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The role of domestic policy coalitions in extractive industries' governance: Disentangling the politics of “responsible mining” in the Philippines

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Abstract

Under what conditions do global regulatory norms become domesticated in highly contentious policy areas like oil, gas, and mining sectors? Departing from norm diffusion and environmental politics scholarship, the paper draws from the sociological literature on “coalition-building” to explain the partial, uneven adoption of global regulations aimed at setting standards for corporate behavior in the context of large-scale mining. We process trace the variation in coalitional politics in the contemporary Philippine's mining regulatory framework through a within-case comparison of mining policies under Arroyo (2001–2010), Aquino (2010–2016), and Duterte (2016–present) governments. We argue that the successful inclusion of civil society and mining communities into policy-making processes can substantively contribute toward mining policies that are acceptable to those who face the socio-environmental consequences of resource exploitation. In contrast, highly narrow governing coalitions tend to fuel resistance and enhance political opposition vis-à-vis large-scale mineral extraction.

KEYWORDS

extractive industries governance, norm diffusion, Philippines, policy coalitions, responsible mining

1 | INTRODUCTION

Under what conditions do global regulatory norms become domesticated in highly contentious policy areas like oil, gas, and mining sectors? Are domestic policy actors capable of shaping how regulatory norms are endogenously adopted, or are international norms aimed at behavioral change—especially powerful corporate mining actors—embedded only when imposed through coercion by rule-makers in international settings? The vast literature on international norms often portrays diffusion of policy ideas in terms of the socializing effects of interdependence through a combination of coercion, learning, and emulation (Gilardi, 2012; Simmons & Elkins, 2004; Weyland, 2005). From the spread of tax competition and economic liberalization to the

diffusion of democracy (Simmons, Dobbin, & Garrett, 2008; Weyland, 2007, 2010), transnational processes impact on domestic policy outcomes, although the degree to which national states embrace them are mediated by existing power relations in national and sub-national contexts.

The international relations (IR) scholarship on norm diffusion and its impacts on domestic politics is extremely rich. Norms are defined as “shared understandings that make behavioral claims” (Checkel, 1999, p. 88) or “standards of appropriate behavior” (Finnemore & Sikkink 1998, p. 891), emphasizing the constitutive nature and mediated process of constructing global norms. Norm diffusion is frequently discussed in environmental governance scholarship. This interface between global norms and environmental policy adoption is

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widely acknowledged, such as those who study the “green state” in the context of developing countries (Death, 2016; Ho, 2006; Hochstetler & Keck, 2007) and welfare states (Bäckstrand & Kronsell, 2015; Eckersley, 2004; Fitzpatrick, 2017).¹ Yet, these studies have paid insufficient attention to the lasting effects of coalition-building politics located within nation-states in determining the evolution of global norms in environmental governance. By coalitional politics, we refer to the negotiation of power between elites and social groups in their attempt to formulate a cohesive governance strategy.² By considering political coalitions as a decisive factor in domestic policy change, we can observe a more dynamic process in the international-domestic nexus as social groups mobilize to influence policy adoption on socio-environmental issues. In the mining sector, we use three indicators of global regulatory norms aimed at disciplining corporate behavior in host states: (a) increasing tax rates on mineral rents; (b) the introduction of redistributive measures to mobilize rents for social provision; and (c) implementing socio-environmental safeguards, especially in legislation and sub-national governance frameworks.³

Our argument is as follows: global regulatory norms are embedded into concrete domestic reforms through the alignment of interests among different actors. Political elites contend for positions and material gains, embracing policies that ensure the protection of their core interests. In contrast, mobilized social groups seek for inclusion in policy-making through social mobilization, which includes drawing international networks into their political engagement with government authorities. We argue that successful norm diffusion takes place when the alignment of material interests among actors is strong; conversely, weak cohesion among actors within a domestic coalition leads to partial adaptation of global regulatory norms.

2 | WITHIN-CASE COMPARISON AND METHODOLOGY

The paper examines variation in coalitional politics in contemporary Philippine mining governance through a within-case comparison of mining policies under Arroyo (2001–2010), Aquino (2010–2016), and Duterte (2016–present) governments. Within-case comparative strategies allow us to identify configurations of themes found in similarly structured cases. Across the three governments, we focus on state–international organizations and state–civil society relations to show how coalitional alliances over mining policy changed over time. The paper illustrates how varying coherence in coalitional politics influences the degree to which global regulatory norms are adapted in the mining sector.

Building on key-informant interviews with political party members, government officials, and social movement organizations, we process trace how policy coalitions impact norm diffusion. Between 2013 and 2018, we conducted semi-structured interviews from various civil society organizations, the Bureau of Mines, the Department of Energy and Natural Resources, and the National Commission on Indigenous People. These interviewees were primarily located in Metro Manila and the nearby provinces. In 2014 and 2016, we also visited the mining sites located in Nueva Vizcaya, Ifugao Province, and Surigao Del Norte, speaking with company representatives, local

government officials, and civil society organizations in the area. We also conducted follow-up interviews with most of the government agencies to follow up on key changes and speak with newer officials. Overall, we used 44 interviews for this paper.

3 | NORM STRUCTURE, DIFFUSION, AND THE RISE OF “RESPONSIBLE MINING”

Within IR scholarship, norm diffusion research emerged in the post-Cold War context to explain why and how certain international norms were being adopted by increasing number of states. The first-generation scholarship developed heuristic models like norm life cycle (Finnemore & Sikkink 1998), “boomerangs” (Keck & Sikkink, 1999), and “norm diffusion spiral” (Risse et al., 1999). These conceptual frameworks were initially aimed at explaining the process of norms traversing from international toward domestic settings. This literature often described diffusion as a seamless transfer of wholesale policy ideas with limited contestation. This is particularly reflected in cases like the adoption of human rights clauses, transnational advocacy networks, and policy transfer models in regional institutions. The second wave literature, however, emphasizes and describes more complex understanding of policy transfer from international to local: strategies for diffusion among international actors—notably conditionality, blaming and shaming, and persuasion (Risse, Ropp, & Sikkink, 2013)—are not unilinear while domestic players can also serve as constraints in norm diffusion (Checkel, 1999). The research agenda offers a more systematic discussion about how and under what conditions domestic actors reconfigure international norms as they become embedded in domestic policy settings (Acharya, 2004; Capie, 2012; Prantl & Nakano, 2011; Zimmermann, 2016). Put differently, global norms are not simply constructed from above; they are deeply politicized by domestic actors making norm diffusion highly uneven. Norm diffusion theories began to draw more strongly from socialization paradigms, wherein meaning-making and constant (re)interpretation of international norms play a role in norm compliance (Katsumata, 2011; Zwingel, 2012; Zimmermann, 2016). A key assumption is the existence of a “stable and agreed meaning to rules, which can be explained through process tracing” (Howse & Teitel 2010, p. 127 in Zimmermann, 2016, p. 104). Finally, norm diffusion also considers how non-state actors engage with norm contestation, and where there exist ambiguities in understanding rules, norms are partially transposed in domestic settings with only partial convergence toward idealized global norms (Acharya, 2004; Gilardi, 2012; Zimmermann, 2016).⁴

