



**EMPOWERED COMMUNITIES**

# Sub-nationalizing EITI

**LESSONS & CHALLENGES IN CREATING MSGs AT THE SUBNATIONAL LEVEL**

The Mindanao experience in implementing EITI sub-nationalization projects

Bon Besmanos

National Coordinator

A presentation prepared for PH-EITI Roadshows 2024

# DEFINITION

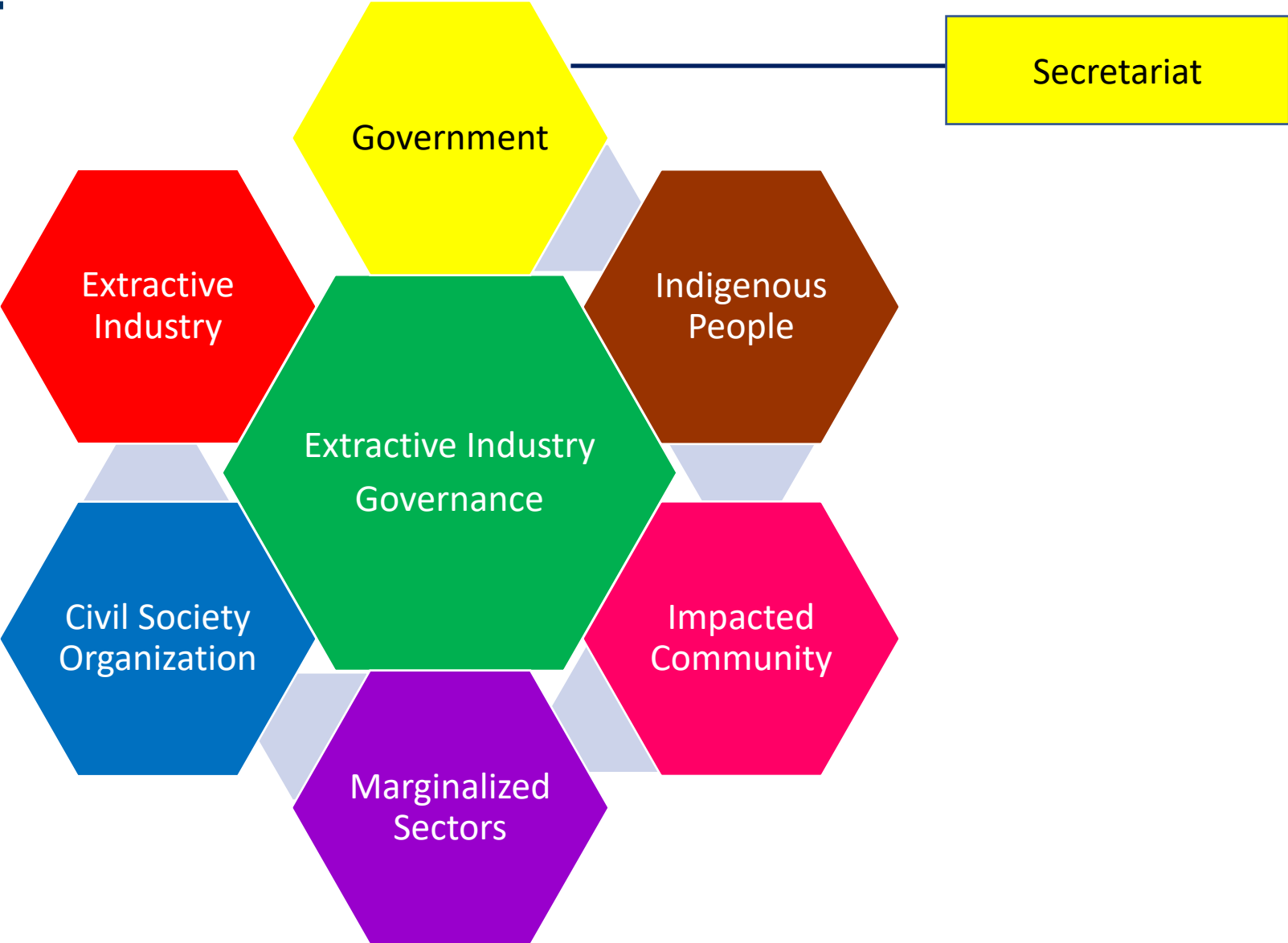
- ❑ A **multi-stakeholders' group (MSG)** is jointly created by stakeholders – *although with varied interests* – agreed to convene to **resolve** urgent and critical issues through the development of a sound, executable, and effective workplan.
- ❑ The MSG is a **platform** in itself that provides an **open and safe space** wherein any stakeholder can raise an issue. Possible solutions are discussed, agreed upon, and jointly-implemented.
- ❑ The **MSG workplan** details the mechanisms and strategies that are feasible and practical to enhance the governance of the extractive industries at the local level.

