

Office of the President of the Philippines
Malacañan Palace

Office of the Presidential Assistant I for Climate Change

April 5, 2013

Ms. CLAIRE SHORT

Chair

Extractive Industries Transparency Initiative (EITI)

Thru: Mr. Jonas Moberg

Head of Secretariat

Dear **Madam Short**:

On behalf of the Multi-stakeholder Group of the Extractive Industries Transparency Initiative in the Philippines (PH-EITI), I am pleased to submit our application to be a candidate of EITI. Please find attached the file-up EITI Application Form together with all the supporting documents (Annexes A – NN). Also please find attached a Summary page which shows in matrix from the EITI Sign up Requirements, what has been done and the references for each action taken.

We trust that you will find this in order and can evaluate our application accordingly. Please feel free to contact us should you have any questions. You can email me at bagozun@gmail.com or call me at 639175305854.

We believe that being accepted by EITI will go a long way towards our own objectives of promoting good governance and reducing corruption so that the utilization and development of our oil and gas and mineral resources will become an effective means to reduce poverty and improve the lives of our people. We therefore look forward to officially being a candidate country for EITI.

Thank you.

Very truly yours,



Elisea "Bebet" G. Gozun

Lead Senior Official for PH-EITI

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EITI SIGN UP REQUIREMENTS	WHAT WAS DONE	REFERENCES
Requirement 1: The government is required to issue an unequivocal public statement of its intention to implement the EITI.	<p>Issuance of Executive Order No. 79 wherein Section 14 states that “in order to improve transparency, accountability, and governance in the sector, the government shall support and commit participation in the (EITI).”</p> <p>Issuance of a public statement expressing the government’s intention and commitment to implement EITI.</p>	<p>Annex A: Executive Order No. 79, with Section 14 Highlighted</p> <p>Annex C: President Aquino’s Statement on EITI</p>
Req. 1a: The statement should be made by the head of state or government or an appropriately delegated government representative	EO 79 and the public statement expressing commitment to implement EITI were issued by President Benigno S. Aquino III, President of the Philippines.	Same as above
Req. 1b: Public statements can be made at a formal launch event, publicized through the national media, placed on a dedicated EITI website.	In a press conference, the statement on EITI was delivered on behalf of the President by Secretary Edwin Lacierda (Presidential Spokesperson).	Annex D: News Clippings of the Philippine EITI Press Conference
Req. 1c: Beyond endorsement of the EITI, the statement should also indicate the measures and actions the government intends to take to meet the EITI Criteria, including ensuring sustained high-level political support.		Refer to Annex C
Req. 1d: A copy of the statement should be sent to the EITI International Secretariat	A copy of the EO 79 and the Statement are attached as annexes to the Application Form for submission to the International Secretariat	<p>Annex A: Executive Order No. 79, with Section 14 Highlighted</p> <p>Annex C: President Aquino’s Statement on EITI</p>

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<p>Requirement 2: The government is required to commit to work with civil society and companies on implementation of the EITI.</p>	<p>Secretary Gozun wrote to the Chamber of Mines of the Philippines (COMP) and <i>Bantay Kita</i>, in a letter dated 16 August 2012, inviting both organizations to partner with the Government of the Philippines in implementing EITI.</p> <p>A letter was also sent to the Petroleum Association of the Philippines inviting the oil and gas sector to participate in EITI.</p> <p>In a series of outreach workshops, the PH-EITI secretariat also wrote to other groups (academe, religious, local government units) seeking their support to reach out to other stakeholders to brief them on EITI.</p>	<p>Annex H1: Letter of Secretary Gozun to the Chamber of Mines of the Philippines</p> <p>Annex H2: Letter of Secretary Gozun to <i>Bantay Kita</i></p> <p>Annex O: Letter to the Petroleum Association of the Philippines.</p> <p>Annex P: letter to the Union of Local Authorities of the Philippines</p> <p>Annex R : Letter to the Ateneo School of Government</p> <p>Annex Q; Letter to the National Commission on Indigenous Peoples</p> <p>Annex S: Letter to the CBCP – NSSA Center</p>
<p>Req. 2a: EITI implementation requires a sustained commitment to multi-stakeholder dialogue and collaboration. Companies and civil society organizations must be substantively engaged in the design, implementation, monitoring and evaluation of the EITI process, contributing to public debate.</p>	<p>Achieved</p>	<p>Annex AA : Documentation of Meetings of the Interim EITI Philippines MSG</p>
<p>Req. 2b: The government must ensure there are no obstacles to civil society and company participation in the process.</p>	<p>Achieved</p>	<p>Annex E: Joint Statement by the Philippine Government, Chamber of Mines of the Philippines (COMP) and <i>Bantay Kita</i> on EITI Philippines</p>

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<p>Req. 2c: The government must ensure that there is an enabling framework for civil society organizations and companies, with regard to relevant laws, regulations, and administrative rules as well as actual practice in implementation of the EITI.</p>	<p><i>Achieved since inclusive growth and participation of all stakeholders is at the heart of people power which the Aquino administration believes in and practices.</i></p>	
<p>Req. 2d: The government must refrain from actions which result in narrowing or restricting public debate in relation to the implementation of the EITI.</p>	<p><i>Achieved and continuing</i></p>	<p>Documentation of the various meetings, workshops and the EITI National Workshop.</p>
<p>Req. 2e: Civil society and company representatives can speak freely on transparency and natural resource governance issues.</p>	<p>There are no regulations that restrict groups from speaking freely</p>	
<p>Req. 2f: Civil society and company representatives who are substantively engaged in the EITI process, including but not limited to members of the multi-stakeholder group, have the right to communicate and cooperate with each other.</p>		
<p>Requirement 3: The government is required to appoint a senior individual to lead on the implementation of the EITI.</p>	<p>Secretary Elisea G. Gozun, Presidential Assistant II for Climate Change, was designated by the MICC as the Lead Senior Official to the EITI implementation in its first meeting on July 25, 2012.</p>	<p>Annex B: Minutes of the MICC Meeting on 25 July 2012.</p>
<p>Req. 3a: It is recommended that this appointment is publicly announced.</p>	<p>The designation of Sec. Elisea Gozun as the Philippine EITI (PH-EITI) Focal Person was announced in the President’s Public Statement delivered on 4 April 2013.</p>	<p>Annex C: Statement by President Benigno S. Aquino III on EITI on the March 27, 2013 Memorandum from Executive Secretary Ochoa</p> <p>Annex D: Traction of the PH-EITI application</p>

