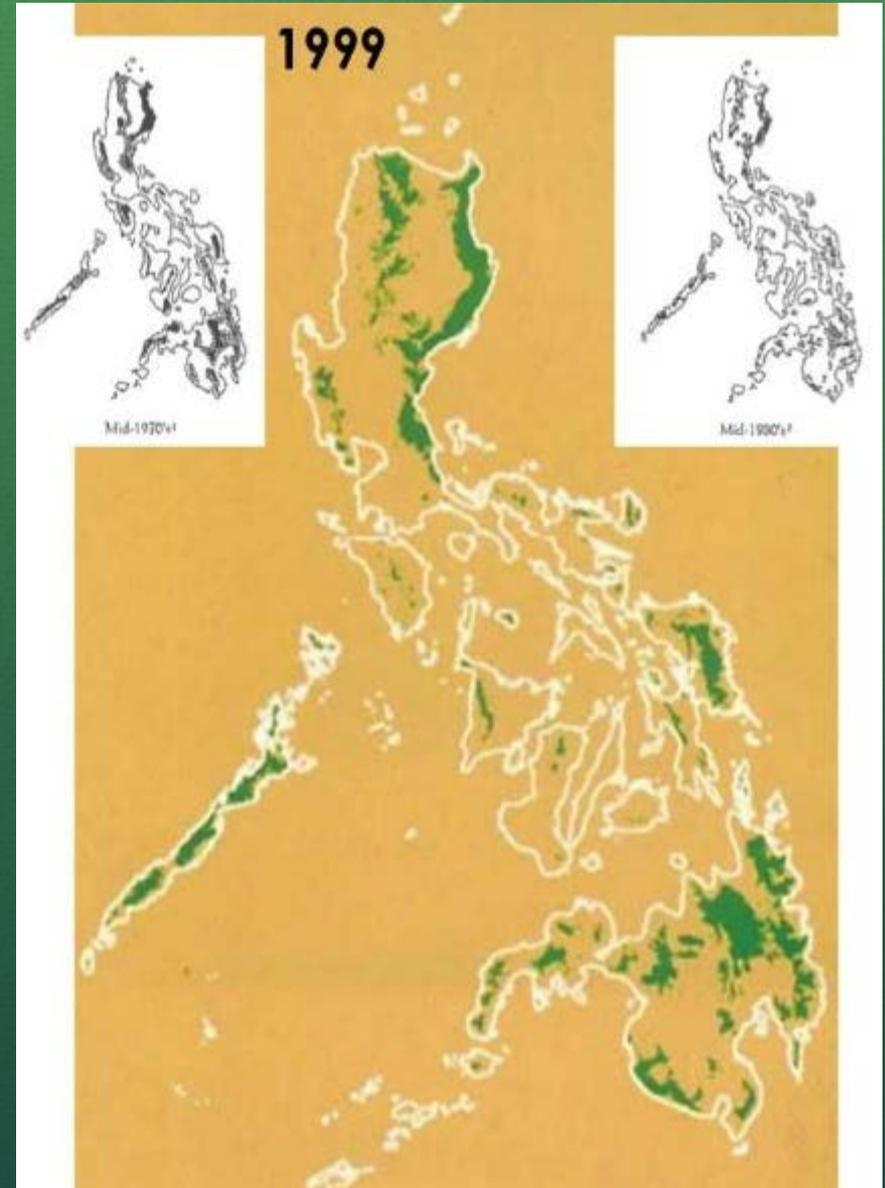
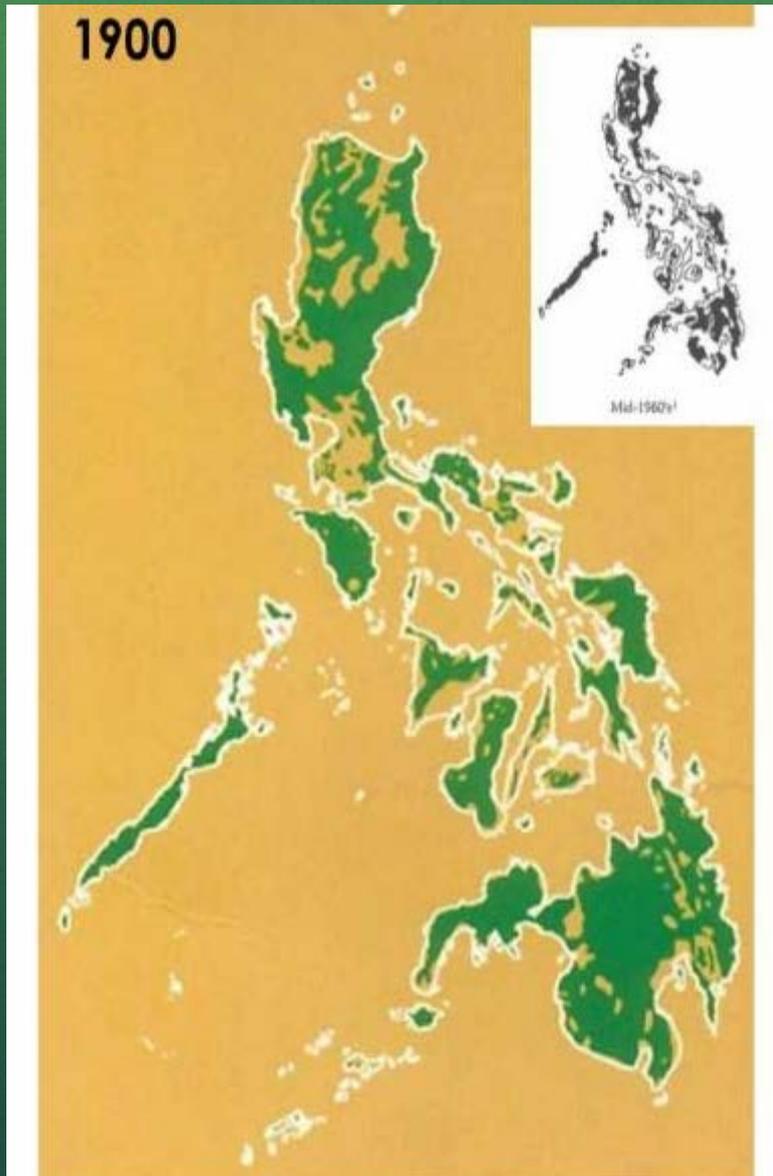


