![Bantay Kita logo]

Breaking barriers, empowering communities

A report on the state of civic space in natural resource governance in the Philippines

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I. What the report is about

"The State shall respect the role of independent people's organizations to enable the people to pursue and protect, within the democratic framework, their legitimate and collective interests and aspirations through peaceful and lawful means." - Section 15, Article XIII, 1987 Constitution of the Republic of the Philippines

Civil society organizations (CSOs) play an important role in natural resource governance (NRG). They act as checks and balances to ensure that policies and programs in the extractives sector are implemented efficiently and effectively. In a country where mining is among the least trusted industries and a social license to operate is a chief concern for many mining investors, an open and thriving civic space gives the government and industry players a window of opportunity to meaningfully engage impacted communities and achieve their shared goals. CSOs also come with unique and grounded perspectives that enrich public dialogue and policies, ultimately leading to better development outcomes for the country. Hence, CSOs are key partners in NRG and are not a threat.

While civil society participation was enshrined in the 1987 Constitution, attacks on CSOs have become more prevalent over the last few years. In a recent report by Global Witness, an international nonprofit, the Philippines was tagged as the most dangerous place for environmental defenders in Asia (Mateo,2023). The World Governance Index (WGI) score for voice and accountability indicators, which measures the extent of freedom of association, has declined from 53 out of 100 in 2014 to 40 in 2021 (Kaufmann et al., 2022). The previous Duterte Administration has also weaponized the government's counter-terrorism efforts to silence critics by accusing and "red-tagging" organizations and individuals, leading to a "chilling effect" among activists and restrictions in civic space (Arugay, Batac, & Street, 2021). All of these factors impose a major constraint on civil society participation in NRG.

In 2012, the Philippines signed up for the Extractive Industries Transparency Initiative (EITI) through the issuance of Executive Order s. 79, series of 2012, and implemented the initiative through the signing of Executive Order s. 147, series of 2013. The EITI is a multilateral initiative that promotes transparency, accountability, and participation in the governance of mining, oil, and gas sectors. Countries implementing the EITI commit to following a standard and undergo validation every three years to measure their progress and compliance with the requirements of the standard.

In 2021, the Philippines was assessed by the EITI International Secretariat against the 2019 EITI Standard. The country was found by the EITI Board to achieve a moderate overall score (80/100) in the following year. The country scored the lowest on requirement 1.3 Civil society engagement (30/100). While it was recognized that CSOs are actively engaged in the EITI process, the validation has "identified obstacles related to civil society's freedom to express views, operate, and associate on issues related to the EITI, in particular at the subnational level." This means that the Philippines has not met the objective of the requirement–that is, to ensure an enabling environment for civil society engagement. As such, the EITI Board's decision came with a caveat related to the enforcement of the safeguard mechanisms outlined in the 2019 EITI Standard.

Under Article 5, Chapter 4 of the 2019 EITI Standard, if an implementing country has either partially met or has not met any of the conditions pertaining to stakeholder engagement, including Requirement 1.3, the EITI Board will initiate suspension in accordance with Article 8. In cases where, during the first validation, an implementing country has mostly met Requirement 1.3, but faces a deficiency related to the EITI Protocol: Participation of civil society, it will not be subject to suspension. Instead, the country is expected to demonstrate progress in addressing the corrective actions outlined by the EITI Board. Failure to show progress in handling these corrective actions during subsequent validations will lead to suspension in accordance with Article 8. The Philippines is up for revalidation in 2024 to assess whether the country has fully addressed the corrective actions put forth by the EITI Board.

The transition to a new administration in 2022 is accompanied by new challenges and opportunities for the country. As the current government views the mining sector as a key driver of economic growth, CSOs must be actively and effectively engaged in NRG and the EITI processes to ensure that Filipinos can truly benefit from their natural resources. To achieve this goal, civic spaces must be guaranteed, protected, expanded, and supported.

II. What the report measures

Research Objectives

This report aims to assess civil society participation in the EITI process and NRG in the Philippines. More specifically, this report aims to

- Specific objective 1: Analyze progress on corrective measures from the 2021 EITI country validation on Requirement 1.3 on civil society engagement.

- Specific objective 2: Develop baseline data on civic space dimensions in NRG; and

- Specific objective 3: Generate recommendations for government, industry, and civil society on how to further broaden and protect civic space in NRG

While the report has the EITI revalidation assessment as one of its core motivations, the study design considered elements of civic space including actors and activities beyond the EITI Standard. This provides a broader perspective on how CSOs can participate in various governance mechanisms related to NRG at national and local levels.

Framework

A study by the Transparency and Accountability Initiative (TAI), an international nonprofit, defines civic space "as the set of conditions that determine the extent to which all members of society, both as individuals and in informal or organized groups, are able to freely, effectively and without discrimination exercise their basic civil rights."[1] These rights generally include access to information, expressions, associations, assemblies, and participation, all of which were enshrined in the 1987 Constitution. A report commissioned by the United Nations Development Program (UNDP) further distinguishes the concepts related to civic space, including civil society, civic engagement, and civil society actors.[2] The said report define civil society as a space where individual and collective actors participate in voluntary actions to forward socially relevant goals, while civic engagement is the process by which individuals and groups engage in civil society. Furthermore, civil society actors are defined as diverse groups of individual and collective entities operating within civil society, including CSOs, which can organize themselves in various formal and informal structures. Simply put, civic space encompasses the conditions or prerequisites that enable meaningful and vibrant civic engagement, where civil society actors can exercise their rights.

Studies have found that civil society participation in the EITI can lead to improved governance and reduce corruption in the extractives sector. However, the impact can vary depending on the context and the specific design of the initiative. Limitations on civic space and participation can also hinder the contribution of civil society to EITI outcomes. Magno and Gatmaytan (2017) found that the governance context, including civic space, plays a significant role in influencing countries' compliance with EITI requirements[3]. The importance of civic space in EITI implementation was seconded by Wilson et al. (2021), who found that civil society participation has a positive correlation with EITI outcomes[4]. As such, an

empowered civil society is a key factor for EITI implementation to be impactful. This prompts us to ask which factors contribute to strengthening civil society.

The primary aim of this study is to assess civil society participation in the EITI process and NRG in the Philippines. Following the TAI study's proposed rights-based framework, this study assesses civil society participation against five principal rights-based dimensions: (i) freedom of information and expression, (ii) Rights of Assembly and Association, (iii) Citizen Participation, (iv) non-discrimination/inclusion, and (v) human rights/rule of law. By extension, when civil society is open and civil society actors are empowered to participate in NRG, it lays the groundwork for a more transparent, inclusive, and accountable decision-making process.

Figure 1. Conceptual framework of civic space in natural resource governance
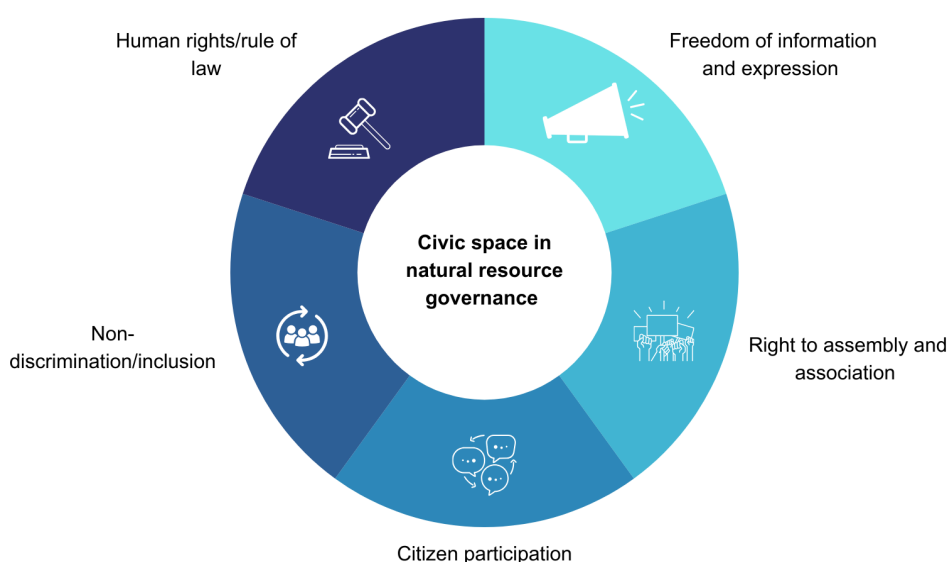
This study recognizes that the effectiveness of EITI implementation is intricately linked to the vibrancy of civic space, ensuring that the fundamental rights of individuals and civil society organizations (CSOs) are safeguarded. Ultimately, this study contributes to the ongoing discourse on the role of civil society in shaping effective governance frameworks for the extractive industry. The findings of this assessment can inform policy recommendations, advocacy strategies, and capacity-building initiatives that strengthen the civil society's role as key stakeholders in promoting transparency, accountability, and sustainable development in the extractives sector.

III. How the report came to be

Study design

This study is a mixed-methods social research that uses both quantitative and qualitative data collection methods to ensure that the findings are robustly triangulated and based on sufficient evidence. The data collection methods used were as follows.

1. Desk review: To provide an overview of civil society participation in NRG at international and national levels.

2. Survey: The researchers conducted a national survey among local CSOs to assess their experiences and perceptions regarding civil society participation in NRG at the local level using a structured questionnaire. This is also to generate a baseline data or "score" for each of the five dimensions of civic space identified in the research framework. The researchers adapted and modified the questionnaire developed in the TAI study to fit the research objectives. The modified questionnaire was reviewed and piloted with a small sample of CSOs for further refinement. The researchers targeted 94 respondents and were able to survey 107.

   Each civic space dimension had three questions. The respondents' answers to each question were assigned a numerical value, with higher values (5) indicating a more favorable condition, while lower values (1) suggest a less favorable or restricted condition. The average value of the three questions constitutes the civic space dimension's score, reflecting the perception of respondents toward the condition of that dimension. The overall civic space score is the average score of the five dimensions of civic space. Data were collected from October 26 to December 7, 2023.

3. Focused group discussions (FGDs): The researchers conducted an FGD wherein participants were asked to perform a root cause analysis to further analyze the key findings of the desk review and survey. This was conducted during the Philippine EITI Extractives Transparency Week 2023–Constituency Meetings, which gathered CSO participants from all over the country and were held on November 29, 2023. To address research objective 1, the researchers conducted an FGD among the CSO members of the MSG on December 21, 2023.

4. Key informant interviews: The researchers conducted key informant interviews (KIIs) using open-ended questions and a structured conversation format to provide insights into the barriers and opportunities for meaningful engagement in NRG- and EITI-related activities. A total of five (5) KIIs were conducted, with three respondents coming from Luzon, one from Visayas, and one from Mindanao.

5. Case studies: The researchers collated case studies to provide insights into the experiences, challenges, and successes of CSOs in mining communities and to gain a deeper understanding of the contextual factors shaping civic space dynamics and

CSO engagement in different settings across the Philippines and the five dimensions of civic space.

Sampling design and respondent profile

To recruit respondents for the study, the researchers utilized a non-probability sampling technique called purposive sampling. This sampling technique was used to ensure that participants fit characteristics relevant to the study's research objectives. Furthermore, the researchers developed inclusion criteria that guided the conduct of the survey, KII, and FGD. To qualify, a respondent should have no vested interest in the mining sector (e.g., company employee) and must meet at least two (2) of the following criteria:

- Currently involved in NRG work or living in a community directly affected by mining operations.

