

***PHILIPPINES***

**PUBLIC POLICY AND INITIATIVES ON  
INSTITUTIONALIZING CSR IN THE  
PHILIPPINE MINING INDUSTRY**

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## IMPACT OF THE RECENT DEVELOPMENTS TO THE MINERALS SECTOR

- ❖ **ABRUPT MINE CLOSURES**: economic displacement; un-rehabilitated mine sites and environmental damage/risk;
- ❖ **ENACTMENT OF NEW MINING ACT**: generation of interest of foreign mining companies and multinationals; resentment and activism of nationalist groups and ideologues;
- ❖ **MARCOPPER ACCIDENT**: intensified social and environmental activism; resistance of some LGUs to allow exploration & mining activities;
- ❖ **SUPREME COURT CHALLENGE**: withdrawal of foreign investors; encourage anti-mining civil society groups to file additional legal challenges

## IMPACT OF THE RECENT LEGISLATIONS TO THE MINERALS SECTOR

- ❖ **SMALL-SCALE MINING ACT & LOCAL GOVERNMENT CODE:** shifted authority and responsibility over small mines/ quarries from the National to Local Governments
- ❖ **LOCAL GOVERNMENT CODE:** additional taxation powers; necessity of endorsement of mining projects;
- ❖ **THE NIPAS ACT:** effectively withdrew substantial areas of protection from mining activities
- ❖ **THE IPRA LAW:** requirement for *free and prior informed consent*; put large areas of highly prospective mineralized areas under control of indigenous tribes/communities

# GOVERNMENT RESPONSE TO SUPPORT CORPORATE SOCIAL RESPONSIBILITY: **THE MINING ACT OF 1995**

## Declaration of Policy Re: Mineral Resources

*“It shall be the responsibility of the State to promote their rational exploration, development, utilization and conservation through the combined efforts of the Government and private sector in order to enhance national growth in a way that effectively safeguards the environment and protects the rights of affected communities.”*

## Governing Principle

*“In implementing the policy, ...the Department shall adhere to the principle of sustainable development which meets the needs of the present without compromising the ability of future generations to meet their own needs, with the view of improving the total quality of life, both now and in the future.”*

# **GOVERNMENT RESPONSE TO SUPPORT CSR: THE MINING ACT OF 1995**

## **❖ MORE STRINGENT ENVIRONMENTAL REQUIREMENTS**

- Environmental Work Program (EWP)**
- Environmental Protection and Enhancement Program (EPEP) based on EIA**
- Contingent Liability and Rehabilitation Fund (CLRF)**
- Mine Decommissioning Plan**
- Multi-Partite Monitoring Teams (MMTs)**

# GOVERNMENT RESPONSE TO SUPPORT CSR: THE MINING ACT OF 1995

## ❖ MORE STRINGENT SOCIO-ECONOMIC REQUIREMENTS

- Project Feasibility to account social & environmental costs
- Company-supported Social Development and Management Programs (SDMP)
- Strict requirements for LGU endorsement and *free and prior informed consent* from indigenous tribes/communities
- Mandatory turn-over of social infrastructures to communities after mining operations

# **GOVERNMENT RESPONSE TO SUPPORT CSR: THE MINING ACT OF 1995**

## **❖ INSTITUTIONALIZE LGU/CIVIL SOCIETY INVOLVEMENT IN DECISION-MAKING**

- Mandatory membership in Multi-Partite Monitoring Teams for environmental protection**
- Required membership in formulating Social Development & Management Plans (SDMP) & Mine Decommissioning Plans**
- Pro-active engagement in meetings and dialogues**
- Access to, and transparency of, government documents**

# ENHANCING CURRENT CSR SUPPORT: THE PROPOSED NEW NATIONAL MINERALS POLICY

## VISION

*“A MINING AND MINERALS INDUSTRY THAT IS NOT ONLY PROSPEROUS BUT ALSO **SOCIALLY, ECONOMICALLY AND ENVIRONMENTALLY SUSTAINABLE, WITH BROAD COMMUNITY AND POLITICAL SUPPORT** WHILE POSITIVELY AND PROGRESSIVELY ASSISTING IN THE GOVERNMENT’S PROGRAM ON **POVERTY ALLEVIATION** AND CONTRIBUTING TO THE GENERAL ECONOMIC WELL-BEING OF THE NATION”*

# THE PROPOSED NEW NATIONAL MINERALS POLICY

## POLICY THRUSTS

- ❖ *PROTECTION AND REHABILITATION OF THE ENVIRONMENT*
- ❖ *PROMOTION OF SOCIAL AND COMMUNITY DEVELOPMENT*
- ❖ *PRESERVATION OF OPTIONS FOR FUTURE GENERATIONS*
- ❖ *ESTABLISHMENT OF A COMPETITIVE AND PROSPEROUS MINERALS INDUSTRY*

# **THE NATIONAL MINERALS POLICY**

## **POLICY OBJECTIVES**

### **ENVIRONMENTAL PROTECTION & REHABILITATION**

- ❖ **PROMOTE SELF-REGULATION AND PROVISION OF FISCAL INCENTIVES AND INDUSTRY RECOGNITION**
- ❖ **RECOGNITION OF POLLUTER'S PAY PRINCIPLE AND AFFIRMATION OF THE PRECAUTIONARY PRINCIPLE**
- ❖ **PROMOTE ENVIRONMENTAL MANAGEMENT TOOLS: EIA/EIS; EMS AND CERTIFICATION; LIFE CYCLE ASSESSMENT; SUSTAINABILITY REPORTING**
- ❖ **ENHANCED MEASURES TO ADDRESS CONCERNS ON TAILINGS MANAGEMENT, MINE SAFETY & HEALTH**
- ❖ **RESOURCE MULTIPLICATION THROUGH APPROPRIATE MINE REHABILITATION**
- ❖ **EFFECTIVE MINERALS INDUSTRY AWARDS SYSTEM**