# Where do we stop?

## The State of Legislation of No-Go Zones in the Philippines

Presentation by Rep. Teddy Brawner Baguilat  
Member, House of Representatives  
Republic of the Philippines

# \*Forest Cover of the Philippines 1900-1999



# \*The Philippine Key Biodiversity Areas (KBAs)

A total of 228 KBAs were identified in the Philippines, composed of:

- 128 terrestrial
- 123 marine

KBAs cover over:

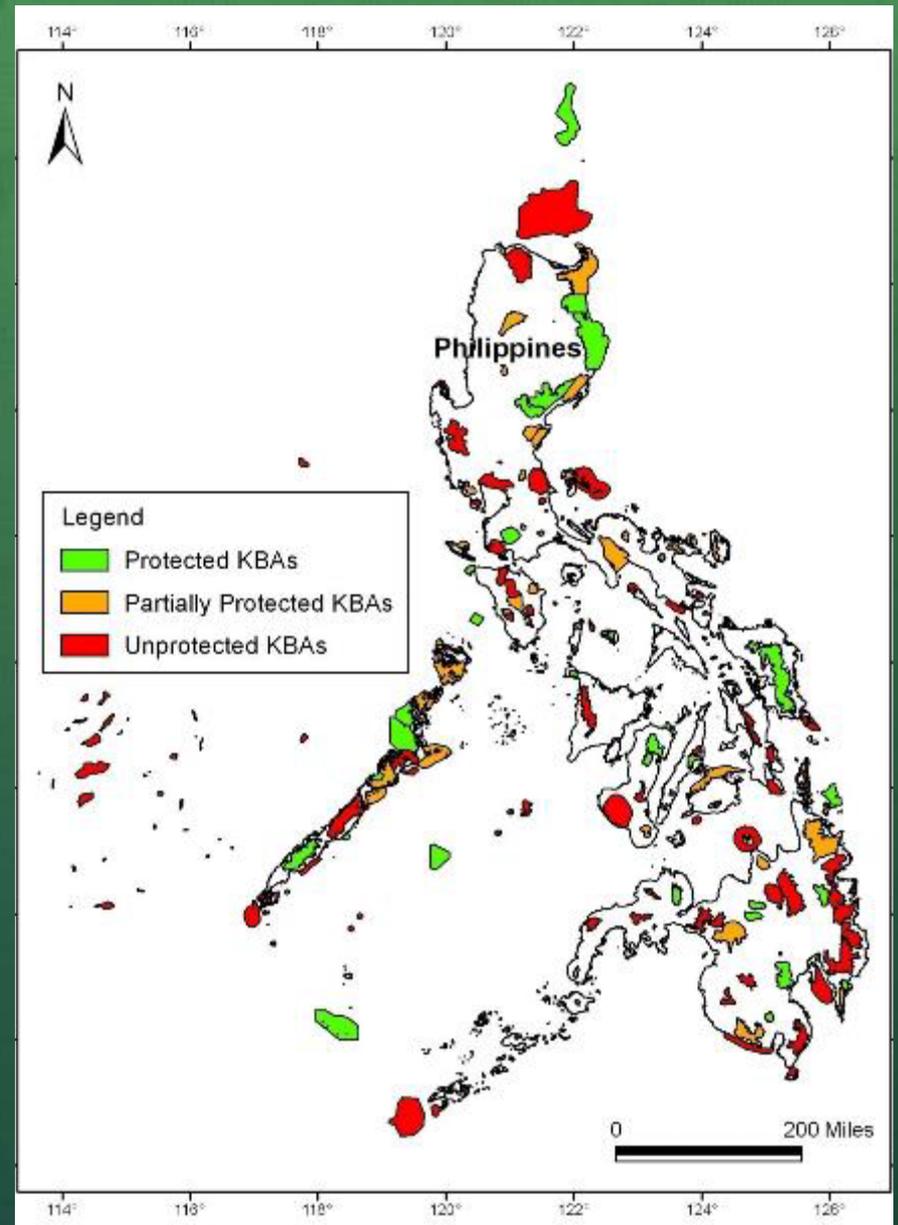
- 106,000 square kilometers
- 855 species including 396 globally threatened, 398 restricted range, 61 congregatory species



Source: Department of Environment and Natural Resources (DENR)

\*Source: Priority Sites for Conservation in the Philippines: Key Biodiversity Areas, 2006

# The Philippine Key Biodiversity Areas (KBAs)



# Current Status of No-Go Zone Legislation in the Philippines



# Executive Order 79

- ❖ Executed by President Benigno S. Aquino III on 06 July 2012
- ❖ It expanded the “no-go” mining zones in the country to include 78 tourism sites, and farms, marine sanctuaries and island ecosystems
- ❖ EO 79 bans mining in following areas:
  1. Tourism development areas identified by the National Tourism Development Plan (NTDP);
  2. Prime agricultural lands such as plantations and other properties devoted to valuable crops;
  3. Fisheries development zones and marine sanctuaries as declared by the agriculture secretary; and
  4. Island ecosystems to be determined by the Department of Environment and Natural Resources (DENR) through mapping technology

