

2009 peter 131

144

Speaker : Peter Duyapat from the Didipio Earthsavers Multipurpose Association - Philippines

**Statement to the Second session of the UN Expert Mechanism on the Rights of Indigenous Peoples**

**Presentation under Agenda Item 4B**

**-UN Declaration on the Rights of Indigenous Peoples**

**August 10-14, 2009**

Thank you Madam Chair for this opportunity to share with you and the participants of this session our experience in the Philippines and to give our recommendations for the consideration of the UN Human Rights Council through the Expert Mechanism on the Rights of Indigenous Peoples. The short statement that I will be delivering today is in relation to Agenda Item 4B which illustrates issues of remedies, redress and compensation.

I am Peter Duyapat, belonging to the Ifugao indigenous community living in Didipio, Municipality Kasibu, province of Nueva Vizcaya. I am the leader of our local organization, the Didipio Earthsavers Multipurpose Association. In the early 1960s, because of limited livelihood options and poverty, the then Commission on National Integration (CNI) encouraged my family and other Ifugao families to relocate to Didipio, Municipality of Kasibu, Nueva Vizcaya from Hungduan, Ifugao Province so that we can establish our community there. Here, we were able to set up our agricultural farms to feed our families. Together with other settlers, we were able to live satisfactorily and our children were able to go to school.

Madam Chair, the problem arose when the Philippine government awarded a Financial or Technical Assistance Agreement to Arimco Mining Corporation, an Australian mining company, in 1994. Our free, prior, and informed consent was not given to them, and yet, despite this, the Philippine government allowed the entry of the international mining corporation even with our adamant opposition. In the following decades, we have suffered numerous human rights violations. This would include demolition of our houses, blocking our ingress and egress from the area, physical abuses against other indigenous members of our community, filing strategic lawsuits against public participation, and many more. The most recent of which, when I, myself, last April 2009, was physically attacked by company guards led by the security head and was brought to the Philippine National Police who did not do anything to protect me. I was only released when people came to demand for my release.

We sought the assistance of the National Commission on Indigenous Peoples (NCIP), especially with regard to the absence of FPIC for the mining operations. However, we were told that because we were migrant IPs, we did not have the right to FPIC. Added to this, we were

charged with criminal cases by government agencies, the Department of Environment and Natural Resources, for illegal occupation of forest lands, despite the fact that it was also the government that encouraged us to settle in our area in the early 1960s. Ironically, Madam Chair, they allow mining operations on forest lands which should be prohibited, but do not respect our rights as migrants and long-term settlers.

Madam Chair, there have been a number of times that the mining company, now OceanGold Philippines, Inc., demolished and/or attempted to demolish our homes for the mining operations. Most of the times, the company was accompanied by members of the Philippine National Police. Currently, allegedly because of President Gloria Macapagal-Arroyo's order, military forces are now deployed in our area. During the past years, President Arroyo has implemented her policy on foreign investments through the establishment of the Investment Defence Forces, wherein military resources of the country are used for the benefit of the corporations, but on the other hand, undermines our rights to voice out opposition.

In light of this, we would therefore like to make the following recommendations:

1. That migrant indigenous peoples should be afforded the same rights as with other indigenous peoples, especially on the right to self-determination and the right to Free, Prior and Informed Consent;
2. That military forces should not be used by governments to assist or protect extractive corporations to the detriment of the indigenous peoples; and,
3. To encourage state governments to pass legislation on natural resource management which fully recognizes the rights of indigenous peoples like the Alternative Mining Bill of the Philippines.