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		From the Presidential Communications development and Strategic Planning office (News Clippings of EITI Philippines Press Conference)
Req. 3b: The individual leading on EITI implementation should have the confidence of all stakeholders and be situated in relevant ministries or agencies.	The stakeholders have confidence in the PH-EITI Focal person as signed off by the Multi-Stakeholder Group (MSG)	Annex U2. Curriculum Vitae of the PH-EITI Focal Person
Req. 3c: The appointee should have the authority and freedom to coordinate action on EITI across relevant ministries and agencies and be able to mobilize resources for country implementation.	<p>As the Presidential Assistant II with the rank of a Cabinet Secretary, the appointee has authority to coordinate action with different government offices at the national and local level and with different private groups and CSOs.</p> <p>The PH-EITI Focal Person was able to mobilize resources within government and development partners such as AUSAID and the British Embassy to fund the various preparatory activities undertaken to prepare the Philippines to meet the requirements for candidacy.</p> <p>The PH-EITI Focal Person has already talked with different development partners and there is willingness to fund portions of the work plan.</p>	<p>Annex U2 : Curriculum Vitae of the PH-EITI Focal Person</p> <p>Annex Y : Request for PH-EITI budget submitted to DBM on 11 October 2012 which was approved.</p> <p>Annex Z: Grant contracts with AUSAID and the British Embassy with funds coursed through <i>Bantay Kita</i>.</p>
Requirement 4: The government is required to establish a multi-stakeholder group to oversee the implementation of the EITI.	The PH-EITI MSG was formally established during the National Workshop held on January 19, 2013 at the Heritage Hotel Manila.	Annex JJ: Signed Statement of Commitment by the MSG members.

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		Pictures of the MSG members when they were presented to the Body during the PH-EITI National Workshop on January 19, 2012.
Req. 4a: It is a requirement that implementation of the EITI is overseen by a multi-stakeholder group comprising appropriate stakeholders, including – but not limited to – the private sector, civil society (including independent civil society groups and other civil society, such as the media and parliamentarians) and relevant government ministries (including government leads).	The PH-EITI MSG is constituted by selected representatives of the GPH, Industry and Civil Society	Annex JJ : Signed Statement of Commitment by the MSG members
Req. 4b: EITI implementation requires an inclusive decision-making process throughout implementation, with each constituency being treated as a partner.	It is stated in the Terms of Reference (TOR) of the MSG that the stakeholders are treated as partners in an inclusive decision-making process and are provided the opportunity to participate in the development, implementation, monitoring and evaluation of the Philippine EITI Work Plan.	Annex KKJ : Terms of Reference of the Philippine EITI Multi-Stakeholder Group Annex BB : Signed MOU among the MSG members
Req. 4c: Each stakeholder group should have the right to appoint their own representatives, bearing in mind the desirability of pluralistic and diverse representation.	During the outreach activities, Secretary Gozun emphasized that the industry and civil society organizations have the right to select their representatives to the PH-EITI Multi-Stakeholder Group in a manner that is independent from the government.	Annex K: Documentation of the CSO National Congress; where the formal selection of CSO representatives to the MSG was conducted Annex CC : Board Resolution of COMP appointing its representatives to the Philippine EITI Annex DD: Board Resolution of PAP appointing its representatives to the Philippine EITI

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		<p>Annex EE : Documentation of the Non-Chamber Mining Companies’ Selection Process</p> <p>Annex GG : Minutes of the MICC meeting on 21 November 2012 where the government representatives to the PH-EITI MSG were chosen</p>
<p>Req. 4d: Civil society groups involved in the EITI as members of the multi-stakeholder group must be operational, and, in policy terms, independent of government and/or companies.</p>	<p>CSOs in the MSG have been in operation for sometime, are independent and were not forced by the government to join in EITI implementation</p>	<p>Annex FF: Profiles of the CSOs that sit in the MSG.</p>
<p>Req. 4e: Members of the multi-stakeholder group should be able to operate freely without restraint or coercion, including by liaising with their constituency groups.</p>		<p>Annex II: Short biography of each MSG member of PH-EITI</p>
<p>Req. 4f: Members of the multi-stakeholder group should have the capacity to carry out their duties.</p>	<p>Regular and alternate members of the MSG are all high level officials.</p>	<p>Annex II : Short biography of each MSG members of PH-EITI</p>
<p>Req. 4g: The multi-stakeholder group is required to agree on clear public Terms of Reference (TORs) and keep written records of their discussions and decisions. These TORs should, at a minimum, include provisions on the endorsement of the Country Work Plan and allow for revisions to the Country Work Plan following comments by the MSG, as well as procedures for choosing an organization to undertake the reconciliation. Once the group has been formed, members should agree</p>	<p>The Terms of Reference for the Philippine EITI MSG was discussed in the National Workshop and was finalized by the MSG.</p>	<p>Annex NN : Documentation of the January 29 and March 1 Meetings of PH-EITI MSG to finalize the TOR and Work Plan 2012-2014</p> <p>Annex KK: Terms of Reference of the Philippine EITI Multi-Stakeholder Group</p>

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internal governance rules and procedures. This might include voting procedures.		
Req. 4h: In establishing the multi-stakeholder group the government should:		
i. ensure that senior government officials are represented on the multi-stakeholder group;	Government representatives in the MSG are all senior officials.	Annex II : Short biography of each MSG members of PH-EITI
ii. ensure that the invitation to participate in the group was open and transparent;	Achieved	Annex J: Documentation of the CSO Regional Consultations Annex L: Documentation of Outreach Meetings with Non-Chamber Large Metallic Mining Companies (Including a List of Companies Met) Annex N: Documentation of Outreach Meeting with PAP Annex LL : Documentation of the Philippine EITI National Workshop
iii. ensure that stakeholders are adequately represented (this does not mean that they need to be equally represented); and	The MSG is composed of 5 representatives each from Government, CSO and Industry sector.	Refer to the Information about the Multi-Stakeholder Group
iv. ensure that there is a process for changing group members which does not include any suggestion of coercion or attempts to include members who will not challenge the status quo.	Achieved	Annex KK: Terms of Reference of the Philippine EITI Multi-Stakeholder Group

