



**Oral statement to the UN Human Rights Council – 24<sup>th</sup> Session, 9 – 27 September 2013**  
**Agenda Item 4 – General Debate**  
**Delivered by: Budi Tjahjono**

## **The human rights violation related to mining projects in the Philippines**

Mr. President,

Franciscans International (FI) and Rural Missionaries of the Philippines (Northern Mindanao Region) would like to draw attention of the Council on the human rights violation in the Philippines related to mining, on the three cases. The first is the magnetite mining operations in the coastal area of Cagayan province, especially in Gonzaga, Aparri, Buguey and Lal-lo by foreign and local investors. Allegedly, the mining permission was granted with inadequate consultation and consent of the affected communities. The mining operation has negative impact on the right to livelihood, right to water and right to freedom of expression of the local population. The anti-mining groups have received intimidation from the local authority and mining operators due to their opposition. Consequently, there has been a climate of fear among the population.

Secondly is the nickel mining operations in Eastern Samar province, especially in Homonhon Island<sup>1</sup> and in Manicani Island.<sup>2</sup> There has been allegation of human rights violations of the local communities, especially on the right to freedom of expression, access to water, and right to livelihood. In Homonhon, the anti mining groups have been intimidated by the mining operators. No action was taken by the government to protect them. The latest case was on August 5, 2013 where 17 protesters including two underage children were intimidated by the mining company and the security force. Instead of having a dialogue, the mining company filed a case against the protesters. In Manicani Island, despite the government's decision to suspend the mining operation in 2001, the mining company has been trying to continue their activities. There is no law enforcement for the implementation. The local community is obliged to make human barricade to prevent the company to operate illegally.

Thirdly is the situation in Matigsalug and Tigwahanon indigenous communities in San Fernando, Bukidnon province. On 5 March 2012, Mr. Jimmy Liguyon was shot and killed at his home.<sup>3</sup> He strongly resisted the entry of large scale mining companies in his village, where the main source of income is small-scale mining. The police investigated the killing and charged Mr. Alde Salusad<sup>4</sup> and 14 unidentified paramilitary members for the murder.<sup>5</sup> The Court issued a warrant of arrest against him on 30 April 2012, but to date has not been served. The regional office of the Commission on Human Rights of the Philippines also promised to investigate the case but no official investigation report has been released. The failure to arrest

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<sup>1</sup> By Mt. Sinai Exploration and Development Corporation.

<sup>2</sup> by Samar Nickel Mining Corporation.

<sup>3</sup> Allegedly, the perpetrator declared that he had killed Mr. Liguyon for refusing to enter into agreements on behalf of his village with the San Fernando Matigsalug Tribal Datus Association (SANMATRIDA). Mr. Liguyon was the Vice-Chairman of Kasilo, an organization of indigenous peoples from the southern municipalities of Bukidnon, and the village chief of Barangay Dao, San Fernando, Bukidnon, Mindanao. The Court subsequently issued a warrant of arrest against him on 30 April 2012, but to date has not been served. The regional office of the Commission on Human Rights of the Philippines also promised to investigate the case but no official investigation report has been released. Salusad has also eight warrants of arrest against him for separate cases of murder and frustrated murder, which remains unenforced.

<sup>4</sup> Mr. Salusad is a member of the paramilitary group Tribal Reform Indigenous Organising in Mindanao (TRIOM) Force reportedly created by Vice Mayor Levy Edma and backed by Lt. Fallar of the 8th Infantry Battalion, Philippine Army based at Halapitan, San Fernando, Bukidnon province.

<sup>5</sup> Two other indigenous small miners, Abon and Datu Erning Mantugohan were also reportedly killed in San Fernando in January and October 2012 respectively by the same group.

the perpetrators and the continuing militarization of San Fernando led to two mass evacuations of Matigsalugs and Tigwahanons in March 2012<sup>6</sup> and August 2012.<sup>7</sup>

**Therefore, we would like to recommend the government of the Philippines the following:**

- 1. Stop mining operation in Cagayan Valley and Eastern Samar and conduct an independent evaluation on the impact of mining to the full enjoyment of human right of the affected communities;**
- 2. Enforce the warrant of arrest of the perpetrators of the killing of indigenous leader Mr. Jimmy Liguyon and the other reported killings and conduct an investigation on mass displacements of indigenous peoples in San Fernando, Bukidnon.**
- 3. Implement the principles of Free, Prior and Inform Consent, not only during the implementation, but throughout decision making process on extractive industry;**
- 4. Repeal Mining Act of 1995 and take consideration on the Alternative Mining Bill and Peoples Mining Bill;**

Thank you.

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<sup>6</sup> After the killing of Datu Jimmy Liguyon, 43 families left their homes.

<sup>7</sup> As many as 35 families left their houses and seek sanctuary in front of the provincial capital.