

SENATE
P. S. R. No. 1434

Introduced by Senator Miriam Defensor Santiago

RESOLUTION
DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN INQUIRY,
IN AID OF LEGISLATION, ON THE FEASIBILITY OF PERMANENTLY CLOSING
DESTRUCTIVE DAMS

WHEREAS, the Constitution, Article 2, Section 16, mandates: "The State shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature";

WHEREAS, Republic Act 8371 also known as the Indigenous People's Rights Act of 1997, Section 7, provides for the rights to ancestral domains: "The rights of ownership and possession of ICCs/IPs to their ancestral domains shall be recognized and protected. Such rights shall include:

c. Right to Stay in the Territories- The right to stay in the territory and not be removed therefrom. No ICCs/IPs will be relocated without their free and prior informed consent, nor through any means other than eminent domain. Where relocation is considered necessary as an exceptional measure, such relocation shall take place only with the free and prior informed consent of the ICCs/IPs concerned and whenever possible, they shall be guaranteed the right to return to their ancestral domains, as soon as the grounds for relocation cease to exist. When such return is not possible, as determined by agreement or through appropriate procedures, ICCs/IPs shall be provided in all possible cases with lands of quality and legal status at least equal to that of the land previously occupied by them, suitable to provide for their present needs and future development. Persons thus relocated shall likewise be fully compensated for any resulting loss or injury;

d. Right in Case of Displacement.- In case displacement occurs as a result of natural catastrophes, the State shall endeavor to resettle the displaced ICCs/IPs in suitable areas where they can have temporary life support system: Provided, That the displaced ICCs/IPs shall have the right to return to their abandoned lands until such time that the normalcy and safety of such lands shall be determined: Provided, further, That should their ancestral domain cease to exist and normalcy and safety of the previous settlements are not possible, displaced ICCs/IPs shall enjoy security of tenure over lands to which they have been resettled: Provided, furthermore, That basic services and livelihood shall be provided to them to ensure that their needs are adequately addressed;"

WHEREAS, based on the 17 October 2009 article in Bulatlat.com, there is a widespread appeal for the immediate closure of destructive dams that exacerbated the effect of typhoons in various communities;

WHEREAS, according to Dr. Giovanni Tapang, chairman of a progressive scientist group Agham, the extent of devastation caused by the presence of dams and the deliberate disregard of the operators and owners to the communities in the area should lead to the decommissioning of the dams since as long as these dams remain, these similar tragedies will likely occur in the future;

WHEREAS, these dams, particularly the San Roque Multipurpose Dam in San Manuel, Pangasinan, have been blamed for the massive flooding in Central Luzon since officials of the San Roque Dam allegedly delayed the release of excess water in order to maximize their profit;

WHEREAS, the construction of the San Roque Multipurpose Project, which started in 1998, deprived the farmers of San Nicolas, Pangasinan of the Agno River's overflow, which they had been taking advantage of for irrigation;

WHEREAS, this project was funded by the Japan Bank for International Cooperation (JBIC) and owned by the San Roque Power Corporation and it required the construction site to be dried up and the river to be diverted; in the process, irrigation canals also dried up as diggings deepened the river bed;

WHEREAS, at present, the San Roque Dam and the Laiban Dam are just two of the large dams in the Philippines; others include the Magat Dam in Cagayan, the La Mesa Dam in Quezon City, the Angat and Ipo Dams in Bulacan, the Pantabangan Dam in Nueva Ecija, the Matuno Dam in Ifugao, the Binga and Ambuclao Dams in Benguet, the Caliraya Dam in Laguna, the Bayungan Dam in Bohol, the Manangga Dam in Cebu, the Pan-ay River Dam in Panay, and Pulangi V Hydro Dam in Bukidnon;

WHEREAS, the main function of the dams is to provide electricity since it is one of the cheapest sources of energy in the country and these are supposedly designed and used to control floods;

WHEREAS, according to the International Commission on Large Dams, a large dam is one with a height of 15 meters or more from the foundations, or one with a height of 5-15 meters from the base but holding more than three million cubic meters of water;

WHEREAS, the 1980s and 1990s saw the frenzied implementation of large-dam projects in countries like Brazil, Chile, China, Guatemala, India, Malaysia, the Philippines, and Thailand but these projects were met with intense mass protests;

WHEREAS, the snowballing of anti-dam protests led the World Bank and the World Conservation Union to form the World Commission on Dams (WCD) in May 1998; the WCD's tasks were to study the effects of large dams as development projects and analyze alternative means of developing energy resources; and to set standards and guidelines for planning, designing, assessing, constructing, operating, monitoring, and decommissioning dams;

WHEREAS, the WCD found, among other things, that large dams had destructive effects on the environment that are difficult to reverse; and that for the most part, these did not succeed in delivering their promised benefits such as providing for energy needs;

WHEREAS, the government has always argued that large dams have to be constructed to provide for the country's energy needs but the State disregards the environmental and social costs of building and maintaining large dams;

WHEREAS, the government also ignores other sources of energy, like the biomass-powered systems, which use organic materials like animal manure and coconut

husks; they also ignore the micro-hydropower systems, or small systems using energy from moving water, which are characterized by the use of turbines or waterwheels to convert the energy of moving water into mechanical energy, and are especially appropriate for areas with numerous and large rivers; solar-powered systems are also ignored, which use photovoltaic cells; wind-powered systems are also possible sources of energy;

WHEREAS, thousands of Filipino families have been physically and economically displaced due to the construction of these dams; homes and properties have been destroyed and uncompensated and communities have lost their heritage and their cultural identity;

WHEREAS, harassment, militarization, and human rights violations have also become a common experience for communities directly affected by government development projects;

WHEREAS, in the case of the Philippines, the practice has been so long engrained that government policy facilitates the situation in favor of the international dam industry, with the build-operate-transfer (BOT) law and its variants paving the way for the systematic dumping of expensive yet inefficient and obsolete technology;

WHEREAS, the proponents of these infrastructure projects do not weigh the heavy social costs like resettlement and unemployment and environmental factors like stiltation, heavy flooding, and loss of biodiversity and wildlife habitat;

WHEREAS, one of the gravest concerns is the lack of transparency and participation of the communities during the planning stages of these projects despite the existence of laws such as the IPRA and the use of free and informed prior consent, which entitles indigenous communities control over their ancestral domain, project proponents rarely reveal any or all of the details of the projects during consultations;

WHEREAS, there is a need for full compensation and the provision of sustainable sources of livelihood for relocated residents and those in affected upstream and downstream communities, and the immediate environmental rehabilitation of surrounding dam sites;

WHEREAS, the government should respect and uphold the rights of dam-affected peasant and indigenous communities;

WHEREFORE, be it hereby resolved by the Philippine Senate, to direct the proper Senate Committee to conduct an inquiry in aid of legislation, on the feasibility of permanently closing destructive dams.

Adopted,


MIRIAM DEFENSOR SANTIAGO

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