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<p>The government may also wish to:</p> <ul style="list-style-type: none"> v. undertake a stakeholder assessment; and vi. establish the legal basis for the group. 	<p>It is part of the work plan that an Executive Order will be prepared for approval of the President formally establishing EITI in the Philippines.</p>	<p>Refer to objective 3 of the Work Plan (Annex OO)</p>
<p>Requirement 5: The multi-stakeholder group, in consultation with key EITI stakeholders, should agree and publish a fully costed work plan, containing measurable targets and a timetable for implementation and incorporating an assessment of capacity constraints.</p>	<p>The fully-costed work plan was formulated based on a series of consultations and meetings with the different stakeholders. This has been posted on the PH-EITI website – www.ph-eiti.org.</p>	<p>Annex OO: Philippine EITI Work Plan 2012-2014</p>
<p>Req. 5a: The work plan is the foundation for the implementation of the EITI. The sixth EITI Criterion requires that a work plan be produced that is agreed with key EITI stakeholders, including government, extractive companies and civil society. The MSG should endorse the work plan.</p>	<p>The EITI work plan was further discussed in the Philippine EITI National Workshop and was finalized by the MSG.</p>	<p>Annex MM: Documentation of the January 29 and March 1 Meetings of PH-EITI MSG to Finalize the TOR and Work Plan 2012-2014</p>
<p>Req. 5b: The work plan must:</p> <ul style="list-style-type: none"> i. be made widely available, for example, published on the national EITI website and/or other relevant ministries and agencies websites, in print media or in places that are easily accessible to the public; 		<p>Refer to website : www.ph-eiti.org</p>
<ul style="list-style-type: none"> ii. include measurable and time bound targets and objectives, and set out the specific actions that are required to meet these objectives; 	<p>Achieved</p>	<p>Annex OO : Philippine EITI Work Plan 2012-2014</p>
<ul style="list-style-type: none"> iii. incorporate an assessment of any potential capacity constraints in government agencies, companies and civil 	<p>Assessment of the government’s internal and external communication plan will be done.</p>	<p>Refer to objective 4 of the Work Plan (Annex OO)</p>

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<p>society that may be an obstacle to effective EITI implementation and set out how these will be addressed (for instance through training); and</p>		
<p>iv. establish the scope of EITI reporting and include a list of all operating oil, gas and mining companies. The multi-stakeholder group may wish to extend EITI reporting to other sectors.</p>	<p>Established in the meetings of the interim MSG and concurred in by all stakeholders during the National Workshop. Also indicated in the TOR of the MSG and the Work Plan.</p>	<p>Annex MM-: List of operating oil and gas companies and list of large scale metallic mining companies in operation.</p>
<p>Req. 5c: During this phase, due consideration should be paid to identifying domestic sources of funding for timely implementation of the agreed work plan. Sufficient funding for Validation should be budgeted. The government should also formulate strategies to access technical and financial assistance from donors and international partners. The MSG is encouraged to address this issue as soon as practicable and to take account of the administrative requirements and lead times in mobilizing funding from external sources.</p>	<p>Budgetary requirements to implement EITI in the country are incorporated in the Work Plan.</p> <p>Initial funding to prepare for the candidacy of the Philippines had already been provided by the Government of the Philippines, AUSAID, the British Embassy, Revenue Watch Institute, Triple 11, and Christian Aid.</p>	<p>Annex OO : Philippine EITI Work Plan 2012-2014</p>
<p>Req. 5d: In addition to the five sign-up requirements, governments should review the legal framework to identify any potential obstacles to EITI implementation. The EITI should fit comfortably within the legal framework alongside fiscal control mechanisms. The EITI should not involve extraordinary demands on the government. However, in some cases it may be necessary to incorporate EITI requirements within national legislation or regulation.</p>	<p>The TWG had began the process of identifying key legal, policy and systemic impediments to implementing EITI. The Bureau of Internal Revenue of the Department of Finance is now drafting a Waiver which participating companies will sign to authorize the government to make their payments public.</p>	<p>Annex V: Documentation of Meetings of the EITI Technical Working Group</p>

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<p>Req. 5e: Implementing countries are required to produce their first EITI Report within 18 months. Thereafter, implementing countries are required to produce EITI Reports annually. EITI Reports should cover data no older than the second to last complete accounting period.</p>		<p>Annex OO: Philippine EITI Work Plan 2012-2014</p>
<p>Req. 5f: MSGs are encouraged to update the work plan on an annual basis. Implementing countries should inform the Board if there are any material changes to the scope of EITI implementation. Where it is manifestly clear that the EITI Principles and Criteria are not in a significant aspect adhered to and honored by an implementing country, the EITI Board may temporarily suspend or delist that country.</p>		

EITI Candidature Application Form

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INTRODUCTION

A government intending to implement the EITI is required to undertake a number of steps before applying to become an EITI Candidate country (See EITI Requirements 1-5¹). **When the country has completed the “sign-up” steps and wishes to be recognised as an EITI Candidate country, the government, with the support of the MSG, should formally submit a Candidate application in writing to the EITI Chair². The application should describe the activities undertaken to date and provide evidence demonstrating that each of the five sign-up requirements have been fully met. Applicant countries may wish to refer to the evidentiary requirements for the “sign-up” phase listed in the Validation Guide³. The application should include contact details for government, civil society and private sector stakeholders involved in the sign-up process. Application materials will be published on the EITI website and available for public comment.**

On behalf of the EITI Board, the Outreach and Candidature Committee will work with the EITI International Secretariat to review the application and assess whether the five sign-up requirements have been met. The International Secretariat will contact stakeholders at the national level to ascertain their views on the sign-up process and seek comments from supporting governments, international civil society groups, supporting companies, and supporting organisations and investors. The International Secretariat will work closely with the senior individual appointed to lead on EITI implementation in order to clarify any outstanding issues. The Outreach and Candidature Committee of the EITI Board will make a recommendation to the Board on whether a country’s application should be accepted.

The EITI Board will take the final decision on application for EITI Candidature. The Board has stated a preference to take decisions on admitting a Candidate country at the regular EITI Board meetings. Where there is a long period between meetings, the Board will consider taking a decision via Board Circular. The International Secretariat will communicate the Board’s decisions to applicant countries⁴.