- Represents a CSO or people's organization located in a province where there is active large-scale metallic mining operations; and

- Belongs to the following sectoral group/s: women, indigenous peoples, youth, elderly, PWDs, LGBTQIA+, and farmers and fisherfolks.

As for the geographic focus, this study targeted all nineteen (19) provinces with active large-scale metallic mining operations. According to data from the Mines and Geosciences Bureau, as of February 2023, there were 46 active mines with commercial operations. For the sampling distribution of the survey, the researchers allocated two (2) respondents per active mine, which translated to ninety-two (92) targeted respondents. A total of 107 respondents completed the survey, 22% of whom belonged to the Bantay Kita (BK) coalition, while the remaining 78% were not BK members.

Table 1. Breakdown of the survey respondents

Province	No. of Mines	Region	Target Respondents	Actual Respondents	BK members	Non-BK members
Agusan del Norte	1	Region 13	2	6	0	6
Agusan del Sur	2	Region 13	4	9	1	8
Benguet	4	CAR	8	14	1	13
Bulacan	1	Region 3	2	1	1	0
Camarines Norte	1	Region 5	2	0	0	0
Cebu	1	Region 7	2	3	2	1
Davao de Oro	2	Region 11	4	4	1	3
Davao Oriental	1	Region 11	2	2	0	2

Dinagat Islands	6	Region 13	12	14	1	13
Eastern Samar	3	Region 8	6	5	0	5
Leyte	1	Region 8	2	4	1	3
Masbate	1	Region 5	2	0	0	0
Nueva Vizcaya	2	Region 2	4	4	1	3
Palawan	3	Region IVB	6	2	1	1
South Cotabato	1	Region 12	2	3	1	2
Surigao del Norte	4	Region 13	8	7	0	7
Surigao del Sur	5	Region 13	10	11	5	6
Tawi-Tawi[6]	1	BARMM	2	2	2	0
Zambales	5	Region 3	10	11	2	9
Zamboanga del Sur	2	Region 9	4	5	4	1
		Total	**94**	**107**	**24**	**83**

In the conduct of the FGD, the researchers ensured that the respondents met the inclusion criteria. A total of 24 respondents participated in the FGD, with 11 members of the BK coalition, while the remaining participants were non-BK members.

Table 2. Breakdown of sampling distribution and respondents

Province	No. of BK members	No. of Non-BK members	No. of Participants
Agusan del Norte		1	1
Benguet	2	1	3
Butuan City		2	2
Surigao del Sur	1		1
Cebu	3		3
Dinagat Islands	1	6	7
Leyte		1	1
Ozamis City	1		1
Romblon	1		1
South Cotobato	1	2	3
Surigao del Sur	1		1
	11	**13**	**24**

Limitations

To target respondents, this study utilized a purposive sampling technique, which is a non-random sampling technique. Therefore, the results cannot be generalized beyond the respondents of this study. This was reflected in the analysis of the results. This sampling technique is prone to bias. To reduce bias, the researchers included participants from different backgrounds and affiliations beyond the BK coalition. This is elaborated upon in the previous sections of this study.

One of the data collection methodologies used in this study is the perception survey, which, like any research method, has limitations including subjectivity, response bias, and limited validity. To address this, the researchers featured publicly known case studies to triangulate the findings of the study. Key informants were also asked to share specific examples, but for confidentiality purposes, specific details were not divulged for the safety and protection of respondents.

The study only included respondents from civil society and excluded respondents from the private and government sectors at the national and local levels. This is mainly due to the nature of the study's objectives, which are to better understand the views and sentiments of the CSO constituency toward civic space in NRG and partly due to resource constraints.

The desk review methodology only covered studies, policies, and programs published on or before October 2023.

Ethical considerations

Members of the research team, including enumerators, were provided stringent guidance to ensure that they met the highest ethical standards. Data were collected to ensure the confidentiality and privacy of all respondents. The respondents were briefed about the voluntary nature of their participation in the study and that they were free to participate without any repercussions. Informed consent was obtained from the respondents prior to their participation in the study.

IV. Key findings

EITI Board corrective actions assessment

The analysis of 20 corrective actions identified from the EITI Board decision found that the country's progress has been promising, but slow and inadequate. Only two (2) corrective actions are assessed by CSO members of the MSG as "mostly met," indicating partial compliance while three (3) corrective actions are deemed not met. CSO members of the MSG highlight the Philippine EITI as a safe engagement platform for civil society actors but also recognize the challenges faced by CSOs when expressing dissent or exposing violations at the local level. More than a year after the EITI Board's decision was made, barriers encountered by CSOs and mining-affected communities persisted.

Civic space assessment

Specific dimensions of civic space remain constrained with some patches of openness. Respondents found access to information, the right to assembly and association, and citizen participation to be among the relatively open dimensions of civic space. They recognized that platforms for engagement exist and that CSOs are somewhat represented in these spaces. However, they recognized the need to further improve the enabling environment for CSOs to operate, which includes the government refraining from red-tagging CSOs, providing financial and technical support to CSOs, and ensuring that all sectors directly impacted by extractives have a seat at the table.

Recommendations

Respondents recommended addressing various facets of civil society participation, enhancing transparency, and ensuring the safety of individuals involved in NRG activities. They underscore the importance of finalizing, implementing, and evaluating an action plan to rectify corrective actions from the EITI Board, emphasizing a dedicated budget for implementation. The sub-nationalization of the EITI process, mainstreaming CSO participation within LGUs, strengthening the capacities of CSOs, and issuing an enabling policy are also highlighted. This is to address local and context-specific barriers to CSO participation in natural resource governance.

V. Discussion

EITI Board corrective actions assessment

In the EITI Board's decision that came out in February 2022, twenty (20) corrective actions were identified. Of the total, fourteen (14) were directed to the government, three (3) to the MSG, and one (1) each to the industry and CSOs. The researchers coded the corrective action into three based on how they were worded, namely: required/should, encourage/recommended, and expected/ensure. Following this coding, it was found that nine (9) corrective actions were categorized as required/should while there were seven (7) under ensure/expected and four (4) encourage/recommended.

In the FGD conducted by the CSO members of the MSG to assess the country's progress against the corrective actions put forth by the EITI Board, it was found by the majority of the CSO MSG members that only two (2) corrective actions were assessed as "mostly met" while nine (9) were assessed as "partly met," three (3) was "not met," and one (1) had no response. The CSO members of the MSG recognized some progress taken by the government in terms of providing a secure and constructive engagement platform, as reflected by their assessment of two corrective actions pertaining to civil society engagement in the EITI process as being "mostly met." The three (3) corrective actions deemed to have not been met were those directed to specific government agencies, specifically, the Department of Interior and Local Government (DILG), the Mines and Geosciences Bureau (MGB), the National Commission on Indigenous Peoples (NCIP), and the Union of Local Authorities of the Philippines (ULAP).

However, it must be noted that no consensus was reached in the assessment of progress. One KI highlighted that this could be explained by the diversity of contexts CSO MSG members come from, which in turn affects the varying experiences they are exposed to. For instance, some members come from the academe, while others come from people's organizations (PO) and non-government organizations (NGOs).

Table 2. Breakdown of the assessment of corrective actions addressed by the government.

Corrective action	Mostly met	Partly met	Not met	No answer
Government				
Required or should	-	4	3	1
Encouraged or recommended	-	1	-	-
Expected or ensure	2	4	-	-
Total	**2**	**9**	**3**	**1**

To expound on this assessment, a thematic analysis of the proceedings of the FGD of the CSO members of the MSG and the KIIs was conducted. In the conduct of the KII, key informants (KIs) were asked to weigh (1) the progress made in addressing corrective measures from the 2021 EITI validation, focusing on civil society engagement (Requirement 1.3), and (2) how engagement between civil society and government/industry has changed after validation. This analysis yielded four key themes: the role of PH-EITI as a safe engagement platform, the challenges faced by CSOs, access and participation barriers, and the effectiveness of government measures.

The first theme highlights the role of PH-EITI as a platform for safe and constructive engagement in NRG. The discussion highlights the potential of PH-EITI to provide accessible, urgent, and effective remedies to protect civil society actors and their freedom of expression if CSOs engaged in the EITI process experience threats or harassment during their work on the EITI process. The key informants (KIs) expressed mixed views with some highlighting signs of progress, including dialogue among stakeholders and the presence of an action plan, while others cited the lack of real impact of progress so far at the local level. Two KIs mentioned the importance of civil society participation in EITI discussions and conferences while raising concerns regarding the lack of follow-up actions and communication post-conference, emphasizing the need for stronger monitoring of commitments from the government and private sector. Overall, the discussion emphasizes the importance of PH-EITI as a platform for dialogue, consultation, and collaboration among stakeholders.

The second theme focuses on the challenges and insecurities faced by CSOs in expressing their dissent for or exposing violations in NRG. This discussion identifies red tagging as a significant issue, with CSOs experiencing persistent insecurity whenever they express dissent or expose violations of environmental laws, policies, and human rights. One KI mentioned that, while the issue of civic space has been contentious, ongoing discussions can be seen as a continuing commitment of stakeholders to engage with one another. This view also holds true during FGD among CSO MSG members, where participants highlight diversity in perspectives and openness to stakeholder engagement.

The third theme highlights barriers to access, inclusivity, and participation faced by local CSOs and mining-affected communities. This discussion underscores the need to identify and include all CSOs and mining-affected communities that are impacted by the curtailment of freedom to express and engage. The discussion also emphasizes the importance of capacitating them on how to engage constructively in the EITI process. Finally, the group highlighted the need to subnationalise the EITI process so that mining-affected communities can directly participate in improving the governance of mining operations.

The fourth theme focuses on the effectiveness of government measures in addressing NRG-related human rights violations. The discussions highlighted the corrective actions taken by the PH-EITI, but the full implementation of these plans is yet to be achieved. The group emphasized the importance of ensuring that the implementation of laws and regulatory policies, such as the 2020 Anti-Terrorism Act and the enhanced system of registration and monitoring of nonprofit organizations, does not result in the violation or curtailment of civil society's fundamental rights and freedoms by undertaking consultation

with those impacted. Several KIs also emphasized the importance of broadening the government constituency within the EITI MSG to help address various environmental and resource governance issues. For instance, it was suggested by the two KIs to include other line agencies of the Department of Environment and Natural Resources (DENR), including the Environmental Management Bureau (EMB), to ensure that concerns are addressed in a timely and effective manner.

A key recommendation that surfaced in both the FGD and KIIs is the need for EITI to be localized to broaden the participation of CSOs in the EITI process and address relevant concerns of communities. Given that challenges in civil society participation are experienced at the local level, a KI called for the increasing role of LGUs in the EITI and the need to engage them further in expanding civic space in NRG that the Philippine EITI can help facilitate.

Civic space assessment

Although EITI implementation in the Philippines has been an integral component of the country's NRG, civic space in the sector goes far beyond the EITI process. While the 2019 EITI Standard explicitly covers only actors and activities related to the EITI process, the overall civic space landscape and how open or conducive it is has a profound impact on how CSOs can participate in the EITI process. The EITI process coexists within a larger environment that should not be treated separately or in a silo. Therefore, it is imperative to have a broader view of the civic space in NRG to better understand the barriers that hinder CSOs from meaningfully engaging in the EITI process.

This civic space assessment aimed to identify the dimensions of civic spaces in NRG that are relatively open or restrained. This is for stakeholders in the government, industry, and civil society to develop targeted interventions to enable civic engagement in NRG and, consequently, the EITI process. Responses from the survey, KII, and FGD were analyzed sequentially to generate comprehensive inputs and robust triangulation of the findings.

