



THE UNIVERSITY OF
NEW SOUTH WALES

SCHOOL OF MINING ENGINEERING

Regulation of Mining in Asia & Pacific

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Comparative Review of Environmental Legislation in Asia

- Constitutional frameworks
- Environmental legislation
- Mining Legislation
- Institutional framework
- Environmental impact assessment

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Constitutional Provisions for Environmental Protection

- Indonesia
 - The constitution establishes the principle of management of environmental resources for the greatest welfare of the people.
- Papua New Guinea
 - The constitution call for natural resources to be conserved and used for the collective benefit of a land of future generations.

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Constitutional Provisions for Environmental Protection

- Philippines
 - Declaration of Principles and State Policies: The State shall protect and advance the right of people to a balanced and healthful ecology in accordance with the rhythm and harmony of nature.

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Institutional & legal frameworks for mineral resources development

- Indonesia
 - Dept of Mines & Energy
 - Mining Law No.11 1967 in which environmental considerations play an important role
- Papua New Guinea
 - Dept of Minerals and Energy
 - Mining Act 2000

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Institutional & legal frameworks for mineral resources development

- Philippines
 - Dept of Environment & Natural Resources with Mines & Geosciences Bureau
 - DENR Regional Offices on MGB development services
 - Presidential Decree No. 463
 - Executive Order 279 provisions on co-production, joint ventures and profit sharing agreements

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Environmental provisions of mining legislation

- Indonesia
 - Mining Law No.11 1967
 - safety and environmental conditions attached to licensing procedure.
 - Contract of Work conditionalities substitute for rules and regulations. Also incorporate environmental protection measures and monitoring.

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Environmental provisions of mining legislation

- Papua New Guinea
 - Mining Act 1992
 - provides for the mandatory convening of a "development forum" prior to granting of license as a mechanism to resolve contentious issues, including environmental issues.
 - Social impact assessment and social monitoring required by companies.

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Environmental provisions of mining legislation

- Philippines
 - Presidential Decree No. 463
 - punishes ... wilfully causes sludge, tailings or mine waste ... to cause damage, injury or destruction ...
 - Presidential Decree No. 1251
 - imposes a fee on mine waste & tailings to be used for payment of damage
 - Executive Order 279
 - incorporates environmental provisions into co-

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Rehabilitation Provisions

- Indonesia
 - Mining Law No.11 1967 has measures for rehabilitation of mined out areas attached to licensing procedure.
 - Contract of Work (COW) conditionalities include progressive rehabilitation of mine out areas.

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Rehabilitation Provisions

- Papua New Guinea
 - A mandatory Environmental Plan includes a rehabilitation programme.

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Rehabilitation Provisions

- Philippines
 - Provisions regarding rehabilitation and posting of bonds are included under Presidential Decree Nos. 463 & 1586 and Executive Order 279.

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Provisions for Environmental Impact Assessment (EIA)

- Indonesia
 - Contract of Work conditionalities incorporate the mandatory requirement for EIA to be part of the feasibility study.
- Papua New Guinea
 - Granting of license linked to the approval of the EIA with extensive provisions for impact predictions and mitigation, monitoring and rehabilitation strategies.

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Provisions for Environmental Impact Assessment (EIA)

- Philippines
 - Granting of mining lease/licence/permits under PD 463 and other profit sharing agreements are subject to the issuance of an Environmental Clearance Certificate which is granted under the EIA system.

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Institutional arrangements for public participation in EIA process

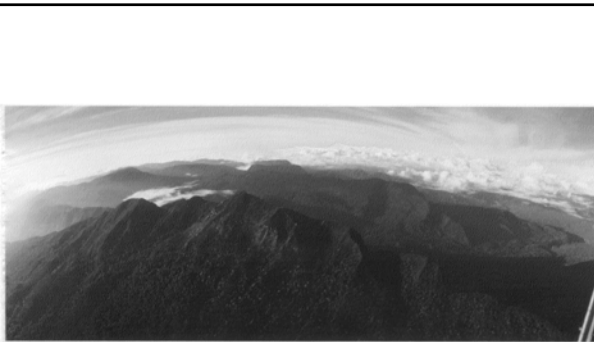
- Indonesia
 - Yes
- Papua New Guinea
 - Yes
- Philippines
 - Yes

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OK TEDI Mine,
Western
Province,
Papua
New
Guinea



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OK TEDI Mine area, Papua New Guinea,

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Ok Tedi - Tabubil township and airstrip

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Fly River Delta area – overbank flooding impact, dieback.

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Ok Tedi Mine – mine pit area.

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