While some norms are clear-cut and bear stand-alone interpretations, others are less explicit in terms of norm contents. Wiener (2007, 2008) conceives norms as both stable and flexible: once established, norms shape state behavior either by rejecting or accepting them (stability). Yet norms still leave room for negotiation and meaning-making—actors consciously tweak and partially adopt elements of global regulatory norms to fit within local settings (flexibility). Differences between domestic structures and state capabilities—a major variance among developing countries—lead to highly differentiated processes of norm emulation (Cortell & Davis,

2000). While national states have shared understanding of common problems and often interpret global norms by attaching similar values (e.g., liberalism), vast differences in policy capacity among countries may determine the level of norm compliance. To unpack this complexity, we adopt the concept of “norm cluster”, which is defined as “a bounded collection of interrelated specific problems, values, and behaviors that are understood to be similar enough that their adopters form a family group” (Winston, 2018, p. 647). While a state is constrained to do something appropriate in line with the general norm, there is relative freedom to decide within the norm cluster what constitutes as ‘appropriate’ in their respective domestic context. In the real world, a newly adopting state examines from a wealth of legitimate examples to choose and combine a set of specific problem, values, and behavior. While the state's choice will likely show how “close enough” they are with other adopters, there are marked differences over specific combinations of the norm cluster, thereby changing the configuration of global norms in domestic settings. We apply the concept of norm cluster—that is, problem, value, and behavior—to explain how states have marshalled efforts to comply with “sustainable mining” to address corporate behavior in developing countries.

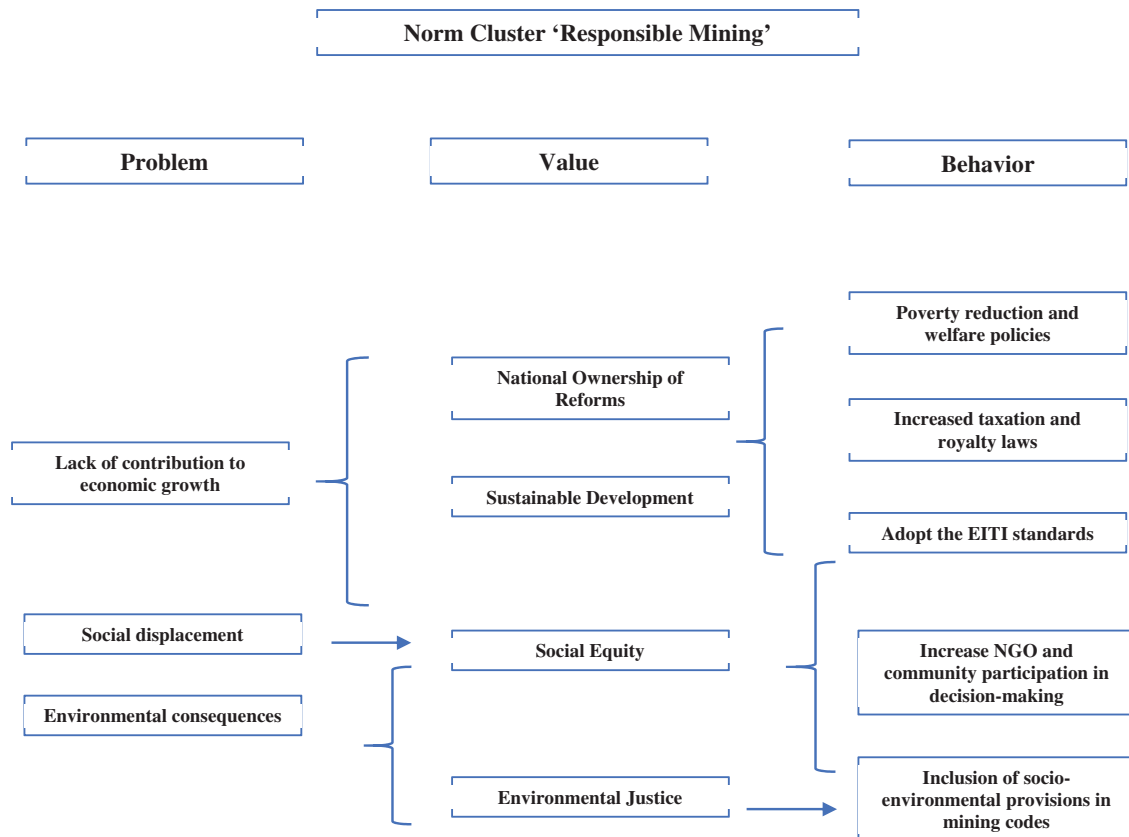
In 2003, the World Bank commissioned a path-breaking study to examine the role of the extractive industries in development, thereby changing the course of the Bank's involvement in the sector. The Extractive Industries Review (EIR) argued that mining has failed to generate sustainable economic growth and, in some cases, contributed to worsening poverty and inequalities in resource-rich countries. The World Bank set out a series of policy recommendations that would constitute as best practices in mining governance. “Responsible mining” is defined by the idea that extractive industries can become a tool for socially progressive economic growth through the introduction of stronger legal and fiscal frameworks, social redistributive measures, measures to curb rent-seeking and corruption, and adopting more stringent environmental policies to mitigate the environmental impacts of mining on communities and territories (Alba, 2009; Heilbrunn, 2014; Hujo, 2012; Kleibrink, 2011; World Bank, 2012, 2013). The Bank's approach to poverty reduction in extractive sectors became instrumental in the consolidation of the new global norm, “responsible mining,” as a way of justifying the Bank's continuing participation in the resource extraction. In Figure 1, we apply Winston's (2018) norm cluster by identifying the problem, value, and propositions for behavioral change associated with large-scale mining. Rather than a clearly outlined single norm, responsible mining, in fact, consists of three inter-linked norm components that broadly address “underdevelopment” linked to large-scale mining extraction. While there are shared expectations over problems and values, there exist multiple—and controversial—prescriptions over what is considered appropriate corporate and state behavior for resource-rich countries. For example, national ownership of reforms might imply states are prescribed to raise special mining taxes and royalty fees, although others are advised to embrace transparency and anti-corruption measures. Worth mentioning is also the fact that prescriptive behavioral changes in domestic settings do not have to be directed by the World Bank, the International Monetary Fund (IMF) or Asian Development

Bank (ADB); global regulatory norms can also be derived from “best practices” accumulated through policy emulation and policy transfer from high- and middle-income resource economies.