When the Board admits a Candidate, it also establishes deadlines for publishing the first EITI Report and submitting a final Validation Report, endorsed by the MSG, to the EITI Board. A country’s first EITI Report must be published within 18 months from the date that the country was admitted as a Candidate. The final Validation Report must be submitted within two and a half years from the date that the country was admitted as a Candidate.

Box 1 – Main steps in the Candidature application process

- 1. Country submits application for EITI Candidature.** The government should submit a formal application in writing to the EITI Chair via the International Secretariat.
- 2. The International Secretariat assesses the application.** The International Secretariat will ensure that the application is complete and will contact stakeholders at the national and international level to ascertain their views and seek comments. The International Secretariat will publish the application on the EITI international website.
- 3. The Outreach and Candidature Committee reviews the application and provides recommendations to the EITI Board.** The recommendation will stipulate whether a country’s application should be accepted or not.
- 4. The EITI Board will take a decision on admitting the applicant as a Candidate country** in accordance with the EITI Rules.

¹ The requirements are provided in the *EITI Rules*: <http://eiti.org/document/rules>

² Applications should be lodged via the EITI International Secretariat.

³ See EITI Rules: <http://eiti.org/document/rules>, p. 42-44.

⁴ Applicant countries should not that the application review process can take up to 8 weeks.

APPLICANT COUNTRY INFORMATION

Please complete fields in blue

Applicant	Philippines
Contact Point	Secretary Elisea "Bebet" Gillera - Gozun Presidential Assistant II for Climate Change Office of the President Room 478. Mabini Hall, Malacañang, J.P. Laurel Street, San Miguel, Manila Telephone: (632) 784-4286 loc. 4939 Fax: (632) 784-42-86 loc. 4705 Email: bggozun@gmail.com/ eitiphilippines@gmail.com
Date of Application	April 05, 2013

EITI SIGN UP REQUIREMENTS

EITI REQUIREMENT 1

The government is required to issue an unequivocal public statement of its intention to implement the EITI.

- a) The statement should be made by the head of state or government or an appropriately delegated government representative.
- b) Public statements can be made at a formal launch event, publicised through the national media, placed on a dedicated EITI website. c) Beyond endorsement of the EITI, the statement should also indicate the measures and actions the government intends to take to meet the EITI Criteria, including ensuring sustained high-level political support.
- d) A copy of the statement should be sent to the EITI International Secretariat.

EXECUTIVE ORDER (EO) No. 79

On 6 July 2012, Philippine President Benigno S. Aquino III issued EO No. 79, "Institutionalizing and Implementing Reforms in the mining sector providing policies and guidelines to ensure environmental protection and responsible mining in the utilization of mineral resources." Through this executive issuance, the Philippine Government (GPH) expressed its unequivocal commitment to participate in the Extractive Industries Transparency Initiative (EITI).

Section 14 of EO No. 79 states that "in order to improve transparency, accountability, and governance in the sector, the government shall support and commit participation in the (EITI)." The EO also mandates the establishment of mechanisms to operationalize EITI in the mining sector, "in consultation with the mining industry and other concerned stakeholders." (**See Annex A: A. Executive Order No. 79, with Section 14 Highlighted**)

The EO 79 also orders the constitution of the Mining Industry Coordinating Council (MICC), which has been made responsible for coordinating the implementation of EO 79. In its first meeting on 25 July 2012, the said Council constituted Technical Working Groups (TWGs) responsible for leading the implementation of key aspects of EO 79. Among these TWGs is a TWG on EITI, to be chaired by Secretary Elisea G. Gozun, the Presidential Assistant II on Climate Change, who was also appointed by the council as lead senior official of Philippine EITI (PH-EITI). Aside from reporting to the MICC, the TWG on EITI was also mandated to perform its functions under the auspices of the Cabinet Cluster on Good Governance and Anti-Corruption. (**See Annex B: Minutes of the MICC Meeting on 25 July 2012**)

STATEMENT BY PRESIDENT AQUINO ON EITI

President Aquino also reiterated this commitment to implement EITI in a public statement issued on April 4, 2013. His statement expressed the government's intention to implement EITI not only in the mining industry but also in the oil and gas industry. The said statement also announced the designation of Secretary Gozun as EITI-Philippines lead senior official; and expressed the Philippine government's commitment to work with industry and civil society in implementing EITI. The statement was delivered on behalf of the President by Secretary Edwin Lacierda (Presidential Spokesperson) in a press conference on the same date. (**See Annex C: President Aquino's Statement on EITI and the 27 March 2013 Memorandum from The Executive Secretary Paquito N. Ochoa, Jr. ; and Annex D: Traction of PH-EITI Application from the Presidential Communications Development and Strategic Planning Office.** Also during the said event, a joint statement was delivered Secretary Gozun; Mr. Gerard Brimo, Board Member of the Chamber of Mines of the Philippines (COMP); and Ms. Cielo Magno, Executive Director of the *Bantay Kita* network of civil society organizations (CSOs) supporting the Philippines' implementation of EITI (**See Annex E: Joint Statement by the Government of the Philippines, Chamber of Mines of the Philippines and *Bantay Kita* on Philippine EITI.**)

On July 20, 2012, the Department of Budget and Management Secretary Abad had an opportunity to meet with EITI secretariat Mr. Jonas Moberg, Head of International Secretariat, and Dyveke Rogan, EITI country manager to discuss EITI and the plans of the Philippines in its implementation of EITI. Also in the same month, Secretary Abad met with Mr. Matthieu Salomon, a Project Manager from Revenue Watch Indonesia, Mr. Tio Sulastio, Director of the Indonesian Parliamentary Center (IPC), and Ms. Gita Widya Soerjoatmodjo to discuss the Philippine's participation in EITI. He updated them of the creation of the Technical Working Group and the designation of Secretary Elisea Gozun as the lead senior official for EITI.

Secretary Gozun upon the invitation of the EITI International Secretariat and the European Commission attended the EITI National Coordinators Meeting on October 22-25, 2012 at Lusaka, Africa. The said event presented an opportunity to meet the different EITI national coordinators from other countries that are already implementing the EITI and learn from their experiences. It also provided an opportunity to meet with the members of the EITI International Board and discuss various concerns raised by the EITI National Coordinators.

EITI REQUIREMENT 2

The government is required to commit to work with civil society and companies on implementation of the EITI.