# COMPOSITION

The MSG is a group composed of the following stakeholders:

- Government
- Extractive Industry
- Indigenous Peoples
- Civil Society Organization/s (particularly NGOs)
- Impacted Community and marginalized sectors: women, youth, farmers / fisherfolks, etc.

# MSG STRUCTURE



# BK-UNDEF Project: Institutionalizing Community Participation in Minerals Management at the Sub-National Level in the Philippines

<b>Local Implementing Partners:</b>	<ol style="list-style-type: none"><li>1. Foundation for the Development of Agusanons, Inc. (FDAI) – Agusan del Sur</li><li>2. Convergence for Integrity and Environmental Justice (CIEJ) - South Cotabato</li><li>2. Sectoral Transparency Alliance on Natural Resource – Cebu</li></ol>
<b>Duration:</b>	April 2018 – March 2020 with NCE until May 2023
<b>Pilot Provinces:</b>	<ol style="list-style-type: none"><li>1. Agusan del Sur</li><li>2. South Cotabato</li><li>3. Cebu</li></ol>
<b>Funder:</b>	United Nations Democracy Fund

## PROJECT GOAL

The project intends to replicate the **national PH-EITI system** at the *sub-national* level, simultaneously empowering marginalized sectors in engaging in said governance mechanism, it will contribute towards:

- a. developing an effective, transparent and accountable institutions at a level of government that is closer to the community;
- b. promoting social, economic and political inclusion of marginalized sectors of society;
- c. ensuring women's full and active participation and equal opportunities for leadership at all levels of decision making in political, economic and public life.

## OBJECTIVES

This project aims to pursue a 2-pronged approach to implement the **PH-EITI governance model** closer to the community through:

1. establishment of a sub-national participatory minerals management governance mechanism, at least at the provincial level, with an equitable gender representation; and
2. strengthening the representation and active participation of IPs, women, farmers and fisherfolk sectors.

# **MINDANAO EXPERIENCE**



# Agusan del Sur




Photo source: Foundation for the Development of Agusanons, Inc. with **Bantay Kita UNDEF Project** April 2018 – March 2020



## Agusan Marsh Key Biodiversity Area

Total Area: **42,008 has.**  
Proclaimed Protected  
Area: **14,790 has.**  
Buffer Zone: **4,592 has.**

20,000 has. catch basin  
Average water area x 4  
meter = 8 Billion cu. m. of  
water stored



*Key biodiversity areas are globally important sites that are large enough or sufficiently interconnected to support viable populations of the species for which they are important.*



## STRATEGIES & ACTIVITIES

1. Multi-stakeholders' Forum on EI Governance
2. Training Needs Assessment
3. Capacity Building: Trainings, Learning Visits and Exchange
4. Stakeholders Engagement
5. Sectoral *Pulong-pulong* and Consultations (Women Miners, Small-scale Miners' Representatives, Ballmill Plant Operators, IP Councils)
6. Fact-Finding Mission on Mercury Poisoning and Contamination
7. Hands-on Training on Hg-Free Gold Processing Technique for Women Miners
8. Multi-stakeholders' Dialogue
9. Multi-stakeholders' Action Planning
10. Supporting community's livelihood.

# Addressing mercury poisoning in ASGM communities





# Assistance to Women Miners



# Promoting labor rights in ASGM



The cover of the training manual features the ILO logo and the Philippine Department of Labor and Employment logo at the top. The title "TRAINING MANUAL ON SMALL-SCALE MINING" is prominently displayed in blue. Below it, the subtitle "Laws and Policies, Occupational Safety and Health (OSH), Disaster Preparedness and Mitigation" is written in black. At the bottom, it states "an output of the Project DRIVE-SSM: Developing Resilient Intervention for the Vulnerable Environment of Small-Scale Mining". The background of the cover shows a close-up of gold bars.