1. Freedoms of Information and Expression

The freedom of information and expression dimension assesses the extent to which individuals and CSOs have the freedom to access information and express their opinions, without fear of retribution. In a healthy civic space, people should have unrestricted access to information, including government data and financial information. They should also be able to express their thoughts and opinions publicly, particularly on matters related to NRG, without the fear of censorship or backlash. The average score for this indicator was at 2.98 out of 5.00 and among the highest among the five dimensions measured.

Question	Responses	
1. To what extent can local CSOs in mining communities access necessary information, including financial details, from government sources regarding natural resource governance?	2 = With significant difficulty	36%
	3 = With some difficulty	23%
	4 = To a reasonable extent	17%
	1 = Not at all	14%
	5 = Fully	9%
	Don't know/Not applicable	1%
2. To what extent can members of local CSOs freely express their concerns and opinions in public forums without fear of reprisals related to natural resource issues?	3 = With some difficulty	28%
	4 = To a reasonable extent	27%
	2 = With significant difficulty	22%
	5 = Fully	14%
	1 = Not at all	8%
3. To what extent can members of local CSOs freely use the internet and other media channels (e.g., bulletin boards) for accessing information and communicating about natural resource governance?	3 = With some difficulty	26%
	4 = To a reasonable extent	25%
	2 = With significant difficulty	22%
	5 = Fully	14%
	1 = Not at all	12%

The survey found that accessing vital information, particularly financial details from government sources, still faces obstacles, with 59% of the survey respondents facing difficulties. This finding was further stressed by participants in the FGD, highlighting a specific constraint affecting indigenous people (IPs) in mining communities. The FGD participants pointed to the intricate processes involved in obtaining information from government agencies. This transparency deficit hampers the ability of CSOs to effectively engage in informed discussions and decision-making.

Expression in public forums faces constraints, as 50% of respondents encounter difficulty openly expressing concern about natural resource issues. These challenges impede open

discourse, which is essential for diverse perspectives on decision making in NRG. A KI discussed the intimidation faced by environmentalists in the Philippines and mentioned how mining companies resort to intimidation tactics and lawsuits to silence those advocating for environmental protection, while another KI cited instances where individuals are monitored by government intelligence-gathering agencies, which hinders freedom to express critical opinions without fear of retribution.

Moreover, utilizing modern communication channels has proven challenging, with 48% of respondents facing difficulties accessing them. While respondents did not mention any cases of censorship, this impediment in using the Internet and media channels may limit CSOs' outreach, hindering advocacy efforts and public awareness crucial for transparent and accountable NRG.

Case Study: Upholding Environmental Rights in the Philippines - ELAC's Battle Against Irresponsible Mining

The Environmental Legal Assistance Center (ELAC), Inc., a prominent environmental non-governmental organization in the Philippines, is dedicated to championing communities' constitutional right to a healthy and balanced ecology. ELAC has actively participated in the Extractive Industries Transparency Initiative (EITI) process and Natural Resource Governance (NRG) in the country. ELAC's mission revolves around protecting and asserting environmental rights, emphasizing equitable access to and control of natural resources by communities. The organization has been actively engaged in addressing challenges posed by mining activities, particularly the case involving Celestial Mining's Mineral Production Sharing Agreement (MPSA) in Brooke's Point, Palawan.

The case originated in 1993 with the MPSA between the Republic of the Philippines and Celestial Mining, covering land within the Mt. Mantalingahan Mountain range. Indigenous peoples (ICCs) raised concerns about the MPSA encroaching into their ancestral domains and resulting environmental degradation. Despite expired permits and violations of environmental regulations, INC and Celestial Mining persisted in their operations. The controversial extension of the MPSA until 2025 by the DENR added further complexity.

ELAC responded strategically to these challenges. The organization collaborated with local authorities, obtaining cease-and-desist orders and resolutions from the Sangguniang Bayan of Brooke's Point. Requests for investigations were made to the Mines and Geosciences Bureau (MGB) and appeals to the President and relevant environmental bodies were submitted to halt the mining activities.

ELAC's persistent efforts led to a significant breakthrough when the Philippine Supreme Court issued a writ of kalikasan. This unique legal measure aimed at safeguarding Filipinos' constitutional right to a balanced and healthy environment mandated government agencies and mining companies, including the Department of Environment and Natural Resources (DENR) and Mines and Geosciences Bureau (MGB), to address Indigenous concerns about forest destruction. The National Commission on Indigenous Peoples also issued a cease-and-desist order, reflecting a positive response to ELAC's advocacy.
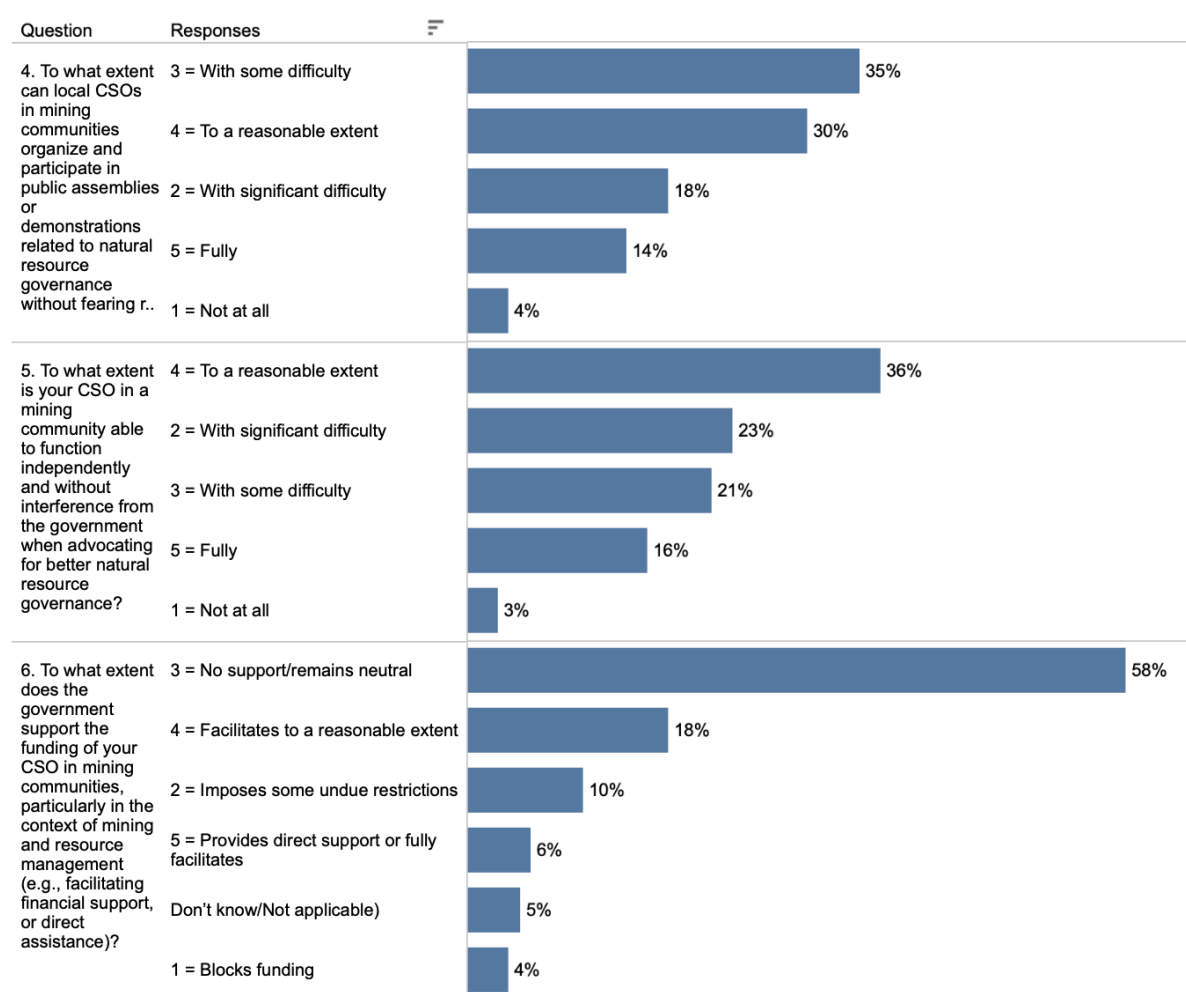
Building on their experiences, ELAC offers key recommendations for government, industry, and civil society. These include advocating for legal measures within local ordinances, strengthening funding for local civil society organizations, revising the precautionary principle, and prioritizing the management of minerals in the Philippine Development Plan.

ELAC's unwavering commitment to justice in the Ipilan case has had a profound impact on civil society participation in the EITI process and NRG in the Philippines. The Supreme Court's recognition of potential environmental harm and subsequent legal actions demonstrate a positive shift towards protecting the rights of affected communities.

ELAC's Ipilan case stands as a compelling testament to the critical role civil society organizations play in holding stakeholders accountable for environmental violations. This case serves as a precedent for future actions against irresponsible mining practices, emphasizing the urgent need for stronger regulatory frameworks and active civic engagement to protect the environment and uphold the rights of indigenous communities.

2. Rights of Assembly and Association

The Rights of Assembly and Association dimension evaluates the ability of individuals and CSOs to organize, gather, and participate in public events, assemblies, or demonstrations without facing retribution. In a thriving civic space, people and organizations should be able to gather and engage in peaceful demonstrations or meetings to voice their concerns and advocate for their rights. This dimension assesses whether such activities can occur freely without intimidation or interference. This indicator scored the highest among the five dimensions, with an average score of 3.28 out of 5.00 among survey respondents.

Question	Responses	
4. To what extent can local CSOs in mining communities organize and participate in public assemblies or demonstrations related to natural resource governance without fearing r..	3 = With some difficulty	35%
	4 = To a reasonable extent	30%
	2 = With significant difficulty	18%
	5 = Fully	14%
	1 = Not at all	4%
5. To what extent is your CSO in a mining community able to function independently and without interference from the government when advocating for better natural resource governance?	4 = To a reasonable extent	36%
	2 = With significant difficulty	23%
	3 = With some difficulty	21%
	5 = Fully	16%
	1 = Not at all	3%
6. To what extent does the government support the funding of your CSO in mining communities, particularly in the context of mining and resource management (e.g., facilitating financial support, or direct assistance)?	3 = No support/remains neutral	58%
	4 = Facilitates to a reasonable extent	18%
	2 = Imposes some undue restrictions	10%
	5 = Provides direct support or fully facilitates	6%
	Don't know/Not applicable)	5%
	1 = Blocks funding	4%

The survey found that the local CSOs surveyed were relatively free to operate and associate, with 52% of respondents answering fully and to a reasonable extent when asked about the extent to which their local CSO can function without any government interference. Furthermore, 44% of the respondents answered fully and reasonably when asked about their ability to assemble and demonstrate, which allowed them to mobilize public support. While local CSO can operate independently and assemble freely, 58% of the respondents reported receiving no support or experiencing neutrality from the government. This lack of support poses a risk to the operational and financial sustainability of local CSOs, potentially impeding their capacity to effectively carry out their advocacy and oversight function. This view was responded to by a CSO MSG member during the FGD by citing the Civil Society

Participation Fund implemented by the DILG to support the capacity building and engagement of CSOs. Another KI also attributed this perception among respondents to a lack of capacity and awareness among CSOs about these available resources, while another KI highlighted the potential role of the academe in strengthening the capacities of CSOs to engage in NRG.

Furthermore, participants during the FGD further supported these findings that while some localities are more conducive for CSO participation, there are areas where CSO face intimidation when they oppose mining operations. To address these challenges, they highlighted the importance of concrete support from the government and its unequivocal commitment to upholding the rule of law.

