



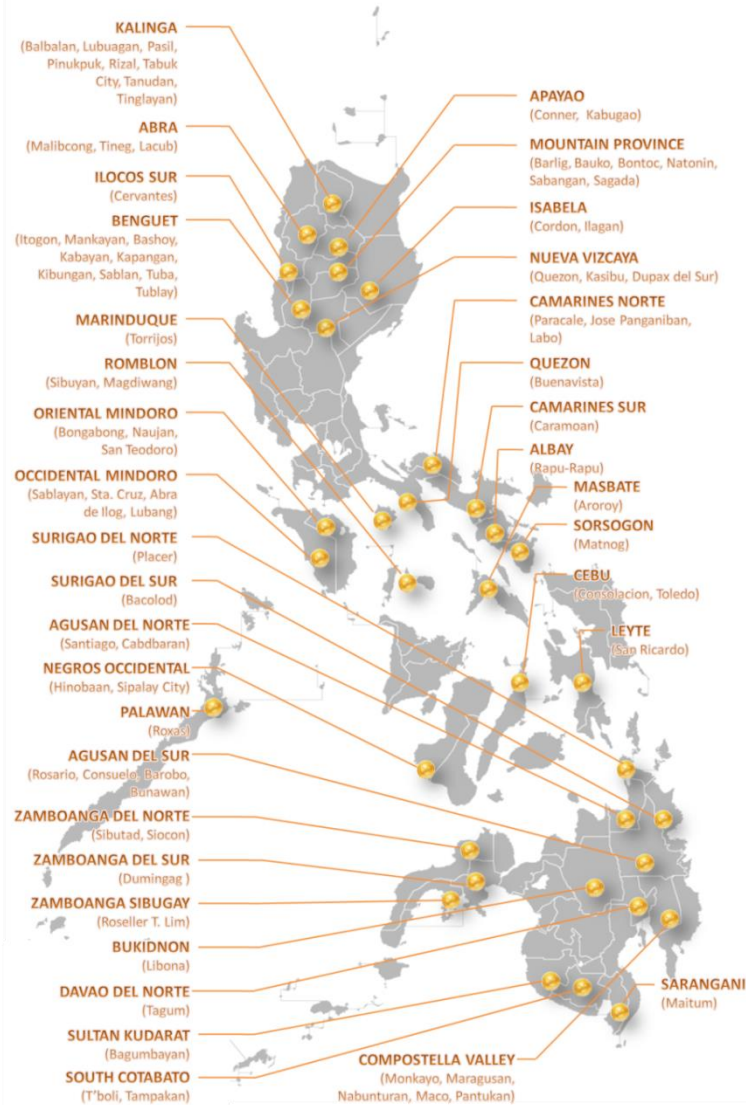
Philippine National Action Plan on the Phaseout of Mercury in ASGM

**Eastern and Southern Africa Regional Forum on Artisanal
and Small Scale Gold Mining and the
Minamata Convention on Mercury**