In brief, global regulatory norms, associated with responsible mining, can be analyzed through three key components: increasing taxation, social revenue generation, and environmental monitoring. Figure 1 offers a list of policy prescriptions, but the three components are the most constitutive of “good governance” in mining; generating fiscal responsibility and strengthening environmental provisions are widely accepted corporate and state strategies to enhance the legitimacy of mining amidst political contestation over its role in development (Bebbington, Hinojosa, Bebbington, Burneo, & Warnars, 2008). Responsible mining is the answer from the international policy community to accommodate large-scale mining and poverty reduction; it is the idealization of corporate social responsibility and a tax-paying sector that generates equitable distribution of benefits from mineral extraction. Responsible mining often rewrites the narrative of poverty reduction and social development by downplaying the history of violence associated with mining and depoliticizing highly contentious issues around mineral extraction (Nem Singh & Bourgoignie, 2013). In creating societal acquiescence on a highly controversial sector, we note that significant convergence of material interests among elites and social actors is required; the absence or limited consensus over mining can—and has indeed—bring about highly confrontational socio-environmental conflicts. The domestic political arena has become the battleground among political elites, technocrats in IFIs, and civil society organizations to craft such consensus over mining policy as a means to tame social resistance. When policies acquire the support of multiple groups across the policy spectrum, global norms are woven into domestic decision-making structures, and pro-reform coalitions, led by technocrats, are given weapons of legitimation to tame resistant social forces.⁵ The next section details the role of domestic policy coalitions in the partial adoption of “responsible mining” as a reform framework in the global South.

4 | DOMESTIC POLICY COALITIONS AND EXTRACTIVE GOVERNANCE

While norms are recognized as constantly evolving, subject to contestation, and are often renegotiated and mediated by power structures, norm adoption as a process must place local sources of changes at the heart of the explanatory framework. More precisely, we need to trace how distinctive incentives and interests are channeled into policy-making, and how policy preferences are transformed into actual policy outcomes. Norm adaptation is a result of political competition in host state settings, wherein the cohesion of policy coalition determines how global regulatory norms are embedded in domestic regulatory politics. Domestic policy coalitions constitute a tripartite relationship between host states, international technocrats, and civil society forged through a process of institutionalized negotiations among actors. In our framework, elected leaders and state bureaucrats serve as lead agents of the governing coalition whose policy preferences are



Source: Authors' compilation based on a survey of the literature, notably Alba (2009), Hujo (2012), & Heilbrunn (2014)

FIGURE 1 Responsible mining as a global regulatory norm. Source: Authors' compilation based on a survey of the literature, notably Alba (2009), Hujo (2012), & Heilbrunn (2014) [Colour figure can be viewed at wileyonlinelibrary.com]

derived from the demands of their key supporters. While political leaders are motivated by securing political tenure, state bureaucrats advance their juridical powers over policy decisions (Mills, 2000). State elites make policy choices that compensate and/or redistribute benefits of mineral extraction; public policies are conceived as a means to incentivize domestic and foreign firms in making capital investments in mining.⁶ On the other hand, technocrats from IFIs are socialized and trained to promote their organizational objectives and long-term vision in host states. In our framework, technocrats adapt their perceived interests into host state settings by playing as norm entrepreneurs. Given their cosmopolitan views and highly internationalized networks, technocrats internalize their role in domestic politics as agents of development through which international norms serve as the framework for their prescribed policy action (Barnett & Finnemore, 2004).

Crucially, state–civil society relations constitute the second component of domestic coalitions. As a result of growing demands for socially inclusive mining policies, mining communities and indigenous peoples' organizations play a representative function of the local constituency in international stakeholder dialogues. Whether through CSR activities or new tax legislations, local communities serve as the vital linkage between private capital and societal expectations; social and political acquiescence in local sites of extraction reflect the

process of articulating everyday experiences of exploitation and resistance to powerful international actors (Elias & Rethal, 2016; Hobson & Seabrooke, 2007). Civil society movements often play multiple roles—advocacy-based movements tend to emphasize their watchdog function by exposing human rights abuses and compelling socio-environmental safeguards are in place; in some instances, communities provide avenues for legitimation by articulating locally designed strategies of livelihood promotion compatible with resource extraction.

Despite our emphasis on state–technocrat and state–civil society relations, we also note the policy preferences of multinational mining corporations, which are domiciled with shareholders found across continents, and national companies, typically owned by domestic oligarchs in host states. These actors are often represented by organized mining associations and lobby groups with substantial linkages to established political parties. On the one hand, multinational mining firms aim to promote policies that open the domestic market and adhere to nondiscrimination between domestic and foreign capital. On the other hand, domestic companies might seek for protection from competition, differentiated taxation regime, or compensatory policies (Pepinsky, 2009). With limited access to international capital markets and technological advancement, their comparative advantage lies on their embeddedness in domestic political settings, ranging from

their ownership of land, access to political elites, and historical ties with local officials.

Given the complex interactions among these contending actors, what is the impact of policy coalitions on norm diffusion? Firstly, political elites create a 'policy coalition' in highly contested sectors, which can only be sustained through the presence of broad political support from a range of societal actors as a means to draw legitimacy and authority (Rogowski, 1989). National governments often deploy an array of instruments, including the allocation of rents to retain policy support over contentious decisions (Langston, 2006). In nominally democratic and pluralistic competitive regimes, elections create incentives for political elites to mobilize their support base aimed at reducing threats of expropriation (Hyde, 2011). In turn, political elites commit to deliver compensatory policies to their political supporters within the coalitions in exchange for political survival (Schedler, 2006). If political elites break their compensatory policies, coalition members are likely to defect in the future and the degree of cohesion for policy support wanes (Llavador & Oxoby, 2005).

