

**Honorable Chairman and Members**  
Palawan Council For Sustainable Development  
PCSD Building, Sport Complex Road  
Brgy. Sta. Monica, Puerto Princesa, Palawan

Dear Honorable Chairman and Members of the PCSD

Being the chairman of the Provincial Consultative Body (PCB) and of the Ancestral Land/Domain Watch (ALDAW), I am writing this Council in behalf of the indigenous communities of Brooke's Point Municipality, Palawan, to manifest our strong opposition to the **SEP Clearance being sought by Ipilan Nickel Corporation (INC for brevity) and MacroAsia Corporation (MAC for brevity)** in pursuit of their mining operations.

May I inform the Honorable Council Members that the Provincial Constitutive Body was constituted by virtue of the Republic Act 8371 (IPRA) on year 2004. This body was specifically created with the objective of bringing indigenous peoples' needs and grievances to the attention of provincial government agencies so to ensure that government programs would be culturally compatible and thus responding to the particular aspirations of our Indigenous Cultural Communities (ICCs). The Ancestral Land/Domain Watch (ALDAW), instead, is an indigenous network composed of Nagkakaisang mga Tribo Palawan (NATRIPAL) and Bangsa Palawan Philippines Incorporated (BPPI). Both organizations are based in Palawan.

On numerous occasions, my constituents have brought to my attention their opposition to the proposed activities of MacroAsia Corporation and Ipilan Nickel Corporation (INC), which may irremediably alter the environment on which they depend for their physical subsistence and cultural sustenance. The communities themselves, through the assistance of local networks [Ancestral Land/Domain Watch (ALDAW)] and indigenous federations [NATRIPAL (Nagkakaisang mga Tribu ng Palawan)] and with the support of foreign academic institutions (Centre for Biocultural Diversity (CBCD) at the University of Kent (UK), have been able to acquire reliable technical data (GPS measurements, photographic and audio-visual documentation, etc.) **indicating that the MPSA areas of both MacroAsia and INC are located in ecologically valuable areas which include watersheds, hunting/agricultural grounds, extractive reserves of Non-Timber Forest Products (NTFPs) such as Almaciga (*Agathis philippinensis*) resin, on which upland indigenous communities depend for their daily subsistence. Also indigenous peoples' sacred and worship sites are found within the mining tenements of the above-mentioned companies.**

More importantly, **my constituents have bitterly complained that both MAC and INC have failed to secure the needed social acceptability requirements**; as a matter of fact the local communities have never been consulted about the implementation of mining exploration and extractive activities on their Ancestral Land.

Ancestral Land *"refers to land occupied, possessed and utilized by individuals, families and clans who are members of the ICCs/IPs since time immemorial, by themselves or through their predecessors-in-interest, under claims of individual or traditional group ownership, continuously, to the present..."* (R.A. no.8371, Sec.3, item b).

As a result, the Indigenous Peoples of Brooke's Point Municipality belonging to the following barangays: Calasaguen, Maasin, Mambalot, Ipilan, Baro-Baron, Aribungos, Mainit, Pangobilian, Tuhtub, Amas, Oring-Oring, Samarinian, Saraza, Salogon, Malis have openly opposed mining, and their opposition has been manifested in the course of numerous street protests culminating in the so called 'Karaban' rally at the Provincial Capitol on June 8, 2010.

**Now, my constituents have decided to request the PCSD to carry out, with urgency, a field inspection in the MPSA areas of both MAC and INC to validate indigenous peoples' complaints about the illegal entering of MacroAsia and INC in 'core' and 'restricted' zones. They also call for the PCSD to conduct a public hearing to determine social acceptability.**

Overall my constituents have formulated a number of complaints about MAC and INC exploration and planned mining operations, which could all be subsumed under the following headings: **I)** Violation of SEP and IPRA laws; **II)** Violation of the Philippine Mining Act no. 7942; **III)** MAC and INC MPSA areas are located within the Mount Mantalingahan Protected Landscape (MMPL); **IV)** Unconstitutionality and illegality of the procedures leading to the resolutions endorsing the operations of MAC and INC by the *Sangguniang Bayan* of Brooke's Point and the *Sangguniang Panlalawigan* of Palawan; **V)** Violation of International Convention signed by the Philippine Government; **VI)** Disregard for foreign/international growing concern and appeal to National and Provincial Governments to spare Palawan from mining exploitation.