# **THE NATIONAL MINERALS POLICY**

## **POLICY OBJECTIVES**

### **PROMOTION OF SOCIAL & COMMUNITY STABILITY**

- ❖ **NATIONAL GOVERNMENT TO ENSURE THE PROVISION OF ENABLING POLICIES AND GUIDELINES**
- ❖ **ENHANCE CAPABILITIES/CAPACITIES OF LOCAL GOVERNMENTS, COMMUNITIES, INDIGENOUS PEOPLES**
- ❖ **DEVELOP/STRENGTHEN CORPORATE SOCIAL RESPONSIBILITY THRU CONDUCT OF SOCIAL PROFILING, IMPACT ASSESSMENT, & SOCIAL AUDITING**
- ❖ **EFFECTIVE IMPLEMENTATION OF THE SOCIAL DEVELOPMENT & MANAGEMENT PROGRAM (SDMP)**
- ❖ **ACTIVE ENGAGEMENT AND PARTNERSHIPS WITH COMMUNITIES AND CIVIL SOCIETY GROUPS**
- ❖ **CONSENSUS-BUILDING ON ENVIRONMENTAL AND SOCIAL ISSUES AND CONCERNS**

# **THE NATIONAL MINERALS POLICY**

## **POLICY OBJECTIVES**

### **PRESERVATION OF OPTIONS FOR FUTURE GENERATIONS**

- ❖ **ENSURE SUSTAINABLE USE OF MINERAL RESOURCES THRU: PRIORITIZATION OF MINERALS FOR EXTRACTION, MINERAL USE EFFICIENCY; PRODUCTION EFFICIENCY**
- ❖ **DEVELOP NATIONAL STRATEGIES & INDUSTRY LINKAGES TO ENHANCE VALUE-ADDED MINERALS AND METALS PRODUCTS**
- ❖ **ENSURE COMMITMENT TO PROTECT & ENHANCE DECLARED PROTECTED AREAS**
- ❖ **DEVELOP AND INSTITUTIONALIZE MEASURES TO EFFECTIVELY PROTECT WATER SOURCES/BODIES**

# **THE NATIONAL MINERALS POLICY**

## **POLICY OBJECTIVES**

### **COMPETITIVE & PROSPEROUS MINERALS INDUSTRY**

- ❖ **ENSURE A CLEAR AND STABLE REGULATORY AND INVESTMENT REGIME THRU POLICY REFORMS**
- ❖ **FACILITATE JUST AND EQUITABLE SHARING OF BENEFITS FROM MINING OPERATIONS**
- ❖ **FULLY SUPPORT R & D TO ENHANCE MINERAL EXPLORATION, ENVIRONMENT-FRIENDLY PRODUCTION, AND EFFECTIVE MINE SITE REHABILITATION**
- ❖ **CAUSE THE IMPLEMENTATION OF TRAINING PROGRAMS & SKILLS TRAINING AT VARIOUS LEVELS**
- ❖ **MOUNT AN EFFECTIVE & SUSTAINED PUBLIC AWARENESS CAMPAIGN**

# **ROLE OF CSR IN ENHANCING MINERAL RESOURCES DEVELOPMENT**

- ❖ **DEVELOP CONFIDENCE IN THE INTEGRITY OF MINING OPERATIONS RELATIVE TO ENVIRONMENTAL AND SOCIAL PROTECTION**
- ❖ **ENSURE JUST AND EQUITABLE SHARING OF BENEFITS AND AVAILABLE RESOURCES**
- ❖ **PROVIDE APPROPRIATE VENUE FOR MULTI-STAKEHOLDERS ENGAGEMENT**
- ❖ **GENERATE ACCEPTANCE AND SUPPORT FROM HOST COMMUNITIES & OTHER STAKEHOLDERS**
- ❖ **ASSURE LONG-TERM SUSTAINABILITY OF THE MINERALS INDUSTRY**

## **FUTURE DIRECTIONS: *NMP Action Plan***

- ❖ **EFFECT/MANAGE MEANINGFUL SHIFT FROM A “MANDATING” TO A “FACILITATING” ENVIRONMENT BY DEVELOP ENABLING POLICIES AND MECHANISMS TO PROMOTE AND SUPPORT CSR**
- ❖ **IDENTIFY PRIORITY CSR AREAS & DEVELOP NECESSARY PARAMETERS/BENCH MARKS TO MEASURE EFFECTIVENESS**
- ❖ **STRENGTHEN PARTNERSHIP & MEANINGFUL ENGAGEMENT WITH LOCAL GOVERNMENT, COMMUNITY AND CIVIL SOCIETY GROUPS**
- ❖ **DEVELOP AND INSTITUTIONALIZE PUBLIC AWARENESS & TRAINING PROGRAMS IN VARIOUS SECTORS AND LEVELS**



*Maraming Salamat  
po sa inyong lahat*

***To all of you, Thank You!***