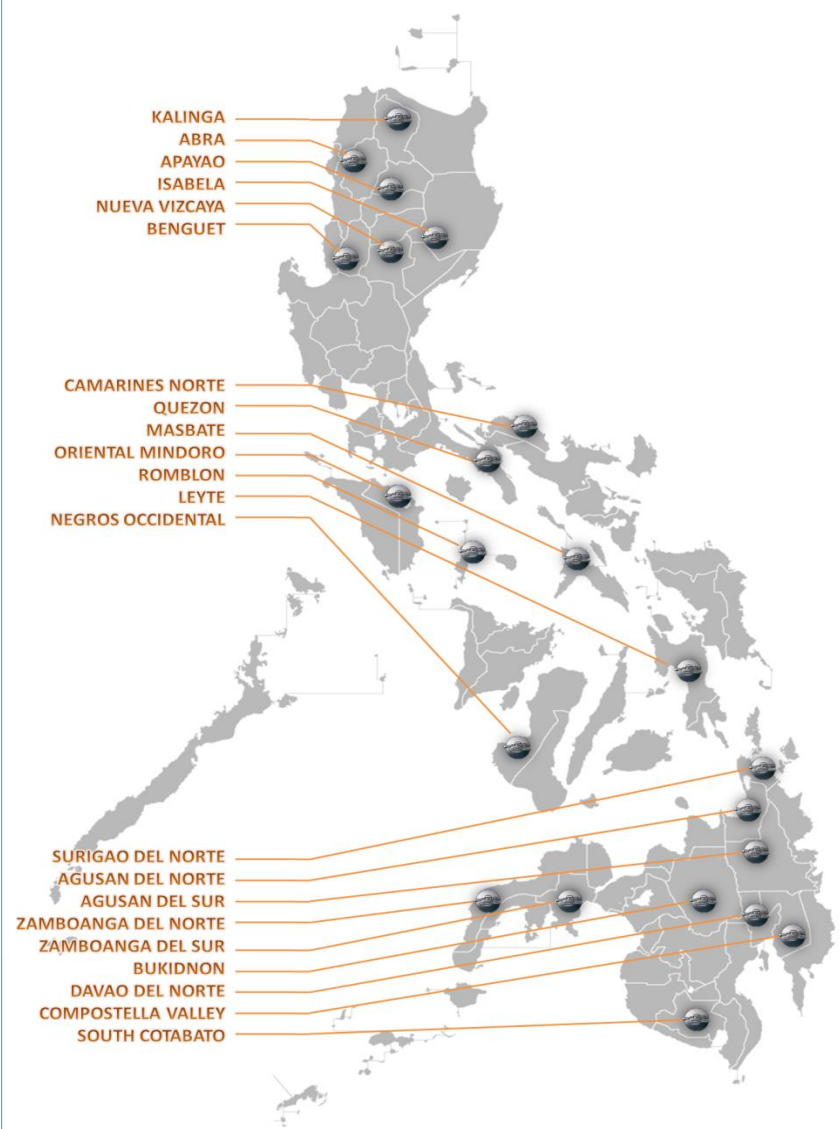
**April 16-19, 2015
Dar Es Salaam, Tanzania**

**Richard Gutierrez, *JD, LL.M.*
BAN Toxics!**

Location of ASGM Activities in the Philippines



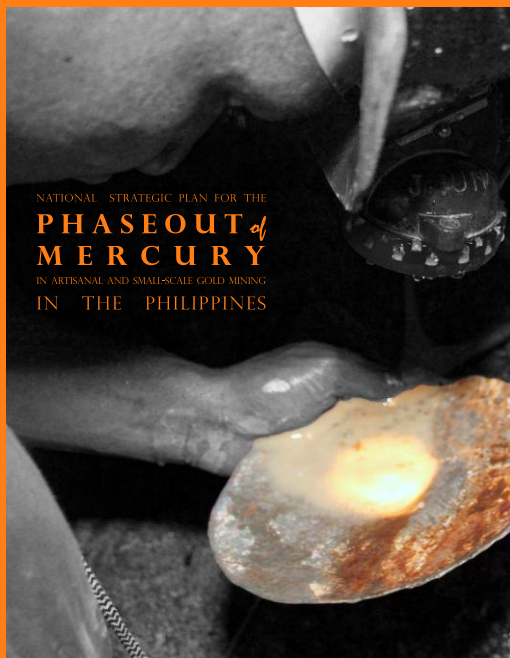
Provinces with Reported Mercury Use in ASGM Activities





Philippine Context

- 1990's to 2010 – Government favored large scale mining
- Created an atmosphere of distrust = miners vs. government
- Major mining areas are in conflict areas – rebels, religious, tribal
- Government abandoned small-scale mining
- Publicized interventions in mining areas have only pointed at the
- Very strong anti-mining sentiment from civil society
- ASGM sector largely informal



