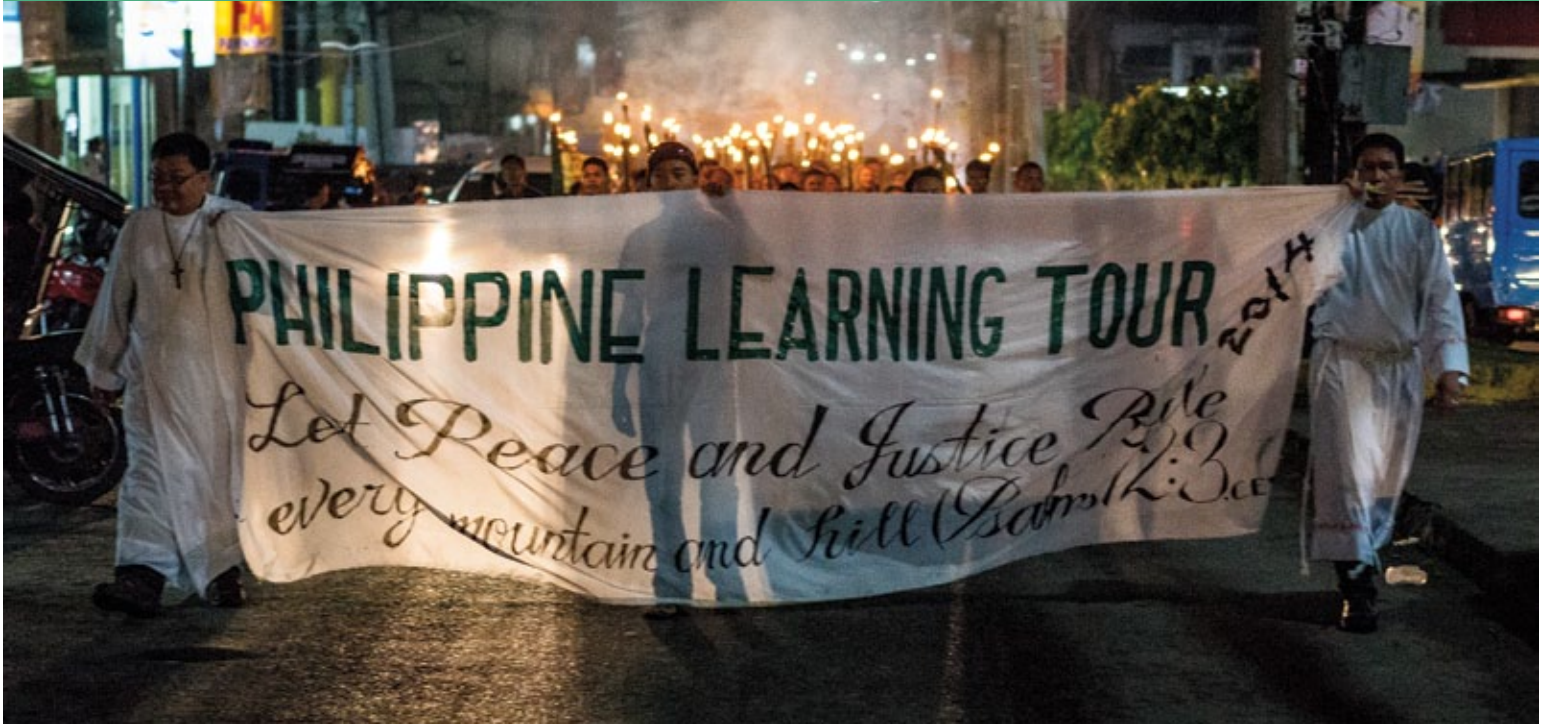


KAIROS Philippine Learning Tour 2014

EXECUTIVE SUMMARY



The Philippine Learning Tour

The Philippine Learning Tour (PLT)* was organized in August 2014 by KAIROS: Canadian Ecumenical Justice Initiatives, in partnership with Ecumenical Voice for Peace and Human Rights in the Philippines and PROTECT-Mindanao. The Philippine delegation that accompanied the PLT consisted of a diverse mix of church leaders, students, social justice activists, and public sector workers.

The PLT was organized by KAIROS in response to a joint appeal by Philippine churches and Indigenous and non-Indigenous groups affected by TVI Pacific Inc., a Canadian company, and its Philippine subsidiary, TVI- Resource Development (TVIRD). The TVIRD Chair of the Board is Clifford James, a Canadian. TVI Pacific holds a 30 percent interest in TVIRD.

The Indigenous Subanen people on the island of Mindanao assert that TVIRD is encroaching on their ancestral lands. They report a correlation between TVIRD's arrival and an increase in human rights violations at the hands of public and private security forces. Alleged human rights violations will be discussed later in this summary report.

