report summarises revenue streams and facilitates comparisons to total revenue (national). The Dominican Republic EITI website links to the subnational government transfers that provide relevant information¹³¹.

Online Disclosure: The 2016 EITI Report is published online¹³². Although tax information is available on continuous basis on the government agencies websites, data is published in an aggregate basis without disaggregation per company or industry¹³³. Income-tax information is available on aggregate basis in the companies' financial statements, which are not publicly available. The tax office cannot disclose individual company tax information due to taxpayer confidentiality. Activity 12 of the Work Plan 2019 includes the elaboration of a mainstreaming feasibility study and a roadmap to systematic discloses information in the

¹²⁹ EITI Summary Report accessed on <https://eitird.mem.gob.do/category/documentos/informes-eiti/> in January 2019.

¹³⁰ Both files, the 2015 and 2016 Summary Data Templates has been shared with the International Secretariat and are available per request.

¹³¹ Accessed on <https://eitird.mem.gob.do/informe-eiti-rd/distribucion-de-ingresos/distribucion-de-los-ingresos-mineros/> in January 2019.

¹³² Accessed on <https://eitird.mem.gob.do/informe-eiti-rd/> in January 2019.

¹³³ See: <https://dgii.gov.do/informacionTributaria/estadisticas/recaudacionMensual/Paginas/recaudacionMensual.aspx> and <https://dgii.gov.do/informacionTributaria/estadisticas/ingresosFiscales/Paginas/default.aspx> Last visited in March 2019

Dominican Republic Report.

Capacity Building efforts: There is extensive evidence documenting capacity-building efforts to increase awareness of the process and encourage use of information by others, including civil society (see *Requirement 7.1*), and government officials.

Stakeholder views

While stakeholders considered available data to be accessible, many noted that materials further simplifying the information were needed. Government representatives confirmed that income tax information is publicly available on aggregate basis. Stakeholders expressed support to systematic disclosures and improving the timeliness of reporting appears to be a priority especially for civil society. Stakeholders do not seem to be using or analysing EITI data, although it is available in open format. Stakeholders from all constituencies said that additional capacity building efforts were needed for all constituencies but especially civil society organisations.

Initial assessment

Requirement 7.2 encourages the MSGs to make EITI reports accessible to public in open data formats, produce brief summary reports, summarise and compare the share of revenue streams to total amount of revenue that accrues to each respective level of government, consider automated online disclosure of extractive revenues and undertake capacity-building efforts. Such efforts are encouraged but not required and are not assessed in determining compliance with the EITI Standard. EITI data is largely available in open format and the online portal is accessible.

To strengthen implementation, Dominican Republic is encouraged to undertake capacity-building efforts that support the use of EITI data, especially with civil society organisations, media and parliamentarians. The MSG is also encouraged to continue to explore possibilities for routine disclosures through government systems.

Lessons Learned and follow-up on recommendations (#7.3)

Documentation of progress

The first EITI Report included several recommendations that mostly related to technical aspects of reporting. Despite the absence of a systematic process for the MSG to prioritise, discard or otherwise process specific recommendations, there is nevertheless some evidence of instances where recommendations have been followed up.

Follow-up on recommendations: MSG meeting minutes demonstrate that the MSG has discussed recommendations from the 2015 EITI Report such as the creation of a working group for the implementation of the Roadmap to implement beneficial ownership disclosure¹³⁴. The 2016 EITI Report identifies, requirement by requirement, all improvements and additions incorporated in the report

¹³⁴Meeting Minute No.21-2017 accessed on https://www.mem.gob.do/images/docs/EITI_actas/Acta-No.-21-CN-EITI-RD.pdf in February 2019.

following previous report's recommendations and lessons learnt from previous reporting exercise (pp.50-58). Based on lessons learned and new information brought to light in the 2016 EITI Report, including aspects such as the legal framework, license allocations, exports, distribution of revenues, the MSG reviewed its approach to the collection of information, the recording of meeting minutes, the scope of reconciliation including the assessment related to the inclusion of non-metallic mining companies, and the qualification of the Transactional Accord between the MEM and DOVEMCO as a barter agreement. Similarly, the technical secretariat and the CN-EITI have conducted a number of meetings with government agencies to agree on remedial actions to identified gaps.