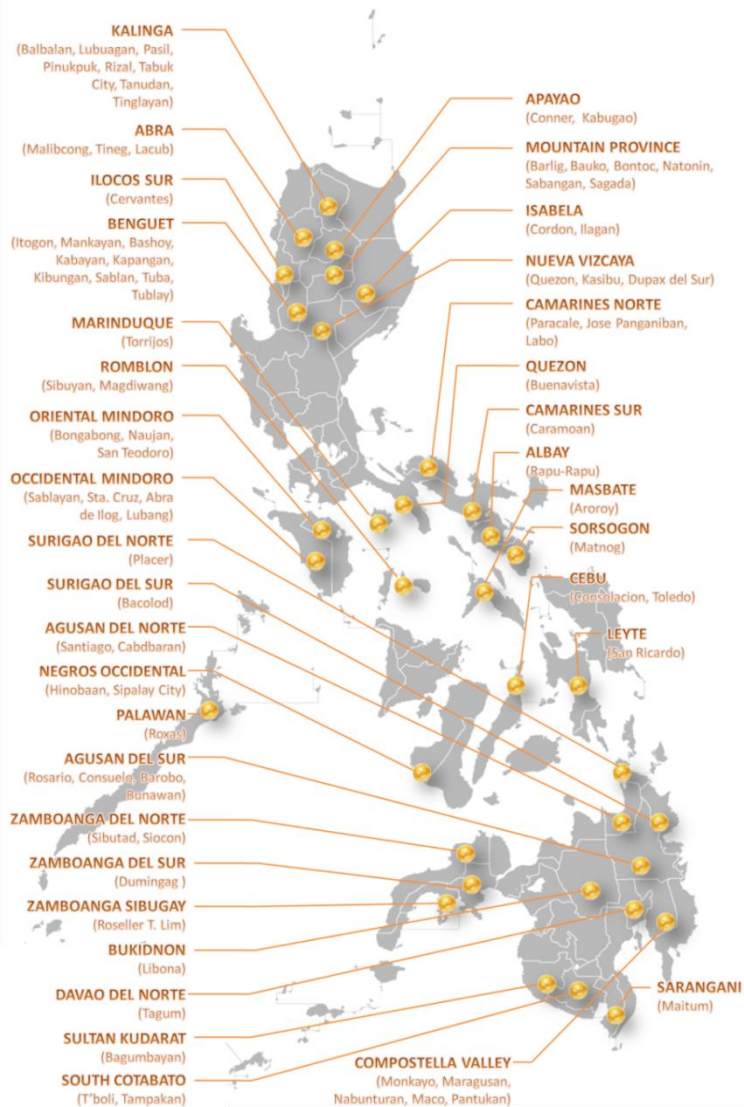
NATIONAL STRATEGIC PLAN FOR THE PHASEOUT OF MERCURY IN ARTISANAL AND SMALL-SCALE GOLD MINING IN THE PHILIPPINES