Case Study: Pakinday (formerly Pakighidait, Inc.) - Bridging Faith and Advocacy for Civic Space Protection

Pakinday, an interfaith organization operating in Lanao del Norte for the past 23 years, has been a key participant in the Extractive Industries Transparency Initiative (EITI) process and Natural Resource Governance (NRG) in the Philippines. With a mission to catalyze peace through religion and faith, Pakinday emphasizes the role of faith as a bridge rather than a divide, advocating for peace and development regardless of faith or tribe.

Aligned with BK in supporting Indigenous Peoples (IP) empowerment and rights assertion, Pakinday addresses four types of conflict: identity, resource, ideological, and policy-based. In resource-based conflicts, especially in Caraga, where IPs face challenges related to mining activities, Pakinday asserts that IP land's access and control must prioritize community interests over mining concerns.

Pakinday faces unique challenges, distinct from typical civil society experiences. Despite operating in areas with strong insurgency problems, the organization has not faced harassment, vilification, or red-tagging. Being part of government platforms, such as the Peace and Order Council, poses challenges as Pakinday navigates advocating for its principles while engaging constructively with government structures.

Pakinday approaches engagement with the government with a clear stance against supporting any underground groups. The organization initiated conflict-sensitive and peace-promoting workshops to influence a broader perspective on peace and security, emphasizing the 'do no harm' principle and conflict-sensitive approaches.

Serving as the interim chair of the Peoples Council in Iligan, Pakinday widens civic space by pushing the government to recognize the importance of civic space and people's voices. The organization ensures that IPs have equal representation,

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especially concerning mining concerns, fostering genuine and meaningful CSO participation in government platforms. Pakinday recommends an inward assessment of CSOs to develop a shared vision for addressing issues. It emphasizes the need for CSOs to engage with the government as a new frontier in the struggle for genuine representation. The organization wishes for a collective CSO program initiated by BK to gather and inventory CSOs effectively penetrating government spaces.

Pakinday's efforts have made civic spaces a platform for meaningful CSO engagement, contributing to the protection of marginalized communities by monitoring government actions. Pakinday's 23 years of meaningful engagement at the local level in Lanao del Norte and Iligan have eventually earned the trust of local leaders and politicians. By being advocates within government spaces, the organization has not only protected marginalized communities but has also demonstrated that CSOs can be part of the solution to societal issues. Pakinday's journey showcases the importance of strategic engagement in civic spaces for meaningful impact and positive change in the realm of NRG.

3. Citizen Participation

The citizen participation dimension measures the freedom of individuals and CSOs to actively engage in advocacy, public deliberation, and the decision-making processes that affect them. Civic spaces should encourage active participation in democratic processes, public consultation, and policymaking related to natural resource governance. This dimension assesses whether people, as representatives of CSOs or citizens, can influence political deliberations and decisions related to resource governance, without fear of retribution. This indicator scored second highest among the five dimensions, with an average score of 3.02 out of 5.00.
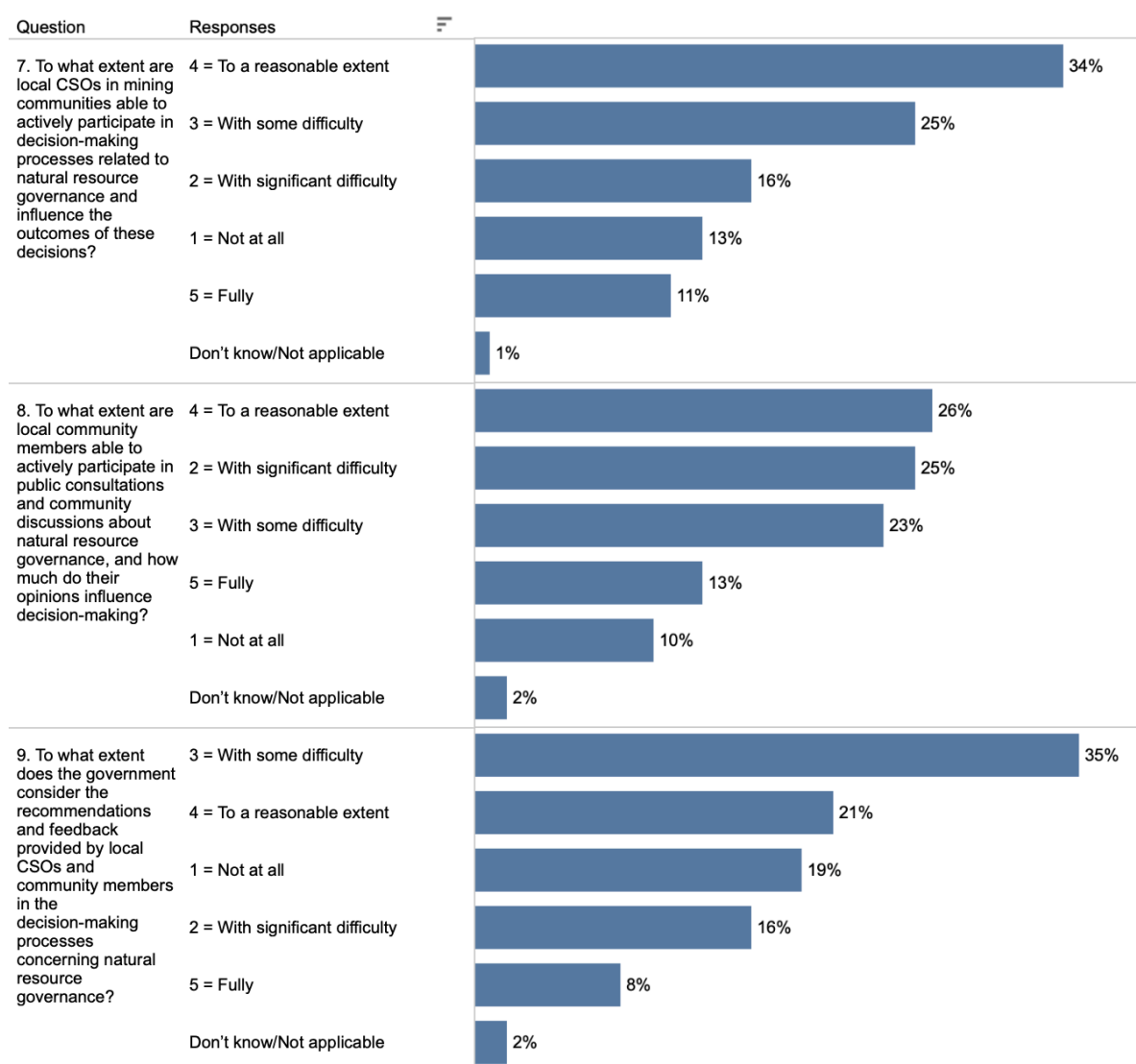
The survey results highlight a moderate level of engagement among local CSOs surveyed in mining communities, with 39% of respondents reporting being able to actively participate in public consultations fully and to a reasonable extent. Likewise, 45% of the respondents answered that they were able to participate in the decision-making processes fully and to a reasonable extent. This highlights a noteworthy gain for CSOs, with platforms and spaces available to influence critical NRG decisions. While this indicates some success in CSO

participation, only 29% of the respondents think that the government considers their recommendations fully and to some extent. This suggests potential gaps in integrating citizen inputs into decision-making processes, and raises concerns about the effectiveness of these platforms in terms of translating CSO inputs into actual NRG decisions. One KI also mentioned instances where public consultations are conducted by companies, raising concerns about the objectivity of how they present the actual impact of mining operations on communities. The KI suggested that it should be the government giving an independent assessment of the impact of mining on, for instance, the quality of water and air once the operations start to ensure genuine consultation and an informed decision-making process for communities.

During the FGD, participants raised concerns about potential conflicts of interest among government officials and a lack of transparency in some NRG decision-making processes. They recognized that while there are platforms for civic engagement at the local level, the effectiveness of their engagement is hindered by their lack of access to information and financial resources. The FGD participants proposed that local governments issue ordinances and resolutions for more concrete and deeper CSO involvement in NRG decision-making processes. This also bridges the participation-decision gap, addresses transparency issues, and enhances collaboration among stakeholders. To broaden CSO participation at the local level, a KI suggested further cascading the EITI Civil Society Protocol for local CSOs to understand the value of civic space in NRG and to be empowered to engage in, for instance, municipal development councils.

Case Study: Advocating for Transparent and Accountable Mining in the Philippines - Alyansa Tigil Mina's Struggle

Alyansa Tigil Mina (ATM) stands as an alliance of advocates against mining, encompassing various environmental organizations representing NGOs, POs, IPs, women, youth, and other sectors. The organization's mission revolves around building responsive capacities within its alliance members, challenging existing mining policies, and advocating for sustainable and rights-based minerals management policies.

ATM actively engages with the Extractive Industries Transparency Initiative (EITI) through Bantay Kita, aiming to gain access to and utilize data related to mining extractive industries for the benefit of mining-affected communities. The organization encounters challenges primarily rooted in the lack of transparency and compliance among mining companies operating in their "Sites of Struggles." Many companies fail to submit accurate and transparent data to EITI, hindering the organization's efforts to advocate for responsible mining practices. Additionally, there is a disconnect in the consultation process with communities, especially concerning Free Prior and Informed Consent (FPIC) with Indigenous Peoples (IPs).
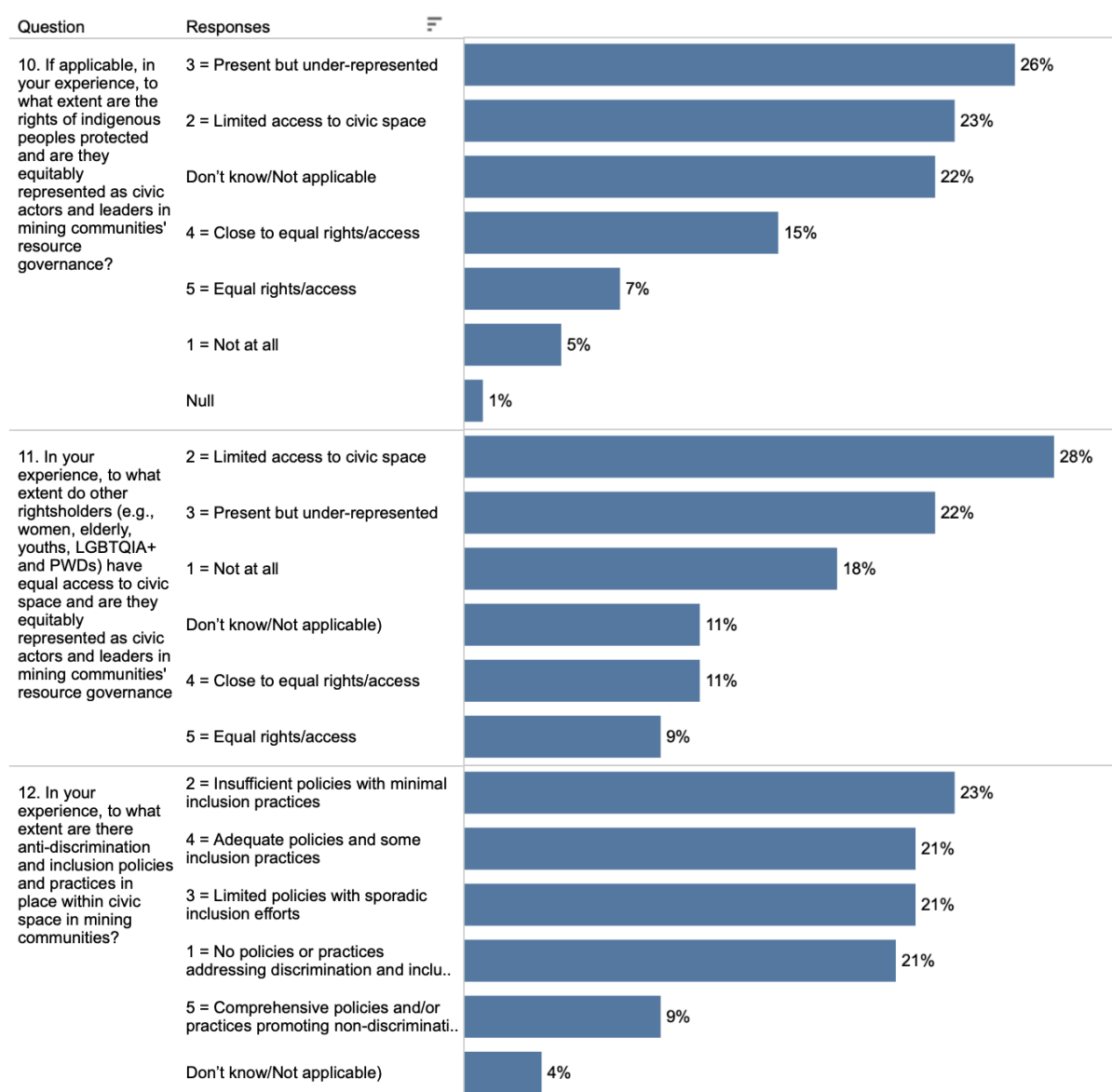
ATM employs strategic approaches, including forging partnerships with government agencies, lobbying from local to national levels, and capacitating and strengthening communities and stakeholders. These strategies aim to address the challenges by creating collaborative spaces for dialogue and influencing policy changes. The organization has made strides in producing science-based research and case studies to support their advocacy efforts. This has enabled ATM to present credible information that supports their call for transparency, accountability, and respect for human rights within the mining sector. Strong collaborations and partnerships with government and civil society have been established, empowering communities to actively engage in the EITI process.

