

OUR LAND, OUR PARADISE WILL NEVER GO TO WASTE
Asserting the people's right to self-determination and to a balanced ecology:

**A Case Presentation on the Declaration of a 25-Year Mining Ban in Oriental Mindoro
Province, Philippines**

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Introduction

Following the enactment of the Philippine Mining Act of 1995, there was a deluge of applications from transnational mining corporations. In 1997, the applications for large-scale mining covered 5.5 million hectares or 18% of Philippine territorial land.

In Mindoro island, large-scale mining applications covered 367,796 hectares or 36% of the whole island.

The Mindorenos were alarmed by the threat of these mining applications. And on 28 January 2002, the Provincial Legislative Council of Oriental Mindoro passed an ordinance banning large-scale mining for the next 25 years.

The Province

Mindoro is the 7th largest island in the Philippines, located 150 kilometers southwest of Manila. Mindoro island is politically divided into two provinces-- Oriental and Occidental Mindoro.

Oriental Mindoro has 14 municipalities and one city. Calapan City is the province's political and commercial capital.

Oriental Mindoro measures 4,364 square kilometers.

The People

The Province has a population of 700,000—70% are living in the rural areas engaged in farming and fishing while the remaining 30% are in the urban centers. The indigenous Mangyans composed 10% of the population.

Tagalog is the major language spoken. The majority of the Mindorenos are also conversant in English. Other languages spoken are Visayan, Bicolano, Ilokano and the different Mangyan languages.

The indigenous Mangyans are divided into seven ethnolinguistic groups, each has distinct language and culture.

The Economy

The province is known for being the Food Basket of Southern Tagalog Region and Metropolitan Manila. Among the 78 provinces in the country, the Department of Agriculture ranked Oriental Mindoro as the fourth largest food-producing province, producing P12 billion-worth of agricultural products annually.

Mindoro strait is also one of the most productive fishing ground in the country. It is a migration route of commercially important species like the bullet tuna.

In the eco and agro-tourism front, the province is known for a variety of tropical fruits and for its scenic spots, historical/cultural sites, white beaches, waterfalls, rivers, lush green forests and mountains. The most popular tourist destinations are the Naujan Lake National Park, Mt. Halcon, and the world-renowned tourist town of Puerto Galera.

The Environment

Mindoro is considered as the 7th most important biogeographic zones in the world because of its high level of biodiversity and endemism. The island hosts at least 79 endemic fauna and 74 endemic flora.

The continuous degradation of the critical environment of the island is threatening the preservation of biological diversity as well as the major sources of livelihood of the people—agriculture and eco-agro-tourism.

The rate of degradation of the forest in the island is alarming. From the 967,400 hectares of forest in the 1950s, the remaining forest cover at present is only about 50,000 hectares.

The significant forest lost of 95% contributed to the instability of the environment both in the upland and lowland areas. In 1994, the province experienced heavy flash floods that claimed the lives of many Mindorenos while thousands were rendered homeless. The estimated damage to agriculture, infrastructures and properties was pegged at P1.2 billion. The heavy flash floods were attributed to the denudation of Mindoro's forest cover.

The Threat of Large-Scale Mining

Considering the critical condition of Mindoro's environment, the deluge of large-scale mining applications in the province is very alarming.

Following the enactment of the Philippine Mining Act of 1995, in 1997 mining applications in Mindoro covered 367,796 hectares or 36% of the island territory. These applications covered mostly the ancestral domains of the indigenous Mangyans where the most important watershed areas and wildlife habitat are also located. They also covered farms and residential areas.

The prospect of an environmental disaster in the island is not difficult to imagine. Mining is a very destructive industry despite the mining companies' claim of effective impact mitigation. The national government makes this situation worst because of a mining policy that opened our environment to wholesale destruction.