Discrepancies: The 2016 EITI Report, as well as the first report, documents the methodology to resolve discrepancies resulting from the reconciliations process (pp.40-47). Final discrepancies have been mostly insignificant across reconciling payments and revenues over the two fiscal years. In the 2016 EITI Report, there were no final discrepancies. Initial discrepancies corresponded to flows reported by the tax administration vs payments reported by companies. Most discrepancies were a consequence of foreign income exchange rates and cutting dates (p.4). There is evidence from MSG meeting minutes that the MSG has discussed discrepancies with the IA in preparing EITI Reports.

Stakeholder views

Stakeholders consulted agreed that EITI Reports are not producing meaningful recommendations linked to national priorities. Although the Independent Administrator has produced a number of recommendations, stakeholders confirmed that most recommendations are focused on reconciliation aspects. The consultant in charge of preparing the contextual part of the 2016 EITI Report, however, included a recommendation related to further studying subnational payments. The civil society constituency noted that the MSG does not have a mechanism for systematically following up recommendations. According to it, civil society had unsuccessfully tried to promote follow-up of recommendations from EITI Reporting and scoping studies.

Initial assessment

The International Secretariat's initial assessment is that the Dominican Republic has made satisfactory progress in meeting this requirement.

There is evidence that the government and the MSG have taken some steps to act upon lessons learned and investigate and address some issues in EITI reporting. There does not appear to be a system in place to discuss, prioritise and adequately process recommendations from EITI reports. EITI Reports do not produce significant recommendations linked with the national priorities or improving sector governance.

To strengthen implementation of Requirement 7.3, the Dominican Republic is encouraged to take steps to act upon lessons learnt with a view to strengthen the impact of EITI implementation on natural resource governance. The MSG is encouraged to draw from this Validation and existing studies to agree recommendations related to strengthening extractive sector governance.

Outcomes and impact of implementation (#7.4)

Documentation of progress

The 2017 Annual Progress Report¹³⁵ (APR) was approved by the MSG on 27 June 2018 and published on the Dominican Republic EITI website¹³⁶. The annual progress report includes references demonstrating the participation of stakeholders and reflecting their views, such as the commentary of a CSO representative on the contribution of the extractive sector to the economy mainly to communities (p.9).

Activities undertaken: The report includes a summarised description of activities completed during 2017 (pp.5-8), followed by a thorough account of progress in implementing the work plan's activities (pp.10-15). The summary of activities in the annual progress report includes the scoping of the 1st EITI Report (p.5); the assessment of obstacles identified during the reporting data process (p.5); the coordination with information providers entities (p.6), dissemination and communication activities (p.8), among others. Chapter 6 of the APR includes a detailed account of the costs for implementation. This is complemented by the account of actions included in the thorough assessment of each requirement made in Chapter 4 of the annual progress report.

Compliance with EITI Requirements: The annual progress report includes an assessment of progress with meeting and maintaining compliance with each EITI Requirement (chapter 3, pp. 15-16). The assessment provides, for each requirement, actions and performance in past years (2015 and 2016). However, it does not provide an outlook for the future, including goals and challenges to address. Progress on implementing different requirements is also reflected, including progress made under Requirements 1.1 to 1.3 on government, industry and civil society engagement, Requirements 2.5 on beneficial ownership, and Requirement 7.1 to 7.4 on outcomes and impact of implementation.

Addressing recommendations: Chapter 4 of the annual progress report lists the recommendations from the IA in the contextual and no-contextual part of the 1st EITI Report providing an overview of progress in addressing them.

