

CLUSTER 1 – ECONOMICS AND INVESTMENT

Raised by	Inputs /Comments	Response / Synthesis
<p>Antonio Claparols ESP</p>	<p>The government, first and foremost, must explain the viability of revitalizing the minerals industry for national development.</p> <p>A position paper by IUCN on the MMSD Report stated how destructive and socially disadvantageous mining is. The government has yet to respond to the IUCN critique on the MMSD proving that mining is not economically, socially and environmentally viable.</p> <p>It is disappointing that the government is already into reviving the industry when there is no clear action yet on abandoned mines.</p> <p>It is believed that the economic policy of the government, being primarily pushed by Sec. Neri, promoting mining as a catalyst for national development is not the answer. The government must explain the viability of this economic policy. There are other alternatives.</p> <p>The government must clarify its policy of priority between rich minerals resources and rich biodiversity (enhance biodiversity to eradicate poverty).</p> <p>The government must take up the issue of accountability for projects with concern to environmental destruction, as well as militarization.</p> <p>DENR’s commitment of full disclosure in this process is taken at face value. But, the civil society believes that the mandate per se of the MAP – revitalization of the minerals industry – should not be allowed.</p>	
<p>Sis. Aida Velasquez LTK</p>	<p>Prove first that there exist a mining company responsible enough to follow the regulations and has shown economic, social, and environmental soundness.</p>	
<p>Perla Visorro CAVAPPED, Tuguegarao</p>	<p>The policy agenda that presumes that mining will address poverty is questionable. History tells that mining has never addressed poverty.</p> <p>The government must make clear explanation of the validity of assumption that mining will address poverty.</p> <p>The government must explain the rationale for engaging local government into an MOU/MOA to promote mining, and must prove that such does not in anyway affect the balance between the LGUs and communities’ liberty to express their views on mining, and the procedural efficiency intended for the purpose.</p>	

	<p>The government must explain why the expansion of NIPAS areas should be any concern. It underscored that biodiversity should be prioritized.</p> <p>The civil society welcomes and commends the proposal to delineate mining areas. It is hoped that this be expedited to help all sectors.</p>	
<p>Dr. Emelina Regis Ateneo de Naga</p>	<p>Raised concern that the government has decided in favor of promoting mining in the country on the basis of the availability of minerals.</p> <p>Proposed that the accountability for projects be shifted to CEO and EIA preparers.</p> <p>Emphasized that sustainable mining is simply not viable in the Philippines at this time.</p> <p>She noted that there is great worry in reducing processing time for mining-related applications.</p>	
<p>Rina Bernabe Haribon</p>	<p>There is a need to rationalize the proposed inclusion of MGB and the mining industry in the committees/organizations involved in the identification of NIPAS areas. She emphasized that their role in the identification procedures should not complicate or compromise the protection of high biodiversity areas.</p> <p>The establishment/maintenance of a mineral resource database must include identification of areas not viable for mining or those where mineral resources are few.</p>	<p>Usec. Demetrio Ignacio: Based on existing laws, mining activity is prohibited only in protected areas, watersheds and virgin forests. Outside of those mentioned, we cannot legally ban mining and that is where MAP attempts to put regulations.</p> <p>AD Edwin Domingo: NIPAS regulations states that the consultation/identification procedures must be participated by all sectors.</p>
<p>Noela Lasmarias Conservation Phils.</p>	<p>LGUs have identified protected areas in their Comprehensive Land Use Plans and this information is worthy of inclusion in the areas closed to mining.</p> <p>Aside from biodiversity areas, conservation-priority areas must be considered for inclusion in the Comprehensive Land Use Plans.</p> <p>Welcomes the integration and rationalization of the various databases on mineral resources, as stated under 4.2.1.</p>	<p>Dir. Horacio Ramos: LGU-proclaimed protected areas may include communal, municipal forest areas and watersheds.</p>
<p>Rodolfo</p>	<p>The Mineral Action Plan is okay but further emphasis must be given on the following:</p> <ul style="list-style-type: none"> - Respect for Indigenous Peoples rights - Ensure the full and strict implementation of the Free and Prior Informed Consent provision of the Indigenous Peoples Rights Act (IPRA). 	

