

Statement to the UN Working Group on Indigenous Populations 2006 session
on behalf of Philippine Indigenous People Links
Agenda item 4c.
Presented by Geoff Nettleton

The Philippine Indigenous Peoples Rights Act (IPRA) recognises the role of indigenous authorities to manage their territory, settle disputes and resolve conflicts. Elders have come here repeatedly to report on their efforts to use indigenous laws to resolve disputes over the use and abuse of indigenous lands by Transnational corporations and the military.

We have in the past highlighted the case of a Canadian mining company, TVI Pacific, who was refused permission to operate for many years by the traditional authorities and the by the local government. Indigenous Subanon from other areas and tribes were imported into Canatuan to work for TVI as security and construction workers and the company has supported the claims of these usurpers to be recognised as the ancestral land holders having the right to grant permission for the mine of their employers and drive away those who oppose the mine.

The Subanon elders, as a court, considered the genealogical claims of the various people involved. It concluded that those traditional land holders under the leadership of Timuay Jose Anoy and Timuay Lino Tii who strongly oppose the mine are the legitimate land holders with authority over the land. They concluded that those supporting the company and granting permission to mine the area were neither genealogically eligible to lead, nor were they in most cases even entitled to reside within the lands of Canatuan being far removed from their various ancestral domains. The Gakom imposed traditional fines on these violators.

The Philippine government's National Commission on Indigenous Peoples and the Mines Agency (MGB), and the Canadian mining company and the Canadian embassy have chosen to ignore these indigenous law rulings and continue to recognise those who have usurped the powers and lands of the traditional landholders. As a result a mine has been allowed to defile the sacred mountain and displace the people. The conflict and division in the community has grown worse and HR abuses proliferated. More than 100 armed company security are active in the area. They and the illegitimate organisation recently dismantled the house and forcibly removed one local family and threatened to do the same for others at the mine site. Timuay Anoy who is recognised by other Subanon as the local leader and was directly recognised by the President of the Philippines is now threatened and barred from his home solely because he opposes TVI.

Across the Philippines there are many examples where viable traditional authorities and legal systems which the IPRA law says will be respected are being ignored, manipulated or its practitioners threatened and attacked, especially where they are seen as critical of government policies and critical of the exploitation of indigenous lands. The tactic of replacing legitimate traditional authorities with compliant dummies of Government and corporations is widespread and has brought the law on indigenous peoples rights into disrepute. Mr Chairman we are deeply concerned by such developments because they cynically undermine the progress in the recognition of indigenous rights.

Even when Indigenous authorities who reject mining are joined by local government authorities the Philippine government ignores its obligations to its own relevant laws (both to the IPRA and the Local Government Code) and its international obligations

There is an alarming rise in extrajudicial killings of community leaders and legitimate legal critics of government policies that is generating heightened conflict, fear and human rights abuses. Over 70 indigenous leaders are among more than 710 extrajudicial killings that are fully documented to have occurred under the Arroyo administration. It is widely believed that the Philippine military are directly responsible for many of these murders and threats.

Where mining projects are planned we find a rise in killings and abuses. More than 20 have died in the TVI case and others wounded. In the last 2 months, when the CPA in Kalinga is legitimately protesting the illegitimate granting of Free Prior Informed Consent to foreign mining companies 2 leaders of CPA have been murdered one wounded and other bystanders killed. Joan Carling Chairperson of CPA and well known in this forum is one among many on military death lists.

Mr Chairman

The Philippine Govt is, at the best, abjectly failing to protect its indigenous and other citizens.

We call on the Philippine Government to investigate all cases including those of the murder of Markus Bangit and Alyce Claver, prosecute HR violators and bring an immediate end to the killings.

Amnesty International has cautioned the Government and urged action to halt the killings.

It is clear to us that foreign companies benefit through these murders and other abuses.

We call on corporations that genuinely value their obligations to Human Rights to suspend activities in the Philippines unless and until the killings end and the legitimate rights of communities to exercise Free prior informed consent and freely determine the future of their lands is respected in line with Philippine law .

We call on bilateral and multilateral lenders and all governments to review all cooperation with the Philippine Government in the light of current killings and use their influence to immediately halt the gross violation of human rights

We recommend the Working Group commission a study and expose potential manipulations of indigenous authority everywhere and in cooperation with indigenous peoples strengthen the acceptance of the principle of mutual recognition by Indigenous authorities as one key to the proof of their legitimacy.

We urge the Working Group, aware of the work of the Subcommission on formulating standards for the activities of transnational corporations, and aware of the ongoing work of Prof John Ruggie, the UN Sec General's special representative on human rights and the activities of transnational corporations to develop standards that specifically relate to the protection of indigenous peoples from human rights abuses caused by the activities of corporations.

We call for the Special rapporteur on extra-judicial killings to be invited to the Philippines and report.

We urge Special rapporteur, on the HR and FFofIP, Professor Stavenhagen to follow through on his first visit.

We appeal for these reporters to pay special attention to the issue of assassination and harassment of indigenous leaders