Assessing progress with the work plan: Chapter 2 of the annual progress report (pp.10-14) includes a comprehensive assessment of progress with achieving the objectives set out in the Dominican Republic's work plan 2016-2017. It seems that most objectives were addressed. Activities scheduled for 2017 were mostly executed.

Strengthening the impact of EITI implementation: While the APR identifies strengths and weaknesses of the EITI implementation in the Dominican Republic (p.24), the annual progress report does not explicitly address the question of strengthening EITI implementation and impact through the report. An example of an effort covered in the report is the collaboration agreement between the Minister of Mines and Energy

¹³⁵Annual Progress Report 2017 accessed on <https://eiti.org/document/2017-informe-anual-progreso-republica-dominicana> in January 2019.

¹³⁶ Accessed on <https://eitird.mem.gob.do/wp-content/uploads/2018/12/Acta-de-Sesioin-Virtual-01-27-06-18.pdf> in March 2019.

of Dominican Republic and the Minister of Energy and Mines of Colombia to implement jointly activities to improve transparency and accountability¹³⁷. The Office of Free Access to Information of the MEM relies on the transparency portal to respond to many of the requests for information¹³⁸.

Stakeholder views

Stakeholders did not appear to consider the annual progress report as a central tool for the MSG. It seems however that MSG members have the chance to contribute to its content. It seems that views were not sought from stakeholders beyond the MSG. It is clear from conversations with stakeholders that the MSG's work plan is perceived as the key tool for follow-up on recommendations from EITI reporting. MSG member confirmed that there is no other mechanism apart from the APR to evaluate EITI impact.

Initial assessment

The International Secretariat's initial assessment is that the Dominican Republic has made meaningful progress in meeting this requirement. The 2017 APR does not assess efforts to strengthen the impact of EITI implementation on natural resource governance. It appears that the MSG has not reviewed and discussed the outcomes and impact of the EITI implementation.

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.

¹³⁷'Declaración conjunta del Ministerio de Energía y Minas de República Dominicana y el Ministerio de Minas y Energía de Colombia' (2017). The document was shared with the International Secretariat and is available per request.

¹³⁸The National Secretariat has shared ten requests with the International Secretariat which are available per request.

Table 7 - Summary initial assessment table: Outcomes and impact

EITI provisions	Summary of main findings	International Secretariat's initial assessment of progress with the EITI provisions
Public debate (#7.1)	The two EITI Reports produced by Dominican Republic have been widely disseminated both through events and digital means. EITI data is available in open format. Reports have been presented in comprehensible, accessible and user-friendly ways. There is potential to contribute further to public debate both on national and local level.	Satisfactory
Data accessibility (#7.2)	Requirement 7.2 encourages the MSGs to make EITI reports accessible to public in open data formats. Such efforts are encouraged but not required and are not assessed in determining compliance with the EITI Standard. Dominican Republic has made efforts to improve data accessibility, and there is potential for further mainstreaming disclosures.	
Lessons learned and follow up on recommendations (7.3)	The government and the MSG have taken some steps to act upon lessons learned and investigate and address some issues in EITI reporting. Government agencies have improved their reporting participation and helped follow up on recommendations from EITI reporting as required by the EITI Standard. More policy-relevant recommendations would help orient the MSG's focus towards outcomes and impact.	Satisfactory
Outcomes and impact of implementation (#7.4)	The 2017 APR documents progress in implementing the work plan and EITI Requirements. All constituencies had a chance to contribute to the APR. However, it appears that the MSG has not reviewed the impact and outcomes of EITI implementation.	Meaningful
<p>Proposed corrective actions:</p> <ul style="list-style-type: none"> 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. <p>Secretariat's recommendations:</p> <ul style="list-style-type: none"> The MSG is encouraged to create a communications strategy focused on enticing public debate on national and local level (Requirement 7.1). This is closely related to ensuring that EITI implementation covers topics of relevance in the Dominican Republic and leads to clear policy recommendations that are followed up on. To strengthen implementation of Requirement 7.2, Dominican Republic is encouraged to undertake capacity-building efforts that support the use of EITI data, especially with civil society 		

organisations, media and parliamentarians. The MSG is also encouraged to continue to explore possibilities for routine disclosures through government systems.