<p>Perla Vissoro, CAVAPPED, Tuguegarao</p>	<p>Suggested to look into the viability of a better area for small-scale mining.</p> <p>Further studies on the environmental effect by SSM should be undertaken and be made available to those who are affected/concerned.</p> <p>Noted that the MAP did not made mention of housing improvement for small scale miners.</p> <p>Noted that any language in the MAP that mentions of civil society being against mining should be deleted.</p> <p>Mentioned that quarrying was not given much attention i.e. SAG quarrying along river banks that diverts the river channel, pebble quarrying, marble quarrying in Bulacan.</p>	
<p>Sis. Aida Velasquez LTK</p>	<p>Issuance of permit by the LGUs should be looked into especially on the environmental consideration being foregone by the local executives.</p> <p>In amending the small-scale mining law, the environment protection should be equally looked into.</p> <p>Stressed that schools and other infrastructures in small-scale mining areas are good but are they going to involve those from the mountain.</p> <p>Suggested that institutional arrangement should be in place to ensure participatory, transparent and democratic process.</p> <p>Suggested that there should be an agreed checklist when LGUs issue mining/quarrying permits, and that the civil societies should be informed of these moves.</p>	
<p>Rudy Caman, NAPC-IP</p>	<p>Suggested the inclusion of CADC/IPs holders with the NCIP during the formulation of the MOA to prevent possible whitewash.</p> <p>Proposed that large scale mining should not be allowed within ancestral domain. Traditional mining done by IPs may however be allowed.</p> <p>There are still no evidence of land degradation contributed by mining activities done by IPs</p>	

Policy Agenda on IEC		
<p>Dr. Lina Regis Ateneo de Naga</p>	<p>Noted that the term “Lack of information/disinformation” is considered an insult to the NGO and the academe.</p> <p>Pointed out that remediation measures are being undertaken while the operation continues.</p> <p>Suggested that during consultation of the proposed mining projects, the proposed mining operations should be explained in the local vernacular and that their intelligence or understanding of the issue should never be underestimated.</p> <p>Pro-mining/action plan should be sensitive to the multi-dimensionality of mining activity such as social justice issue.</p> <p>Suggested that mining companies should demonstrate remediation techniques/methods that can be trusted and applied locally.</p> <p>Mining companies should present their operations and remediation measures to show their capability.</p> <p>The concept of precautionary principle in the plan such as for acid mine drainage should be incorporated.</p> <p>The issue of legacy mines should be addressed.</p>	

<p>Noela Lasmarias Conservation International</p>	<p>Noted that misinterpretation of issues does not only happen where there is anti-mining sentiments.</p> <p>Suggested to produce multi-media also on the negative impacts of mining and that documentation should be balanced. Net social benefits should be inputted.</p>	
<p>Perla Vissoro CAVAPPED, Tuguegarao</p>	<p>She appreciated the following actions of the government:</p> <ul style="list-style-type: none"> ?? Strategies to improve the situation of the SSM. ?? Strengthening the capability of the MGB. ?? Other functions other that ICE should be strengthened. <p>Suggested that a balanced IEC should be presented.</p> <p>Suggested that the results of research studies should reach the intended subject/beneficiaries and should not be kept by those who conducted or those who paid for the study.</p>	
<p>Sis. Aida Velasquez LTK</p>	<p>Suggested that appreciation of the environment should be part of the education on mining rules and regulation.</p> <p>Posed the question “Does the MAP answer their concerns such as damage to properties, health, livelihood, etc?”</p> <p>Victims of mine operations should be made to comment or be consulted about the MAP.</p>	

