EITI implementation in the Philippines: Early gains in extractive sector governance

by

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The views expressed are those of the author and do not necessarily reflect the views of UNCTAD.
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Early gains in extractive sector governance

UNCTAD and MYEM
April 8 and 10, 2014

By: Marie Gay Alessandra V. Ordenes
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Philippine EITI
Summary of Presentation

1. Overview of Mining, Oil and Gas Industries in the Philippines
2. Challenges in Extractive Sector Governance in the Philippines
3. Ongoing Reforms Process (EO 79)
4. The Role of EITI in Implementing Government Policies and Addressing Challenges
5. Philippine context: Addressing challenges in EI governance through EITI
   a. EITI Implementation in the Philippines
   b. PH-EITI Objectives
6. Early gains from EITI Implementation
7. Conclusion

Philippine Extractive Industries Transparency Initiative
Challenges in EITI Governance in the Philippines

**Transparency**
- Debate on actual figures as to how much is the government actually getting from the extractive industries

**Regulatory issues**
- Informal sector
- Fragmented regulations and regulatory agencies
- Need to streamline requirements
Challenges in EITI Governance in the Philippines

Fiscal issues

- Companies raise issues on stability of tax policies and investment environment
- Companies raise issues regarding proliferation of impositions at the local level
- CSOs raise the issue of whether host communities are getting their fair share in extractive industries
- Companies raise the issue of where their social expenditures go
Challenges in EI Governance in the Philippines

Social acceptability

- Lack of dialogue among stakeholders
- Public perception about the industry
Six-point Agenda:

1. Ensure mining’s contribution to the country’s sustainable development

2. Adopt international best practices and promote good governance and integrity in the sector

3. Ensure the protection of the environment by adopting technically and scientifically sound and generally accepted methods as well as indigenous best practices
Six-point Agenda:

4. Ensure the consistency of local issuances with the Constitution and national laws

5. Ensure fair, adequate and equitable shared economic benefit for the country and the people

6. Deliver efficient and effective management of the mining sector.
Role of EITI in Implementing Government Policies and Addressing Challenges

- EITI report contains information on the industry’s contribution to the economy
- EITI reporting prescribes adherence to international auditing standards
- EITI process provides opportunity to examine revenue collection and licensing processes,
- Examination of the legal and regulatory framework
Role of EITI in Implementing Government Policies and Addressing Challenges

- EITI promotes dialogue among stakeholders at the national and local levels
- EITI allows for examination of social expenditures
- Policies for reforms is an outcome of the EITI process
PHILIPPINE CONTEXT: ADDRESSING CHALLENGES THROUGH EITI
EITI IMPLEMENTATION IN THE PHILIPPINES

- EITI implementation is part of the Philippine Development Plan 2011-2016
- Executive Order No. 79 Institutionalizing Reforms in the Mining Sector
The Philippines was admitted as an EITI candidate country on May 22, 2013 by the EITI International Board during the Global Conference in Sydney.

- Governing body: 15-member MSG representing 5 government offices, Chamber of Mines of the Philippines, non-chamber members, Petroleum Association of the Philippines and a broad coalition of CSOs.
EITI Implementation in the Philippines

Milestones

- PH-EITI institutionalized
- Objectives formulated
- Roadmap finalized
- Regular MSG meetings conducted
- Outreach activities conducted
- IA hired
- Scope of report finalized
Challenges that PH-EITI aims to Address

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<thead>
<tr>
<th>Challenges in EI Governance</th>
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<td>Transparency issues</td>
<td>Show direct and indirect contribution of extractives to the economy</td>
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<td>Social acceptability issues</td>
<td>Improve public understanding of the management of natural resources and public availability of data</td>
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<td>Regulatory issues</td>
<td>Strengthen national resource management / strengthen government systems</td>
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## Challenges that PH-EITI aims to Address

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EARLY GAINS FROM EITI IMPLEMENTATION
# A. EARLY GAINS FOR THE GOVERNMENT

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<td>1. Ensure mining’s contribution to the country’s sustainable development (i.e. economic and social growth and environmental protection)</td>
<td>Show direct and indirect contribution of extractives to the economy</td>
<td>Examination of fiscal regime</td>
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<td>Strengthen business environments and increase investments</td>
<td>Illustration of mining’s contribution to economy through contextual information</td>
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<td>Surfaced issues regarding lack of baseline data</td>
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<td>2. Adopt international best practices and promote good governance and integrity in the sector;</td>
<td>Strengthen public oversight in the management of natural resources</td>
<td>EITI has shed light on the following:</td>
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<tr>
<td></td>
<td>Strengthen national resource management and government systems</td>
<td>1. Fiscal and incentives regime</td>
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<tr>
<td></td>
<td></td>
<td>- Universe of payments</td>
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<td></td>
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<td>- Cost recoverable items</td>
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<td>- Government share/Revenue sharing mechanism</td>
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<td>- Tax and duties exemptions</td>
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|                       | 2. Financial tracking | - Collections of agencies from taxes and royalties that go to the national treasury, special funds, community projects, local units, etc.  
- Payment mechanisms are illustrated  
- Transfers from national government to local governments are tracked  
- Role of SOEs are clarified  
- Commitment from companies and government agencies to disclose the following: Contracts, Social expenditures, Earmarked expenditures, Tax information through company waivers |
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<td>3. Ensure the protection of the environment by adopting technically and scientifically sound and generally accepted methods as well as indigenous best practices</td>
<td>Strengthen natural resource management, enhance stakeholder accountability</td>
<td>Environmental Protection Plans are made accessible (as part of contract disclosure)</td>
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<td>4. Ensure the consistency of local issuances with the Constitution and national laws</td>
<td>Create opportunities for dialogue and constructive engagement in natural resource management in order to build trust and reduce conflict</td>
<td>Scoping of local tax codes</td>
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<td>Platform for local units to air grievances</td>
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<td>5. Ensure fair, adequate and equitable shared economic benefit for the country and the people</td>
<td>Strengthen national resource management, ensure government receives all it is supposed to receive, enhance stakeholder accountability</td>
<td>Special funds are identified and explained</td>
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<td>Mandatory social expenditures are tracked</td>
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<td>Transfer mechanisms from national funds to local funds are explained</td>
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<td>6. Deliver efficient and effective management of the mining sector.</td>
<td>Strengthen national resource management/government systems</td>
<td>Recommendations to achieve participatory governance are discussed within MSG</td>
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<td>Improved coordination among government agencies</td>
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B. Early Gains for the Industry

1. Industry is able to illustrate how much it pays

2. EITI creates awareness on the need to reconcile payments and receipts

3. Other sectors are informed about how the industry operates
B. Early Gains for the Industry

4. Government is made aware of the need to simplify the framework for granting applications

5. Renewed confidence that EITI will help the industry keep track of where its payments are utilized

6. Demonstrates the industry’s willingness to be transparent in order to dispel doubts regarding their operations

7. Opportunity to engage CSOs and government
B. Early Gains for the Industry

8. Sends the message that government wants ethical investors

9. Deters irregularities committed by some companies
1. EITI was instrumental in pushing for disclosure of contracts, expenditures, subnational transfers.

2. Subnational implementation allows localities to discuss mining issues

3. Sustained dialogue with industries
C. Early Gains for CSOs

4. Creates opportunity for the CSO to engage the government in a discussion about fiscal policies

5. Creates space for participatory governance
Early significant gains are:

1. Stakeholder Engagement
2. Improved access to data
3. Transparency of fiscal regime
4. Understanding the industry
THANK YOU!!!

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