During the PLT, information was gathered in five focus group discussions from testimonies by victims of human

rights violations and their families, and residents of affected and surrounding communities, including those who were forcibly evicted. To protect the witnesses and interviewees, this report will not name those who gave testimonies, all of whom expressed fear of reprisal from the TVIRD and its hired security guards. The PLT members found the testimonies highly credible.

Objectives of the PLT

- Gather information on TVI's operations;
- Provide an opportunity for communities, particularly the Subanen People, to share information on the impact of TVI's mining activities;
- Draw international attention to the victims of human rights violations in Balabag, Bayog, Zamboanga del Sur;
- Support KAIROS' Open for Justice Campaign in Canada with information and testimonies from Indigenous and non-Indigenous members of affected communities demonstrating how attainment of the campaigns' goals can benefit those communities; and
- Deter further human rights violations in affected communities.

Local Resistance to Mining

The Learning Tour uncovered a great deal of discontent with how large scale mining is being conducted in the Philippines. Community members described negative economic, socio-political and psychological effects. Many small scale miners who were previously operating on lands now controlled by TVIRD said they have been labelled as “illegal” miners despite their legal permits and constitutional protections. Some also said they have been subject to harassment and threats and have had their property damaged or destroyed by the Blue Guards, which is what the company’s security force is called, members of the Philippine military, and members of the Special Citizens Armed Auxiliary (SCAA), who are trained by the Philippine military.

Learning Tour members also learned about national security policies that are being implemented by the Philippine government to protect foreign investments and large scale development projects. Under these policies, military counterinsurgency campaigns are waged against groups that oppose foreign investments. Currently, President Aquino’s *Oplan Bayanihan* program deceptively promotes non-combat strategies such as infrastructure projects and the delivery of social services to areas where conflict is present such as Samar and Sulu. According to officials of the Armed Forces of the Philippines, this program focuses on “winning the peace, not just defeating the enemy.” However, according to Karapatan, a national alliance of human rights defenders, the military uses *Oplan Bayanihan* to gather intelligence on organizations and environmental groups resistant to large scale mining operations.

The Subanen people are working to protect their ancestral homeland in the Zamboanga Peninsula, which is rich in natural resources. According to Karapatan, it is also one of the most militarized regions in the country. The Subanen’s Ancestral Domain Claim was issued by the Department of Environment and Natural Resources in 1997, along with the Certificate of Ancestral Domain Title in 2003 under the Indigenous Peoples’ Rights Act. This law enshrines Indigenous peoples’ right to free, prior and informed consent in relation to extractive activities in their domain. Many Indigenous people claim that this right was infringed upon and not respected by mining corporations, and that Indigenous leaders were tricked into signing blank documents which were later used to claim that consent had been given. Also, PLT members were told that many of the mining projects would begin without any documentation of consent.

Subanen and non-Subanen participants in discussion groups talked about how they are resisting mining activity in Midsalip and surrounding communities to protect its rich ecosystem.

These protection efforts have been strengthened by:

1. The national government’s designation of Midsalip as a conservation area. It is the natural habitat of the Philippine eagle and the tarsier monkey, considered the world’s smallest monkey; and
2. The Philippine Supreme Court’s decision on the *Writ of Kalikasan* (a law that upholds a person’s Constitutional right to a healthy environment) granting protection to the environments of Midsalip and the Zamboanga Peninsula from the destructive impacts of mining.

In June 2011, *Kesalabuukan Tupusumi*, the Subanen mining resistance group based in Midsalip, wrote to the National Commission on Indigenous Peoples (NCIP), stating that: “All *Tupusumi* leaders and elected leaders have been excluded from the FPIC process in violation of human rights instruments such as the 2007 *United Nations Declaration on the Rights of the Indigenous Peoples* (UNDRIP), and the Indigenous Peoples’ Rights Act. *Tupusumi*, comprised of Timuays or Chieftains, was registered with the Philippine Security and Exchange Commission in 1987.”

The *Tupusumi*’s sustained resistance to mining in Midsalip resulted in the killing of one of its leaders. Timuay Barlie Balives and his son were killed on July 5, 2012 in their home. Reports say that the bodies were horribly mutilated in what appears to be a ritualistic killing reminiscent of the 1980s when fanatical groups roamed and controlled areas of Mindanao and terrorized local populations.



Human Rights Violations

Grave human rights abuses were a major concern raised by residents of mining affected communities in the area. Community members reported cases of:

- extrajudicial killings;
- illegal detention;
- kidnappings;
- deaths due to strafing (the random firing of automatic weapons and machine guns);
- destruction of property and livelihood;
- forcible eviction;
- the destruction of food, houses and other property; and
- threats, harassment and intimidation.

Local social justice groups estimate that approximately 110 extrajudicial killings have occurred since 2012 in Bayog, Zamboanga del Sur.

Subanens and non-Subanens in Bayog and surrounding villages agreed that TVIRD's arrival in their communities coincided with attacks on individuals, the cancellation of business permits for small scale mining operations, and the deployment of an increased number of "security" personnel. In addition, PLT members heard reports of Indigenous

communities being deprived of their right to free, prior and informed consent (FPIC) and of a consultation process where people can fully participate without fear of harassment and intimidation.