- To strengthen implementation of Requirement 7.3, the Dominican Republic is encouraged to take steps to act upon lessons learnt with a view to strengthen the impact of EITI implementation on natural resource governance. The MSG is encouraged to draw from this Validation and existing studies to agree recommendations related to strengthening extractive sector governance.

8. Impact analysis (not to be considered in assessing compliance with the EITI provisions)

Impact

So far, the EITI's impact in the Dominican Republic has been limited. EITI has contributed to bringing together stakeholders and information. Stakeholders commented that the EITI has helped to demonstrate benefits from mining and increase trust in the sector. Debate within the MSG is constructive, and members appear to have high respect towards each other. EITI has also resulted in civil society creating a coalition to work on extractive issues (ENTRE).

However, the MSG is underutilised as a platform for debate and dialogue about the governance of the extractive sector. The MSG meets nearly weekly and stakeholders from all constituencies are committed to the process. Despite this, the MSG's work is focused on meeting EITI Requirements, rather than discussing challenges and opportunities in the sector. EITI reporting has not produced meaningful recommendations and the MSG has not discussed reforms in the sector, such as the draft mining law or the recommendations included in a diagnostics study commissioned by the Inter-American Development Bank.

Disclosures related to the extractive sector are comprehensive and contract transparency allows for in-depth debate about the terms of extraction. Despite this, the data is hardly used. Debate appears to concentrate on transfers from the central government to the communities in mining areas, as well as environmental concerns. However, stakeholders did comment that it was useful that the EITI portal provided a credible and reliable source of information about the controversial sector. The civil society constituency also noted that financial data provided through the EITI was valuable, as financial statements are not publicly available in the Dominican Republic.

The EITI has contributed to informing debate about subnational transfers. Local groups in mining areas have used EITI data to back their demands for more benefits from the central government (*see Annex E*). There is, however, further potential to link the EITI to local concerns regarding the benefits and impacts of mining. In addition to events organised by the MSG, the Ministry of Energy and Mining could consider integrating EITI more tightly into its communications and community relations efforts.

As this initial assessment demonstrates, many EITI Requirements are not applicable in the Dominican context. In order to ensure that EITI implementation addresses nationally relevant challenges, the MSG is encouraged to consider broadening the scope of implementation. Civil society is concerned about the environmental impact of mining, and companies worry that their environmental conduct and impact is misunderstood. Including environmental disclosures, for example the publication of environmental impact assessments and monitoring reports, could promote fact-based debate on these issues.

Several stakeholders commented that the EITI was introducing a culture of transparency that reached beyond the extractive sector. The EITI's requirement for beneficial ownership transparency can help promote disclosures across sectors. Transparency was considered by stakeholders to reduce discretion in

government decision-making that was widely considered a challenge by both industry and civil society. The extractive sector recently underwent an institutional reform, as MEM was only created in 2013. The EITI could contribute to ensuring that all government agencies that are involved in regulating the sector are well-informed about each other's work and coordinate to avoid overlap. Involving the Directorate-General for Mining and the Ministry of Environment in the MSG would facilitate this.

Sustainability

Funding: Access to adequate funding has not been a significant obstacle to effective EITI implementation. From the beginning, there has been significant support from development partners for EITI implementation in Dominican Republic, and the government has provided additional funding (see *Requirement 1.5*). A development partner consulted considered the EITI as good tool to channel support to reforms on priority areas such as the improvement of the mining cadastre. For this to happen the EITI platform should serve for meaningful discussions and should have seats for government representatives that take the important decisions. Stakeholders may wish to consider innovative ways to explore opportunities to mainstream EITI disclosures in government and company systems to reduce reporting costs.