Secondly, host states and international technocrats often coordinate their policy preferences to present a cohesive reform agenda to enhance the political legitimacy of large-scale mining. In turn, foreign capital takes their cue from risk assessments of IFIs in extractive economies. Policy recommendations—and the degree to which host states are willing to accede to them—can alter corporate decisions to invest in a sector like large-scale mining where huge sunk costs and risks are frequently shouldered by foreign capital. With the ease of capital mobility and a near consensus to attract foreign direct investment (FDI), political elites expect multinational companies to generate revenues, create employment, especially in local sites of extraction, and create an alliance with affected communities. In response to multinational capital, domestic companies and local elites may oppose and switch to open contention but state elites can compromise and bargain with these various actors. So long, as there are no major changes in the direction of policies affecting them, state elites can maintain their support for policies that protect international shareholders.

Finally, state–civil society relations matter in norm diffusion because pressures from below that generate contention at the national and local levels affect the support for domestic mining policies. Movements can mobilize public sentiments, file obstructionist legal cases against companies in the judiciary, and generate voice and international support to change the policy orientation of extractive states (Kirsch, 2014; Nem Singh & Camba, 2016). Policy coalitions that are weak and narrow, often reliant on rent-seeking local elites for policy implementation, can be broadened through the inclusion of civil society. Similarly, international stakeholders, indifferent from rent-seeking activities or policy deviation, can maintain their policy support for state elites as long as the minimum level of reform commitment is met (Donor & Ramsay 2000, Pincus & Winters, 2002).

We emphasize the importance of civil society over mining companies or lobbies in crafting a political coalition. We suggest that business interests are always accounted for by the state for two reasons. First, mining firms and related industries often contribute to the electoral campaign of major political parties, which requires massive

amounts of financing. CSOs, which often rely on international funding or donations, neither have the resources nor capacity to contribute immensely. This difference in funding explains why major political parties and business groups converge early in their approach to regulation. Second, the nature of the mining industry concentrates on learning and innovation in the industry rather than the state. This situation makes the state draw from industry figures to become ministers or cabinet secretaries. In other words, our framework considers business interests as necessarily aligned with host state's interests while more contentious relationships between civil society and business interests are mediated through state institutions. Figure 2 provides a roadmap on the impacts of coalition politics on norm diffusion.

5 | THE CONFIGURATION OF POWER IN THE MINING SECTOR

With untapped mineral resources valued at almost US\$1 trillion, the Philippines currently ranks as the world's fifth-most mineral-rich country, third in terms of gold reserves, fourth in copper, fifth in nickel and cobalt, and sixth in chromite (Philippine Government, 2010). The state exclusively owns the patrimonial rights to exploit mineral resources for economic growth, but thanks to the passage of the 1995 Philippine Mining act (RA 7942) under Fidel Ramos (1992–1998), mining companies can temporarily lease lands for mineral exploration and production. The legal mechanism includes exploration permits (EP) and mineral production, sharing agreements (MPSA), or financial or technical assistance agreement (FTAA). As of February 2019, the Philippine government has awarded 314 MPSAs and 2 FTAA's. Total investment share of mining rose from 2.58% in 2000 to 12.54% by 2008. Despite apparently growing interests on mining, the average sectoral contribution is dismal at less than 1% of GDP from 2000 to 2015 (Ordinario, 2016).

Hundreds of mining companies operate across the archipelago, but seven Philippine mining firms and their foreign partners own the largest mineral tenements. Hundreds of permits are annually awarded for tenement conversion, mineral exploration, and other mining-related activities. Alongside large-scale mining (LSM), regional governments have the power to assign artisanal and small-scale mining (ASM) in their jurisdictions.⁷ Unlike larger mining firms, ASM comprises a vast network of financiers, laborers, and local elites (Camba, 2017b). These firms operate at the fringes of mining sector, making regulation of ASM extremely complicated (Verbrugge, 2015). For example, there are no confirmed estimates of ASM workers and economic activities, although some organizations estimate at least 300,000 workers across the year.

Like other resource-rich countries worldwide, the Philippine mining industry has experienced policy shifts in their resource governance models (Camba, 2015). Following the third wave of democratization, the Philippines was an exemplar of the dual transition from authoritarian state-led developmentalism toward free-market democracies (González, 2008; Grugel & Bishop, 2013), which was underpinned by a governing coalition of political elites. In 1986, Ferdinand Marcos'

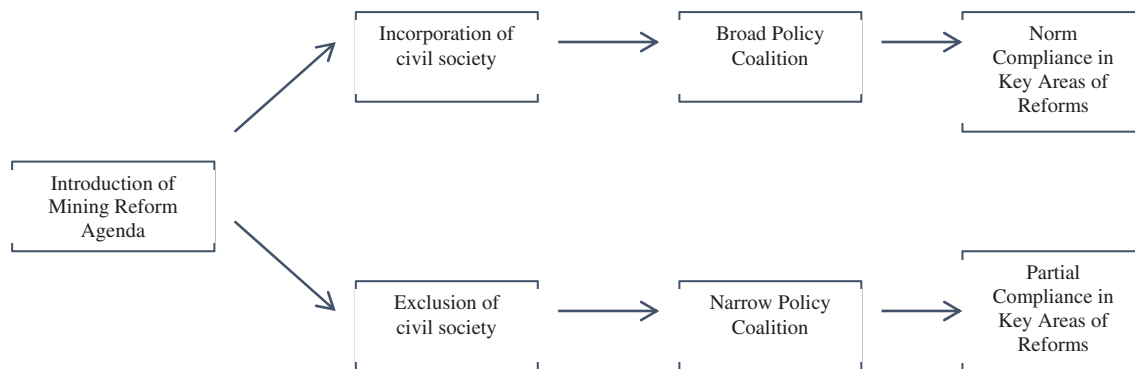


FIGURE 2 Explanatory framework on policy coalitions and norm diffusion [Colour figure can be viewed at wileyonlinelibrary.com]

(1965–1986) dictatorship ended with a huge enormous national debt and declining contribution of the commodities sector (Israel, 2010). In mining, the World Bank and the Asian Development Bank (ADB) vigorously advocated for market liberalization and the privatization of state enterprises (Hatcher, 2014). This approach gained legitimacy as anti-Marcos politicians returned to power, and as the transitional government of Corazon Aquino (1986–1992) sought to find ways to address fiscal deficits and looming debt (Quimpo, 2009). The so-called EDSA regime—a coalition of liberal politicians, segments of center-left organizations, and the military who reneged support for Marcos—consolidated a market-oriented economic model. Put differently, anti-Marcos sentiments were compatible with emerging global norms in the extractives' industry pushing for privatization, liberalization, and enhanced corporate social responsibility of multinational capital.