## **I. VIOLATION OF SEP AND IPRA LAWS**

Inasmuch as the ALDAW Network (Ancestral Land/Domain Watch) in collaboration with the Centre for Biocultural Diversity (CBCD) of the University of Kent has been able to establish in the course of two field expeditions (July/August 2009 and July 2010) - carried out under the patronage of the Institute of Philippine Culture (Ateneo de Manila University) - **it clearly appears that MAC and INC have bluntly violated the basic tenets of both the Strategic Environmental Plan (SEC) and of the Indigenous Peoples Rights Act (IPRA Law).** Such findings are described and outlined in the so called "Gantong Geotagged Report" and in a recent annexed ALDAW map showing the overlapping between 'core'/'restricted' zones and the mining tenements of MAC and INC (see attached documents). The available findings can be summarized as it follows:

- 1) MacroAsia and INC have carried out exploration activities in 'core zones' (areas of maximum protection), as well as in 'restricted zones' and watershed areas.** The locations of MacroAsia test-pits have been determined and documented in areas of pristine virgin forest, and also at high altitudes (e.g. around and above 1,000 meters ASL) and specifically in those areas of primary forest where *Almaciga* trees (*Agathis philippinensis*) grow abundantly.

Under the ECAN Guidelines of the Strategic Environmental Plan for Palawan (Republic Act 7611) 'core zones' are defined as "*areas above 1,000 meters in elevation, virgin forests or primary growth forests, areas with steep gradient (above 50% slope), and critically threatened/endangered habitats and habitats of rare endangered species or habitats of Palawan local endemic species of flora and fauna*". This zone, according to the SEP law, shall be fully and strictly protected and maintained free of human disruption.

- 2) Below the so called 'core zones' there are no areas suited for mining.** It has been determined that those areas found at the edges of the core zones fall into the definition of '*Restricted Use Area*' and thus provide a protective barrier to 'core zones'. According to the SEP law, such 'restricted' zones should be maintained as such.

Just below the restricted buffer zones and all the way to the seashores, the available land surface is occupied by agricultural land, and particularly by fruit trees groves, coconuts plantations and wet-rice terraces. **Therefore, there are no areas which, in terms of landscape characteristics and use, would fall under the definition/category of multiple/manipulative use zones, and that – therefore - might be subject to mining operations.**

Very recently, the Provincial government has made a statement according to which MacroAsia and INC may not be allowed to operate in core zones, but their activities might be limited only to multiple/manipulative use areas. Again, **field assessments and GPS documentation carried by ALDAW and CBCD indicate the those portions of MacroAsia and INC MPSA areas which are outside the core zones, still include forested buffer zones which, obviously, do not fit by any means into the standard definition of ‘multiple/manipulative use zones’.** In fact, Multiple/manipulative use zones, according to ECAN, are areas “*where the landscape has been modified for different forms of land use such as intensive timber extraction, grazing and pastures, agriculture and infrastructure development*”. **Again, none of the mining claims of both MacroAsia and INC - outside of the core zones - include areas that fit into the category of “multiple/manipulative zones”.** Remarkably, also those areas that were logged in the 1970s by the Nippon Mining Company of Japan (Nippon) and Infanta Mineral and Industrial Corporation have now completely regenerated, and the forest cover has regained its former status both in terms of botanical species diversity and density. **Therefore, it would be wrong to say that MAC and INC operations will be limited to multiple/manipulative use zones. Conversely, field findings have established that the mining claims of both MAC and INC are entirely located in ‘core zones’, ‘restricted zones’, agricultural and agroforestry areas that are subject to various cropping regimes.** All these categories, according to the SEP law, should not be subject to any other form of large-scale extractive activity.

**3) Test pits and bore-drilling up to 23m depth have been carried out in the proximity of Almaciga trees (*Agathis philippinensis*) that are actually tapped for resin by the indigenous communities living in the area. Test pits have also been excavated in peoples’ swidden fields, by removing crops without obtaining indigenous people’s permission to do so.**

In both cases, test pits have been left uncovered, thus representing a serious danger for communities’ members. Drilling and the excavation of test pits have been carried out in the ancestral land/domain of local indigenous communities without any form of previous consultation and consent with the affected people. Members of the mining companies exploration teams have never provided local communities with information or any form of explanation on the exploration activities to be carried out in our ancestral territory. **Clearly as it appears, the exploration activities of both MAC and INC are violating the main tenets of the IPRA law (The Indigenous Peoples Rights Act of 1997), hence bypassing and neglecting all procedures requiring the issuance of *Free and Prior Informed Consent* – this refers to “*the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language an process understandable to the community*” (Chapter 11, Sec. 3, art. g, R.A. no. 8371).**