# National Integrated Protected Areas System Act (NIPAS)

- Established the National Integrated Protected Areas System (NIPAS) delineating the protected areas and buffer zones to maintain essential ecological processes and life-support systems, to preserve genetic diversity, to ensure sustainable use of resources found therein, and to maintain their natural conditions to the greatest extent possible
- Declared the following as protected areas:
  1. Strict Nature Reserve
  2. Natural Park
  3. Natural Monument
  4. Wildlife Sanctuary
  5. Protected landscapes and seascapes
  6. Resource reserve
  7. Natural biotic areas
  8. Other categories established by law, conventions or international agreements which the Philippine Government is a signatory

- Listed the following prohibited acts within protected areas and providing for penalties:
  1. Hunting, destroying, disturbing, or mere possession of any plants or animals or products derived therefrom without a permit from the Management Board;
  2. Dumping of any waste products detrimental to the protected area, or to the plants and animals or inhabitants therein;
  3. Use of any motorized equipment without a permit from the Management Board;
  4. Mutilating, defacing or destroying objects of natural beauty, or objects of interest to cultural communities (of scenic value);
  5. Damaging and leaving roads and trails in a damaged condition;
  6. Squatting, mineral locating, or otherwise occupying any land;
  7. Constructing or maintaining any kind of structure, fence or enclosures, conducting any business enterprise without a permit;
  8. Leaving in exposed or unsanitary conditions refuse or debris, or depositing in ground or in bodies of water; and
  9. Altering, removing destroying or defacing boundary marks or signs.