ATM's recommendations focus on promoting transparency in the mining industry, emphasizing the disclosure of data related to the number of workers, their earnings, and the overall earnings of mining companies. Additionally, they advocate for the promotion, respect, and fulfillment of human rights as recognized by the United Nations.

The organization's efforts have resulted in strong collaboration and partnerships with government and civil society. By empowering communities to engage in the EITI process, ATM contributes to the broader objectives of promoting transparent and responsible mining practices. ATM's struggle against opaque mining practices showcases the importance of transparency and meaningful community engagement. The organization's work not only addresses the challenges within the EITI process but also contributes to the broader objective of enhancing natural resource governance. The case underscores the need for inclusive decision-making processes, respecting human rights, and promoting accountability within the mining sector.

4. Non-discrimination and Inclusion

The non-discrimination and inclusion dimensions focus on ensuring equal rights and access to civic space for all, without discrimination based on factors such as gender, economic status, ethnicity, or other characteristics. Civic spaces must be inclusive and nondiscriminatory. It examines whether traditionally marginalized groups such as IPs and other minority populations have equal access to and representation in civic activities and resource governance. This dimension scored the lowest on average, with a score of 2.77 out of 5.00.

Question	Responses	
10. If applicable, in your experience, to what extent are the rights of indigenous peoples protected and are they equitably represented as civic actors and leaders in mining communities' resource governance?	3 = Present but under-represented	26%
	2 = Limited access to civic space	23%
	Don't know/Not applicable	22%
	4 = Close to equal rights/access	15%
	5 = Equal rights/access	7%
	1 = Not at all	5%
	Null	1%
11. In your experience, to what extent do other rightsholders (e.g., women, elderly, youths, LGBTQIA+ and PWDs) have equal access to civic space and are they equitably represented as civic actors and leaders in mining communities' resource governance	2 = Limited access to civic space	28%
	3 = Present but under-represented	22%
	1 = Not at all	18%
	Don't know/Not applicable)	11%
	4 = Close to equal rights/access	11%
	5 = Equal rights/access	9%
12. In your experience, to what extent are there anti-discrimination and inclusion policies and practices in place within civic space in mining communities?	2 = Insufficient policies with minimal inclusion practices	23%
	4 = Adequate policies and some inclusion practices	21%
	3 = Limited policies with sporadic inclusion efforts	21%
	1 = No policies or practices addressing discrimination and inclu..	21%
	5 = Comprehensive policies and/or practices promoting non-discriminati..	9%
	Don't know/Not applicable)	4%

The survey findings underscore the significant challenges in the protection of IP rights and their equitable representation in civic engagement related to NRG. A notable 49% of the respondents reported that IPs are under-represented and face limited access to civic spaces, indicating a substantial gap in inclusivity. Similarly, perceptions of limited access and under-representation persisted for other marginalized groups, including women, elderly

individuals, youth, LGBTQIA+ individuals, and persons with disabilities, with 50% of respondents highlighting barriers in civic space related to resource governance in mining communities. The survey also found that 44% of the respondents perceived insufficient policies, limited policies with sporadic inclusion efforts, and a complete absence of policies addressing discrimination and inclusion. This highlights a crucial gap in the current NRG framework, particularly in inclusion policies and practices, potentially perpetuating discrimination in resource governance activities. Participants from the FGD added that challenges persist for individuals expressing anti-mining sentiments, potentially facing difficulties in securing jobs within the mining company.

The findings of the survey point out a lack of inclusivity among marginalized sectors, including IPs in civic spaces in NRG. One KI highlighted the significant role of the National Commission on Indigenous Peoples (NCIP) in empowering IP communities to participate in governance. However, the same KI cited the lack of technical and financial resources of the agency to effectively deliver its mandate, which limits the participation and inclusion of IPs in NRG. This hinders their full participation in the decision-making process, making it difficult for their context-specific concerns to be addressed. Tackling these challenges and fostering an inclusive civic space require technical and financial resources, policies, and practices that promote equity and diverse representations.

Case Study: Upholding Indigenous Rights - MAPASO and Coro IP Communities' Struggle for Royalty Shares

MAPASO and Coro IP Communities are at the forefront of hosting a large-scale mining operation in the Philippines. As beneficiaries of mining taxes and entitled to various benefits as per Philippine laws, they play a crucial role in the Extractive Industries Transparency Initiative (EITI) process and Natural Resource Governance (NRG).

Despite being entitled to royalty shares, the communities face a prolonged issue with SRMI, the mining company. The company has consistently refused to release royalty shares from December 2021 to July 2023, despite the issuance of a memorandum order by the National Commission on Indigenous Peoples (NCIP) in April 2023. This has resulted in unnecessary costs for the IP community leaders, who have engaged in face-to-face dialogues at regional and national levels without receiving their rightful shares. The main challenge is the continued refusal of SRMI to comply with the release of royalty shares for over two years. Additionally, the IP communities have not received adequate support from the NCIP, the mandated body to promote the interests of indigenous communities.

To address the challenges, the IP communities sought administrative and legal help from organizations like Bantay Kita and Father Saturnino Urios Foundation. They also engaged in extensive travels to Manila to meet with SRMI's top executives and sought assistance from national politicians. During the PH EITI
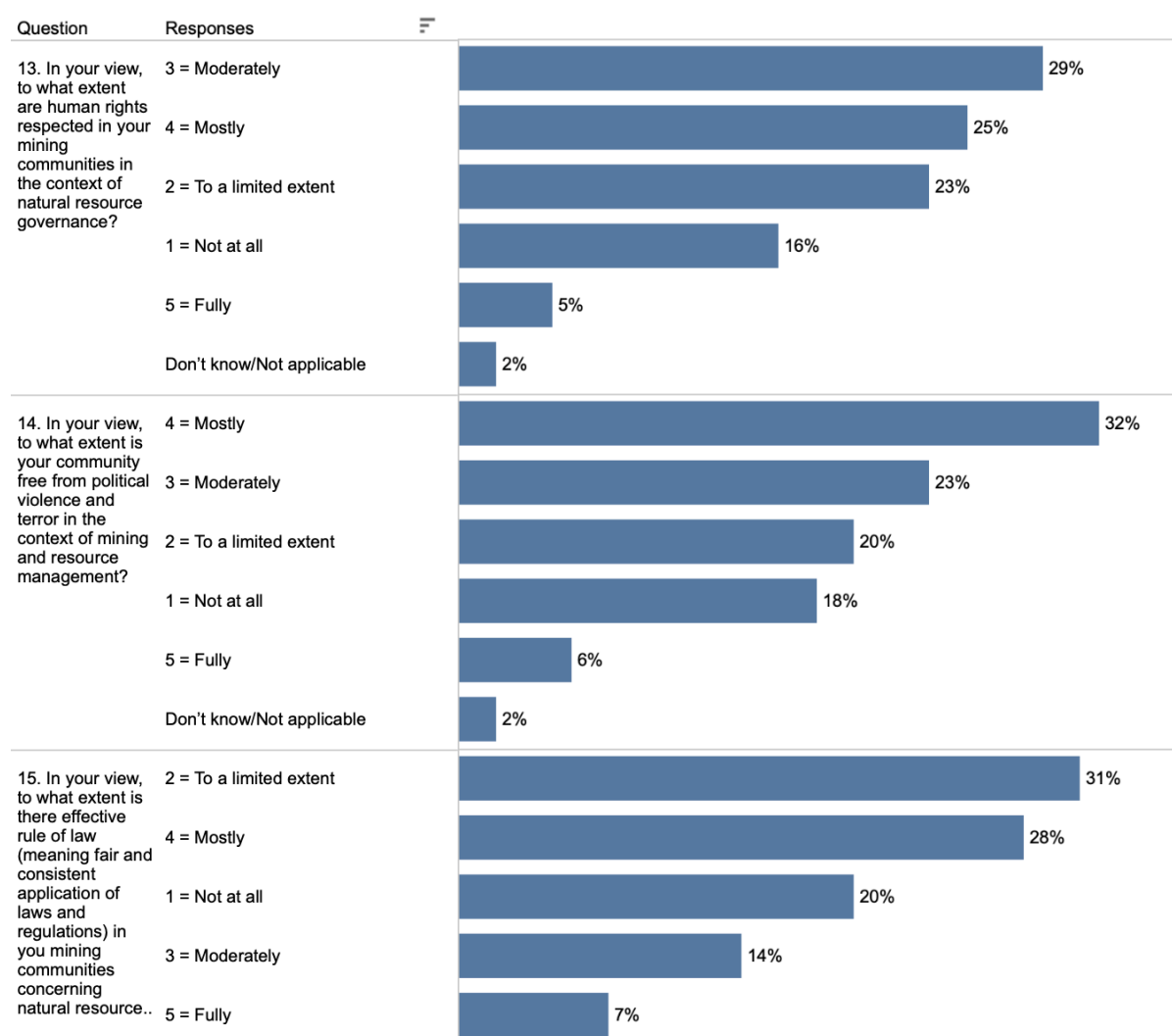
Transparency Week, the communities presented their issue, providing an opportunity to explore potential solutions. This engagement opened avenues for dialogue with representatives from the Mines and Geo-sciences Bureau, offering a platform to voice their concerns.

The case highlights the need for better systems in tracking royalty share disbursements within the company and the local government unit. These systems should be transparent, accountable, and involve community and civil society oversight. The case of Jabonga and La Paz illustrates the challenges in the implementation of policies, emphasizing that progress made in policies may not necessarily translate to effective implementation. The struggle of these communities underscores the limited power local communities have in the current system of royalty share disbursements.