Case Study: The Mindoro Nickel Project

On *March 14, 1997*, the Department of Environment and Natural Resources issued a permit to Norwegian company Mindex Resources Development Corporation to explore the 9,720 hectares mining concession area in Sablayan, Occidental Mindoro. The mining site is bounded more proximately to the Municipality of Victoria, Oriental Mindoro, along the watershed of Ibulo, Aglubang and Buraboy, tributary rivers to Mag-asawang Tubig.

On *February 29, 2000*, ownership of the project was transferred to Canadian company Crew Development Corporation. Aglubang Mining Corporation is its Philippine subsidiary.

On *March 18, 2000*, then DENR Secretary Antonio Cerilles approved the Mineral Production Sharing Agreement (MPSA) of Crew/Aglubang Mining Corp.

Mineral Output. 40,000 tons of nickel and 3,000 tons of cobalt per year

Capital Cost. US \$ 665 million.

Mining Technology. The project will use surface mining. This technology involves stripping and stockpiling of topsoil, excavation of laterite clay, return of topsoil and replanting.

Ore Processing. The project will use High Pressure Acid Leach (HPAL) for mineral processing. The process involves mixing the laterite slurry with sulfuric acid to dissolve nickel and cobalt chemically.

Tailing Disposal. Deep-Sea Tailing Placement (DSTP) or also called Submarine Tailing Disposal (STD) will be used. The tailings will be transported through a pipeline into ocean water.

The Project's Risks

1. Impact on the Environment

- The mine site covers one of the province's actual and major watershed areas
- Loss of forest habitat due to massive clearing, bulldozing and stockpiling
- The opening of the area will attract upland migration threatening further the other forests
- 4 million tons of mine waste will be dumped through submarine tailing disposal in Mindoro waters annually threatening the marine resources
- Effect on air quality caused by the emission of carbon dioxide in the processing plant
- Siltation of Naujan Lake National Park due to erosion threatening highly endangered species like the Mindoro Freshwater Crocodile
- Siltation of the rivers, mangrove areas, sea grasses, coral reef bases, and other important ecosystems that support the livelihood of the people

2. Economic Impact

- The economic thrusts of the Provincial Government are anchored on food sustainability, eco-agro-tourism, and agro-industrialization.
- 70% of rice fields in the province are dependent on watershed areas covered by the mining application
- Mining will affect the marine resources of the province

- Eco-tourism development will be undermined by the destruction of the environment

3. Socio-Cultural Impact

- The mine site is within the ancestral domains of the Tadyawan and Alangan Mangyan communities, the IPs will be displaced by the project
- The displacement of the Mangyans will alter their way of life that is strongly rooted on their land and will undermine their right to self-determination over their land
- The mining operation will also displace peasants and fisherfolks downstream

The People's Response

In May 1999, the Alliance Against Mining or ALAMIN was formed. Its members include IP federations, fisherfolk and farmer organizations, NGOs, civic groups, business groups, medical practitioners, lawyers, teachers and other professionals, students, environmentalists and mountaineers, artists, government officials and workers, and social and human rights activists.

ALAMIN had formally registered their opposition to the project to the different local government units and concerned national government agencies. It had staged protest actions in key centers in the province with a combined mobilization of 50,000 Mindoreños.

The Local Government Units also joined the struggle. The Provincial Legislative Council had passed 4 resolutions strongly opposing the project. Similar resolutions had been passed by the City/Municipal Legislative Councils of Calapan, Naujan, Victoria, Socorro, Pola, Pinamalayan and Roxas, by the Leagues of Municipal Mayors, Municipal Councilors, Village Heads, and Youth Councils.

On March 18, 2001, Catholic Bishop Warlito Cajandig, wrote to the newly-installed president, Gloria Macapagal-Arroyo requesting her to revoke the MPSA of Aglubang/Crew for lack of social acceptability.

Extensive lobbying in Malacanang Palace had also been done by the newly elected Provincial Governor Bartolome Marasigan.

People's Victory

On July 16, 2001, present DENR Secretary Heherson Alvarez revoked the MPSA. President Arroyo upheld the decision in November 2001.

A Call for a Mining Moratorium

Crew's MPSA was cancelled, but Crew is only one of the corporations with large-scale mining applications in the province.

