



Civic engagement

Philippines

Empowering communities to use data for accountability in mining



The Bantay Kita-Publish What You Pay Philippines coalition (BK-PWYP) identified that EITI¹ data could be useful in helping indigenous communities to demand their share of royalty² payments from mining on community land. But BK-PWYP understood that making data accessible would not in itself create change. The coalition therefore began working with indigenous people to empower them to use advocacy to demand their share of royalty payments. This process showed that in order to be helpful to indigenous communities, BK-PWYP needed to enable them to identify their own issues in relation to extraction.

It became clear that these issues went beyond data and royalties, to encompass claiming fundamental rights. BK-PWYP therefore began to build indigenous communities' capacity on their rights under the Mining Act and Indigenous Peoples Rights Act. Building on community members' increased confidence from their new knowledge, BK-PWYP also enabled indigenous communities to understand the value of asking for data about all development interventions in their ancestral domain, including mining. This would enable them to participate meaningfully in discussions on natural resource governance and make decisions about their own lands.



Still from BK-PWYP film *Open Up Mining* (2019), produced by the donor, HIVOS.
To view the film please click on the image

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The problem

“According to the Indigenous Peoples’ Rights Act, they (mining companies) should pay us 1 per cent of their revenue, we have a right to that 1 per cent. But how do you know how much that is? And if you don’t know, how can you claim it?”

**Sylvestra Dadison, Community Leader,
Tagbanuas of Narra³**

Since Philippine civil society began engaging with the Extractive Industries Transparency Initiative (EITI) in 2012,⁴ it has been considering whether the information from EITI reports is relevant to communities affected by mining. Civil society members, including the Bantay Kita-Publish What You Pay Philippines coalition (BK-PWYP), felt that EITI data had limited value if

communities and citizens were not able to use it in ways that were meaningful to them.

The coalition joined PWYP in 2013 and supports EITI implementation in the Philippines, including through capacity building to enhance stakeholder participation in the initiative. BK-PWYP identified that EITI data could be useful in helping empower indigenous communities to demand their share of royalty payments from mining on community land. Mining companies in the Philippines are required to distribute royalties to indigenous peoples, while EITI reports require that these payments are disclosed. Yet at local forums attended by BK-PWYP, community members reported that they were not receiving revenues due to them. They also explained that they lacked the means to understand how much these revenues should be, or to demand accountability for non-payment.



Making data accessible

In response, BK-PWYP instigated a programme to enable communities to understand how much revenue they were owed, and to claim it effectively from mining companies. During 2015-2017, PWYP ran a Data Extractors capacity-building programme to train members to interpret extractives data and use it to empower local communities to strengthen accountability around natural resources.

BK-PWYP members attending the training found that they needed to revise their assumptions about what kind of data communities might find relevant. By holding data workshops with civil society organisations in the Philippines, BK-PWYP discovered that data that enabled communities to calculate the royalty payments due to them was more useful than other types of data generated by the EITI and other disclosure requirements. The coalition subsequently launched a project called “Making Data Work for Communities”. It created an internet portal to interpret the most community-relevant data,

including a tool to estimate the royalties due to communities, based on sales data disclosed by mining companies in EITI reports. After its launch, BK-PWYP continued to refine and improve the portal, developing community-specific data visualisations to make the information accessible and relevant.

Community needs as a starting point

BK-PWYP understood that simply making data accessible would not create change, so it began working with indigenous people to empower them to use advocacy to demand their share of royalty payments.⁵ Through its work on natural resource issues with the indigenous community of Narra in Palawan, BK-PWYP learned that the people had not received any royalties from mining since 2011.

They also found that the community was largely against the mining taking place on their ancestral lands, because of environmental, social and cultural impacts. But the community



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had lost hope of claiming royalties from mining and did not want to get involved in a process they felt would ultimately not work. This meant that talking about data was not a helpful starting point.

Indigenous peoples' community organisations in Narra were sceptical about working with BK-PWYP, as they felt that the coalition might have a pro-mining agenda in which data about benefits would be used to justify mining. Previously pro-mining community members had united with those who were anti-mining in rejecting mining since the mining company had failed to give the community promised royalties and other social payments.

BK-PWYP realised early in its work that it needed to understand communities' concerns and priorities before advocating for particular approaches, tools or data use. Coalition members grew to understand that they needed to start where people "were at" and familiarise themselves with indigenous people's relationship to their land and the effect of mining on it. They discovered that a fundamental issue for communities was that they felt powerless in determining whether mining took place at all.

