

DENR's daring, mining's crisis

By KATRINA STUART SANTIAGO on Manila Times, February 12, 2017 Analysis

I was one of many who thought Gina Lopez was one of President Duterte's more daring choices as far as picking members of his cabinet was concerned. A staunch environmentalist, she was a welcome decision for Department of Environment and Natural Resources (DENR) secretary, after decades of seeing our natural resources go to waste in the hands of big business, oligarchs, capitalists all in the name of investments and "development" as every government before this one has claimed.

I thought: finally, someone who could shake the system up a bit – if not completely turn it upside down – if only so we can have a different, more honest conversation about the state of our environment. Finally, I thought, someone who would have the interest of communities, including the Lumad, as foremost on her agenda.

And while I am not blind to the limits of Secretary Lopez's push for eco-tourism, as I saw the people she started bringing into the DENR, I thought: certainly, there will be more to her plans for the environment than eco-tourism. Between Ipat Luna and Philip Camara, she was off to a good start.

The daring of DENR

Expectedly, large-scale, long-term mining projects topped the list of DENR's major concerns. The expectation is not only borne of Secretary Lopez's history as an environmental advocate, but also borne of an awareness of the countless studies and research that highlight the degradation of the environment in the hands of irresponsible mining projects.

I was personally banking on candidate and President Duterte's strong stand against mining. After all, just as he insists on fulfilling his promise of a drug war no matter the public outcry, so should we be able to expect a fulfillment of his promise to stand against irresponsible mining.

One imagines it was the President's pronouncements as well that encouraged DENR to do what no other DENR has done in recent years: dare close and suspend mines found to be non-compliant and in violation of existing laws. The Results of the Technical Review on the Mining Audit Report released on the DENR website lists down each mining project's violations based on existing laws, rules, and regulations, which is also the basis of its violation of its Environmental Compliance Certificate (ECC).

More specific violations under these laws are not discussed in these publicly released documents, though one imagines these would appear in the Mining Audit Report itself, which has yet to be made public.

The pushback of miners

The pushback against the closure orders was of course expected. In the February 2 press conference, it was mentioned that companies could appeal the DENR decision within 15 days, and ultimately take their appeal to the President himself.

But the mining companies were not going through that process. Instead we saw the Chamber of Mines of the Philippines (COMP) going to the media, questioning the mining audit's lack of transparency and due process, asserting that it is unfair that there are anti-mining activists who were part of the audit itself, and questioning the "bias and partiality" of Secretary Lopez who is an anti-mining advocate.

They also had an easy ally in the media, which lost no time highlighting the refusal of Secretary Lopez to release the audit report to the press (Rappler.com, 3 Feb), and the manner in which the delivery of information was handled at the press conference (Inquirer.net, 4 Feb).

By February 6, the COMP was asking the President and the Mining Industry Coordinating Council (MICC) to step in. By February 7, Malacañang says the President and members of his Cabinet had agreed to intervene. By February 9, the MICC released Resolution No. 6 stating that it will “create a multi-stakeholder review” to advise DENR on “the performance of existing mining operations.” That resolution was a direct response to the mining companies’ claim of no due process.

Silencing conversation

One agrees that the DENR could’ve handled the announcement of the mining audit results better. Reports should’ve been released to the mining companies before the press conference. DENR could’ve also had scientists explaining the environmental degradation, a lawyer explaining the violations, LGU officials speaking of the social cost.

But COMP could also do better than to sound like a whiny brat of a sector that’s used to getting its way. The notion of a biased audit because there were anti-mining activists involved begs the question: would it not be a bias for mining companies if no activist was there at all? The assertion that it’s a problem that the DENR Secretary stands against mining is another conundrum: is that to say that we’ve had pro-mining secretaries all these years?

And when COMP insists that the closure of 23 mines is equal to Secretary Lopez “finally revealing her true bias: to stop all mining in the Philippines” (BusinessMirror, 6 Feb), do they deliberately fail to point out that 12 mining companies passed the audit, with one suspension deferred pending the DENR Secretary’s personal visit to the site (GMANewsOnline, 2 Feb)?

In the course of discrediting Secretary Lopez, what the concerned mining companies have evaded in fact, is the task of responding to those audit results and the violations they are charged with. What they are refusing to address are the questions we should all now be asking about these mining companies, given environmental degradation and social cost. Sure, we should talk scientific assessments and jobs lost, but certainly we contextualize the good in the bad and vice versa, toward finally deciding on what truly matters and towards what end.

Only then can we even begin to grapple with the monster of a crisis that is irresponsible mining in this country, because contrary to what the mining sector says, that is the bigger crisis. Not at all a DENR that has finally found its balls.