



# **CORDILLERA PEOPLES ALLIANCE**

*For the Defense of the Ancestral Domain and for Self Determination*

## **CPA Response to Cong. Teddy B. Baguilat's Privilege Speech**

The Cordillera Peoples Alliance (CPA) welcomes the efforts of Cong. Teddy Baguilat Jr., chair of the National Cultural Communities, in correcting the historical injustices committed to indigenous peoples, by shedding light to indigenous peoples' issues in the halls of Congress, and more importantly, by strongly urging national government to rectify its wrongdoings.

For a very long time, the Cordillera region has been a haven for plunder and exploitation of the State, including foreign and local capitalists—this situation, worsened by militarization, has resulted in various human rights violations of indigenous peoples. Our just struggle for ancestral land rights and self determination was stiffly met by the State with State terrorism, and 'counter-insurgency' policies and operations claimed the lives of our leaders and members. To date, justice has not been served. Indeed, where mining exists, human rights violations also exist.

In light of these, the CPA appreciates the concrete support of Cong. Baguilat, for reinforcing our calls to national government for a moratorium on all mining applications and operations and for the repeal of the Philippine Mining Act of 1995. We support his efforts for the conduct of investigations on mining impacts to indigenous communities, its contribution to the economy, and on extrajudicial killings of indigenous leaders resisting militarization and destructive mining in their communities and the region; and to hold accountable those responsible for these.

We challenge other Cordillera congressmen to take up these issues and also conduct concrete steps to address these, and for Pres. Aquino to seriously act on these issues, and respond to the Indigenous Peoples Agenda submitted to him by various indigenous peoples organizations and advocates at the start of his term. #

Reference:  
Abie Anongos  
Secretary General

I would like to address you today on the various violations to the civil and political and collective rights my fellow indigenous peoples in the country brought to the attention of my committee. Majority of the said cases that we investigated involves irregularities in the implementation of the FPIC requirement of many mining applications and the adverse impacts of mining to indigenous communities.

Through our strong struggle to defend our lands, we have survived the colonial rule of the Spaniards and the Japanese. But our communities have continuously been subjected to development aggression and oppressive policies that left us disenfranchised and dispossessed of our lands to which our life is rooted in. This is evidenced by the fact that indigenous communities are essentially still at the fringes of society economically, socially and politically.

In the history of our country, congress has only recently acknowledged and recognized indigenous peoples rights with the passage of RA 8371 the Indigenous Peoples Rights Act of 1997. The government also voted in favor of the adoption of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) in September 2007. But even with the IPRA and the UNDRIP, our survival as indigenous peoples is all the more threatened and violated at present because of the relentless pursuit of corporations and the government for access and control over our lands, territories and resources.

At present, the government's policy on mineral resources and its program on mining in particular is one of the biggest threats to peace and development in indigenous peoples territories. The government's obsession for "mining at all costs" stems from the perpetuation of PGMA Executive Order 270-A issued on January 2004 which provided for guiding principles for the revitalization of the mining industry. This EO has led government agencies to violate the indigenous peoples right to Free Prior and Informed Consent (FPIC) recognized in the IPRA but undermined by none other than the National Commission on Indigenous Peoples (NCIP) with their issuance and implementation of the 2006 NCIP Guidelines on Free, Prior and Informed Consent which has been criticized by indigenous peoples leaders and their support groups as more favorable to mining corporations and violative of the right to self determination of indigenous peoples.

Mr. Speaker and fellow colleagues in the Congress, in the past 10 months that the National Cultural Communities committee had been conducting congressional and on site hearings on the impacts of mining to indigenous

communities there has been an observed trend that mining causes conflict among the affected communities thus breaking their strong socio-cultural ties.

A case at point is the conflict in the royalty share of the directly and indirectly affected Mamanwa indigenous communities by the mining operations of Taganito Nickel in Claver, Surigao del Sur. To date, there have been reports of tribal killings among the warring communities.

Another observed cause of conflict is the flawed/defective implementation of the Free Prior and Informed Consent (FPIC) requirement for indigenous communities. In many cases, regulating agencies either bypassed this requirement or the implementing agency in connivance with companies manipulated the acquisition of consent of the affected communities. Examples of manipulation that came out during the hearings were the creation of fake tribal councils, misrepresentation of affected indigenous communities by non-IP organizations for their vested interests, and bribing of indigenous leaders among others.