The case of MAPASO and Coro IP Communities is emblematic of a broader issue affecting various IP communities hosting mining operations. It calls for closer scrutiny by the Philippine government to ensure timely and transparent disbursements of royalty shares. The communities' struggle highlights the urgency of addressing implementation gaps to uphold the rights and welfare of indigenous communities in the extractive industries.

5. Human Rights/Rule of Law

The Human Rights/Rule of Law dimension evaluates the extent to which human rights are respected and the rule of law is upheld within civic spaces, especially in the context of natural resource governance. Human rights should be protected in a healthy civic space and the rule of law should prevail. This dimension gauges the level of respect for human rights, absence of political violence or terror, and effectiveness of legal systems within the context of resource management and governance. Among the five dimensions of civic space assessed, this indicator scored among the lowest, with an average score of 2.80 out of 5.00.

Question	Responses	
13. In your view, to what extent are human rights respected in your mining communities in the context of natural resource governance?	3 = Moderately	29%
	4 = Mostly	25%
	2 = To a limited extent	23%
	1 = Not at all	16%
	5 = Fully	5%
	Don't know/Not applicable	2%
14. In your view, to what extent is your community free from political violence and terror in the context of mining and resource management?	4 = Mostly	32%
	3 = Moderately	23%
	2 = To a limited extent	20%
	1 = Not at all	18%
	5 = Fully	6%
	Don't know/Not applicable	2%
15. In your view, to what extent is there effective rule of law (meaning fair and consistent application of laws and regulations) in you mining communities concerning natural resource..	2 = To a limited extent	31%
	4 = Mostly	28%
	1 = Not at all	20%
	3 = Moderately	14%
	5 = Fully	7%

The survey findings revealed a concerning trend, with 39% of respondents perceiving human rights as being respected only to a limited extent, and not at all. This highlights the challenges in safeguarding the rights of individuals within these communities. Furthermore, 31% of the respondents perceived the rule of law to be applied to a limited extent, raising concerns about consistency and fairness in the application of legal frameworks governing the mining sector.

Insights from the FGD provide valuable context for these survey findings. Participants raised concerns about influential political families supporting mining concessions, red-tagging, and weak government institutions as obstacles to ensuring respect for human rights and rule of law. The geographic isolation of mining-affected communities exacerbates these issues, and media attention is often lacking in these areas.

Among the five dimensions assessed in this study, human rights and the rule of law stood out as the most concerning among respondents. This highlights the danger that local CSOs face when engaging in NRG. While there are spaces for engagement, rights to express, participate, and information, this finding reveals that local CSOs still feel threatened to participate fully in NRG. One KI shared the chilling effect caused by red tagging among CSOs by the government and the need for the practice to be stopped, as it stifles the people's ability to advocate for their own rights. The KI also emphasized the obligation of the government and its officials to protect human rights and to be held accountable when human rights are breached.

To address these barriers, FGD participants urged the government to foster better engagement with CSOs through regular dialogue and institutionalizing paralegal training for CSOs to empower them to champion their rights. They also urged the MGB and NCIP to enforce laws and protect the interests of impacted communities.

Case Study: Upholding Human Rights and Rule of Law - ESCAIRA & Campintac Farmers Irrigators Association

ESCAIRA and CFA, recognized by the National Irrigation Authority, play crucial roles in supporting farmers' interests in their respective barangays. As local organizations, ESCAIRA and CFA provide essential feedback on the impacts of mining in barangays hosting mining operations. However, mining companies have been uncooperative, leading to unaddressed externalities and rendering hectares of farmland unproductive. ESCAIRA, initially a beneficiary of the mining company's Social Development and Management Program, was inexplicably removed, affecting the farmers. The primary challenge is the lack of cooperation from mining companies, resulting in unaddressed mining externalities and the removal of ESCAIRA as a beneficiary organization. The farmers' land remains unproductive, posing a threat to their livelihoods.

ESCAIRA and CFA collaborated with Bantay Kita to file a formal complaint with the Philippine EITI through its feedback mechanism. They underwent awareness workshops and financial training to enhance their capacity in dealing with mining-related issues. The organizations successfully documented their complaints with the help of Bantay Kita, marking a significant milestone. Although no corrective measures have been implemented yet, the acknowledgement from PH EITI of the

community's feedback is a crucial step towards accountability in the extractive sector. They recommend establishing better and more effective feedback mechanisms for organizations in barangays hosting mining operations and promoting more inclusive collaborations under the Social Development and Management Program (SDMP) implementation to address community concerns effectively.

ESCAIRA and CFA's efforts should serve as a model for neighboring organizations facing similar challenges in the extractive sector. Their commitment to fighting for accountability contributes to the broader goal of ensuring responsible natural resource governance. While tangible success may take time, the acknowledgment of ESCAIRA and CFA's feedback by PH EITI is a significant milestone. Their efforts contribute not only to local civic space but also resonate nationally, highlighting the importance of community engagement in the extractive sector and the need for transparent and accountable governance.

VI. Conclusion and recommendations

Conclusion

Wins have been gained, but more needs to be done ten years into the implementation of the EITI in the Philippines. An open and thriving civic space improves the implementation of EITI and NRG in the country. This should not be taken for granted by government or industry players. When CSOs can effectively participate in NRG, they are in a better position to ensure that policies are implemented, communities and the environment are protected, and public debates are well-informed.

Many of the corrective actions put forth in the EITI Board's decision were assessed as "partly met" by the CSO members of the MSG. The respondents in this study still found themselves constrained from effectively engaging in NRG and, consequently, the EITI process. This was evident among CSO respondents operating at the local level. While they can participate and be represented on various governance platforms, the financial and technical resources needed for them to participate meaningfully are lacking or absent in some cases. The fear of being red-tagged and slapped with lawsuits was also prevalent among respondents who opposed mining operations. An open and thriving civic space is not only about consulting with and listening to civil society actors. More importantly, it is about acting on these voices and following the will of those directly affected by mining.

It is high time to break barriers. Considering the many challenges faced by CSOs, there is a pressing need for concerted effort to address these constraints. Government, industry players, and CSOs must collaborate to create an environment in which civic space is not just a concept but a lived reality. In doing so, the Philippines can pave the way for a more equitable, transparent, and just NRG landscape that truly reflects the diverse needs and aspirations of its people.

Recommendations

Government

- **Strengthen civil society participation policies:** NGAs represented in the Philippine EITI MSG should develop and implement comprehensive policies that explicitly support and protect civic spaces. The Mining Inter-agency Coordinating Council (MICC) should tackle civic space issues in the mining sector and adopt an action plan that ensures the rights of individuals and CSOs are safeguarded. Documented human rights violations should form part of the regular mine audits conducted by the MICC to act as deterrents to committing such violations.

- **Institutionalize local platforms for CSO engagement:** NGAs represented in the Philippine EITI MSG should issue a joint memorandum circular (JMC) that establishes a subnational EITI to enable CSO participation or strengthen existing platforms. This is to create an enabling environment for civic spaces to thrive at the local level, foster dialogue among local stakeholders, and address context-specific issues, such as red-tagging concerns at their level. These platforms may also be designed to disseminate nationally collected data and information to ensure that mining communities are informed.

- **Institutionalize safety and rapid response measures for afflicted CSOs:** Building on the Philippine EITI's feedback mechanism, the national government through relevant government agencies such as the CHR, MGB, and Philippine National Police should establish an inter-agency body that will investigate reports of HR violations in NRG sector and beyond, such as red tagging. The government may engage and empower human rights organizations to monitor and report these threats and violations.

- **Providing technical and financial support to CSOs:** The national government should allocate funds to CSOs and mining-affected communities to enable them to engage in the EITI process freely and meaningfully. This fund should cover the training and expenses incurred by CSOs to join PH-EITI activities and other NRG-related consultations. The DOF or DENR-MGB may consider crafting a mechanism similar to the Civil Society Participation Fund, which allows CSOs to tap funding to support capacity building and participation in local governance.

Industry

- **Promote Collaboration with CSOs and academic institutions**: Industry players should actively engage with CSOs and academic institutions to create an enabling environment for civil society participation. The initiative of the Chamber of Mines of the Philippines, such as the Toward Sustainable Mining (TSM) Initiative, may institutionalize concrete mechanisms for genuine cooperation and regular dialogues between their member companies and CSOs locally.

- **Enhance financial transparency**: Industry players should make their data more accessible and understandable to the host communities. Using EITI Systematic

Disclosure as a framework, mining companies should proactively disclose their government payments, social and environmental spending, and other relevant data on various communication channels, including social media, community bulletin boards, and local forums.

Civil society

- **Strengthen networks and collaborations:** CSOs working in NRG are stronger and more effective when they work together, not in a silo. The Bantay Kita coalition and other allied organizations should adopt a unified voice and advocacy strategy to protect and expand civic space at the national and local levels.

- **Advocate policies that institutionalize civil society participation:** The coalition should continue to advocate for a transparent and independent CSO selection process in multipartite monitoring bodies and the institutionalization of the Philippine EITI to ensure an enabling policy framework for CSOs to operate freely. While the EITI process has been a safe space for civic engagement, the coalition should go beyond the EITI process considering its current scope and limitations.

- **Build capacity:** The coalition should build the capacity of CSOs in advocacy and lobbying, especially in the context of NRG and provide training programs and resources to empower CSOs to engage in platforms such as EITI. The coalition should develop a comprehensive and relevant capacity-building program, informed by the training needs of its members.

- **Promote inclusivity:** The coalition should advocate for more inclusive civic spaces by actively advocating for an inclusion policy that encourages or requires the representation of historically marginalized sectors in consultations, activities, and decision-making processes in NRG, including those organized by the Philippine EITI.

- **Monitor and document violations:** CSOs should capacitate themselves in monitoring and documenting human rights and environmental violations related to NRG. The coalition may engage and collaborate with relevant human rights and paralegal organizations to develop a simple toolkit that can be used to systematically collect evidence that can be used in filing formal complaints.

- **Evidence-based advocacy:** CSOs should be adept at collecting and analyzing data and evidence to develop their advocacy strategies. By grounding their advocacy in evidence, CSOs can enhance their credibility and effectiveness, making it more likely for policymakers and mining companies to accept and act on their recommendations.

EITI Board

- **Continue dialogue and provide technical assistance:** The EITI Board should put more pressure on the Philippine government to address corrective actions in accordance with the 2019 EITI Standard. They should also offer technical assistance to the Philippine EITI MSG and Secretariat in developing and implementing action plans to address corrective actions.

- **Monitor the implementation of corrective actions more frequently:** The EITI Board or Secretariat should implement a more frequent and robust monitoring mechanism to track the progress of corrective actions. This proactively identifies bottlenecks and issues and provides support where needed.

- **Promote subnationalization:** The EITI Board should champion the subnationalization of the EITI process to facilitate the direct participation of mining-affected communities in natural resource governance. This ensures a more inclusive representation of the sectors at the local level.