- a) EITI implementation requires a sustained commitment to multi-stakeholder dialogue and collaboration. Companies and civil society organisations must be substantively engaged in the design, implementation, monitoring and evaluation of the EITI process, contributing to public debate.
- b) The government must ensure there are no obstacles to civil society and company participation in the process.
- c) The government must ensure that there is an enabling framework for civil society organisations and companies, with regard to relevant laws, regulations, and administrative rules as well as actual practice in implementation of the EITI.
- d) The government must refrain from actions which result in narrowing or restricting public debate in relation to the implementation of the EITI.
- e) Civil society and company representatives can speak freely on transparency and natural resource governance issues.
- f) Civil society and company representatives who are substantively engaged in the EITI process, including but not limited to members of the multi-stakeholder group, have the right to communicate and cooperate with each other.

Applicants should also take note of Policy Note #6 regarding the participation of civil society⁵

It is the core value of governance in the Philippines to continuously engage and work in partnership with the civil society and private sector. This core value is integrated and reflected in programs, projects and activities and key laws and regulations of the Philippine government since 1987 (e.g. budgeting process, Local Government Code, IPRA, Mining Act).

The openness and willingness of government to engage civil society and the private sector is also reflected by how active the civil society and the private sectors are in the Philippines. Even before the formal expression of the government to apply and be part of EITI, the CSOs and the industries have already organized themselves and actively advocated for EITI. Because of this, it became easier for the government to prepare for EITI application. The following sections summarize the engagement of the government with the industry and civil society in EITI.

OUTREACH WITH CHAMBER OF MINES AND BANTAY KITA

On 3 August 2012, Secretary Elisea G. Gozun, the lead senior government official of EITI-Philippines, conducted an outreach meeting with the *Bantay Kita*, a broad national coalition of CSOs advocating extractive industries revenue transparency (See Annex F: Profile of *Bantay Kita*). On 14 August 2012, she also held an outreach meeting with the Chamber of Mines of the Philippines (COMP), the premier chamber of large-scale mining companies in the Philippines. (See Annex G: Profile of COMP). In both meetings, Secretary Gozun reiterated the commitment of the Philippine Government (GPH) to implement EITI in partnership with industry and civil society, which both welcomed.

After these outreach meetings, Secretary Gozun wrote to both organizations in a letter dated 16 August 2012, wherein COMP and *Bantay Kita* were formally invited to partner with the GPH in implementing EITI. In particular, she invited them to constitute an interim multi-stakeholder group (MSG), and to participate in its first meeting on 22 August 2012. From this first meeting, the COMP and *Bantay Kita* has constituted the interim EITI Philippines MSG with GPH, representing industry and civil society, respectively until such time that the MSG is to be formally constituted (See Annexes H1 and H2: Letters of Secretary Gozun to COMP and *Bantay Kita*).

COMP and *Bantay Kita* also conducted their own outreach activities to familiarize their respective members and expand the support of other stakeholders on EITI. COMP, during its Mining Philippines 2012 Conference and

⁵ EITI Rules, pages 68-70.

Exhibition held on 18 to 20 September 2012, organized a break-out session on EITI which featured Bp Ananda Idris, Deputy Head of EITI Indonesia Secretariat. **(See Annex I: Documentation of Mining Philippines 2012 Conference—Breakout Session on EITI)**

Bantay Kita meanwhile conducted five (5) subnational CSO consultations from 26 November to 11 December 2012, which was attended by various CSOs, community-based organizations, peoples organizations, research and academic institutions, Church-based groups and others, especially those coming from key mining locations. *Bantay Kita* also organized a CSO National Congress on 17 January 2013. *Bantay Kita* held these activities with the financial support of GPH and development partners particularly British Embassy, AUSAID, 11.11.11, Revenue Watch Institute and Christian Aid. **(See Annex J: Documentation of the CSO Regional Consultations; and Annex K: Documentation of the CSO National Congress)**

OUTREACH WITH OTHER MINING COMPANIES, OIL AND GAS INDUSTRY

Secretary Gozun, with the support of the Philippine Department of Environment and Natural Resources (DENR) - Mines and Geosciences Bureau (MGB), likewise conducted outreach meetings on September 21 and November 6, 2012 with other large-scale metallic mining companies (14) which are not members of COMP, to express the commitment of GPH to implement EITI in an inclusive and participatory manner. These non-Chamber mining companies participated in the EITI Philippines National Workshop on 18-19 January 2013 **(See Annex L: Documentation of Outreach Meetings with Non-Chamber Large Metallic Mining Companies).**

Meanwhile, to secure the participation of the oil and gas exploration and extraction sector, Secretary Gozun, with the support of the Philippine Department of Energy (DoE), conducted an outreach meeting with the Petroleum Association of the Philippines (PAP) on 4 January 2013. She likewise invited oil and gas companies to partner with the GPH in implementing EITI. to the group also participated in the EITI Philippines National Workshop **(See Annex M: Profile of PAP; Annex N: Documentation of Outreach Meeting with PAP; and Annex O: Letter to PAP).**

OUTREACH WITH TARGETED STAKEHOLDERS

Outreach activities with targeted stakeholders such as religious groups, Indigenous Peoples (IPs) in mining areas, academe, Local Government Units (LGUs), Provincial Environment and Natural resources officers (PENROs) of the DENR were also conducted as part of the PH-EITI's public advocacy efforts to raise awareness and understanding of EITI.

The outreach with the LGUs (representatives from provinces, municipalities and cities) which was co-convened with the Union of Local Authorities of the Philippines (ULAP) was held on January 17, 2013 while the outreach with the Indigenous Peoples (IPs), co-convened with the National Commission on Indigenous People (NCIP), took place on February 20, 2013. Also, the outreach with the academe and the Provincial Environment and Natural Resources Officers (PENRO) were conducted on February 21, 2013 and February 22, 2013 respectively. The outreach with the religious groups was held last February 26, 2013. **(See Annex P: Letter to ULAP; Annex Q: Letter to NCIP; Annex R: Letter to the Ateneo School of Government; Annex S: Letter to the Catholic Bishops' Conference of the Philippines— National Secretariat for Social Action-Justice and Peace (CBCP-NASSA); and Annex T: Documentation of the Outreach Activities to Targeted Stakeholders)**

EITI REQUIREMENT 3

The government is required to appoint a senior individual to lead on the implementation of the EITI.