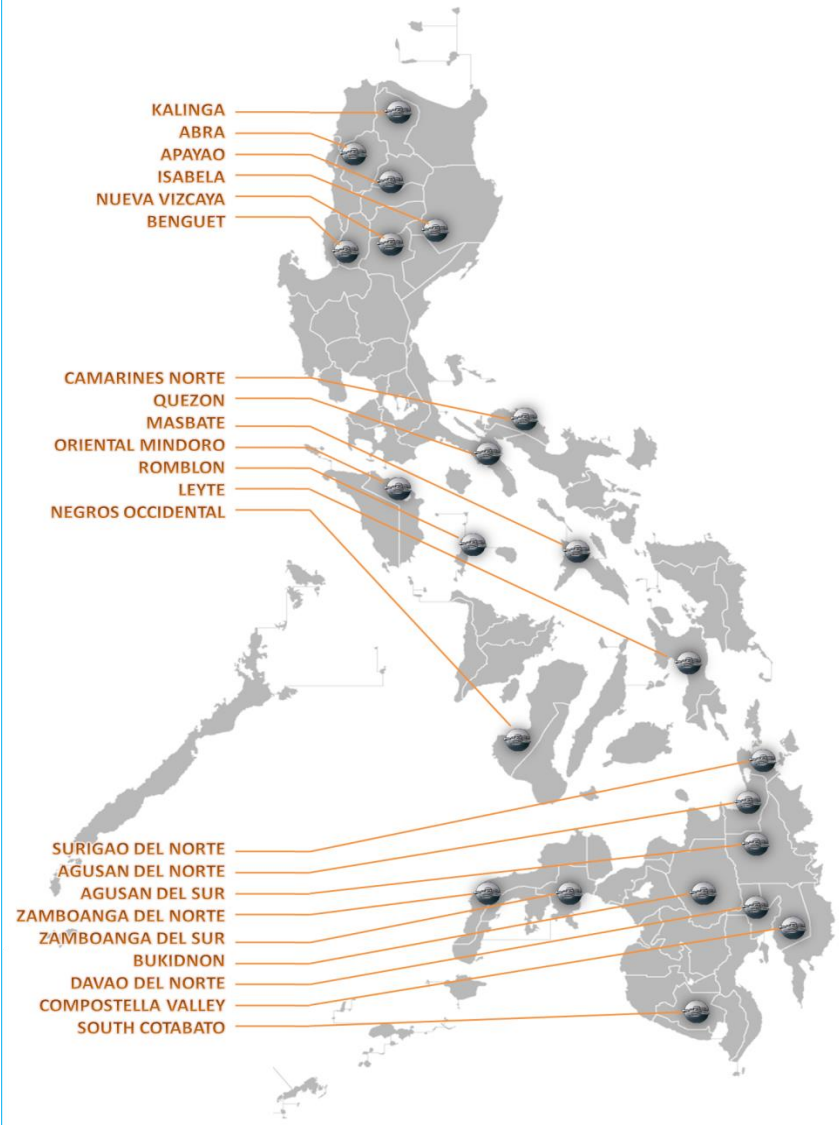
Problem Statement

The ASGM sector is **a vital contributor to the Philippine economy**, however, **it also contributes to environmental and health problems through continued use of mercury and other toxic chemicals**, and is in itself burdened with social, institutional, and regulatory issues, among others, which affect principally the workers and also the communities living near or downstream from ASGM operations, coastal communities to local and global fisheries, and other stakeholders.

Location of ASGM Activities in the Philippines

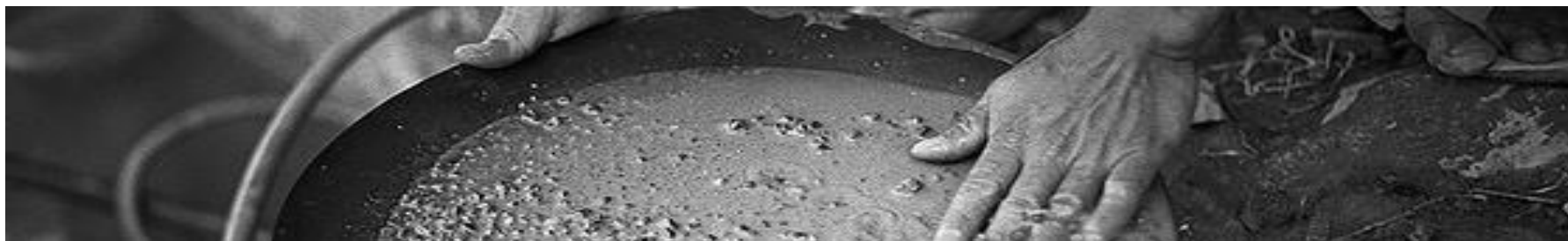


Provinces with Reported Mercury Use in ASGM Activities





NATIONAL STRATEGIC PLAN FOR THE PHASEOUT OF MERCURY IN ARTISANAL AND SMALL-SCALE GOLD MINING IN THE PHILIPPINES





Problem Statement

The ASGM sector is a vital contributor to the Philippine economy, however, it also contributes to environmental and health problems through continued use of mercury and other toxic chemicals, and is in itself burdened with social, institutional, and regulatory issues, among others, which affect principally the workers and also the communities living near or downstream from ASGM operations, coastal communities to local and global fisheries, and other stakeholders.



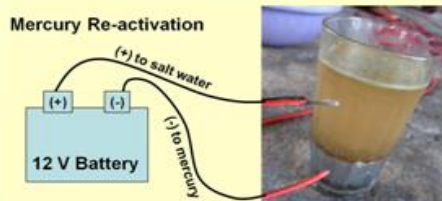


Goal

Protect human health and the environment through the introduction of responsible ASGM practices focusing on mercury use reduction and eventual elimination of mercury use and releases in the environment, adoption of cleaner and toxic-free gold production technologies and simultaneously address social, institutional, regulatory reform, among others.



Photo: DOST



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Photo: S. Al-Hassan & R. K. Amankwah & R. S. Nartey



Photo: UNIDO



Objectives

1. Effectively reduce mercury use in the ASGM sector, based on the quantities determined by the baseline data from the DENR-EMB Mercury Inventory report as updated from other sources through the elimination of major inefficient and unsafe practices:

- 25% in 2014;
- 45% in 2017; and
- 20% by 2021



Objectives

2. Develop and implement coherent national policies and regulations that promote the sustainability of ASGM and its allied sectors, as well as environmental and safety measures to protect miners, communities surrounding ASGM sites and other stakeholders.
3. Establish by 2017, a legal and organized group of ASGM miners working either as a cooperative, association or a formalized group.