The Narra indigenous community felt denied the power to make decisions relating to their land – land that was central to their culture, identity, wellbeing and livelihoods. While the principles of Free, Prior and Informed Consent (FPIC) for communities were established in Philippine law, communities were sceptical over whether this meant anything, and lacked knowledge of their rights under the law.

Tools to introduce legal rights

To make a meaningful contribution to the empowerment of the people of the Narra, BK-PWYP saw that it needed to build the communities' capacity on their rights more broadly, including indigenous people's rights. The coalition found that indigenous people were often not aware of the specific rights stipulated in the Indigenous Peoples Rights Act, such as their rights to their ancestral domain and self-determination. BK-PWYP realised that if it introduced knowledge of these rights, communities could be empowered to assert them in relation to all development interventions made on their ancestral domain, including mining.



BK-PWYP therefore designed a programme to inform communities about their rights and introduce ways of accessing information on what royalties they might be owed. The coalition had to demonstrate to community members sceptical about pro-mining agendas that access to this information could be used to benefit the whole community, whether pro- or anti-mining. All community members could use the data to drive evidence-based discussion, and to make decisions on FPIC processes and whether to give consent to projects. Community members living near existing mining operations could also use data to validate whether terms and conditions in their Memorandum of Understanding were being implemented and, if necessary, make requests for the revocation of existing contracts.

Building community trust

BK-PWYP members needed to be strategic about how they approached communities. Few tribal leaders knew about the EITI or BK-PWYP. While the principles of accountability and transparency aligned with indigenous values, concepts around the value of data transparency were seen as largely irrelevant.

To overcome these challenges, PWYP-BK used a community organising model, identifying local champions through whom they could build trust and understanding. The coalition understood that it was important to approach the community through a local civil society organisation (CSO) first, which could build understanding of the potential value BK-PWYP could bring, before engaging community members more broadly.

To enable a holistic approach to the issue of mining, BK-PWYP also used PWYP's Chain for Change model to allow community members to visualise the whole extractive process and

the basic rights attached to different parts of the chain. This enabled communities to build a collective understanding about where they had concerns and where there were gaps in accountability that needed to be addressed.

BK-PWYP saw a boost in community members' confidence as a result of their knowing more about their rights under the law. Through building this knowledge, BK-PWYP also enabled indigenous communities to identify the value of asking for data concerning all development interventions related to their ancestral domain, to enable them to participate meaningfully in discussions and decision making.

Finding common ground for advocacy

BK-PWYP also facilitated community empowerment by helping to build collaborative advocacy partnerships between different stakeholders with common interests. The coalition helped to make local authorities aware of their common cause with the indigenous community in seeking clarity and action around royalties, and in seeking all mining-related data, including local government revenue shares. The Mining Act stipulates that local government units (LGUs) should receive 40 per cent of the national wealth from mining. The Narra LGU had not received any of its share. This meant the indigenous community and the LGU could collaborate on a common cause.

Through face-to-face meetings with the LGU, BK-PWYP introduced the concept of extractive transparency and accountability. Members also met with the new mayor of the municipality of Narra, to explain their work with local communities and highlight the opportunity for the local authority to collaborate with indigenous groups to claim revenues.



Communities seek accountability

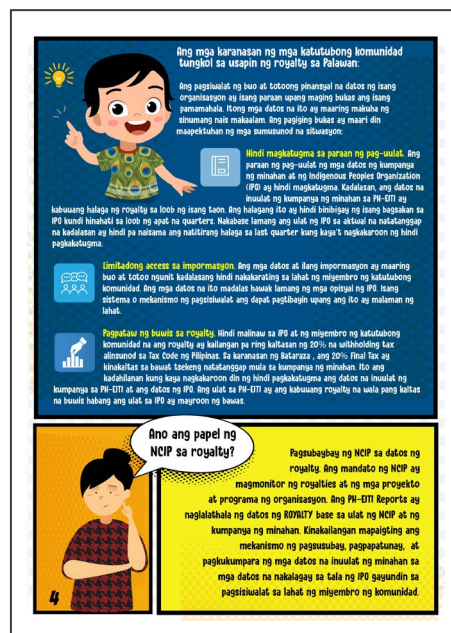
Through working with BK-PWYP, communities began to seek further accountability from companies and the government. By mid-2019, BK-PWYP was meeting CSOs working with indigenous communities in Palawan to discuss the possibility of providing capacity building on natural resource governance to the indigenous community, including modules on using royalties data. One CSO in Palawan was initially reluctant, as it took an anti-mining stance, but through a series of meetings, BK-PWYP was able to communicate the benefits of the approach for the communities, using the Chain for Change model and demonstrating some of the potential value of the EITI data.

