

Human Rights Council
Expert Mechanism on the Rights of Indigenous Peoples
Sixth session, 8 – 12 July 2013
United Nations Office, Geneva, Switzerland

Kalipunan ng Katutubong Mamamayan ng Pilipinas (KAMP) Statement

Agenda Item 6: United Nations Declaration on the Right of Indigenous Peoples

and its more than 500 community organizations
 KAMP is pleased to inform the EMRIP of continuing efforts of indigenous UNDRIP communities in the Philippines for the realization of the UN Declaration on the Rights of Indigenous Peoples and to assert the genuine recognition and respect of ancestral land rights and rights to self-determination. Indigenous communities have led initiatives to set-up indigenous schools and implement intercultural and intergenerational exchange programs; to unite towards an Indigenous Peoples' Agenda; submit different petitions and engage in dialogues with pertinent government agencies; and to directly participate in the electoral process through the partylist system. New indigenous peoples' organizations were also formed in community, island, and province levels.

Despite these positive developments, indigenous peoples in the Philippines still continue to face serious challenges.

A matter of urgent concern is large-scale mining operations ongoing and imminent in many indigenous peoples' communities. ~~We are alarmed by the existence of~~ ^{there are} at least 184 approved mining applications in or affecting ancestral territories, covering ~~an estimated 595,058.11 hectares of ancestral lands~~ ^{about 600,000 H.A.S} in 28 provinces in the country. These mining applications, mostly by foreign corporations, are being encouraged and facilitated by the Philippine government's policy liberalizing the mining industry.

Recent incidents involving operating mines highlight the serious impacts of mining on indigenous peoples. In August 2012, 20 million metric tons of mine tailings surged into the Agno River in Benguet province due to a breach of Philex Mining Corporation's tailings dam, causing serious damages to the land, water, and livelihoods of indigenous peoples and peasant communities downstream. In the municipality of Sofronio Española in Palawan Island, operations of Citinickel Mines and Development Corporation caused a plunge in food production and fish catch in Palawan communities, due to laterite and heavy metal contamination of water ways. Australian mining corporation Royalco Resources Limited affects areas populated by peasants and Igorot tribes in its three projects in Nueva Vizcaya. Royalco was granted exploration rights despite its lack of a genuine Free Prior and Informed Consent from the indigenous communities. A barricade set up and maintained since 2006 is testament to stiff local opposition to mining. ~~Blaan communities~~ ^{FPIC} affected by the Tampakan project of Xstrata-Sagittarius Mines Inc (SMI) have been forced to evacuate after military and paramilitary forces killed several of their leaders and members opposing the mining project. A recent congressional investigation on February 21, 2013 revealed that Xstrata-SMI has been contributing a total of P1 million per month in allowances for government troops or Citizen Armed Forces Geographical Unit (CAFGU) members deployed in the mining site. These are the same forces implicated in the extrajudicial killings of indigenous people.

↓ We stress that these mining projects violates the human rights of indigenous peoples and have caused irreparable damage on ancestral lands and resources. Many of these companies started operating without genuine, free prior, and informed consent of the concerned indigenous peoples. The threats, bribery, and harassments perpetrated by these mining corporations runs in conjunct with the ~~Operational Plan Bayanihan~~ ^{Cooperation} (Cooperation), an insurgency program

implemented by the Armed Forces of the Philippines. Extra-judicial killings of indigenous peoples blamed on counter-insurgency programs have reached 35 since June 2010.

We also highlight the issues on free prior and informed consent (FPIC.) The Philippine Task Force for Indigenous Peoples Rights reports manipulation, coercion and bribery exerted by National Commission on Indigenous Peoples personnel, local government officials, and private companies in the FPIC process. Harassment, scare and pressure tactics of company are common, including killings. Also, there is a serious lack of information provided or available to the community for them to be able to make an informed decision regarding the project entering their areas. Worse, deception is common with the aim to mislead the community into consenting. Succinctly, consent is forced, since rejection is usually not considered an option.

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We recommend the following:

1. Repeal the Philippine Mining Act of 1995, revoke Executive Order 79 and support the passage of Peoples Mining Bill in Congress that will provide for the rational management of minerals while upholding the rights of indigenous peoples;
2. Respect and uphold the issuances of mining moratorium by local government units, consistent with local government autonomy.
3. Hold accountable all corporations that have caused destruction of the environment, rivers, forests and ~~our~~ livelihood. [Ensure that these corporations rehabilitate what they have destroyed and compensate those who have lost their sources of livelihood.]
4. Prohibit the involvement of state military, paramilitary and police forces in the implementation and operation of mining projects;
5. Stop militarization of indigenous peoples communities and ensure justice and indemnification for the victims of human rights violations including indigenous women and children, and revoke the Peace and Development Plan, Operational Plan Bayanihan.
6. Give primacy to the indigenous community's decision making systems, customary laws and recognized tribal councils, over the NCIP-facilitated FPIC process. Investigate the designation/creation of fake tribal councils and manipulation of FPIC process and implement corrective measures.
7. Ensure participation in the FPIC process of all indigenous groups and communities to be affected by large scale mining. Ensure sufficient time and process for internal consensus-building among the affected indigenous communities in order to avoid severe contradictions within tribes.
8. Ensure independence of the FPIC process through non-intervention by the NCIP, the company and military. Ensure that all necessary information for proper decision-making is provided to the community. Avoid using funds and projects to influence the FPIC process

Lastly, we would like to request the EMRIP and the HRC to consider having issue of peace and security for its next study.

Delivered by:
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