- a) It is recommended that this appointment is publicly announced.
- b) The individual leading on EITI implementation should have the confidence of all stakeholders and be situated in relevant ministries or agencies.
- c) The appointee should have the authority and freedom to coordinate action on EITI across relevant ministries and agencies and be able to mobilise resources for country implementation.

THE EITI PHILIPPINES LEAD SENIOR OFFICIAL: HON. ELISEA G. GOZUN

President Benigno Aquino III designated Secretary Elisea G. Gozun, Presidential Assistant II on Climate Change as the Lead Senior Official to the EITI implementation. This designation was released on 27 March 2013. Secretary Gozun, as lead senior official and as head of the MICC TWG on EITI, is responsible for coordinating the work of various government agencies in crafting and implementing a Work Plan of EITI Philippines as well as for securing the participation of industry and CSO stakeholders in convening a multi-stakeholder group to implement EITI. She is also responsible for reaching out to development partners to get their support for PH-EITI. **(See Annex U1: Designation of Secretary Gozun as Lead Senior Official of the PH-EITI signed by President Benigno Simeon Aquino III & Annex U2: Curriculum Vitae of the PH-EITI Focal Person; Annexes B and C; and also Responses to EITI Requirement 1)**

SUPPORTING THE LEAD OFFICIAL: THE TECHNICAL WORKING GROUP ON EITI

The TWG on EITI supports Secretary Gozun in her leadership role as a coordinating body of government agencies which has a role in implementing EITI, and as a clearing house of policy and technical issues relevant to EITI. This TWG is composed of various agencies of government. The members of the TWG on EITI are: the DENR and its MGB; the Department of Finance (DoF) and its Bureau of Internal Revenue (BIR), Bureau of Customs (BoC) and Bureau of Local Government Finance (BLGF); the DoE; the Department of Interior and Local Government (DILG); the National Economic Development Authority (NEDA); the Department of Budget and Management (DBM); and ULAP to represent local government units. The TWG has also been provided with authority to call other resource agencies such as the Bangko Sentral ng Pilipinas and NCIP. **(See Annex V: Documentation of Meetings of the Philippine EITI Technical Working Group; Annex W: Official Letters from Concerned Government Agencies appointing their Permanent and Alternate representatives to the PH-EITI TWG).** After the National Workshop, it was decided that the TWG also be made multi-stakeholder. Business groups and CSOs have thus been asked to designate their representatives to the TWG. **(Annex X: March 25 Letters to COMP, PAP and Bantay Kita requesting them to designate their representatives to the PH-EITI TWG)**

MOBILIZING RESOURCES FOR PH-EITI IMPLEMENTATION

On October 11, 2012, Secretary Gozun wrote to Secretary Florencio Abad of DBM requesting for the funding of various activities in preparation for the Philippine EITI bid for candidacy and implementation. The DBM, which is also the Secretariat to the Cabinet Cluster on Good Governance and Anti-Corruption approved and expressed solid support to the EITI. To date, DBM was able to fund the logistics (good, venue and supplies) of the EITI-related activities which include the five (5) CSO regional consultations; the series of meetings of the TWG of EITI; the Interim MSG and the Formal PH-EITI MSG meetings; and the CSO Congress and National Planning Workshop. The agency also allotted budget to support future activities leading to PH-EITI implementation and sustainability. In addition, DBM also provided human resources by assigning DBM staff to work as part of the interim secretariat during the preparatory process of EITI. DBM and OPACC have also hired full time contractual staff to be the Secretariat of PH-EITI.

To augment funding for EITI candidacy and implementation, Secretary Gozun reached out to development partners such as the Australian Agency for International Development (AUSAID) and the British Embassy for their support. Additional support from development partners were mobilized because of the policy of the Commission on Audit that government funds cannot be used to cover the accommodation and transportation expenses of non-government participants during consultations. The grant funds were coursed through Bantay Kita, which is the umbrella organization for the CSOs in this initiative.

(See Annex Y: Request for PH-EITI Budget submitted to DBM on 11 October 2012; Annex Z: Grant Contracts with AUSAID and British Embassy; funds coursed through Bantay Kita)

EITI REQUIREMENT 4

The government is required to establish a multi-stakeholder group to oversee the implementation of the EITI.

- a) It is a requirement that implementation of the EITI is overseen by a multi-stakeholder group comprising appropriate stakeholders, including – but not limited to – the private sector, civil society (including independent civil society groups and other civil society, such as the media and parliamentarians) and relevant government ministries (including government leads).
- b) EITI implementation requires an inclusive decision-making process throughout implementation, with each constituency being treated as a partner.
- c) Each stakeholder group should have the right to appoint their own representatives, bearing in mind the desirability of pluralistic and diverse representation.
- d) Civil society groups involved in the EITI as members of the multi-stakeholder group must be operational, and, in policy terms, independent of government and/or companies.
- e) Members of the multi-stakeholder group should be able to operate freely without restraint or coercion, including by liaising with their constituency groups.
- f) Members of the multi-stakeholder group should have the capacity to carry out their duties.
- g) The multi-stakeholder group is required to agree clear public Terms of Reference (TORs) and keep written records of their discussions and decisions. These TORs should, at a minimum, include provisions on the endorsement of the Country Work Plan and allow for revisions to the Country Work Plan following comments by the MSG, as well as procedures for choosing an organisation to undertake the reconciliation. Once the group has been formed, members should agree internal governance rules and procedures. This might include voting procedures.
- h) In establishing the multi-stakeholder group the government should:
 - i. ensure that senior government officials are represented on the multi-stakeholder group;
 - ii. ensure that the invitation to participate in the group was open and transparent;
 - iii. ensure that stakeholders are adequately represented (this does not mean that they need to be equally represented); and
 - iv. ensure that there is a process for changing group members which does not include any suggestion of coercion or attempts to include members who will not challenge the status quo.

The government may also wish to:

- v. undertake a stakeholder assessment; and
- vi. establish the legal basis for the group.

