

## **Philippine Mining: Contentious as Always**

By Richard Mills

It has been said that within Asia, the democratic tradition is at its strongest and most disobedient in Philippines. Few better situations demonstrate this fact than the continuing unruly debate over the Mining Act.

The original legislation was passed in 1995 by elected politicians but was almost immediately challenged in court on constitutional grounds. The unelected judges of the Supreme Court spent 9 years or so to deliberate, declaring it constitutional in the end. Since that time, the Mining Act has suffered a barrage of molestations from various concerned groups. Over just the past few months, major church and NGO groups have issued scathing statements of alarm demanding that the President or the Supreme Court materially alter the Mining Act or terminate it. To no one's surprise, the main concerns seem to be about Environmental and Health & Safety provisions contained in the legislation.

In a recent promising development, various groups with interest to develop a responsible mining sector have banded together in a loosely organized consortium. One interesting document to be produced by the group is a Compendium of Global Best Practices. The study makes a comprehensive comparison of mining-related laws for Australia, Canada and the US with those of the Philippines.

The material seems to indicate clearly that the regulatory environment in Philippines is remarkably similar to that of other mining countries in the areas of Health & Safety, the Environment and Community Development.

But if that is the case, then why are there so many angry people? While it may be true that Filipinos have an above average enthusiasm for civil disobedience, that still doesn't account for the tremendous volume of organized protests from intelligent people.

The mining industry says the problem is that the government lacks the resources to enforce rules across the sector. They self-righteously complain that regulations for big mining operations are over-enforced while small miners (legal and illegal) are mainly unregulated despite widespread reports of horrific environmental and social abuse.

While that finger-pointing explanation could be reasonable, it is clear that the mining sector is in need of a PR makeover in Philippines. The industry is starting to work together to better present its case of responsible mining and community involvement but it has been slow coming and there is still a long way to go.

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