Institutionalisation: There is significant high-level political support for the EITI, although institutional friction between mining agencies poses implementation challenges to the EITI as for all other reforms. Change of government in 2020 will represent a challenge.

Annexes

Annex A - List of MSG members

“Membership status at MSG” follows DR-EITI’s own classification as provided to the International Secretariat.

Government

Name	Position	Organization	«Membership status at MSG»
Dr. Antonio Isa Conde	Minister of Energy and Mines	Ministry of Energy and Mines	Chair
Sr. Alberto Reyes	Vice-Minister of Hydrocarbons	Ministry of Energy and Mines	Principal Member
Sra. Yris González	Director of Special Programs	Ministry of Energy and Mines	Alternate Member
Sra. Xenia García	Vice-Minister of Presidency for Policy of Transparency	Ministry of Presidency	Principal Member
Sr. Hamsber Díaz.	Lawyer at the Direction Law in the Vice-Minister of Presidency for Policy of Transparency	Ministry of Presidency	Alternate Member
Sra. Ruth De los Santos	Acting Director General of Tax Policy and Legislation	Ministry of Treasury	Principal Member
Sr. Félix Peguero	Tax Studies and Policy Analyst	Ministry of Treasury	Alternate Member
Sr. Yván Rodríguez	Vice-Minister of Planification	Ministry of Economy, Planification and Development	Principal Member

Sra. Ruth Montes De Oca	Responsible for the Environment and Sustainable Development Division / Food Security	Ministry of Economy, Planification and Development	Alternate Member
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Industry

Name	Position	Organization	«Membership status at MSG»
Sra. Arlina G. Peña	Communications Manager	Barrick PVDC	Principal Member
Sr. Francisco Aponte	Administrative Consultant Secretary	Compañía Dominicana de Cales, S.A (DOCALSA)	Alternate Member
Sra. Rosa De Los Santos	Superintendent of Institutional Relations	Falconbridge Dominicana (FALCONDO)	Principal Member
Sr. Huáscar Fernández	Manager	Dovemco	Alternate Member
Sra. Elizabeth Mena	Legal Director	Corporación Minera Dominicana (CORMIDOM)	Principal Member
Sra. Julissa Báez	Executive Director	Asociación Dominicana de Productores de Cementos Portland (ADOCEM)	Alternate Member
Sra. Yamily López	Executive Director	Mining-Petroleum Chamber of the Dominican Republic (CAMIPE)	Principal Member
Sra. Cristina Thomén	Secretary of the Council	Mining-Petroleum Chamber of the Dominican Republic (CAMIPE)	Alternate Member

Civil Society

Name	Position	Organization	«Membership status at MSG»
Sr. Carlos Pimentel	Executive Director	Participación Ciudadana	Principal Member
Sr. Juan Javier Cruz Benzán	Presidente	Fundación Cuayá	Alternate Member
Sra. Maritza Ruíz	Researcher at the ODPP-UASD	Observatorio de Políticas Públicas de la Universidad Autónoma de Santo	Principal Member
Sr. Hernán Minier	Secretary of International Affairs	Colegio Dominicano de Economistas (CODECO)	Alternate Member
Sra. Ynés Altagracia Rossó Ramírez	Associate Member	Articulación Nacional Campesina (ANC)	Principal Member
Sr. Santiago José	Vocal	Fundación para la Protección del Medio Ambiente Vida y Salud	Alternate Member
Sr. Carlos Peterson	General Coordinator	Fundación Guayacán de Energía y Medio Ambiente, Capítulo GEMA AMBIENTAL	Principal Member
Sr. Miguel Díaz	President SODOGEO	Sociedad Dominicana de Geología (SODOGEO)	Alternate Member

Annex B – MSG meeting attendance

MSG meeting attendance during 2017 and 2018 is calculated on the basis of available MSG minutes on Dominican Republic's website and the APR 2017.