Objectives

4. Build and strengthen institutional capacity of PMRBs, LGUs and other ASGM support institutions;
5. Enhance cooperation and partnership at all levels;
6. Develop and promote the safe handling and long-term storage of excess mercury coming from the ASGM sector.





Strategies



1. Engagement with various government agencies, industry, non-governmental organizations, academe and other stakeholders in providing options and activities for achieving the goal and objectives of the National Strategic Plan.
2. Reduction goals can be further reduced or adjusted for the period 2017 to 2021, as may be necessary, after due evaluation by the National Steering Committee of data provided by academic institutions, non-governmental organizations or other concerned stakeholders.*
3. Development of an outreach plan that considers broader environmental and health protection initiatives, and links activities to existing programmes and networks building on past and current experiences;



Strategies



4. Formulation and implementation of fundraising strategies to support the National Strategic Plan;
5. Increased collaboration with regional and international institutions and networks to facilitate exchange of information, and assistance in the promotion of successes achieved under the National Strategic Plan;
6. Increased awareness and advocacy on the use of local technology/know-how/experience to facilitate technology transfer and support capacity-building for the reduction of mercury use in ASGM;



Strategies



7. Periodic review, monitoring and evaluation of activities in relation to the agreed milestones.
8. Linking ASGM interventions with national development processes and their products, such as poverty reduction strategies and Millennium Development Goal-based National Development Plans.*

* Not included in the first draft

ACTIVITIES

Objective 1: Effectively reduce mercury use in the ASGM sector, based on the quantities determined by the baseline data from the DENR-EMB Mercury Inventory report as updated from other sources through the elimination of major inefficient and unsafe practices:

1. Amend DAO 97-38 to ban importation of elemental mercury and certain mercury compounds and phase-out and control mercury containing products into the country.
2. Coordinate with DENR-EMB Regional Offices together with BOC and other appropriate agencies on the implementation of amendments to DAO 97-38 and provide training to the above agencies and stakeholders.

ACTIVITIES

3. Renew monitoring and control of existing stocks or inventory of elemental mercury, certain mercury compounds, and products currently in the country.
4. Develop an ASGM priorities area/region list to focus Hg reduction efforts, considering issues such as, but not limited to:
 - Extent of Hg use and emissions;
 - Number of miners and communities;
 - Existence of organization infrastructure among miners in the region; and
 - Cooperation among miners, LGUs, and other stakeholders.

ACTIVITIES

5. Conduct a needs assessment on the technical capacity of reduced-Hg practices with a view to identifying practical difficulties and obstacles to their effective application.
6. Develop pilot project/s to help reduce Hg use and promote reduced-mercury or mercury-free processes and technologies in Priority Region/s looking at addressing the following: whole-ore amalgamation, open-burning, and mercury-use prior to cyanidation practices.*
7. Undertake research and development (R&D) to further improve existing mineral processing technique particularly in the recovery of mercury and gold in tailings and tailings pond.
8. Develop alternative mineral extraction process with high milling

ACTIVITIES

9. Designate mineral processing zones with common engineered tailings pond.
10. Conduct appropriate mine rehabilitation efforts, such as tree-planting, etc.
11. Provide technical assistance to small-scale miners on the proper and systematic mining and milling operations, with emphasis on reduced mercury or mercury free processes and technologies.

ACTIVITIES

12. Conduct information and education campaign (IEC) on:

- Minimum environmental impact mining, including mercury-free or reduced mercury techniques and processes, and milling operations, especially calling for the elimination of whole-ore amalgamation, open-burning, and mercury-use before cyanidation;
- Environmental education and awareness program
- Rights of IPs in mining areas within their ancestral domains*
- Indigenous mining practices and other clean gold production techniques*

ACTIVITIES

13. Conduct regular inspection and monitoring of the following:
 - Environmental media around or traversing ASGM sites;
 - Health of miners and their families;
 - Aquatic organisms consumed by downstream communities from ASGM sites;
 - Mine safety rules and regulations;
 - Quality of life of mining communities*
14. Identify and provide appropriate supplemental livelihood programs to miners and their families

* Based on inputs from the 2nd Regional Consultation

ACTIVITIES

Objective 2: Develop and implement coherent national policies and regulations that promote the sustainability of ASGM and its allied sectors, as well as environmental and safety measures to protect miners, communities surrounding ASGM sites and other stakeholders.