<p>Policy Agenda on Sharing of Economic and Social Benefit</p>		
<p>Dr. Lina Regis Ateneo de Naga</p>	<p>With regards to benefits, benefits-based planning should be done to show who really should and are benefiting.</p>	
<p>Alvin Diaz, DOF</p>	<p>Push for rationalization of granting of incentives is not in-line to the issue of perceived under collection.</p> <p>PEZA allows light to medium type of industry only, while mining is a heavy type of industry.</p>	

<p>Antonio Claparols</p>	<p>Suggested to encourage alternative livelihood to small-scale miners other than just mining. They may try or venture into the likes of biodiversity as a source of living because these eradicate poverty, enhance biodiversity and generate employment.</p> <p>Pointed out a case of illegal logging in PEZA areas.</p> <p>Stressed that socio-economic should not just be the focus but should also include environmental benefits because socio-economic benefits is anchored on environmental benefits.</p> <p>Deplored the 10 year tax holiday and full repatriation of their profits given to mining firms, therefore the Filipino gets nothing.</p>	
<p>Sis. Aida Velasquez LTK</p>	<p>Mining Projects should not be a part of PEZA.</p> <p>Posed the question “Cost-benefit analysis should be a part of a mining project permit application?”</p>	

CLUSTER 3 : CLUSTER ON ENVIRONMENT

Raised By	Inputs/Comments	Response/Agreement
<p>INECAR Position Paper</p>	<p>Required mining companies to rehabilitate first the legacy mines before granting them permits.</p> <p>Once an environmental damage in a mining area has been detected, require the concerned mining companies to conduct remediation of the damage before allowing them to continue with their mining operations or giving them additional permits.</p> <p><i>Repairing the damage does not guarantee that the surrounding areas are now free from toxic waste and other hazards. Remediation of the environmental damage means that no pollution will be detected nor mining-related serious accidents will be experienced from the mining operation.</i></p> <p>Require mining companies to demonstrate first their proposed remediation measures for hazardous waste and other hazards to show their capabilities for supposedly “clean” mining technology.</p> <p><i>Accepting theoretical explanation of the remediation technology proposed by mining companies does not guarantee that the technology is safe. Actual operation of the technology can provide proof of clean and safe mining practices.</i></p> <p>Do not allow mining to be conducted in areas with potential for acid mine drainage (AMD) and those where AMD is occurring.</p> <p><i>The situation in the Philippines in terms of climate and geochemical conditions are different</i></p>	

	<p><i>from other countries, thus, theoretical explanation of proposed remediation for AMD may not work. It would be more convincing to require them to demonstrate their capabilities for remediating AMD in areas where this phenomenon is already occurring.</i></p> <p>Do not allow mining to be conducted in areas with high biodiversity and endemism (biodiversity hotspot), in national/natural parks, near fish sanctuaries and coral reefs, and ecotourism areas. The maintenance of these resources benefits more people especially the local communities in terms of fresh water sources, food and livelihood. Most (about 90%) of the benefits from mining leave the community and go to foreign countries, leaving behind people (some having mining related sickness) who become poorer than before mining was conducted in their areas.</p> <p>Do not allow mining to be conducted in small islands where coral reefs are still existing. Siltation of the surrounding sea in small islands are not as serious as siltation in the waters surrounding large islands. Thus, these are the places where fish harvest is still good. These are the last resorts for reversing the downtrend of fish harvest in the country.</p> <p>During public hearings, mining companies should explain their operations and proposed technology in the vernacular or the national language and in simple but correct description including the possible hazards that can happen. Do not allow mining companies to belittle the capability of people for understanding. This is essential for obtaining the “informed consent” of local communities.</p> <p>Allow interested and involved experts to obtain a complete copy of the EIS document when requested for evaluation and study by an independent party prior to granting of the Environmental Compliance Certificate (ECC) to the concerned mining company.</p>	
<p>Dr. Emelina Regis INECAR</p>	<p>Made the following proposals:</p> <ul style="list-style-type: none"> ?? Submarine tailings disposal should not be allowed ?? MAP should refrain from using terminologies, i.e. misinformation, etc; ?? A MAP should be sensitive on other sectors & the multidimensionality of issues related to mining; ?? The MAP should incorporate a complete demonstrative remediation techniques to make sure that the techniques really works; ?? Mining companies must first address legacy mines; ?? The DENR-Secretary, as an individual, must also be held accountable including MGB and EMB Heads; they should state their name; <p>As regards the issuance of the ECC of Rapu-rapu, the following issues have been raised;</p> <ul style="list-style-type: none"> ☞ Criteria used in the EIA system were disregarded when the project of Rapu-Rapu was reviewed; ☞ Some data on the endangered species was not considered; 	<p>What will be the course of actions to be</p>