PLT members heard several testimonies about forced displacement and home demolitions by people working for TVIRD. According to these testimonies, demolition teams with heavy machinery would arrive without warning, leaving community members feeling both intimidated and powerless. While some local residents were offered monetary compensation for their homes and land, several reported not receiving or being offered any form of compensation. TVIRD officials say that the 15,000 people displaced by their operations were offered 5 to 10 times the value of their homes and other property.

In one incident in 2011, a TVIRD demolition team, aided by the Special Civilian Auxiliary Army (SCAA), allegedly burned the houses of 24 Subanen families. The families built makeshift shelters and refused to move from the land where they had both ancestral ties and legal title. The same year, TVIRD allegedly entered an area close to Balabag Elementary School to begin its drilling operation. Many of the school children were intimidated by this activity and did not return to their school. The SCAA also allegedly assisted TVIRD in cutting off pipelines which supplied drinking water to between 3,000 and 5,000 people.



Corporate Engagement with TVIRD

On August 5, 2014 TVIRD's Corporate Communications Director allowed PLT members to tour the company's site on Mt. Balabag. The company is planning an open pit mine at the top of the mountain. The river valley below is heavily farmed, primarily for rice. Despite agreeing to do so, TVIRD did not provide the PLT with a report showing that pollution levels have dropped since the cessation of small scale mining activity that includes a base study of water pollution levels. Similarly, TVIRD did not provide a copy of the contract or agreement between the Special Civilian Auxiliary Army and TVIRD outlining what kind of security services the SCAA is expected to provide.

On August 8, 2014 Canadian members of the PLT met with senior officials of TVIRD in Manila. Attorney Eugene T. Mateo said Canadians had no business inquiring about matters in the Philippines when the Canadian company, TVI Pacific Inc., has a non-controlling (30%) stake in the operations. At the end of the meeting, PLT members were provided with the contact information for TVI Pacific in Calgary. As of July 2015, TVIRD still has not provided the PLT with the following promised documents: 1] a written response to the PLT's press release (if they chose to respond); 2] information on the Canatuan closure plan; 3] the company's baseline environmental impact study; and 4] the findings of an investigation of alleged human rights abuses by the Blue Guards.

Recommendations and Follow-Up Action

The PLT calls on the Philippine government to investigate all claims of human rights abuses and to cease all mining operations until the safety of local people, including those opposed to the presence of large scale mining, can be assured. Also, to ensure the full and genuine participation of the Subanen people in all processes related to proposed

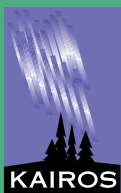
mining operations in their ancestral territory, the PLT is calling for an independent review under the authority of the National Commission on Indigenous Peoples to ensure that the right to free, prior and informed consent of Indigenous communities is respected and upheld, and that the members of these communities are not subject to harassment and intimidation.

The PLT calls on the Canadian government to appoint an extractive sector Ombudsperson to oversee Canadian mining operations overseas, and facilitate access to the Canadian courts for non-nationals who have been harmed by the international operations of Canadian companies.

Members of the PLT will share their findings with Canadian Members of Parliament, specifically those on the House of Commons Subcommittee for International Human Rights.

Based on the PLT's conclusions, KAIROS is planning to:

- Develop and implement education and advocacy tools and strategies to raise awareness of TVI/TVIRD activities in the Philippines;
- Share the PLT's findings and recommendations with senior officials of TVI Pacific Inc. in Calgary;
- Host a delegation of Indigenous and church leaders from the Philippines in 2016 to inform Canadians about the human rights abuses and other impacts of mining in the Zamboanga Peninsula; and
- Continue to support KAIROS partner organizations in the Philippines that are monitoring the safety and security of those affected by mining projects and those who gave testimonies in the focus discussion groups, and that are providing human rights awareness training for local communities.



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KAIROS unites eleven Christian churches and religious organizations in a faithful ecumenical response to the call to "do justice, and to love kindness, and to walk humbly with your God" (Micah 6:8). We deliberate on issues of common concern, advocate for social justice and join with people of faith and goodwill in action for social transformation.

**PLT members from Canada included representatives from the United Church of Canada, the Christian Reformed Church in North America, MiningWatch Canada, the Canadian Union of Public Employees, Idle No More, an independent photographer, a post-graduate student, the Chair of the KAIROS Board, and two staff. They were accompanied by a Philippine delegation that included leaders from the Roman Catholic Church, United Church of Christ in the Philippines, and Philippine Independent Church/Anglican Church, the Rural Missionaries of the Philippines, Indigenous people, a representative from the Task Force for Indigenous Peoples, students from schools in Zamboanga Peninsula, and members of the Alliance of Concerned Teachers, Zamboanga Peninsula chapter.*

All photos by Allan Lissner for the KAIROS PLT.