April 2, 2012

Comments from CSO Observer on the Approval by Mail:

Updated CTF Investment Plan for the Philippines

Dear Trust Fund Committee Members,

As the CSO Observer for Asia-Pacific, and based in the Philippines, please let me relay to you my concern on the way the Philippine Government's consultation with civil society groups have been represented in the report attached here in this message asking for your approval of the Updated CTF Investment Plan for the Philippines.

Of course, it cannot be denied that both the DOE and the ADB have already conducted consultations since April 2011, but the set of consultations that should matter at this stage are the ones that have been characterized in the joint DOE-ADB report also attached in this message as"planned future consultations" in page 3 of their report. These consultations have not yet happened and my understanding from my colleagues in Aksyon Klima Pilipinas is that they are set to be held sometime in May and thereafter.

With this predicament, should the Committee approve the Updated CTF Investment Plan on April 11 as indicated in the email, then it will render for naught all the discussions and preparations that are being made for these consultations, especially the industry groups and civil society groups and all other sectors including local government units all over the Philippines that are being invited to weigh in on their concerns and sentiments, to either respond to, debunk or substantiate the consultants' claims that were so neatly laid out in the accompanying matrix of issues in the joint DOE-ADB report.

Another point that I would like to call your attention to is that as per information that Aksyon Klima Pilipinas has had with an official of the Philippines' National Economic Development Authority, the Investment Coordinating Committee (ICC) approval that the revised Investment Plan has secured is not yet at the Cabinet level, but still at the technical level, which means the project will still have to go to the Cabinet level approval. This may indicate conflicting information from either the NEDA official or the DOE official but the key point to highlight to you is that you may be approving a project that has not yet gotten past the NEDA Board clearance, which is chaired by the Philippine President.

Given that only the Philippine President has the authority under the 1987 Philippine Constitution to enter into foreign loans, you may be approving a loan which the Philippine Government is not yet legally and legitimately not able to enter into. With this

kind of situation, perhaps you may not wish to contemplate the various legal, political and institutional complications you will be creating for yourself and the government entities you are dealing with.

My hope is that these things should have been settled first and the time that you have set for yourself to approve this Updated Investment Plan may not be sufficient. What may be necessary still at this late hour would be more consultations and more time to enable the proper government authorities and functionaries to give their considered view on the various issues raised by the consultations. With the greater attention raised on the proper conduct of government officials resulting from the ongoing impeachment trial of the Philippine Chief Justice, both the Philippine bureaucracy and the citizenry are more aware of the consequences should these norms of conduct are disregarded.

Sincerely,

Elpidio V. Peria

CSO Observer to the CTF

Asia-Pacific