Applicants should also take note of policy note #6 regarding the participation of civil society⁶

PREPARATIONS VIA AN INTERIM EITI-PH MSG

The GPH, through Secretary Elisea G. Gozun, had invited the Chamber of Mines of the Philippines (COMP) and the *Bantay Kita* network of CSOs to form an interim multi-stakeholder group (MSG) that will undertake the preparatory work needed for the formal establishment of the EITI Philippines MSG. In particular, the interim MSG drafted the Terms of Reference (TOR) of the EITI Philippines MSG and the EITI Philippines Work Plan for 2012-2014. These documents were validated in the consultations with different stakeholders. The interim MSG also helped broaden support for EITI.

The Interim MSG met several times (Sept. 6, Sept 24, Oct. 5 and December 18, 2012) to work on the ToR and Work Plan, as well as to discuss other issues related to the implementation of EITI in the Philippines and the steps that need to be taken to inform the public about EITI broaden the support for the initiative and fulfil the requirements for EITI Candidacy. (See Attached Annex AA: Documentation of Meetings of the Interim PH-EITI MSG and Annex BB: Signed Memorandum of Understanding among the MSG members)

INDEPENDENT PROCESS

In its outreach to industry and civil society stakeholders, the GPH, through Secretary Gozun, emphasized the independent process that the different stakeholders need to undertake to identify their respective representatives in the PH-EITI Multi-Stakeholder Group. On the part of industry, the COMP and the Petroleum Association of the Philippines (PAP) selected their representatives through their respective industry association's processes (See Attached Annex CC: Board Resolution of COMP appointing its Representatives to the Philippine EITI MSG; and Annex DD: Board Resolution of PAP appointing its Representatives to the Philippine EITI MSG). Meanwhile, the non-Chamber large-scale metallic mining companies conducted their selection process at the sidelines of the EITI Philippines National Workshop on 18 January 2013. (See Attached Annex EE: Documentation of the Non-Chamber Mining Companies' Selection Process)

On the part of civil society, the *Bantay Kita* conducted five (5) regional consultations from 26 November to 11 December 2012 (*Baguio for Northern Luzon on Nov 26-27, Metro Manila for Central and Southern Luzon and the National Capital Region on Nov 29-30, Davao for Southern and Southeastern Mindanao on Dec 3-4, Pagadian for North and Northwestern Mindanao on Dec 6-7 and Cebu for the Visayas on Dec 10-11*) in order to reach out to other CSOs and citizen's groups especially those coming from mining sites. The organizations that participated in the consultations defined the criteria and process for the selection of official CSO representatives in the EITI Philippines MSG. The CSOs then held a nomination process and through consensus building, identified their representatives in the PH-EITI MSG.. (See Attached Annex J: Documentation of the CSO Regional Consultations) The formal selection process for the CSO representatives was conducted during a National CSO Congress organized by *Bantay Kita* on 17 January 2013. *Bantay Kita* and its members have been advocating for the adoption of EITI in the Philippines since its founding in 2009. It is also the Publish What You Pay affiliated coalition in the Philippines. They have been independently advocating for EITI and has voluntarily participated in the whole process (See Attached Annex F: Profiles of the CSOs that sit in the MSG; and also Annex K: Documentation of the CSO National Congress)

Meanwhile, the representatives of the GPH in the EITI Philippines MSG are: Secretary Gozun as Chair, DENR-MGB, DoF, DoE, DILG and the local government units as represented by ULAP. (See Annex GG: Minutes of the MICC meeting on 21 November 2012 where the government agencies which will sit in the PH-EITI MSG were chosen)

⁶ EITI Rules, pages 68-70.

FORMAL ESTABLISHMENT OF EITI PHILIPPINES (MSG)

During the EITI Philippines National Workshop held on 18-19 January 2012, the selected representatives of the GPH, Industry and Civil Society formally constituted the PH-EITI Multi-Stakeholder Group (PH-EITI MSG) by signing the Statement of Commitment (See Attached Annex HH: Short Biography of each MSG Members of PH-EITI; Annex II: Signed Statement of Commitment by the PH-EITI MSG members; Annex JJ: Terms of Reference of the Philippine EITI Multi-Stakeholder Group; and Annex KK: Documentation of the Philippine EITI National Workshop).

The establishment of the EITI-PH was once again publicly announced during the Press Conference/National Launch on 4 April 2013. In the same event, the approved PH-EITI Work Plan 2012-2014 was also made public. (See Annex D Report on the Media Coverage of Philippine EITI Press Conference/National Launch (Traction of PH-EITI Application from the Presidential Communications Development and Strategic Planning Office).

EITI REQUIREMENT 5

The multi-stakeholder group, in consultation with key EITI stakeholders, should agree and publish a fully costed work plan, containing measurable targets and a timetable for implementation and incorporating an assessment of capacity constraints.

a) The work plan is the foundation for the implementation of the EITI. The sixth EITI Criterion requires that a work plan be produced that is agreed with key EITI stakeholders, including government, extractive companies and civil society. The MSG should endorse the work plan.

b) The work plan must:

- i. be made widely available, for example, published on the national EITI website and/or other relevant ministries and agencies websites, in print media or in places that are easily accessible to the public;
- ii. include measurable and time bound targets and objectives, and set out the specific actions that are required to meet these objectives;
- iii. incorporate an assessment of any potential capacity constraints in government agencies, companies and civil society that may be an obstacle to effective EITI implementation and set out how these will be addressed (for instance through training); and
- iv. establish the scope of EITI reporting and include a list of all operating oil, gas and mining companies. The multi-stakeholder group may wish to extend EITI reporting to other sectors.

c) During this phase, due consideration should be paid to identifying domestic sources of funding for timely implementation of the agreed work plan. Sufficient funding for Validation should be budgeted. The government should also formulate strategies to access technical and financial assistance from donors and international partners. The MSG is encouraged to address this issue as soon as practicable and to take account of the administrative requirements and lead times in mobilising funding from external sources.

d) In addition to the five sign-up requirements, governments should review the legal framework to identify any potential obstacles to EITI implementation. The EITI should fit comfortably within the legal framework alongside fiscal control mechanisms. The EITI should not involve extraordinary demands on the government. However, in some cases it may be necessary to incorporate EITI requirements within national legislation or regulation.

e) Implementing countries are required to produce their first EITI Report within 18 months. Thereafter, implementing countries are required to produce EITI Reports annually. EITI Reports should cover data no older than the second to last complete accounting period (e.g., an EITI Report published in calendar/financial year 2010 should be based on data no later than calendar/ financial year 2008). Should the MSG wish to deviate from this norm, this should be clearly indicated in the EITI work plan and the reasons for this communicated to the EITI Board. Countries that have not produced a report for more than two years may be subject to the temporary suspension mechanism set out in Policy Note #5. In the event that EITI reporting is significantly delayed, the multi-stakeholder group should take steps to ensure that EITI Reports are issued for the intervening reporting periods so that every year in the series is subject to reporting.

f) MSGs are encouraged to update the work plan on an annual basis. Implementing countries should inform the Board if there are any material changes to the scope of EITI implementation. Where it is manifestly clear that the EITI Principles and Criteria are not in a significant aspect adhered to and honoured by an implementing country, the EITI Board may temporarily suspend or delist that country.