The material interests of coalitional members in the EDSA regime converged toward undertaking comprehensive reforms aimed at opening the mining industry for American and Japanese capital (Camba, 2015). In 1987, Aquino laid down the foundations of a neo-liberal model by stressing the role of foreign companies in addressing debt, negative growth rates, and underinvestment in the economy. Ramos' flagship mining legislation, 1995 Philippine Mining act (RA 7942), offered tax incentives and low royalty rates to foreign firms. Nevertheless, socially inclusive reforms were also adopted alongside other mechanisms to enhance political participation of communities. This includes the Indigenous Peoples Rights Act of 1997 (IPRA), which requires mining companies to acquire the free and prior informed consent (FPIC) of local communities and indigenous groups before extractive activities can operate in a local area (Camba, 2017b). In pursuit of decentralization of state functions, the National Commission for Indigenous People (NCIP) was created to monitor the plight of indigenous communities, especially in mining areas. Furthermore, the People's Mining Act of 1991 (RA 7076) was passed into law that had the effect of checking the unfettered powers of the national government by providing local government units (LGUs) the political capacity to issue mineral licenses and contracts. In varying degrees, Philippine mining laws show important similarities to the worldwide efforts toward increasing taxation, social revenue generation, and environmental monitoring. For instance, RA 7942 included provisions aimed at centralizing taxation and royalty fees, and mandates for

environmental impact assessments (EIA) during mining exploration were required. Similarly, the NCIP was given specific powers to investigate complaints and human rights violations of indigenous groups often in the mining areas.

Secondly, we delineate private capital, which consists of several major business associations, from the state, although we note their convergence with the government to promote large-scale mining in the country. The Chamber of Mines of the Philippines (CMP), a group advocating for "responsible mining," consists of the seven national companies in the mining industry along with all the other minor players. While the CMP represents national industry players, foreign mining companies dominate the Philippine Mineral Exploration Association (PMEA).⁸

Finally, civil society is also not homogenous; there exist two grand coalitions of CSOs working on mining issues. Alyansa Tigil Mina or ATM (Alliance Against Mining) has approximately 250 member organizations, ranging from multi-sectoral organizations, indigenous and mining-affected communities, as well as human rights groups, in a single, informal anti-mining coalition. ATM's contention stems from the incapacity of the mining regulatory framework to increase revenue collection and simultaneously respect the autonomy of affected mining communities to decide over whether mining operations should operate in their provinces. Alternatively, ATM mobilizes for three interrelated but distinctive goals: (a) replacing the 1995 mining with a new mining law; (b) scrapping Arroyo's executive order, revitalizing mineral activities; and (c) passing a national moratorium on mining.

The second coalition, Kalikasan (or Nature) with approximately 200–300 civil society member organizations, constitutes a more radical stance with regard to the neoliberal mineral regime. The movement criticizes the structural dependence of the Philippines from the "imperialist, Western influence." Using a national industrialization framework, Kalikasan members oppose large-scale mining because of the inherently "exploitative relations of mineral extraction". Given the central role of primary raw materials in the global production network, Kalikasan mobilizes for the radical alteration of Philippine mining to reflect more state-led visions of industrialization and protectionist policy framework. The succeeding sections outline the dynamics of coalition politics among contending actors to explain norm diffusion in mining governance.

6 | DISCUSSION

6.1 | Arroyo's selective coalition—unsuccessful diffusion

Gloria Macapagal-Arroyo (2001–2010)'s mining policy can be described as a neoliberal strategy underpinned by a coalition of regional governors and mayors aimed at extracting revenues for personal gains—a classic example of rent-seeking in a clientelistic state. Although Arroyo had the initial backing of national civil society organizations as a result of a second people power revolt against Joseph Estrada in 2001, this proved to be short-lived as a consequence of her pro-mining, pro-neoliberal strategy. She alienated social movements and leftist organizations, who immediately turned against the government upon the imposition of welfare cuts and increase in consumption taxes. As a former Akbayan legislator noted (one of the key leftist party list groups), “despite historical divisions within the Left, Arroyo's economic policies were so bad that ideological differences could be set aside to mobilize against her neoliberal policies.”⁹ Since then, Arroyo's enduring relationship with the left is characterized by exclusion and marginalization of civil society.

Despite the aforementioned divisions within civil society, Arroyo failed to incorporate any social movements in her policy coalition. Her unrelenting support to open the mining industry for foreign investment meant that mining lobby had a clear upper hand over government policy. ATM and Kalikasan failed to halt the pursuit of neoliberalism. Calls for greater mining regulation began in 2003, particularly on the need for a revenue-sharing framework between local and national governments, and to introduce punitive measures against mining firms responsible for large-scale socio-environmental problems. However, Arroyo neglected these demands and instead deepened neoliberal mining reforms. To begin, Philippine tax legislation, passed in 1995, bears one of the lowest taxation regimes, with only 2% excise tax, corporate duties, and fees on capital gains, in an effort to attract foreign investment at an unfortunate period of very low commodity prices. Despite soaring commodity prices between 2003 and 2012, Arroyo failed to build a governing coalition that incorporates critical voices in mining vis-a-vis multinational and domestic mining companies.

Secondly, Arroyo's limited fiscal capacity to generate more mining revenues unintentionally closed off policy discussions over the effective allocation of mineral rents toward social welfare and poverty reduction. The Arroyo government decreased state subsidies on public goods while increased taxation on consumer goods, culminating in the expanded value-added tax law in 2007. Her unpopularity was pre-staged by a record of soaring unemployment rates from 3.1 million in 2001 up to 11.4 million in 2010—an equivalent of 11.2% of the population (Ibon, 2010). While business-process outsourcing companies began to enter the country, manufacturing shrank to 21.8% of the GDP (Aldaba, 2014, p. 10; Ibon, 2010, p. 13). Her governing coalition consisted mainly of Philippine oligarchs concentrated in booming service and real estate sectors.