2018

Name	Affiliation /Meeting	41	42	43	44	45	46	47	48	49	50	1ra Extr	51	52	53	54	55	56	57	Total
Date		01.18	05.18	10.18	12.18	05-18	05.18	08.18	08.18	06.18	09.18	09.18	04.18	11. 18	10.18	10.18	11.18	11.18	06.18	
Dr. Antonio Isa Conde	MEM																			0
Sr. Alberto Reyes	MEM		x	x	x	x														12
Sra. Xenia	MOP					x														3
Sra. Ruth de los Santos	MOF					x		x					x					x		20
Sr. Yván Rodríguez	MEPYD													x						3,5
Sr. Luis Eduardo Díaz	Barrick Gold	x	x	x	x															0
Sra. Arlina Peña						x		x					x	x	x			x		24
Sra. Rosa De Los Santos	FALCONDO	x	x	x	x		x		x	x	x	x					x	x	x	47,5
Sra. Elizabeth	CORMIDOM	x	x	x	x	x		x		x	x	x		x		x		x	x	50

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Mena																				
Sra. Yamily Lopez	CAMIPE	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	67
Sr. Carlos Pimentel	Parti. Ciudadana					x		x			x		x	x		x	x	x		31,5
Sra. Maritza Ruíz	ODPP	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	67
Sra. Ynes Rosso	ANC	x	x	x	x	x	x	x	x	x	x	x		x	x	x	x	x	x	64
Sr. Carlos Peterson	GEMA	x	x	x	x	x	x	x	x	x	x	x	x	x			x	x	x	60
Suplentes																				
Sra. Yris Gonzalez	MEM	x	x	x	x	x	x	x	x	x	x	x	x	x	x			x	x	59
Sr. Hamsber Díaz	Ministerio de la Presidencia		x			x		x	x	x	x	x		x	x	x	x	x	x	53
Sr. Félix Peguero	Ministerio de Hacienda	x	x	x	x	x	x		x	x	x	x	x	x	x	x		x		51,5
Sra. Ruth Montes De Oca	MEPYD				x	x	x			x		x	x	x		x	x	x	x	45,5
Sr. Francisco Aponte	Compañía Dominicana de Cales																			
Sr. Huascar Fernández	DOVEMCO	x	x	x	x	x	x			x	x						x	x	x	44,5
Sr. Sergio Putterman	IMCA																			
Sra. Julissa Báez	ADOCEM			x	x	x	x			x				x						18,5

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Sra. Cristina Thomén	CAMIPE		x						x		x				x	x						16	
Sr. Juan Javier Cruz Benzán	Fundación Cuayá																						
Sr. Hernán Rodríguez Minier	Colegio Dominicano de Economistas (CODECO)	x												x									6
Sr. Santiago José	Fundación Dominicana de Protección al Medio Ambiente	x	x											x				x	x	x	x		33
Sr. Miguel Díaz	Sociedad Dominicana de Geología (SODOGEO)		x			x			x		x						x					x	23,5

2017

Name	Affiliation # Meeting	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	Total
Date		2.17	2.17	3.17	4.17	5.17	5.17	5.17	6.17	6.17	7.17	7.17	8.17	8.17	9.17	9.17	10.17	10.17	10.17	11.17	11.17	12.17	
Principal																							
A. Isa Conde	MEM										x					x							2