**TRAINING MANUAL  
ON SMALL-SCALE MINING**

Laws and Policies, Occupational Safety and Health (OSH),  
Disaster Preparedness and Mitigation

an output of the **Project DRIVE-SSM:**  
Developing Resilient Intervention for the Vulnerable Environment  
of Small-Scale Mining

Koronadal City, South Cotabato  
December





# Women & Gender in ASGM



# Promote localized regulation of ASGM





Inclusion and capacitation of indigenous peoples



# GOOD PRACTICES

Agusan del Sur	South Cotabato
<ul style="list-style-type: none"> <li>Presence of ASESDC with a Mineral Resource Management Committee (MRMC) that expanded its membership for grassroots sectors: women, Bantay Danao (for Agusan Marsh) and IP, institutionalized with regular annual budget for researches, policy development, meetings and per diems.</li> </ul>	<ul style="list-style-type: none"> <li>Presence of a functional and pro-active PMRB.</li> <li>Presence of a CSO-led people's coalition for transparency and accountability in the EI (GO South Cotabato).</li> </ul>
<ul style="list-style-type: none"> <li>Commitment of the Governor, SP Chair on Environment, PENRO-LGU and PMRB.</li> </ul>	<ul style="list-style-type: none"> <li>PLGU's Commitment to Open Government Partnership (OGP): Open Mining Portal developed managed by Provincial Environment &amp; Management Office (PEMO)</li> </ul>
<ul style="list-style-type: none"> <li>Support and commitment of the Manobo Tribal Council of Rosario.</li> </ul>	<ul style="list-style-type: none"> <li>Presence of competent PLGU department heads: PPDO and PEMO</li> </ul>
<ul style="list-style-type: none"> <li>Active participation of the ASGM Sector: SSM Associations, Ballmiller Associations, Women Miners</li> </ul>	<ul style="list-style-type: none"> <li>Pro-active MGB Regional Office</li> </ul>
<ul style="list-style-type: none"> <li>Commitment of the target sectors: women of Agusan Marsh, women miners, Bantay Danao and IP leaders in other impact areas.</li> </ul>	<ul style="list-style-type: none"> <li>Compliant SSM Sector (majority).</li> </ul>
	<ul style="list-style-type: none"> <li>Institutionalized SSM Local policies: Minahang Bayanihan Program mainstreamed in local governance (NGAs, PLGU, MLGU and BLGUs).</li> </ul>

# LEARNINGS

# 1. Reduce bureaucracy. Find and assess existing MSGs in the locality.

- Creating new MSGs may add layers of bureaucracy in local governance.
- Some MSG's functions are redundant with that of other existing local bodies.
- Some MSGs are not sustainable or no longer needed when other established special bodies are more functional (i.e. LGU Tboli MSG vs. PMRB of South Cotabato).
- Will it be more effective to strengthen PMRBs rather than creating new MSGs to address some subnational EI issues?
- Is it possible to expand the PMRB composition to include all existing / operating LSM companies, academe, and sectoral representatives from mining-affected communities?

## 2. Boost community empowerment.

- Inclusion of grassroots organizations may require tedious accreditation processes from participating LGUs.
- The accreditation process justifies the acceptance of per diem / transportation allowances of community representatives (non-government personnel) from the disbursing government office.
- Check if the local people's organization (PO) is registered to DOLE, SEC or other government entities such as CDA.
- Some POs do not have enough funds to process their registration and accreditation documents.
- Who will cover such expenses? Can we include this as additional support to the POs?

### 3. Manage expectations.

- Communicate to the stakeholders the specific issues that can be effectively addressed at the local level. Be honest and transparent.
- Example: Some ASGM issues require amendment of national laws – SSM's definition, SSM production vs. prescribed mode of extraction, Minahang Bayan requirements, etc. Can MSG commits to work on this target?
- SSM legalization or formalization, what are the specific definitions? How do stakeholders understand the terms? What are the possible implications of implementing such reforms? Does legalization or formalization efforts of SSM sector excludes specific sector within the community? Will those efforts promote more illegality in the sector, if some voices are not heard or considered?
- In some cases, improving local ASGM regulatory policies and pushing for formalization strategies result to stalemate due to impracticality of the current legal framework, absence of specific guidelines or sudden changes in department policies (ex: EO 79, or any new memorandum orders that hampers local initiatives to succeed).



## 4. Understand the playing field.

- Some local partners are tagged as anti-mining or terrorists.
- It is important to know our partners: their advocacies and key projects, interests (including political alignment), issues and dynamics with other CSOs, allies and enemies.
- Know, assess and study the major EI issues of the locality.
- Know the current political climate, local dynamics and historical background / context esp. when engaging with the ASGM sector.
- Assess your organization's strengths and weaknesses. Seek help when necessary.
- **Example:** Bantay Kita in Mindanao seek the assistance of BANTOXICS and IP miners from Benguet to introduce the clean gold technology in Tboli, Diwalwal and Loring (Agusan Sur). BK became instrumental in bringing BANTOX, ILO and other support groups in the said SSM areas to help address the issue of Mercury, women and child labor, since 2011.