Interestingly, the World Bank and ADB were not entirely averse from increasing the share of mining revenues toward social services provision. The IFIs were against specific taxes pervasive in mining in the 1980s that were created only for rent-seeking and discourage foreign investment. In the World Bank's *The Philippine Sector Mining Review* (World Bank, 1987, p. iv), foreign investors were notably worried that the “uncertainties regarding the political environment and aspects of the mining code and mineral taxes deem the sector unattractive for investment.” For the Bank, neoliberal reforms were, or should be, about dismantling the limitations of an archaic taxation regime, such as foreign ownership clauses, the lack of standardized taxation, excessive exemptions, and high royalty rates. Indeed, in *Extractive Industries and Sustainable Development* (2003, p. 3), the Bank applauds the commitment toward greater regulatory mining reforms in the global South, ranging from “increased environmental protection requirements...[towards] convergence in corporate income tax rates to a range of 30–35 percent.” The changing position of the Bank is instructive: the shift in global norms toward higher mineral taxation, provisioning social services, and socio-environmental protection was on the horizon. Yet, the Arroyo government responded ineffectively to implement these international norms as a result of her narrow governing coalition. Instead, she pushed for further market opening in mining and relied on using mineral rents for side payments rather than community development (Camba, 2017a; Hutchcroft, 2008).

Finally, Arroyo's lack of civil society support also led to weaker commitments toward protecting mining and indigenous communities from socio-environmental damages. The NCIP, tasked at promoting indigenous rights against private companies, has remained underfunded with little enforcement capacity to effectively guarantee the FPIC process.¹⁰ Without the state making budgetary commitments for FPIC, the NPIC has failed to finance its basic expenditures, such as providing food and transportation and in facilitating community meetings. These local assemblies are intended as political spaces to manage social conflicts, and must, therefore, take place in several barangays (or small communities), gathering 200–300 people in assembly halls and should be conducted at least 2–3 times a year, even more when internal disagreements exist within communities. The onerous process generated pressures for the NCIP to accept budgets outside government channels, in which mining companies supplemented the income of underpaid NCIP programs to conduct the FPIC process. This is a clear breach of their role and generates conflict of interest.

If Arroyo was not necessarily keen in boosting the institutional capacity of NPIC, the opposite can be said about the large-scale mining companies that organize assemblies to acquire their social license to operate. Companies extensively publicized their CSR activities by donating school supplies and even transport buses, paying for infrastructure construction, and organizing events to showcase the positive role of extractive activities in mining provinces. Our fieldwork in Surigao del Norte demonstrates how visible symbols of CSR become powerful tools to mobilize political support for mining (see Figure 3). Overall, the Arroyo government worked in tandem with mining lobby to promote the expansion of large-scale mining, even in politically



FIGURE 3 Corporate social responsibility (CSR) project in mining. Photocredits: Author, Surigao del Norte, August 2016 [Colour figure can be viewed at wileyonlinelibrary.com]

contested environments where social mobilization is disruptive. This, however, led to highly unsuccessful norm domestication of global regulatory standards aimed at making the mining industry more responsible to their host states. Furthermore, NCIP needed budget for other attendant processes attached to the FPIC.

6.2 | Aquino's inclusive coalition—successful diffusion

Benigno Aquino III (2010–2016) came to power promising inclusive, pro-poor policies as a radical departure from the Arroyo government. Recognizing the limited role of mining in development (Nem Singh & Camba, 2016), Aquino mobilized civil society organizations to endorse his campaign for more responsible mining. The division within civil society began to emerge as a result of Aquino's moderate approach to contentious political forces. Aquino incorporated major anti-mining organizations affiliated with the moderate left in his pro-mining coalition, notably members of the *Akbayan Partylist*. While *Kalikasan* and ATM initially proposed separate legislative bills to modify RA 7942 through their congressional representatives, brokerage within the larger civil society movement, notably the Legal Rights and Natural

Resource Center (LRC) and Friends of Earth Philippines, facilitated the creation of a single alternative mining bill. In response, the CMP, the national mining lobby, argued against extending the role of the Philippine government in mining and increased taxation, and only to limit its function to the implementation of the rule of law and property rights (Recidoro, 2013).

Although the alternative mining bill failed to gain sufficient legislative support to pass Congress, civil society successfully reopened the national political debate on the socio-environmental impacts of mining. Crucially, incorporating civil society in Aquino's government enabled segments of CSOs to challenge the assumption that resource-led development is possible under the current mining regulatory framework. Unlike Arroyo's rentier strategy aimed at delivering side payments, Aquino embraced efforts toward increasing mineral rents, channeling revenues for social service provision, and strengthening environmental rule compliance. As ATM representative Jaybee Garganera concedes, Aquino's approach was a clear departure from Arroyo's rigid neoliberal mining policy.¹¹ With greater political legitimacy and public sentiments against large-scale mining, Aquino took a middle-ground position over his mining reform agenda.

Specifically, Aquino issued Executive Order 79 in July 2012 to affirm the administration's position on mining as a sustainable industry

if only the major recommendations of the World Bank could be implemented. By framing sustainable mining as a possible development strategy, Aquino opened the possibility for indigenous peoples and mining communities to decide whether to endorse mining on a case by case basis; it also offered a democratic space for civil society to participate in the mining reform process.¹² Two important strategies are notable here: firstly, Aquino's executive moratorium on mineral exploration halted extraction in new areas, thereby preventing further escalation of social conflicts in mining regions; and secondly, Aquino promoted good governance initiatives through the Extractive Industries Transparency Initiative (EITI),¹³ which provided a veil of legitimacy to his anti-corruption campaign in mining and elsewhere. Importantly, Aquino's move did not alienate the business sector, given that existing contracts and property rights remained intact and no expropriation took place.

