

The Alternative Minerals Management Bill

The Alternative Minerals Management Bill or the AMMB seeks to scrap the present Mining Act of 1995 (RA 7942) with the enactment of the “Philippine Mineral Resources Act of 2013”. The bill champions conservation of non-renewable mineral resources for the benefit of both present and future generations of Filipinos by adopting a sustainable, rational, needs-based minerals management geared towards effective utilization of mineral resources for an ecologically-sound national industrialization and modernization of agriculture.

AMMB is now House Bill 984 authored by Rep. Teddy Baguilat of Ifugao, Rep. Carlos Padilla of Nueva Vizcaya, Rep. Kaka Bag-ao of Dinagat, Rep. Eleandro Jesus Madrona of Romblon, Rep. Walden Bello and Ibarra Gutierrez III of Akbayan, Cagayan de Oro 2nd District Rep. Rufus Rodriguez and Rep. Maximo Rodriguez of ABAMIN. AMMB is Senate Bill 43 authored by Senator Sergio “Serge” Osmeña III.

The Alternative Minerals Management Bill has its origins in the 2002 conference of environmental, social and community rights advocates that has criticized the economic and political set-up of the mining industry and opposed the legal framework that propped it up. In their declaration, the advocates committed themselves to “uphold indigenous peoples rights and achieve a more ecologically sound, gender-fair, equitable system of resource management” and to “work for a democratic and consultative process in enacting a new legal framework to achieve a wise stewardship of our natural resources.”

After several years of consultations on the ground and meetings with experts, the alternative minerals management bill was filed (HB 6342) in 2009. AMMB is not just about a new method of mining nor is it focused or only about mineral extraction. It is a bill on the overall mineral resource management and governance that will replace the Mining Act of 1995 (it is an alternative bill to RA 7942, and not about alternative mining).

Important provisions of AMMB

Conservation of our Mineral Resources. Use of minerals must take into consideration the allocation needed to be used by future generations, prioritization of recycling of remaining available minerals, and as well as the rehabilitation of old abandoned mines. If to be used by the present generation, it would only be under a rational needs-based utilization and domestic-use-oriented framework, with actual mineral extraction further weighed against the ecological and social benefits and costs from other land uses.

For the Benefit of the Filipino People. The exploration, development and utilization of mineral resources are primarily for the benefit of the Filipino people; it will be geared towards an ecologically-sound national industrialization and modernization of agriculture. Towards this end the state shall build the domestic processing capacity for industrial metals and other labor-intensive downstream industries. Only mineral resources needed for local industries shall be mined.

Minerals Utilization Framework. This will be formulated to support plans for national development based on the principles of sustainable development. This framework will define the kind and amount of minerals to be extracted, in a given timeline. The Mines and Geosciences Bureau (MGB) will be transformed into a purely scientific research institution. The State, through the Bureau, shall be in charge of the exploration of strategic minerals. The MGB shall come up with an inventory of mineral resources, identify strategic minerals needed for national development, demarcate mineral areas and build baseline information on watershed continuums.

Multi-sectoral Minerals Management Councils (MMMC). A Multi-sectoral Minerals Management Council will be created in each watershed continuum area which will have the authority to allow extraction and processing of minerals in their area and approve mineral agreements. Affected local communities and local government units is defined as, those which will be potentially impacted by mining activities located in relation to a watershed continuum—an area consisting of a watershed and the interconnection from the headwater to the reef.

Ownership of Indigenous Peoples. Mineral resources within ancestral domains/ancestral lands are a collective private property of the indigenous cultural communities/ indigenous peoples (ICCs/IPs). No mining activity shall be conducted within the ancestral domains of ICCs/ IPs without their free, prior and informed consent (FPIC) that is based on their respective traditional consent processes.

No Go Zones. There will be areas closed to mining operations, which will include among others, critical watersheds, geo-hazard areas, small island ecosystems, lands covered by the Comprehensive Agrarian Reform Law, key biodiversity areas, etc. Furthermore, mineral extraction will not be allowed in areas more beneficial to other land use; priority will be given for more viable and more sustainable livelihood choices for communities, with utmost importance given to food security and livable conditions for peoples.

Mineral agreements. Mineral resources development, utilization and processing shall be reserved for Filipino citizens and for Filipino corporations. Financial and Technical Agreements (FTAAS) and any other agreements granting foreign corporations full access and ownership to explore or extract mineral resources will not be allowed. The contract area per agreement shall not exceed five hundred (500) hectares and the maximum allowable total contract area for any person in any given watershed area will be seven hundred-fifty (750) hectares. The term for a mineral agreement will be the mine life plus five (5) years for rehabilitation, which in total should not exceed fifteen (15) years.

Maximizing Gains and Preventing or Mitigating Adverse Effects. Corporate transparency and accountability will be established. Before actual operations, contractors shall submit their Environmental and Social Impact Prevention and Mitigation Plan (ESIPMP), which will also contain a Social Development Management Plan. Mandatory consultations with affected communities shall be undertaken in each phase of mining operation, and free prior and informed consent of indigenous peoples at each mining phase shall also be required. Human rights protection will be prioritized and penalties imposed for violations thereof. Open-pit mining method for extraction of mineral ores shall be prohibited.

Equitable Sharing. Aside from fees and taxes, government shall have at least a share equivalent to ten per cent (10%) of the gross revenues from the development and utilization of mineral resources that are owned by it. In case of mineral operations within ancestral domains, the contractor shall pay at least ten per cent (10%) of the gross revenues as royalty to the ICC/IPs. Community development programs shall not be considered as royalty payment. Local Government Unit's (LGU) share will also be directly paid based on their respective LGU classification, vulnerability, and human development index, from the net income of the mining project.

AMMB is not against mining per se as it values mineral resources and reorients the current policies on mining to a direction that can better serve the whole Filipino nation. AMMB espouses for the judicious extraction of minerals. Mining areas are part and parcel of ecosystems, forests, watersheds and ecosystems. Moreover, these areas are host to indigenous peoples and communities. While recognizing the value of minerals to national development, the AMMB also maintains awareness for the adverse impacts of its extraction.

Today, the resistance against large-scale mining projects and country's mining policies has reached an unprecedented scale and scope. The resistance against the Mining Act of 1995 and the overall mining regime in the country is much broader today—the opposition of the church sector led by the Catholic Bishops conference of the Philippines; Save Palawan Campaign led by the ABS-CBN BantayKalikasan and Gina Lopez; local government opposition thru various mining moratoria and ordinances led by South Cotabato Environmental Code, banning open pit mining; recent call for a countrywide mining moratorium by the League of Municipalities of the Philippines; and a growing number of leaders, experts and personalities, including Congressional Representatives supporting the need for an alternative minerals management law in the country.

The Alternative Minerals Management Bill seeks to resolve the problems faced by communities and local government units due to the gaps in the current Mining Act of 1995. By supporting this bill, you are making a stand with the people—and making a stand for mining-affected communities, indigenous peoples, the environment, and for the present and future generations!

The SOS-Yamang Bayan Network is a national, multi-sectoral movement composed of mining-affected communities, national peoples alliances, environmental organizations, human rights organizations, national NGOs, sectoral organizations from the indigenous peoples, youth, women, framers, Congressional representatives, known leaders and personalities advocating for the repeal of the Mining Act of 1995 and the enactment of the Minerals Management Bill.