VII. Annexes

Annex A. Self-assessment of CSO MSG on EITI Board corrective actions

Corrective action	Assessment	Discussion
Government: Ensure there are no obstacles to civil society participation in the EITI process, including expressing views related to NRG.	Partly Exceeded: 0 Fully met: 0 Mostly met: 4 Partly met: 5 Not met: 0 No response: 0	The discussions revolve around the challenges and improvements in CSO participation in the EITI process. There are concerns about limitations in freely expressing views, funding constraints for community members and CSOs, lack of participation platforms at the local level in some areas, and red tagging of advocates. The need for standards to assess civic space, subnationalization of EITI to enhance community, government, and industry participation, and the empowerment of mining-affected communities through capacity-building are highlighted. Additionally, there are calls for performance evaluation of the PH-EITI Secretariat team and the establishment of mechanisms to address issues raised by CSOs. The discussions also touch on the need for greater government support, improved access to data at the local level, and the opening of platforms for CSOs in specific regions. These discussions are supported by evidence from the 2023 NatCon, where community concerns were not fully addressed, and specific challenges faced in BARMM and Languyan Island. Overall, the focus is on identifying and addressing obstacles to meaningful CSO participation in the EITI process, while also acknowledging improvements in government support for CSOs

Government: Refrain from actions that result in narrowing or restricting public debate about EITI implementation.	Partly Exceeded: 0 Fully met: 0 Mostly met: 0 Partly met: 5 Not met: 2 No response: 0	The discussions highlight concerns related to the impact of the NTF-ELCAC Anti-Terrorism Act on the EITI process. There are discussions about the lack of progress in addressing barriers to partcipate in the EITI process. Additionally, there is a focus on the absence of organized events, activities, and platforms for debate at regional and local levels within the PH-EITI, with a call for the inclusion of beneficial ownership as an agenda in the January 2024 MSG Meeting. The participants also propose inviting the NTF-ELCAC Secretariat to attend the MSG meeting and advocate for organizing public debates at national conferences, roadshows, and other events to facilitate discussions on critical mining issues. Furthermore, there is a reference to the need to check activity reports and documentation of the Philippine EITI Secretariat's Civic Space Report conducted from November to December 2023 to assess CSO participation.
Government: Ensure there are no obstacles for civil society to organize EITI-related activities, such as events and meetings.	Partly Exceeded: 0 Fully met: 0 Mostly met: 8 Partly met: 0 Not met: 0 No response: 0	The participants acknowledge that there are no significant obstacles in organizing activities related to the EITI process. However, logistical concerns and funding for community based CSOs and POs are highlighted as areas of concern. While there is agreement on the absence of major obstacles, it is noted that there have been instances where government and industry representatives were unable to attend or send representatives to EITI-related events, indicating a need for broader stakeholder representation. To address these challenges, suggestions are made to allocate ample funds for community-based PH-EITI activities, especially for local government units (LGUs) hosting critical or transition minerals. Additionally, there is a proposal to organize local Multi-Stakeholder Group (MSG) meetings with CSO representatives from mining-affected

		communities to enhance their capacity and participation in the EITI process.
Government: Ensure that the implementation of laws and regulatory policies, such as the 2020 Anti-Terrorism Act and the enhanced system of registration and monitoring of non-profit organizations, does not result in the violation or curtailment of civil society's fundamental rights and freedoms, by undertaking due consultation, review, and reform.	Partly Exceeded: 0 Fully met: 0 Mostly met: 0 Partly met: 5 Not met: 3 No response: 0	The discussions revolve around the challenges and concerns related to red-tagging of CSOs and environmental defenders in the context of the NTF-ELCAC Anti-Terrorism Act. Participants express the persistent insecurity felt by CSOs when expressing dissent or exposing violations of environmental laws, policies, and human rights. There is a recognition of the need for dialogue to distinguish between a terrorist and an environmental activist or human rights defender. It is noted that some CSOs still experience red-tagging, and there is a call to update reports to validate any improvements in this regard. Additionally, there are proposals to convene a stakeholders' engagement committee for dialogue with government agencies, including the DILG, CHR, DENR, DOF, PNP, and military, as well as the victims of red-tagging, particularly indigenous peoples, and environmental activists. Furthermore, there are calls to engage academic institutions and journalists such as UP and PCIJ to conduct studies related to red-tagging incidents involving CSOs.
Companies: To express their support for civil society's freedom of expression and operation, also when engaging with local government officials.	Partly Exceeded: Fully met: 1 Mostly met: 1 Partly met: 4 Not met: 0 No response: 0	The discussions highlight various aspects related to the engagement of mining companies and local stakeholders. There are concerns raised about the lack of local or community-based platforms for collaboration among local government units (LGUs), mining companies, and communities to explicitly support civil society's freedom of expression. It is noted that there have been no collaborative efforts among mining stakeholders in localities, with activities occurring in silos. However, there are instances where industry representatives at the MSG openly express support for advocacies and allow CSOs to speak at events. Additionally, there are calls for efforts to be

		made towards PH-EITI subnationalization, with suggestions to develop a clearer and targeted national action plan to jumpstart subnationalization and use roadshows and local events as venues for debate and dialogue rather than solely for presentations and reports.
Government: The MSG establishes a working group with representation from all constituencies on the MSG to develop an action plan and implement a monitoring mechanism to ensure that the corrective actions are met.	Partly Exceeded: 0 Fully met: 0 Mostly met: 2 Partly met: 5 Not met: 0 No response: 0	The discussions revolve around the challenges related to the operationalization of different committees within the PH-EITI. Participants note that while committees were established, there have been difficulties in scheduling meetings, leading to a slow pace and low level of accomplishments. It is emphasized that the action plan to address civic space concerns needs to be updated, implemented, and monitored, with a call for the finalization and implementation of the action plan. There is a recognition of the need to develop mechanisms to meet targets and to implement the action plan one step at a time to see progress, emphasizing the importance of continuous improvement through the process of implementation, monitoring, evaluation, and planning. Additionally, it is mentioned that the Stakeholders' Engagement Committee faced challenges as the DILG declined chairmanship due to difficulties in sending representatives to attend meetings.
Government: Working group should include representatives from civil society organizations impacted by breaches of the EITI Protocol: Participation of civil society	Partly Exceeded: 0 Fully met: 0 Mostly met: 2 Partly met: 4 Not met: 0 No response: 0	The discussions focus on the need to involve CSOs who are directly impacted by breaches of the EITI protocol in the working groups. Participants suggest verifying if the CSO representatives in the working group are the ones affected by the breaches of the protocol. There are calls for subnationalization of PH-EITI and the creation of a working group at the local level involving the directly affected CSOs to address the issues on the ground. It was also noted that different committees have CSOs as chair or co-chair, and the chairmanship is by rotation. There are proposals to have Bantay

		Kita represent members affected by breaches of the EITI protocol and to develop a mechanism to document and reach out to local members who are red tagged.
DILG: In consultation with impacted CSOs, monitor the environment for civil society engagement in all aspects of the EITI process, including at the subnational level.	Partly Exceeded: 0 Fully met: 0 Mostly met: 0 Partly met: 0 Not met: 5 No response: 2	The discussions highlight the absence of consultation with directly impacted individuals and communities, with no activities conducted so far in neglected areas. Additionally, it is suggested that reports, data, and information gathered from consultations can be incorporated into the annual country report on civil society engagement, introducing a new section and feature in the report. This section could include both numeric and narrative reports, potentially spanning one or two pages.
DILG: In its role as MSG member with oversight over local authorities, including law enforcement agencies, ensure that there are no obstacles to CS participation in the EITI process.	Partly Exceeded: 0 Fully met: 0 Mostly met: 0 Partly met: 0 Not met: 1 No response: 5	The discussions highlight the absence of orientations to inform CSOs or present best practices regarding the effectiveness of current DILG platforms at the local level in addressing extractive industry issues. There are calls to request the concerned government agency to provide information on their efforts in this regard. Additionally, participants emphasize the need to create a memo, policy, guideline, or directive that stipulates efforts in this area, along with a strategy or action plan for implementation. It is noted that no such policy, guidelines, directives, or memo has been developed yet, with an emphasis on the need for full implementation to follow.
DILG: Report back to MSG at regular 6-month intervals.	Partly Exceeded: 0 Fully met: 0 Mostly met: 0 Partly met: 0	The discussions highlight the absence of concrete implementation of the action plan, with no people assigned yet to implement the corrective action. There are calls to inform the DILG of their responsibility and to ask for a tentative plan. Additionally, participants suggest specific tasking of the implementation, with a

	Not met: 4 No response: 2	proposal to hire people or commission a subcontractor to implement the action plan. It is suggested to make it a special project of Philippine EITI and Bantay Kita to implement corrective actions, set a feasible budget, and implement the action plan based on what is financially feasible.
MGB, NCIP, and ULAP: Regularly report to the MSG on CS participation in existing public consultation and participation mechanisms related to extractive industry governance.	Partly Exceeded: 0 Fully met: 0 Mostly met: 0 Partly met: 0 Not met: 1 No response: 0	The discussions highlight the need to regularly report to the MSG on CSO participation in existing public consultation and participation mechanisms related to extractive industry governance. Participants note that no specific report has been presented from MGB, NCIP, and ULAP on this matter, with no data gathered on CSO participation. Additionally, there is a lack of personnel to organize public consultations, and NCIP is not represented in the MSG. There are calls to include this action in the 2024 Work Plan, with suggestions to organize at least an annual consultation or dedicate a consultation on NRG in existing public consultations. Participants propose requesting MGB, NCIP, and ULAP to provide reports on CSO participation in existing public consultations and making this part of the annual country report, including it as a subsection.
MSG: Should document CS participation in subnational EITI activities, including regional implementation, outreach, and dissemination events	Partly Exceeded: 0 Fully met: 0 Mostly met: 1 Partly met: 5 Not met: 0 No response: 0	The discussions emphasize the need to document CSO participation in subnational EITI activities, including regional implementation, outreach, and dissemination events. While there is documentation on PH-EITI activities at the regional level, it is noted that sub nationalization has not yet been implemented. Participants highlight that roadshows have not been maximized as a platform for dialogues and debates, with a focus on the need to prioritize mining-affected communities and allow them to express their views and opinions. Additionally, it is suggested to include this action in the 2024 Work Plan and to sub nationalize the EITI platform to allow direct participation of

		mining-affected communities. Furthermore, there are proposals to maximize roadshows as a platform for CSO participation, gradually capacitate mining-affected communities on constructive engagement, and incorporate their input into the MSG's strategic action plan.
MSG: May wish to engage with relevant human rights organizations, such as CHR, SACs, and NGOs in its monitoring.	Partly Exceeded: 0 Fully met: 0 Mostly met: 0 Partly met: 4 Not met: 1 No response: 1	The discussions highlight the need to engage with human rights groups to request readily available red-tagging protocols especially on the issue of red-tagging. Participants suggest including this action in the 2024 Work Plan, with proposals to send a formal letter to HR groups, ink a MOA between CHR and PH-EITI, and establish a hotline or platform for reporting of red-tagging and other issues directly to PH-EITI and CHR. Additionally, there are calls to incorporate this in the country report and to avoid the need for a shadow report by making a direct report to PH-EITI, which is easy to validate and verify.
CSO: Are Encouraged to bring any ad hoc restrictions that could constitute a breach of the protocol to the attention of the MSG, in accordance with the CS Protocol.	Partly Exceeded: 0 Fully met: 4 Mostly met: 2 Partly met: 0 Not met: 0 No response: 0	The discussions revolve around the filing of mining cases by CSOs to the PH-EITI's grievance mechanism, including specific case complaints such as those related to Sibuyan Island, the Ixilan Mining Case in Palawa, IP Royalty issues, and negative impact on rice farms and mangrove areas in certain areas. It is noted that these cases are regularly reported in BK national consultations and meetings, with the BK shadow report serving as additional evidence. Concerns are raised about the weak system to fast track the resolution of cases, and the need for direct reporting to PH-EITI and CHR in the absence of accessible platforms, with a suggestion to include this action in the 2024 Work Plan. The discussions also highlight the importance of operating within the right venues and platforms within the ambit of PH-EITI to reduce the likelihood of being red-tagged.