PREPARATION AND CONSULTATIONS

The GPH, through Secretary Elisea G. Gozun and the TWG on EITI, drafted an EITI Philippines Work Plan for 2012-2014, keeping in mind the standards of EITI International and following examples from other countries. The TWG also began the process of identifying key legal, policy and systemic impediments to implementing EITI. **(See Also Annex V)**

The said work plan was then subjected to stakeholder consultations. It was discussed during the meetings of the interim multi-stakeholder group of Philippine EITI, where the Chamber of Mines of the Philippines and *Bantay Kita* were represented. The draft Work Plan was also discussed in the various aforementioned outreach activities with other industry groups, particularly large-scale metallic mining companies which are not members of the Chamber, as well as the Petroleum Association of the Philippines (PAP). **(See Also Annexes M, N and AA)**

As mentioned earlier, *Bantay Kita*, which is a network of CSOs and other citizen's groups advocating for transparency and accountability in the extractive industry, also sought the comment and input of other CSOs and citizen's groups, especially those coming from mining areas, during five (5) Regional CSO Consultations it conducted from 26 November to 11 December 2012 and during its National CSO Congress on 17 January 2013. **(See Also Annexes J and K)**

From the interim MSG and TWG meetings and consultations from the different stakeholders, it was established that the scope of the EITI would initially cover the 35 large-scale metallic mining operations as well as the oil and gas operations in the country. **(See Annex MM: List of operating oil and gas companies and list of operating large scale metallic mining companies in the Philippines)**

NATIONAL WORKSHOP, FOLLOW-THROUGH MEETINGS AND LAUNCH

The EITI Philippines National Workshop was held on January 18-19 where stakeholders from the government, extractive industry and civil society participated. Mr. Wouter Biesterbos of the EITI International Secretariat, Mr. Philip Chan of the World Bank, Ms. Erika Westenberg of Revenue Watch International, Minister Alfredo Pires of Timor Leste and Mr. Shar Tsolmon from Mongolia were present to impart their knowledge and experience on the implementation of EITI. Civil society partners from Timor Leste and Indonesia also attended the Workshop and actively participated in the discussions. The participants reviewed and proposed amendments to the draft Terms of Reference and the Work Plan for the Philippine EITI MSG and formally convened the multi-stakeholder group (MSG). **(See Also Annex LL: Documentation of the Philippine EITI National Workshop)**

The MSG conducted several follow-through meetings to further fine-tune the TOR and Work Plan prior to its submission to the President for his approval and then to EITI International as part of the Philippines' Candidature Application. **(See Also Annex NN: Documentation of the January 29 and March 1 Meetings of PH-EITI MSG to Finalize the TOR and Work Plan 2012-2014)**

The EITI Philippines Work Plan 2012-2014 was formally approved by the co-chairs of the MICC (the Secretary of Finance and the Secretary of Environment and Natural Resources) on March 16 and 21 respectively and was thereafter launched during the Press Conference/National Launch of EITI Philippines on 04 April 2013. It is uploaded in the website – ph-eiti.org. **(See Annexes D, and Annex OO : Philippine EITI Work Plan 2012-2014).**

INFORMATION ABOUT THE MULTI-STAKEHOLDER GROUP

Provide a list of members from the national Multi-Stakeholder Group, their organisational affiliation and contact details. If appropriate, attach information regarding additional government, civil society and private sector stakeholders involved in the sign-up process.

Name	Title	Organisation	Contact details
Sec. Elisea "Bebet" G. Gozun	Presidential Assistant II for Climate Change	Office of the President (OP)	Phone No. (632) 784-4286 local 4939 Fax No.: (632) 784-4286 local 4705 Mobile: (632)917.5305854 bggozun@gmail.com
Hon. Jeremias N. Paul Jr.	Undersecretary, Domestic Finance Group & Legislative Liasion	Department of Finance (DOF)	Phone No. (632) 5245221 jpaul@dof.gov.ph
Hon. Daniel A. Ariaso, Sr.	Assistant Secretary	Department of Energy (DOE)	Phone No.: (632) 817-8603 Mobile No. (632) 920.2122818 dan_ariasos2003@yahoo.com
Engr. Leo L. Jasareno	Acting Director	Mines and Geosciences Bureau— Department of Environment and Natural Resources (MGB- DENR)	Phone No. (632) 920.1635 (632) 928.8937 leoljasareno@yahoo.com
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ANNEXES

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- B. Minutes of the MICC Meeting on 25 July 2012
- C. President Aquino's Statement on EITI and the 27 March 2013 Memorandum from Executive Secretary Paquito N. Ochoa, Jr.
- D. Traction of the PH-EITI application from the Presidential Communications Development and Strategic Planning Office (News Clippings of the Philippine EITI Press Conference)
- E. Joint Statement by the Government of the Philippines, Chamber of Mines of the Philippines (COMP) and *Bantay Kita* on Philippine EITI
- F. Profile of *Bantay Kita*
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- H. Letters of Secretary Gozun:
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- T. Documentation of the Outreach Activities to Targeted Stakeholders
- U.
 - 1. March 27, 2013 Designation of Secretary Gozun a Lead Senior official for PH-EITI signed by President Benigno Simeon C. Aquino III
 - 2. Curriculum Vitae of the PH-EITI Focal Person
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- W. Official Letters from Concerned Government Agencies appointing their Permanent and Alternate Representatives to the PH-EITI TWG

- X. March 25 letters to COMP, PAP and *Bantay Kita* requesting them to designate their Representatives to the PH-EITI TWG
- Y. Request for PH-EITI Budget submitted to DBM on 11 October 2012
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