Aquino's policy coalition became more formalized and institutionalized—a departure from Arroyo—through the establishment of the Mining Industry Coordinating Council (MICC). This multi-stakeholder avenue heralded numerous government agencies alongside civil society organizations to review existing mining operations. In concert with the MICC, a Mining Working Group (MWG) was convened to enhance corporate compliance and adherence of existing mining operations to environmental and regulatory standards. The diffusion of latent global regulatory norms occurred through the MWG and MICC; these institutional processes mediated apparent conflicts of political and economic interests by enabling various groups to discuss and formulate the content of a future mining policy. In terms of taxation, the MICC drafted a new mining bill aimed to replace previous taxes with either a 10% tax on gross revenues or 45–55% tax on adjusted mining revenues plus a percentage of windfall profit, whichever is higher (Ph-EITI, 2014). As the risk of marginalization from policy debates became a possibility for private capital, Aquino reigned in multinational and national mining companies to support his mining tax proposal in exchange of the removal of the moratorium. A senior official recognized that “tapping the potential for wealth creation from Philippine mineral resources requires an internationally-competitive revenue sharing mechanism.”¹⁴ While this limited success could be interpreted as the influence of the mining lobby, the serious discussion of increasing taxation demonstrates the reform commitment of Aquino and the influence of civil society in the coalition.

The MWG and MICC supported Aquino's decision to increase the budget of NCIP, to support the DENR and other agencies to enhance the credibility of FPIC, and to incorporate civil society in decision-making to legitimize inclusive mining governance. Aquino's governing coalition challenged the low tax regime, the weak linkage between mining and social welfare, and rampant transparency and accountability problems suffered by previous presidents. By incorporating elements of civil society in his coalition, a more nuanced political debate emerged as regards the place of mining in social development. The coalition actively sought international legitimacy by applying for an EITI-compliant status, which became a cornerstone of Aquino's legacy in 2016.

The influence of CSOs is reflected on newer ideas on how to effectively allocate mineral rents. For example, transparent budgeting and allocation of mineral rents to communities, enhancing child welfare, and bolstering inclusive growth, were all placed on the reform agenda, although specific legislations and executive orders were left to the succeeding government.¹⁵ These policies responded to previous demands from CSOs to make the community a major stakeholder in designing a mining-led growth strategy.

Interestingly, Aquino's mining policy recognizes the need for job security and social welfare in achieving inclusive growth. The Akbayan partylist, as well as organized civil society, sought Aquino to support the Domestic Workers Act and increased the minimum wage by US\$ 3–4 while emphasizing labor-intensive growth strategies, such as prioritizing the BPO and service industry (Camba, 2017a; Drussel, 2012). Crucially, advancing a coherent social policy through conditional cash transfers program targeted to the poorest segments of society and an expanded national health insurance coverage became Aquino's flagship achievements alongside sustained infrastructure spending and average annual growth rates of 6% (Abinales, 2013, Nem Singh & Camba, 2016). In brief, Aquino's coalition successfully diffused norms on increasing taxation, social revenue generation, and environmental monitoring. These outcomes indicate a highly cohesive coalition, whereby his government adopted many of CSOs' latent demands generated by previous actions. Though Aquino's government passed a moratorium on new mining applications, new mineral applications were processed 8 months before the end of his term.¹⁶

Nevertheless, Aquino and his governing coalition faced a newly formed opposition led by Rodrigo Duterte. A fallout between Aquino and some key CSO allies occurred at the end of his term. With electoral pressures raising the campaign financing costs, Aquino violated his own moratorium and allowed new mining deals to increase by 6% in 2015 (Mayuga, 2017). Under the MICC's jurisdiction, mineral lands grew by 35,067.35 ha in the final 2 months of Aquino's term. In an effort to court the mining lobby, Aquino's allies within the executive branch facilitated the distribution of new mining concessions. It had the effect of rupturing the policy coalition, leading to partial convergence toward global regulatory norms. In sum, the policy gains under Aquino—increased taxation, redistributive measures, and environmental safeguards—were not a by-product of state-business alliance but the insistence of civil society for more inclusive policies.

6.3 | Duterte's unsuccessful coalition-building strategy

The election of Rodrigo Duterte (2016–present) is now commonly interpreted as a populist uprising against traditional oligarchs (Curato, 2017, p. 7), which partially explains how Duterte successfully mobilized citizens and social movements to deliver 16 million votes (compared with his next rival, 7 million). In mining, Duterte initially attracted both coalitions of civil society groups. He departs from Aquino in one key aspect: he had clear policy preference to limit mineral ownership among Filipino investors. Although Duterte has



challenged the mining lobby in some instances, for example, arguing that “the protection of the environment must be made a priority ahead of mining and other activities”, his general orientation toward mining is rather unclear. During the election campaign, even Anti-Tigil Mina’s Jaybee Garganera suggested that “Duterte appears to be the most credible presidential candidate who might have the political will to pursue social development and environmental protection.” In his first year in office, Duterte appointed Gina Lopez—a staunch environmentalist popular among anti-mining organizations. Yet, 3 years since he came to power, there appears no credible shift toward deepening reforms in favor of pro-poor mining policy.

During Lopez’ first few months, she immediately clashed with the mining lobby by ordering the closure of more than 44 mines alongside the audit of all the major mining companies. Consequently, both multinational and national mining companies opposed Gina Lopez’s re-appointment the following year. The Chamber of Mines Philippines (CMP) and the Mining and Geosciences Bureau (MGB) lobbied actively in Congress against Lopez’s lack of experience, limited scientific literacy, and biased stance against mining. The president began distanced himself from the controversial re-appointment of Lopez and appointed Roy Cimatu in October 2017, which led to the reversal of several policies under Lopez aimed at strictly policing mining companies. Cimatu’s appointment also stifled further discussion of EITI reforms that started under Aquino; instead, Cimatu favored increasing the contribution of mining to development akin to Arroyo’s policies. Many civil society organizations were frustrated with his policy position. As ATM explained, the “Commission of Appointment wants a DENR secretary who will not make controversial decisions and shy away from serious mining reforms that will champion the environment” (ATM, 2017). In contrast to his predecessors, Duterte’s government appears to have no clear policy direction, in which costly reversals from previous policy decisions were undertaken with limited justification or rationale. If there is one clear trend, it is the exclusion of civil society from policy-making and the limited space for political contention due to his authoritarian style of decision-making.¹⁷ The mining industry’s support of Duterte and their influence over the Philippine congress overturned Aquino’s reforms (Lingao, 2017).

