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Advocates to take Philippines president to task on mining policy, new law

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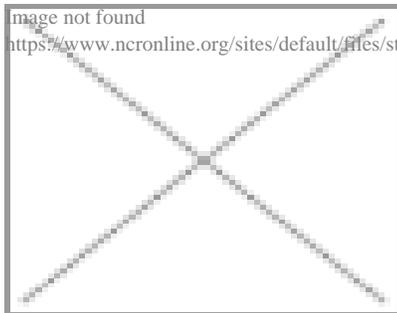
Eco Catholic

MANILA, Philippines -- Advocates of responsible mining, including bishops, are not relying solely on a recent executive order issued by President Benigno Aquino III to reform the mining industry in the Philippines.

Even before Aquino issued his Executive Order No. 79 on Monday afternoon, 72 of the 98 members of the Catholic Bishops' Conference of the Philippines threw their support behind a petition from advocates of responsible mining titled, "A Call for the Passage of Alternative Minerals Management Bill."

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The bishops' council president, Archbishop Jose Palma of Cebu, told a

press conference after the bishops' July 7-9 biannual plenary assembly in Manila that he could not comment on the executive order before it was released, but bishops support the clamor for new legislation because they say the Mining Act of 1995 is flawed.

Aquino's office released the executive order later that afternoon after months of intense debate among mining companies, environmentalists, local groups and church officials.

Change in law "beyond the micro-policy initiatives" is needed "to recommend the promulgation of a national law that prioritizes ecological protection and promotes environmental justice, principle of stewardship and the common good," reads the petition signed by Palma, other bishops and opponents of mining.

Auxiliary Bishop Broderick Pabillo of Manila, national director of the bishops' National Secretariat for Social Action, Justice and Peace, expressed concern for mining destruction, noting that many mining sites are located over large tracts of land in environmentally fragile forest areas. He told reporters at the press conference that local people bear the effects of mining, from which they hardly benefit.

The Philippines has an estimated \$1 trillion worth of untapped mineral resources, reports an investment book published by Association of Southeast Asian Nations.

However, the industry's average contribution to Philippines Gross Domestic Product from 2000-2009 was only reportedly 1.3 percent, and its average share of total employment in the same period was below 1 percent. Metallic mining was contributing less than 3 percent on average to total exports in the nine-year span, and only 3.7 percent in 2010.

Mining companies reportedly contributed only 7.6 percent of the total production value through total government taxes, fees and royalties from 1997 to 2010.

Executive Secretary Paquito Ochoa Jr. in the announcement on the executive order Monday said Aquino's new order aims to harmonize mining policies and regulations in the country and make players in the mining industry more transparent and accountable.

The executive order expands areas closed to mining to include 78 tourism sites, farms, marine sanctuaries and island ecosystems in response to the public clamor to protect the environment from mining.

Responsible mining

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Petition co-signer Jaybee Garganera, national coordinator of Alyansa Tigil Mina (the Stop Mining Alliance), said Tuesday that the group was "not surprised" by the executive order. He said his alliance had received a draft a week earlier that contained 95 percent of points his alliance proposed for inclusion in Aquino's order.

He told *NCR* at the forum in Manila that the executive order included eight of 11 points his group proposed. Those excluded involved a moratorium the group wanted Aquino to declare on mining in special cases that have already been documented.

"The Commission on Human Rights had said it has evidence that Oceana Gold violated human rights of indigenous peoples and communities in Nueva Vizcaya, and it officially recommended to the president to revoke the mining contract of Oceana Gold," Garganera said. "But this was not acted on."

Garganera's group also expected the executive order to halt expansion of TVI Operations in Zamboanga while resolving the conflict with ancestral domains, local government and TVI's expansion plan.

Garganera said he wondered why mining operations were allowed despite a recent fish kill in Lake Bito,

allegedly caused by mining operations. Other high-profile, well-documented cases include the Surigao del Sur and Agusan cases. None of these cases will be affected by this new executive order.

Nonetheless, Garganera credited the government's attempt to institute reforms, citing its commitment to review all mining contracts: "We will engage [the Department of Environment and Natural Resources] to review mining contracts. We will provide lawyers, economists, and we will provide scientists to review those 33 mining contracts already awarded and not affected by the ban."

He also noted government's commitment to enroll in the Extractive Industries Transparency Initiative, the global transparency initiative for mining. "We have 10 members in our alliance whose expertise is exactly that area -- transparency and fiscal regime," Garganera said.

Some mining companies expressed relief over the executive order. However, others' optimism quickly faded because of uncertainty of government plans to raise royalty rates.

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