The creation of fake tribal councils was brought out in the case filed by the Subanens in Midsalip, Zamboanga del Sur where the GAMI Coporation organized pro-mining Subanens and used them to represent the community in the negotiations and MOA signing.

Mr. Speaker, my dear colleagues, let me also highlight the very specific case of the Pal'awan tribe in the province of Palawan. Many of us here have witnessed the extensive media coverage of the two sides of the mining issue there and the Save Palawan Movement and the Chamber of Mines have been doing their best to present their case. But I am disappointed that not enough energy and effort have been extended to understand and resolve a very fundamental issue – that of the free, prior and informed consent (FPIC) of the indigenous communities that will be affected by the mining operations. The issue seems complicated, especially when it was reported last week that more than thirty (30) individuals went here to Manila and claimed they are IP leaders and demanded that NCIP issue a Certificate of Pre-condition in order to allow mining operations to proceed in areas that cover Mt. Matalingahan in Brooke's Pt., Palawan. Because of this move, our visitors here – nine IP leaders from the Pal'awan tribe – were forced to travel a long way and to leave their families and livelihoods behind. They traveled here to prove to NCIP, to prove to DENR, to prove to the mining companies, that they are the legitimate IP leaders, and that they have never given their consent for the entry of mining operations in their areas.

As Chairperson of the House Committee on National Cultural Communities, I take it as personal responsibility and a social duty, to give them a voice while they are here in Manila.

Aside from the conflicts, mining also causes food insecurity to affected communities and has caused the destruction of their pristine forests and agricultural lands. A case at point is the long running operations of Lepanto Mining Company in Benguet that had wrought environmental destruction with one school literally swallowed to the ground when one mountain caved in. Downstream areas in Mankayan are also affected by the mine tailings. In the municipality of Cervantes, their river is polluted by toxic chemicals coming from the mines and had caused the drying up of the rice fields near the river bank and stunted growth of their rice plants. The leakage from the mine tailings dam had destroyed the biodiversity of the river and killed many fishes and eels that were the staple food of the communities living near the banks.

Mining at its worst has also led to the killing of some of our key indigenous leaders. Among those killed for their opposition to mining are Marcus Bangit of Kalinga who was killed by unidentified gunmen when he was en route to Baguio with his son. Bangit is a known indigenous activist leader of the Cordillera Peoples Alliance who is working for the defense of land, life and resources of the indigenous peoples in the North.

There is also the case of Florita Caya, General Manager of the Unified Tribal Council of Elders, who was shot at the back of her head on 27 April of this year that instantly killed her. Nang Flor is the third general manager of of UTCEL to be killed by unidentified persons in a span of two years. According to UTCEL members, the leaders have received threats to stop their activities, including keeping mining operations out of their ancestral domains, prior to their assassination.

This has become a vicious cycle where communities who struggle against encroachments into their territories would almost always face threats to their lives because of the onslaught of large scale mining. There is no doubt in the connection of these human rights violations with the corporate obsession for mineral resources and the government fixation for revenues. Obviously we have let this alarming situation spiral out of control and this must stop. We must value the lives of our citizens specially the long suffering indigenous peoples above they loose change that we try to get from handing over our mineral resources to foreign extractives corporations.

It is time that we go back to correcting the historical injustices against indigenous peoples, strengthen the respect and protection of indigenous peoples right to self determination specially with respect to their right to free,

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prior and informed consent. It is also time to take off the long standing colonial framework in mineral extraction and institute a rational needs based minerals governance that would cater to our sustainable development as a nation.

With this and to give justice to the struggles of my indigenous brothers and sisters, I call on my fellow legislators to urgently act on the consolidation of the three mining bills that would repeal the Mining Act of 1995. I also call on President Simeon Benigno Aquino III to immediately issue an executive order calling for the moratorium on mining while we are at the process of improving our mining policies. This is in line to the House Resolution 00528 that I filed last year which has not yet been acted upon.

I also call on the executive branch to conduct a thorough investigation of the impacts of mining vis a vis its contribution to the economy of the country and to also conduct an investigation on the killings related to mining and hold those responsible accountable.

To conclude, we as indigenous peoples will persist with our struggle to defend our land, territories and resources from development aggression. We will not waver as this will be our legacy to the future generations of IPs.#