Because of this, ALAMIN had formally requested the Provincial Legislative Council to enact a 25-year mining moratorium ordinance. The Provincial Governor had also officially called for the declaration of such moratorium.

Postscript

July 10, 2001. The Provincial Governor submitted to the Provincial Legislative Council a request for the declaration of a 25-year mining moratorium.

July 16, 2001. The Council approved on first reading the moratorium ordinance.

August 27, 2001. Canadian Ambassador to the Philippines Robert Collette, Crew Chairman and CEO John Darch and Crew President Peter Barnes made a representation to the Governor requesting the provincial government to take a second look at the Mindoro Nickel Project, and to reconsider the province's position on mining moratorium. The Governor said the position of the province is non-negotiable.

September 2001. The Council passed on second reading the moratorium ordinance.

January 28, 2002. The Council passed on third and final reading the ordinance and on March 1, the Governor signed the ordinance.

February 14, 2002. ALAMIN and the Local Government Units led the "People's Caravan for the Environment" to celebrate the enactment of the ordinance.

In a press statement, Aglubang/CREW said that it would file a case in the international court for breach of an international agreement.

The people and the local government assured Crew that they are ready for any fight.

The Ordinance

Legal Basis:

The local Government Code of 1991 provides that every local government unit shall ensure and support among other things, the preservation and enrichment of culture, promote health and safety, enhance the right of the people to a balanced ecology, and preserved the comfort and convenience of their inhabitants."

Prohibited Acts:

It shall be unlawful for any person or business entity to engage in land clearing, prospecting, exploration, drilling, excavation, mining, transport of minerals ores and such other activities in furtherance of/or preparatory to all forms of mining operations for a period of twenty-five (25) years.

Exemptions:

Excavation of ordinary stones, sand and gravel, earth, and other materials operated by small-scale miners is exempted.

Determining Influences

1. MASS BASE AND POPULAR SUPPORT TO ANTI-MINING CAMPAIGN
 - The persuasion of numbers in electoral prospective

- Multi-sectoral stakeholders: IPs, farmers, fisher folks
 - Tactical alliances among other groups and organizations
2. BRINGING ADVOCACY INTO THE POLITICAL ARENA
 - Participatory Governance: Civil Society Organizations-Local Government Units (CSO-LGU) Partnership, critical collaboration
 - Transformative Politics: instituting reforms, setting alternative direction
 3. THE “SOCIAL ACCEPTABILITY” ARGUMENT
 - Social acceptability as legal pre-requisite
 - Social acceptability as political barometer
 4. LEGISLATIVE ADVOCACY AND LOBBYING
 - National vs. Local Legislation
 - Appropriate legal strategy at the ground

Effective Strategies and Tactics in the Campaign Against the Entry of Mining TNCs

1. MULTI-STAKEHOLDER CONSTITUENCY BUILDING
2. INFORMATION, EDUCATION AND CONSCIENTIZATION
3. PROTEST ACTIONS AND MOBILIZATIONS
4. SUSTAINED ADVOCACY (National/International)
5. PARTICIPATORY GOVERNANCE: CSO-LGU Partnership
6. INTERNATIONAL SOLIDARITY

Challenges

For the moment, the Mindoreños can take the much-needed respite from three painful years of their struggle. But as soon as they gather their strength, more challenges await them.

A transnational mining company has been booted out of the island through the collective strength and voices of the people. A mining moratorium is now in place, giving the Mindoreños the space to explore ways to improve the lives of the people, beyond the specter of sufferings caused by mining disasters.

The constitutionality of the mining moratorium will definitely be questioned before the Supreme Court. But the people and the local government of Oriental Mindoro are ripe to fight to protect the gains of their struggle. Their unified voices will never fade away and will definitely echo beyond the mountains and the seas.

It is our land, it is our environment, it is our life, it is our future. Nobody can take that away from us. Not the national government. Not the transnational corporations. Not the blinding lure of gold and silver.