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Z.Cuello/X. Garcia	MOP																						0	
Ruth de los Santos	MOF			X	X				X	X	X		X				X						X	8
Jose Montenegro/Ivan Rodriguez	MEPYD																							0
Luis Eduardo Diaz	Barrick	X	X	X	X		X	X	X	X	X		X	X		X	X	X	X	X	X	X	X	18
Rosa de los Santos	FALCONDO	X	X	X	X	X		X	X	X	X	X		X	X		X	X	X	X	X	X	X	18
Elizabeth Mesa	CORMIDOM	X		X	X	X	X	X	X		X	X		X	X	X	X	X		X	X	X	X	17
Jose Sena	CAMIPE	X		X	X	X		X			X	X	X		X	X		X	X	X	X	X	X	15
Rosalia Sosa	Part. Ciudadana	X	X	X	X	X	X		X								X		X		X			10
Maritza Ruiz	ODPP	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	21
Hero Antonio Perez	ANC																							0
Carlos Peterson	GEMA	X	X	X	X				X	X	X	X	X			X	X	X	X			X	X	15
Alternates																								
Alberto Reyes	MEM	X		X		X	X		X		X		X				X	X	X		X			11
Hamber Diaz	MOP	X	X	X	X	X	X	X	X	X	X	X			X		X	X	X	X	X	X	X	18
Felix Peguero	MOF	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	20
Ruth Montes de Oca	MEPYD	X	X	X	X	X		X	X		X	X	X			X	X	X					X	14
Francisco Aponte	Comp. Min. de Cales						X																X	2
Sergio Potterman	IMCA		X				X																	2
Julissa Baez	ADOCEM		X	X					X	X			X			X						X		7
Christina Thomas	CAMIPE	X		X	X			X		X			X		X		X					X	X	10

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Juan Cruz	Fundacion Cuaya								X	X													2	
Apolinar Beato/Hernán Rodriguez	CODECO	X											X									X		5
Santiago Jose	Fundación Dominicana de Protección al Medio Ambiente	X		X		X								X	X			X		X	X	X	X	10
Ricardo Reynoso/Victor Santos/Miguel Diaz	SODOGEO		X	X	X	X		X	X		X	X	X		X	X	X		X	X				14

Annex C – Cost of EITI Reports

The cost of the 2015 EITI Report was RD\$ 5,553,500.

Annex D - List of stakeholders consulted

Government

- **Antonio Isa Conde, Alberto Reyes, Alexander Medina Herasme, Yris González, Raysa Paulino, Nelson Suárez** – Ministry of Energy and Mines;
- **Ruth de los Santos, Félix Peguero, Raulina Pérez** – Ministry of Finance;
- **Yván Rodríguez, Pascual Valenzuela, Ruth Montes de Oca** – Ministry of Economy, Planning and Development;
- **Xenia García, Marta González, Hamsber Diaz** – Ministry of the Presidency;
- **Alexander Medina, Domingo Amparo, Eugenio Gomez** – Directorate-General of Mining;
- **Michael Campusano** – CORDE;
- **Nelissa Abreu, Maria Caldeeron** – Directorate-General of Internal Taxes;
- **Héctor Tapia, María Marmolejos** – Directorate-General of Customs.

Industry

- **Julissa Báez, Yamily López, Pedro Esteva** – CAMIPE.
- **Rosa de los Santos, Edwin Devaux** – Falcondo.
- **Elizabeth Mena**, CORMIDOM.
- **Arlina Peña** – Barrick Gold Corporation.
- **Huáscar Fernández, Ricardo Barceló Arias** – DOVEMCO.

Civil Society

- **Fernándo Peña, Maritza Ruiz** – ODPP.
- **Hernán Minier** – Colegio Dominicano de Economistas.
- **Carlos Peterson** – Fundación Guayacán.
- **Miguel Díaz** – Sociedad Domicana de Geología.
- **Ynes Rossó** – Organización Articulación Nacional Campesina.
- **Santiago José** – Fundación para la Protección del Medio Ambiente, Vida y Salud.
- **Carlos Pimentel** – Participación Ciudadana.
- **Juan Javier Cruz** – Fundación Cuayá.

Independent administrators

Aracelli Cardozo, Alexandra Soto – Deloitte Centroamérica y República Dominicana.

Development partners

- **Juan Cruz Vieyra, Aida Aamot, Héctor Baldivieso** - Inter-American Development Bank;
- **Javier Aguilar, Alessadro Legrottaglie, Luis De Pool, Lillian Thyssen** – World Bank Group.