	<p>☞☞ Rapu-rapu is considered to be high biodiversity and conservation priority area, but ECC have been granted. How will we know that this will not happen again?</p> <p>☞☞ No termination date on the life of the mine;</p>	<p>imposed on the people for failures in judgment?</p> <p>Provisions for withdrawal of action? (e.g. if ECC is proven to be onerous); or plan to include provisions when to withdraw ECC that proved to be a fraud. (B. Malayang)</p> <p>The DENR are duty-bound but careful in implementing the law. Sometimes what is legal may not be right. There are two rules on cancellation of permit;</p> <ol style="list-style-type: none"> 1. follow due process; 2. data should be science-based; <p>There are rules to follow.</p>
<p>Mr. Antonio Claparols ESP</p>	<p>Commented on the EIS:</p> <ul style="list-style-type: none"> ?? Any lie in the EIS should be brought the court; ?? Does EMB have the power to call the company in case they violate condition? ?? If EMB failed to perform their mandate, then what? <p>Comments on the issue of economic integrity:</p> <ul style="list-style-type: none"> ?? Mining is not the vehicle to alleviate poverty. 	<p>On the EIS:</p> <p>When a proponent submit an EIS it should be complete for it to be processed within 120 days;</p> <p>Accountability statements of proponent and preparer is included in the EIS document;</p> <p>EMB and MGB MOA is emplaced for clear delegation of responsibilities. (R. Alcanses)</p>
<p>Mr. Rey Panaligan Balik Kalikasan</p>	<p>There are quarry projects in CALABARZON which were approved (EIA) without consulting the host communities; is there a relaxation in the EIA process?</p>	<p>Part of the EIA process may take time; if not complete EIS document is returned to the proponent, then once complete, it is then submitted and reviewed within 120 days; there is no compromise in the EIS. (R. Alcanses)</p>
<p>Roseler Virtudazo BRW-KALAW</p>	<p>Concern on the rehabilitation of legacy mines; Suggest that government and civil society has to do something on legacy mines? What are the priority things?</p> <p>The MAP must have an explicit provisions on legacy mines; alternative livelihood must be</p>	<p>Funding is the main problem in legacy mines rehabilitation, however, a provision for rehabilitation fund is already incorporated in the MAP. (USEC Ignacio)</p> <p>Employment after the life of mine is a</p>

	<p>developed for the unemployed</p> <p>Suggested to conduct an EIA/SIA on small scale mining.</p> <p>On the imposition of MWTF penalties, a review should be undertaken on the MWTF provisions of the Mining Act to include valuation of potential damages of mine tailings</p> <p>On the biological impact, commented that monitoring must also be included in the MAP and not only review and planning.</p> <p>Suggested to check penalties for violations on the provisions of RA#7942</p> <p>Suggested that here should be a rationalization of land uses within mining areas to anticipate economic growth after the life of mine.</p>	<p>recognized problem, hence, mining companies are entrusted to promote livelihood not mining operation-related so that it would be a sustained livelihood even if the operating ceases; (USEC Ignacio)</p> <p>Look at the mining code again for review/change to procedure not on the amount; (B. Malayang)</p> <p>Total mining activity should include pre- and post- mine planning; (B. Malayang)</p> <p>Provide for alternative land-use: (B. Malayang)</p>
--	---	---