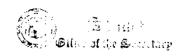
SEVENTEENTH CONGRESS OF THE	)
REPUBLIC OF THE PHILIPPINES	)
Third Regular Session	)

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## **SENATE**

P. S. Res. No. 778

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## Introduced by **SENATOR LEILA M. DE LIMA**

## RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE IMPLEMENTATION OF THE VARIOUS ENVIRONMENTAL PROTECTION MANDATES OF GOVERNMENT AGENCIES TO DETERMINE THE GAPS THAT COMPOUND THE HIGHER PREVALENCE OF HUMAN RIGHTS ABUSES IN COMMUNITIES WHERE LARGE-SCALE MINING IS CONDUCTED

- WHEREAS, Article II, Section 11 of the Constitution provides that "[t]he State 1 values the dignity of every human person and guarantees full respect for human 2 rights"; 3 WHEREAS, Article II, Section 16, of the Constitution also provides that "[t]he 4 State shall protect and advance the right of the people to a balanced and healthful 5 ecology in accord with the rhythm and harmony of nature"; 6 WHERE, Presidential Decree No. 1151, which took effect in 1979, established 7 the Philippine Environmental Policy which institutionalized the "right to a healthy 8
- WHEREAS, the right to a healthy environment and the right to balanced ecology are mutually reinforcing;
- WHEREAS, the Philippines has standard-setting legislation and good practice on environmental protection;
- WHEREAS, there are institutional mechanisms in place with the mandate to implement environmental protection, monitor implementation, or investigate violations;

WHEREAS, Republic Act No. 7942, or the "Philippine Mining Act of 1995", provides that "[t]he Department [of Environment and Natural Resources] shall be the primary government agency responsible for the conservation, management, development, and proper use of the State's mineral resources including those in reservations, watershed areas, and lands of the public domain....";

WHEREAS, R.A. No. 7942 requires that for the issuance of an environmental compliance certificate, an environmental impact assessment must first be conducted pursuant to the Philippine Environmental Impact Assessment System, including Sections 26 and 27 of the Local Government Code of 1991;

WHEREAS, despite stringent regulations under our laws to mitigate environmental degradation, mining operations continue to pollute rivers, cause soil erosion, and destroy forests and vegetation<sup>2</sup>;

WHEREAS, there are reports that children as young as 13 years old work in mining industries in contravention of Republic Act No. 9231, otherwise known as the "Special Protection of Children against Child Abuse, Exploitation, and Discrimination Act";

WHEREAS, the Commission on Human Rights (CHR) has already investigated several cases involving human rights violations arising from mining operations;

WHEREAS, in 2010, the CHR investigated the complaints against Oceana Gold Philippines Incorporated (OGPI) in Didipio, Kasibu, Nueva Vizcaya and established that OGPI violated the following rights: right to residence, right to adequate housing and property rights of residents; right to freedom of movement and the right not to be subjected to arbitrary interference; right to security of persons; and right of indigenous peoples to manifest their culture and identity<sup>3</sup>:

See, The New York Times,"Philippines Moves to Shut Mining Accused of Polluting" available at <a href="https://nyti.ms/2sRpIeL">https://nyti.ms/2sRpIeL</a>, accessed on June 06, 2018.

See, Case Study on the Impacts of Mining and Dams on the Environment and Indigenous Peoples in Benguet, Cordillera, Philippines, available at <a href="http://bit.ly/2JtAySi">http://bit.ly/2JtAySi</a>, accessed on June 06, 2018.

See, Resolution No. A2011-004 available at <a href="https://bit.ly/2kVupR8">https://bit.ly/2kVupR8</a>>, accessed on June 07, 2018.

WHEREAS, in June 2013, an Independent Human Rights Impact Assessment for a mining project of Sagitarrius Mines, Inc. in Tampakan, South Cotabato reported significant impacts of the project on human rights in relation to the peace and security situation in the mining area located inside ancestral lands of the B'laan people, arising from the harassment and killings of indigenous peoples committed by an "Investment Defense Force" called Task Force KITACO—a composite force of police, military and civilian defense forces sanctioned by the local government units to protect the mining project4;

WHEREAS, there are many other mining areas where human rights abuses and violations are reported and are being monitored by the CHR, for instance, the four large-scale nickel mining operations, namely, of Zambales Diversified Metals Corp., Benguet Corp. Nickel Mines Inc., Eramen Minerals Inc., and LNL Archipelago Minerals Inc., in Sta. Cruz, Zambales, with reported cases of land-grabbing and other human rights violations, including the right to health, right to a clean environment, and the people's right to livelihood, among others<sup>5</sup>;

WHEREAS, in light of the continuing negative impact of mining on the environmental and human rights of local communities, and the continued use of instruments of State repression, such as the police and the military in protecting mining operations against local communities and people's organizations due to active opposition, it is imperative to fully implement laws and utilize mechanisms to protect our environment as well as uphold the human rights of local communities who are vulnerable and exposed to the dangers of mining, including the rights to a decent livelihood and a heathy environment;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE, to direct the appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the implementation of the various environmental protection mandates of government

See, Human Rights Impact Assessment of Tampakan Copper=Gold Project, Mindanao, Philippines available at <a href="https://inef.uni-due.de/media/studie hria engl final.pdf">https://inef.uni-due.de/media/studie hria engl final.pdf</a>, accessed on June 07, 2018.

See, CHR 2015 Accomplishment Report available at <a href="http://chr.gov.ph/wp-content/uploads/2018/01/CHR-2015-Annual-Accomplishment-Report.pdf">http://chr.gov.ph/wp-content/uploads/2018/01/CHR-2015-Annual-Accomplishment-Report.pdf</a>, accessed on June 07, 2018.

- agencies to determine the gaps that compound the higher prevalence of human rights
- 2 abuses in communities where large-scale mining is conducted.

Adopted,

LEILA M. DE LIMA