## 5. Gender in mining is a big issue.

- In Mindanao, ASGM is not a traditional livelihood. It was introduced by professional miners from the Northern Philippines in the late 70s to early 80s (Diwalwal, Loring and Tboli).
- Mercury use for gold extraction has been a '*traditional*' practice of Mindanao miners. This too was introduced.
- Women are exposed to Mercury due to their work and participation in the gold processing process.
- Women mostly participate or more involved in work processes that are considered within the lower ranks of the labour hierarchy in ASGM.
- Women are seldom included in the decision-making processes in the ASGM sector, and even in IP-related processes in EI engagement. Most of the IP tribes in Mindanao are led by tribal chieftains who are males.
- Members of the LGBTQIA+ have been observed to be present and part of the informal workforce in ASGM. These group has never been engaged and the value of their work (as cook, errands persons, etc.) has never been included in local discussions.

## **6. Consider the limited absorptive capacity of communities.**

### **Listen and be sensitive to the community's needs.**

- Some communities, IPs and non-IPs alike, are immersed in surviving their day to day living. Training them to engage in the extractive industry discussions and processes are sometimes too much for their current capacities.
- TNA results of communities and with their leaders reveal the community's priority for actual livelihood assistance rather than EI engagement trainings, even if such communities are directly impacted by mining.

## 7. Resolve legal issues ahead of time.

- Some mining companies demand local stakeholders/community groups / grassroots organizations to secure legal certification and LGU accreditation as proof of their legal personality prior to engagement in the EI sector.
- Clarify the project goals and your organization's position in terms of dealing with the ASGM sector. Some stakeholders are particular in this aspect.
- What is the engagement framework used the organization in terms of dealing and engaging with the informal ASGM sector, including the informal mine workers, women, youth and children in the mines?
- Toolkits on human rights-based approach to engagement with informal sectors are available for information, and adoption.

## 8. Ensure sustainability of MSGs.

- **How do we sustain the locally-created MSGs?**
- BK has funded the creation of MSGs in Davao de Oro (formerly, Compostela Valley) and Tboli.
- **Were they sustainable?** After the project, there were no more MSG meetings conducted in Davao de Oro and in Tboli.
- **For Davao de Oro:** ASGM's critical issues remain (informality and expansion, indiscriminate use of Mercury that leads to the continuing threat to the environment and human health, minimized benefits on the part of the government, etc.)
- **For Agusan Sur and South Cotabato:** this remains to be seen. A project assessment has to be conducted. At present, Agusan del Sur works for the amendment of their Environment Code to specifically include transparency mechanisms in the EI and Mercury eradication in ASGM, while South Cotabato continues to improve their Open Mining Portal to be accessed and utilized by target stakeholders.

# LEARNINGS

1. Reduce bureaucracy. Find and assess existing MSGs in the locality.
2. Understand the playing field.
3. Consider the limited absorptive capacity of communities.
4. Boost empowerment strategies for the community.
5. Mainstream gender in the EI issues.
6. Anticipate and resolve legal issues ahead of time.
7. Manage expectations.
8. Ensure sustainability of MSGs.

# CHALLENGES

- How can BK re-strategize in order to fast-track solutions to prevailing sub-national issues?
- What are other ways that we can adopt, aside from creating and supporting local MSGs?
- Are BK and local partners ready to support the formalization initiatives of ASGM and LGUs, at the national and subnational level? Specifically, how can BK and its members engage and be involved in the national planning on ASGM (crafting of the National Action Plan as support to the Minamata Convention)? There were action plans already and BK has not yet engaged the concerned sectors.

# CHALLENGES

- How do we strengthen the coalition to be able to have committed partners to sustain subnational approaches of addressing mining issues?
- CSO representation to the local oversight committees (MMT, MRFC): No funding to create and consolidate CSO's initiatives to run an effective CSO selection process in provinces with mining operations. Capacity building and technical and financial support to CSO representatives requires a regular funding to be able to ensure a meaningful engagement in the oversight committees.
- What are our current collective priorities at the subnational level (island-wide CSO membership) with regards to LSM and SSM issues?
- What about BARMM as another subnational area? What are the plans for future engagements with the Bangsamoro stakeholders in the EI sector?



More than providing a platform for a multi-stakeholders' dialogue, creating MSGs must emanate from the stakeholders' collective pursuit towards transparent and accountable extractive industry that is effectively managed by equally committed, competent and honest stakeholders.



**Salamat.**