This led the Palawan CSO to request that BK-PWYP conduct training for community leaders from Narra and Brookespoint. BK-PWYP was also invited to present mining-related data during training on environmental laws organised

by a Palawan CSO.⁶ Participants valued the workshops and felt that BK-PWYP's data products, such as **Data Use Comics**, helped them to understand what data they could use to hold the government and companies to account, as well as informing them about their rights in decision making during the FPIC process – regardless of community members' stance towards mining.

In April 2019, BK-PWYP facilitated a roundtable discussion to discuss FPIC issues with the mining industry, CSOs and relevant government agencies, such as the Bureau of Internal Revenue and the National Commission on Indigenous Peoples. Although the discussion revealed that royalties paid to indigenous people were subject to taxation, the initiative demonstrated that indigenous people had begun to see value in seeking accountability from both the government and companies.

By early 2020, the Narra indigenous communities were collaborating with local authorities in demanding production data from



Data Use Comics from BK-PWYP (2019).
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mining companies, in order to understand what payments should be made to regions and local districts. The Narra community also crafted a resolution signed by the key leaders from their Indigenous Political Structure authorising BK-PWYP to ask for the data to be released by the government's Mines and Geosciences Bureau. The community supported BK-PWYP campaigning for EITI bills in Congress through a petition. BK-PWYP is pushing for new bills to strengthen legal requirements for companies and government agencies to disclose extractive data and comply with EITI standards.

1. The Philippines is a member of the Extractive Industries Transparency Initiative (EITI), a multi-stakeholder initiative designed to bring transparency to natural resource governance. The BK-PWYP coalition has been engaging with the EITI since its introduction to Philippines.
2. A royalty is a right to receive payment based on a percentage of the minerals or other products produced at a mine, or of the revenues or profits generated from the sale of those minerals.
3. From BK-PWYP/HIVOS film, Open Up Mining (2019), <https://vimeo.com/337951761>.
4. The Philippines released its first EITI country report in December 2014.
5. See BK-PWYP/HIVOS film, Open Up Mining (2019), <https://vimeo.com/337951761>.
6. Capacity-Building Session on Natural Resource Governance, 16-17 September 2019, Narra, Palawan; Palawan Mining Data Presentation, 21 September 2019, Brookespoint, Palawan.

Key learning

- **There are complex links between community grievances, human rights, FPICs, transparency, corruption, and social, cultural and environmental impacts.**
- **The project showed the importance of designing interventions that start with identifying community needs and rights, rather than considerations of technical information or data. Data did not form a useful entry point to the communities involved. Data approaches inspired by international developments were not always relevant to communities, and the PWYP coalition needed to recalibrate its approach by identifying which data might be relevant. By taking an approach that begins with questions about what rights are not being fulfilled and how this can be redressed, BK-PWYP uncovered a more meaningful and effective starting point.**
- **Programmes seeking to empower communities may need to address broader rights issues in order to be meaningful and relevant, including through providing information and capacity building to enable communities to actively participate in Free, Prior and Informed Consent processes.**
- **BK-PWYP had to demonstrate to community members sceptical about pro-mining agendas that an understanding of rights and available information could be used to the benefit of all community members, whether pro- or anti-mining.**
- **It was crucial to recognise that at a community level, BK-PWYP are not the experts – the communities are the experts on their own needs. While this should not undermine attempts by coalitions to conduct national-level work that is relevant to the whole citizenry, work with communities should be firmly rooted in the needs of those communities.**



- **Helping to build collaborative advocacy partnerships between different stakeholders with common interests, such as indigenous communities and local authorities, can facilitate community empowerment.**
- **BK-PWYP's use of monitoring, evaluation and learning (MEL) enabled it to understand its contribution and learn from its work. Its donor, HIVOS, specifically required it to provide evidence of its contribution to facilitating community engagement. Coalition members also felt they could strengthen their learning by further documenting lessons as they go along and improving processes to capture and disseminate learning about what worked and what didn't in their engagements with communities.**
- **PWYP's Chain for Change was a valuable tool for working with communities. The visualisation offered an accessible explanation for the extractive process and the basic rights attached to different stages, enabling collective identification of community concerns and gaps in accountability.**
- **Using a community organising approach, through which BK-PWYP identified local champions with whom they could build trust and understanding, helped strengthen project effectiveness. ■**

This story of change is told from the perspective of civil society advocates involved. It serves as a starting point for capturing progress and reflecting on advocacy, with the intention of learning. Stories of change can be strengthened and built on through after action reviews or formal project evaluations that can add evidence of civil society contributions and other stakeholders' perspectives.

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