Duterte has failed to incorporate civil society in his governing coalition, especially after Lopez’ rejection in Congress. The exclusion of civil society became more evident in mid-2017 when widespread reports circulated about the involvement of the Philippine military in using violence against the Lumads, an indigenous group whose firm opposition and refusal to the mining industry’s expansion attracted national-level attention. Duterte declared Martial Law in parts of Mindanao, notably Marawi, which quickly turned into a military operation to displace the Lumads from their lands and for paramilitary activities to escalate in Mindanao. For instance, the Alamara Organization tortured a Lumad school teacher in front of children, illegally occupied Lumad buildings, and burned down the houses of key leaders (Basa, 2018). The Philippine military and the Duterte government appeared very unresponsive to escalating violence committed by paramilitary organizations. Furthermore, Duterte’s relationship with Lumads deteriorated after reneging on his promise of substantial rehabilitation and

TABLE 1 Summary of findings

| Cases | Elite coalitions | Norms |
|--|----------------------------|---|
| Unsuccessful diffusion (Gloria Macapagal Arroyo, 2001–2010) | Weakly cohesive coalitions | Little-to-no discussion on increasing taxation on minerals and channeling rents to social services. Passive promotion of socio-environmental protection |
| Successful diffusion (Benigno Aquino, 2010–2016) | Highly cohesive coalitions | Conversations to increase mining taxation. The state channeled rents to social services and strengthened socio-environmental protection |
| Unsuccessful diffusion (Rodrigo Duterte, 2016 onward) | Weakly cohesive coalitions | Reversal of Aquino’s previous policies, uptick of violence once again |

relocation funds for these groups in February 2018. Some reports criticized Duterte for attempting to convert Lumad lands into palm oil plantations and handing licenses to foreign investors to explore their mining potential (Nawal & Lim, 2018). While Duterte remains popular among segments of the upper and middle classes through his War on Drugs, more progressive, pro-poor reforms, notably on taxation (e.g., Tax Reform for Acceleration and Inclusion [TRAIN] Law) have come under close scrutiny from national legislators. Indeed, civil society’s rejection of Duterte’s mining policies alongside the escalation of the War on Drugs, targeting poorer communities, indicates a fragile and weak policy coalition with the government using authoritarian tactics to silence the opposition.

7 | CONCLUSIONS

The key to the diffusion of global regulatory norms into domestic policy settings is the incorporation of civil society organizations into decision-making. As our empirical findings suggest in Table 1, weakly cohesive coalitions often lead to unsuccessful diffusion of regulatory norms. In contrast, incorporating critical voices into the governing coalition—although clearly very complex and requires more bargaining with social forces—global regulatory norms that seek to define appropriate corporate behavior have more chance in becoming embedded in domestic regulations.

While the IR scholarship on international norms often explains norm diffusion as a complex socialization process with limited contestation among actors, our paper places the politics of domestic coalition-building as a key factor in the adoption and adaptation of global norms. Using a within-case analysis, our paper bridges various strands of scholarship in norms diffusion, environmental governance,

and sociological research on elite coalitions as an explanation to the uneven and contentious process of transposing international norms on responsible mining into domestic policy contexts.

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ENDNOTES

- ¹ We recognize the contribution of the environmental politics literature; however, the paper attempts to bridge norm diffusion and coalition politics to explain domestic policy reforms. For this reason, we leave out the discussion on states and environmental policies as discussed by the green state literature.
- ² The concept is similarly used in the political settlements literature, although their analytical focus is on inter-elite bargains rather than extending to the masses and organized movements. See Kelsall, 2018a, 2018b; Khan, 2018a, 2018b.
- ³ We will refer to these as increasing taxation, social revenue generation, and environmental monitoring.
- ⁴ There is an enormous variation in these types of works. For instance, Regilme (2018) "strategic localization" reconceptualizes Acharya's (2004) "constitutive localization" in order to, among other things, to take into account the material interests of local actors. We recognize that usefulness of "strategic localization" and other approaches to well-defined norms with strong imposing principals. However, our paper deals with norms that are less explicit in terms of contents.
- ⁵ We recognize that in states where mining plays a bigger role, redistributive pacts are endogenously generated prior to the emergence of global regulatory norms. However, in countries like the Philippines where mining remains highly contentious and marginal, these pacts have yet to emerge.
- ⁶ For simplicity, we do not disaggregate national and local interests, although we recognize the distinctive role of sub-national elites in coalition-building processes. A typical mechanism to perpetuate local power over national government is through their over mineral rents emerging from local sites of resource extraction, which have often led to subnational rentier states as a result of ineffective or absent institutional arrangements for revenue sharing between municipal and national governments (Arellano-Yanguas, 2011; Diaz-Rioseco, 2016). Local elites deploy patronage and clientelism to accumulate higher share of mineral rents, for example, by blocking permits and using other extortionist methods, asking for side payments (Camba, 2017b; Hutchcroft, 1997; Khan & Jomo, 2000), or even crafting unnecessary additional layers of local regulations to compel mining companies to pay mineral rents directly to local officials (Knutson et al. 2017).
- ⁷ The DENR has the power to regulate these firms. However, regional governments and towns have the power to allow ASM firms to operate with minimum paperwork and regulation. The DENR also relies on regional governments to monitor these firms, which makes it difficult due to the conflict of interest.
- ⁸ For the complete list of the key mining companies and private associations, see Camba (2017b).
- ⁹ Interview with Akbayan Congressman, Quezon City, August 17, 2017.
- ¹⁰ Interview with Gillian Dunuan, NCIP, OIC of the Ancestral Domains Office, Quezon City, August 2016.
- ¹¹ Interview with Jaybee Garganera, ATM representative, August 2016.
- ¹² Interview Tina Pimentel, Bantay Kita Director, August 2016; and House of Representatives/Congress Staff, October 19, 2013.
- ¹³ For a discussion of the EITI, see Gonzeles-Espinosa & Klein (2013).

- ¹⁴ Interview with Senior Official, Mining and Geosciences Bureau (MGB), Department of Environment and Natural Resources, Quezon City, August 2016.
- ¹⁵ Interview with Bantay Kita, August 2016.
- ¹⁶ Interview with Alyansa Tigil Mina, August 2016.
- ¹⁷ It is outside the scope of the paper to discuss Duterte's authoritarian style of decision making. However, the non-appointment of the three "reaffirmist" cabinet members (Reuters, 2017), the police raids on NGO offices (Masculino, 2019), and arrests of CSO members attest to this (Amnesty, 2019).

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