1. Conduct a review and assessment of ASGM regulations and policies to determine gaps and overlaps.
2. Prepare draft legislation or regulation covering the regulatory gaps and synchronizing legislation on ASGM including the development of economic/financial and other relevant instruments/mechanisms.

ACTIVITIES

3. Prepare training manuals/kits on the elaboration of national legislation/policy and enforcement to be used by appropriate government agencies.
4. Incorporate the issue of ASGM within the national sustainable development plan or agenda.
5. Conduct regular briefing with key legislators and government officials on the needs of the ASGM sector; prepare groundwork for legislative or regulatory solutions; initiate legislative or regulatory adjustments.
6. Collaborate with international institutions to help mainstream the issue of ASGM.
7. Congress to file and approve the Amended Small-Scale Mining Act
8. Promotion of Amended Small-Scale Mining Act

ACTIVITIES

Objective 3: Establish by 2017, a legal and organized group of ASGM miners with a national constituency and representing the needs of the ASGM sector, especially from areas where small-scale gold mining activities are undertaken, working either as a cooperative, association or a formalized group.

1. Encourage small- scale miners to form mining cooperatives/ organizations/corporations or similar entities.
2. Conduct cooperative/organization training and preparation and use of the business plans for the development of two regional ASGM groups whose goal is to improve mining practices particularly reduction and if feasible phase-out of mercury use in ASGM.

ACTIVITIES

3. Conduct municipal and provincial mining summit according to priority areas/regions following the goal of the regional groupings above.
4. Legalize the mining operations of artisanal and small-scale mining located in conflict areas or public lands.
5. Educate small scale miners on mining laws, rules and regulations particularly on the acquisition of mining rights and/or contracts, organization, etc. utilizing miner-to-miner trainings and similar methods.
6. Strictly implement policies and regulations on child labor and develop policies upholding the role of women in small-scale mining.

ACTIVITIES

7. Establish structures for social benefits such as day care centers, health clinics, and LGU sub-stations in small-scale mining areas.
8. Develop programmes - technical outreach, organizational finance, fund-raising, etc. to support the functions of the ASGM groups and their business plans.
9. Develop and publicize financing instruments and fiscal incentives for organized small scale miners are developed and publicized

ACTIVITIES

Objective 4: Build and strengthen institutional capacity of PMRBs, LGUs and other ASGM support institutions;

1. Amend R.A. No. 7076 and P.D. No. 1899, to make it more responsive to the needs of artisanal and small- scale miners.
2. Operationalization of PMRB/CMRB as per R.A. No. 7076
3. Train LGUs on improvements in law affecting SSM – strengthening of PMRB/CMRB, etc.
4. Promptly and efficiently execute mandated functions in processing and regulating the issuances of small- scale mining/commercial permits

ACTIVITIES

5. Simplify the procedures in the issuance of small scale mining permits.
6. Provide arbitration to large-scale and small-scale miners to arrive at an amicable settlement of conflict
7. Allocate people's small scale mining areas (PSSMA) and identification of mineralized areas
8. Identify unused areas in mining permit fit for ASGM operations

ACTIVITIES

Objective 5: Enhance cooperation and partnership at all levels

1. Identification of key industry/business stakeholders and opportunities for partnership to support the goal of environmentally sound ASGM (eg: corporate foundations, industry, associations, multinational companies, companies operating at the national level)
2. Symposium, meetings, forum discussion organized with key industry sector's partners, environmental and development NGOs, academia and local communities

ACTIVITIES

3. Establishment of operational network of key stakeholders to support the goal of environmentally sound ASGM at the provincial and national level.
4. Development of multi-stakeholder financial strategies and innovative fund-raising for environmentally sound ASGM activities.

ACTIVITIES

Objective 6: Develop and promote the safe handling and long-term storage of excess mercury coming from the ASGM sector.

1. Assess options for managing the excess mercury supply, including safe and secure long-term storage of mercury and mercury containing waste, and disposal of mercury.
2. Assess technologies to sequester excess and facilities for safe long term storage
3. Develop Committee/Working Group to manage terminal storage project.

ACTIVITIES

4. Develop financing options to support terminal storage project
5. Develop collection and transport protocol for excess mercury
6. Creation of terminal storage facility/option and acceptance of excess mercury.



Thank you for listening!

**NATIONAL STRATEGIC PLAN FOR THE PHASEOUT OF MERCURY IN
ARTISANAL AND SMALL-SCALE GOLD MINING IN THE PHILIPPINES**