Members of Parliament

Fidelio Despradel – Alianza País

Annex E – Evidence of use of EITI data

The banners present data on subnational transfers drawn from EITI reporting. They were produced by the civil society coalition ENTRE in 2019. They have been used to inform communities in mining areas and to back their demands for benefits.

**Espacio Nacional por la Transparencia de la Industria Extractiva
-ENTRE-**

Comité Nuevo Renacer

Organizaciones populares y comunitarias de la Zona Minera

¡Encadenad@s y en lucha hasta que se haga justicia!

¿Cuánto ha dejado de beneficio el ORO dominicano a Barrickgold y al Gobierno?

Hay mucho dinero:
¡Que no se roben ni malgasten los dineros del pueblo!
¡ Ahí está el dinero para RESOLVER LAS DEMANDAS DE LAS COMUNIDADES !

Año	Ganado por Barrickgold	Recibido en el gobierno por el 5%	A Cotuí solo le entregaron	El gobierno le debe a Cotuí
2013	RD\$ 16,851.83	RD\$ 842.59	RD\$ ¿?	RD\$ ¿?
2014	RD\$ 16,699.48	RD\$ 834.97	RD\$ ¿?	RD\$ ¿?
2015	RD\$ 19,019.83	RD\$ 950.99	RD\$ 50.00	RD\$ 900.99
2016	RD\$ 29,315.83	RD\$ 1,465.79	RD\$ 200.00	RD\$ 1,265.79
2017	RD\$ 24,710.96	RD\$ 1,235.55	RD\$ 200.00	RD\$ 1,035.55
TOTAL	RD\$ 106,597.92	RD\$ 5,329.90	RD\$ 450.00	RD\$ 4,329.00

**¡A Cotuí sólo le entregaron el 8.44% de lo que le corresponde!
¡Esto es un gran abuso!**

Nuestra lucha es por:

- Reubicación digna e inmediata de las comunidades el peligro
- Pago de todas las propiedades de tod@s l@s afectad@s
- Inversión en medio ambiente y la producción agrícola y ganadera
- Inversión en las obras comunitarias

¡No nos moverán!



Annex F - List of reference documents

See footnotes for detailed list of references. Please find key documents consulted listed below.

Work plans and annual progress reports:

- 2019 Work Plan: <https://eitird.mem.gob.do/wp-content/uploads/2018/12/20181217-Plan-de-Trabajo-EITI-RD-2019-con-presupuesto-para-publicar.pdf>.
- 2018-2020 Strategic Plan: <https://eitird.mem.gob.do/wp-content/uploads/2018/12/Plan-Estrat%C3%A9gico-CNEITI-RD-2018-2020-con-anexos.pdf>.
- 2017 Annual Progress Report: <https://eitird.mem.gob.do/wp-content/uploads/2018/12/INFORME-IPA-2017-VF.pdf>.

EITI Reports:

- Online portal: <https://eitird.mem.gob.do/informe-eiti-rd/>.
- 2016 EITI Report: <https://eitird.mem.gob.do/wp-content/uploads/2018/12/Segundo-Informe-EITI-RD-2016.pdf>.
- 2016 reconciliation report: <https://eitird.mem.gob.do/wp-content/uploads/2019/02/Segundo-Informe-EITI-RD-parte-cotejo.pdf>.
- Summary data for 2016: <https://eitird.mem.gob.do/wp-content/uploads/2019/03/Plantilla-Resumen-Datos-EITI-RD-2016-vf.xlsx>.
- Scoping and materiality study for the 2016 EITI Report: <https://eitird.mem.gob.do/wp-content/uploads/2018/12/Segundo-Estudio-de-Alcance-y-Materialidad..pdf>.

Legal documents and ToRs related to EITI implementation:

- Documents establishing the legal base of the MSG: <https://eitird.mem.gob.do/category/documentos/base-legal/>.

Meeting minutes:

All MSG meeting minutes are available at: <https://eitird.mem.gob.do/actas-de-reuniones-de-la-comision-nacional/>.