# Indigenous Peoples Rights Act (IPRA)

- Rights of indigenous people under IPRA: Self-determination, Ancestral domains, human rights, cultural integrity, social justice
- Provided for a mechanism for indigenous peoples to apply for a formal title for their ancestral lands/ domains
- Provided for the right of indigenous peoples to determine their own development in accordance with national development
- Recognizes the free prior and informed consent (FPIC) of Indigenous Peoples, and asserting that in the absence of such a clear level of consent, a project cannot proceed

# National Cultural Heritage Act of 2009

- Aims to protect, preserve, conserve and promote the nation's cultural heritage, its property and histories, and the ethnicity of local communities.
- Categorized cultural properties as:
  1. National cultural treasures
  2. Important cultural property
  3. World heritage sites
  4. National historical shrine
  5. National historical monument
  6. National historical landmark
- All cultural properties declared as national cultural treasures, national historical landmarks, sites or monuments shall be entitled to priority government funding for protection, conservation and restoration.
- The appropriate cultural agency shall closely collaborate with UNESCO-National Commission of the Philippines in ensuring the conservation and management of world heritage sites in the Philippines

# PD 705: Forestry Reform Code the Philippines

- Provided for the proper classification, management and utilization of the lands of the public domain to maximize their productivity
- Reassessed the multiple uses of forest lands and resources
- Provided that no person may utilize, exploit, occupy, possess or conduct any activity within any forest and grazing land, or establish, install, add and operate any wood or forest products processing plant, unless he has been authorized to do under a license agreement, license, lease or permit. Forest lands include the public forest, the permanent forest or forest reserves, and forest reservations.

# Observations

The Philippines have come a long way in recognizing that there is a need to protect protect the environment and the communities from the excesses of extractive industries and development aggression through the legislation of significant measures (as earlier discussed). It is, however, still apparent that much is still desired to address such need in terms of:

1. Implementation of current policies by the Philippine Government
2. Legislation of important measures that address gaps in the law and conflicts in the current laws



# Moving Forward: The Passage of Three Important Bills

1. National Land Use Act (NALUA)
2. Forest Resources Management Bill (FRB)
3. Minerals Management Bill (MMB)

# National Land Use Act (NALUA)

- ✓ It seeks to institutionalize land use and physical planning to determine and evaluate appropriate land use and allocation patterns

## Salient Provisions:

- ❖ To craft a National Physical Framework Plan (NPFPP) with Physical Land Use planning as the basis for Development planning
- ❖ Effectivity of 30 years with regular review and updating every 10 years
- ❖ Follows the “ridge-to-reef” physical planning framework

❖ It shall employ the Four Land Use Categories in indicating broad spatial directions and policy guidelines for land use, these are:

1. Protection Land Use
2. Production Land Use
3. Settlements Development
4. Infrastructure Development

# Forest Resources Management Bill (FRB)

- Provides for a redefinition of 'Forest'. The functional definition of forest is used

“Forest” refers to an ecosystem or an assemblage of ecosystems dominated by trees and other woody vegetation; a community of plants and animals interacting with one another and its physical environment. It shall consist of trees with overlapping crown of 60-100% forest cover

- All remaining natural forests are protected. Commercial logging, mining and other similar extractive activities are prohibited in protection forestlands, and all existing permits, licenses and agreements in them would be excluded from coverage.

# Minerals Management Bill (MMB)

- 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 national industrialization and modernization of agriculture.
  
- **No Go Zones** or areas closed to mining operations including among others:
  1. critical watersheds
  2. geo-hazard areas
  3. small island ecosystems
  4. lands covered by the Comprehensive Agrarian Reform Law
  5. key biodiversity areas, etc.

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

# Challenges in Legislation

- The common perception that protected areas or no-go zones are anti-development;
- The composition of both houses of Congress include members many of whom are connected, directly or indirectly, to extractive businesses and supported by companies in the extractive business;
- The ruling political party position and influence in of the Executive Branch of the Government; and
- The slow legislative process.

# Addressing the challenges

1. Organizing a network of supporters that includes both sectoral representatives such as indigenous peoples and farmers, and technical experts;
2. Popularizing the issue through the media and other means;
3. Lobbying for support both from the Executive and colleagues in the Legislative
4. Getting support from the international community

*Thank you very much.*