MSG: Expected to document how it addresses these concerns.	Partly Exceeded: 0 Fully met: 0 Mostly met: 2 Partly met: 1 Not met: 3 No response: 0	The discussions emphasize the need to document how concerns are addressed, with participants noting that there is currently no documentation due to the lack of implementation. It is mentioned that the relevant committee may have records or documentation related to this. The suggestion is made to hire an independent administrator or subcontractor to implement the corrective action under the guidance and supervision of the MSG, PH-EITI Secretariat, and Bantay Kita K.
MSG: Including referral to the EITI Board in serious cases that have not been resolved through the MSG.	Partly Exceeded: 0 Fully met: 0 Mostly met: 0 Partly met: 3 Not met: 1 No response: 2	The discussions highlight the importance of addressing serious cases that have not been resolved through the MSG, including the possibility of referral to the EITI Board. Participants note that PH-EITI has open communication with the EITI Board on any unresolved issues, and that the action plans to address corrective actions are PH-EITI's way of solving problems. It is suggested that all remedies be exhausted before elevating issues to the EITI Board. It is noted that initial discussions on the matter can be done within the MSG. Finally, it is mentioned that there have been no incidents after the shadow report.
Government: Is Required to undertake measures to prevent CS actors from being red tagged for expressing views related to extractive industry governance.	Partly Exceeded: 0 Fully met: 0 Mostly met: 0 Partly met: 3 Not met: 3 No response: 0	The discussions emphasize the need to prevent civil society (CS) actors from being red tagged for expressing views related to extractive industry governance. It is noted that the PH-EITI serves as a platform for safe and constructive engagement in extractive industry governance (EIG). However, concerns are raised about the effectiveness of government measures in addressing human rights violations, despite corrective measures identified by the PH-EITI. Additionally, it is highlighted that not all CSOs and mining-affected communities have joined or have access to the PH-EITI platform, leading to the possibility of resorting to non-constructive engagements. The transition period of the

| | | PH-EITI Secretariat and the change of leadership in the organization are also mentioned.

Furthermore, there is a call to identify CSOs engaged in NRG and all mining-affected communities to enable their participation in the EITI process, even if they may not become CSO MSG representatives. It is suggested to provide them with immediate contact and access to PH-EITI through hotlines, websites, and social media platforms. |
|---|---|---|
| Government: Expected to provide accessible, urgent, and effective remedies to protect CS actors and their freedom of expression if CS actors engaged in the EITI process experience threats or harassment in the course of their work on the EITI process. | Partly Exceeded: 0

Fully met: 0

Mostly met: 0

Partly met: 4

Not met: 2

No response: 0 | The discussions revolve around the need to protect civil society (CS) actors' freedom of expression within the EITI process. It is noted that CSOs constructively engaging in NRG within the EITI platform and using similar frameworks are less likely to be red tagged. However, concerns are raised about the lack of a clear mechanism to report and handle red-tagging cases for CSOs not directly engaged in PH-EITI. Additionally, it is highlighted that many CSOs and mining-impacted communities are not yet engaged in PH-EITI due to accreditation or participation issues.

The limitations of EITI protocols are discussed, particularly in relation to the requirement for CSOs to engage in a dialogical and constructive manner, which may not align with more radical approaches. The need for PH-EITI to reach out to all impacted CSOs and mining-affected communities, orient and capacitate them on constructive engagement, and provide a safe space for their involvement is emphasized. |
| Government: Required to ensure | Partly Exceeded: 0 | |

that any existing restrictions affecting civil society's engagement, including because of red tagging, be lifted as a matter of urgency.	Fully met: 0 Mostly met: 0 Partly met: 3 Not met: 1 No response: 1	
Government: In collaboration with MSG, consider practical solutions for ensuring that CS can engage in the EITI process freely in all regions of the country.	Partly Exceeded: 0 Fully met: 0 Mostly met: 1 Partly met: 5 Not met: 1 No response: 0	The discussions highlight the need to ensure that civil society (CS) can engage in the EITI process freely in all regions of the country. It is suggested to collaborate with the MSG to consider practical solutions for this. An outreach program or roadshows can be designed to reach out to them, with prioritization given to impacted CSOs and mining communities.

Annex B. Survey Questionnaire

Civic Space Perception Survey Questionnaire

Introduction: We were commissioned by Bantay Kita to conduct a perception survey among civil society organizations working on NRG or those directly impacted by mining. This is to establish a baseline for measuring civic space at the local level considering the country's validation against the Extractive Industries Transparency Initiative (EITI) Standard. Results will be used to assess the levels of freedoms of Information and expression, rights of assembly and association, citizen participation, non-discrimination/inclusion, human rights/rule of law among CSOs. This is necessary for the effective implementation of the EITI and operationalization of civil society participation in NRG. Your cooperation will help the decision-making process that will hopefully lead toward the success of the initiative.

Province:_____ Control Code (for BK): _____

Name of Respondent (Optional): _____

Dimension 1: Freedoms of Information and Expression

1. To what extent can local CSOs in mining communities access necessary information, including financial details, from government sources regarding NRG?

    a. 1 = Fully

    b. 2 = To a reasonable extent

    c. 3 = With some difficulty

    d. 4 = With significant difficulty

    e. 5 = Not at all

    f. 6 = Don't know/Not applicable

2. To what extent can members of local CSOs freely express their concerns and opinions in public forums without fear of reprisals related to natural resource issues?

    a. 1 = Fully

    b. 2 = To a reasonable extent

    c. 3 = With some difficulty

    d. 4 = With significant difficulty

    e. 5 = Not at all

    f. 6 = Don't know/Not applicable

3. To what extent can members of local CSOs freely use the internet and other media channels (e.g., bulletin boards) for accessing information and communicating about NRG?

    a. 1 = Fully

    b. 2 = To a reasonable extent

    c. 3 = With some difficulty

    d. 4 = With significant difficulty

    e. 5 = Not at all

    f. 6 = Don't know/Not applicable

Dimension 2: Rights of Assembly and Association

4. To what extent can local CSOs in mining communities organize and participate in public assemblies or demonstrations related to NRG without fearing reprisals?

    a. 1 = Fully

    b. 2 = To a reasonable extent

    c. 3 = With some difficulty

    d. 4 = With significant difficulty

    e. 5 = Not at all

    f. 6 = Don't know/Not applicable

5. To what extent is your CSO in mining communities able to function independently and without interference from the government when advocating for better NRG?

    a. 1 = Fully

    b. 2 = To a reasonable extent

    c. 3 = With some difficulty

    d. 4 = With significant difficulty

    e. 5 = Not at all

    f. 6 = Don't know/Not applicable

6. To what extent does the government support the funding of your CSO in mining communities, particularly in the context of mining and resource management (e.g., facilitating financial support, or direct assistance)?

a. 1 = Provides direct support or fully facilitates

b. 2 = Facilitates to a reasonable extent

c. 3 = No support/remains neutral

d. 4 = Imposes some undue restrictions

e. 5 = Blocks funding

f. 6 = Don't know/Not applicable

Dimension 3: Citizen Participation

7. To what extent are local CSOs in mining communities able to actively participate in decision-making processes related to NRG and influence the outcomes of these decisions?

a. 1 = Fully

b. 2 = To a reasonable extent

c. 3 = With some difficulty

d. 4 = With significant difficulty

e. 5 = Not at all

f. 6 = Don't know/Not applicable

8. To what extent are local community members able to actively participate in public consultations and community discussions about NRG, and how much do their opinions influence decision-making?

a. 1 = Fully

b. 2 = To a reasonable extent

c. 3 = With some difficulty

d. 4 = With significant difficulty

e. 5 = Not at all

f. 6 = Don't know/Not applicable

9. To what extent does the government consider the recommendations and feedback provided by local CSOs and community members in the decision-making processes concerning NRG?

a. 1 = Frequently

b. 2 = Quite often

c. 3 = From time to time

d.   4 = Rarely

e.   5 = Not at all

f.   6 = Don't know/Not applicable

Dimension 4: Non-discrimination/Inclusion

10. If applicable, in your experience, to what extent are the rights of indigenous peoples protected and are they equitably represented as civic actors and leaders in mining communities' resource governance?

   a.   1 = Equal rights/access

   b.   2 = Close to equal rights/access

   c.   3 = Present but under-represented

   d.   4 = Limited access to civic space

   e.   5 = Not at all

   f.   6 = Don't know/Not applicable)

11. In your experience, to what extent do other rightsholders (e.g., women, elderly, youths, LGBTQIA+ and PWDs) have equal access to civic space and are they equitably represented as civic actors and leaders in mining communities' resource governance?

   a.   1 = Equal rights/access

   b.   2 = Close to equal rights/access

   c.   3 = Present but under-represented

   d.   4 = Limited access to civic space

   e.   5 = Not at all

   f.   6 = Don't know/Not applicable)

12. In your experience, to what extent are there anti-discrimination and inclusion policies and practices in place within civic space in mining communities?

   a.   1 = Comprehensive policies and/or practices promoting non-discrimination and inclusion

   b.   2 = Adequate policies and some inclusion practices

   c.   3 = Limited policies with sporadic inclusion efforts

   d.   4 = Insufficient policies with minimal inclusion practices

   e.   5 = No policies or practices addressing discrimination and inclusion

f. 6 = Don't know/Not applicable)

Dimension 5: Human Rights/Rule of Law

13. In your view, to what extent are human rights respected in your mining communities in the context of NRG?

    a. 1 = Fully

    b. 2 = Mostly

    c. 3 = Moderately

    d. 4 = To a limited extent

    e. 5 = Not at all

    f. 6 = Don't know/Not applicable

14. In your view, to what extent is your community free from political violence and terror in the context of mining and resource management?

    a. 1 = Fully

    b. 2 = Mostly

    c. 3 = Moderately

    d. 4 = To a limited extent

    e. 5 = Not at all

    f. 6 = Don't know/Not applicable

15. In your view, to what extent is there effective rule of law (meaning fair and consistent application of laws and regulations) in you mining communities concerning NRG?

    a. 1 = Fully

    b. 2 = Mostly

    c. 3 = Moderately

    d. 4 = To a limited extent

    e. 5 = Not at all

    f. 6 = Don't know/Not applicable

Annex C. Endnotes

1. Malena, Carmen, Improving the Measurement of Civic Space (London, UK: Transparency and Accountability Initiative, 2025) page 14

2. International Center for Not-For-Profit Law, *Legal Frameworks for Civic Space: A primer* (New York, USA: United Nations Development Program, 2021) page 1.
https://www.undp.org/sites/g/files/zskgke326/files/2021-12/UNDP-ICNL-Legal-Framework-for-Civic-Space-A-Primer-EN.pdf

3. Magno, Cielo and Gatmaytan, Dante, "Corruption and civic space: Contextual factors influencing EITI compliance," The Extractive Industries and Society Journal (2017): Volume 4, Issue 4, November 2017, Pages 806-815

4. Wilson, Christopher, Claussen, Christopher, and Valverde, Pablo, "Does civil society matter for NRG? A comparative analysis of multi-stakeholder participation and EITI validation outcomes", Resources Policy Journal (2021): Volume 72, August 2021, 102084

5. MGB-Mineral Economics, Information and Publication Division, "Directory of Operating Metallic Mines in the Philippines", Mines and Geosciences Bureau (2023)

6. While mines in the province of Tawi-Tawi in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) was not included in the MGB data, the researchers still included the province in the sample given that one mining company was included in previous Philippine EITI Country Reports