**4) Essential watershed areas will be lost if MacroAsia and INC activities will push though and these will have an adverse impact on the agricultural economy of Brooke’s Point Municipality, while exacerbating the adverse impact of climatic change.**

According to field-based assessments carried out by an expert of the University of Kent, mining operations in the steep mountainous regions of Brooke’s Point will have predictable adverse consequences for the food production capacity of both indigenous communities and migrant farmers and will increase the risk of landslides to an unprecedented level. **Unless these precious water catchments are protected, it has been estimated that at least 50% of Brooke’s point sustainable agriculture, which requires irrigation, might be lost.** It must be pointed out that those springs, which provide amenities and potable water to the upland indigenous inhabitants of Brooke’s Point are also the key sources of irrigation for the lowland farmers.

The implementation of mining extraction in valuable watershed areas further contradicts Chapter VI, Article 67 of Presidential Decree 1067 or the Water Code of the Philippines stating that “*any watershed or any area of the land adjacent to any surface water or overlying any ground water may be declared by the Department of Natural Resources as a protected area*”. Surprisingly, the most important sources of water in Brooke’s Point Municipality (e.g. Gantong and Maasin watersheds) have already been included into the MPSA areas of MAC and INC.

**5) Exploration activities of MacroAsia and INC have paved the way for illegal logging and have disturbed vegetation cover in ‘core zones’ and other zones.**

Field reconnaissance has determined that exploration activities carried out by MAC and INC have caused the opening of multiple trails inside secondary and primary forest for the transportation of drilling machines and other heavy equipments. In turn, this has been the primary cause of deforestation and removal of tree species during the construction of the trails. Illegal logging practices have taken place and have been documented along the trails opened during exploration activities. Interviews to members of some local indigenous communities has revealed that deforestation has, in fact, been encouraged by the same mining companies, which have a direct interest in causing degradation to the forest cover before pushing through with their mining operations.

**6) Exploration activities have taken place in areas that, according to the culture of Indigenous Palawan, are considered as *lyenen or lylien* (sacred forests) inhabited by powerful super-human beings (*Taw Kawasa*), as well as in areas that are indispensable to people’s subsistence and wellbeing.**

Furthermore, field findings have determined that, if the mining operations of MAC and INC will push through, these will also have an adverse impact on Palawan sacred and worship sites, which occupy a special position in people’s cosmology and worldview. Furthermore, mining activities will destroy the resource-base on which upland indigenous communities depend for their survival, including water sources and NTFPs extractive reserves. The destruction of these areas by mining operations, and even the simple trespassing of sacred forests during exploration activities, infringes the following rights under the IPRA law:

**a) Rights of Ownership.-** *The right to claim ownership over lands, bodies of water traditionally and actually occupied by ICCs/IPs, sacred places, traditional hunting and fishing grounds, and all improvements made by them at any time within the domains;* (Chapter III, Sec. 7, item a)

**b) Rights to Religious, Cultural Sites and Ceremonies.-** *which includes “the right to maintain, protect and have access to their religious and cultural sites”* (Chapter VI, Section 33).

**c) Right to Develop Lands and Natural Resources.-** *“Subject to Section 56 hereof, right to develop, control and use lands and territories traditionally occupied, owned, or used; to manage and conserve natural resources within the territories and uphold the responsibilities for future generations; to benefit and share the profits from allocation and utilization of the natural resources found therein; the right to negotiate the terms and conditions for the exploration of natural resources in the areas for the purpose of ensuring ecological, environmental protection and the conservation measures, pursuant to national and customary laws; the right to an informed and intelligent participation in the formulation and implementation of any project, government or private, that will affect or impact upon the ancestral domains and to receive just and fair compensation for any damages which they sustain as a result of the project; and the right to effective measures by the government to prevent any interfere with, alienation and encroachment upon these rights”* (Chapter III, Sec. 7, item b)

**7) The areas claimed by MacroAsia include the territory of vulnerable and isolated indigenous communities, which have limited contacts with the outside world, and some of them have not yet been listed in the national census.**

Mining operations in these territories and the exhaustion of the resource-base of these isolated and vulnerable communities might cause, at a later stage, their forced relocation. With respect to this, MAC and INC activities will infringe people’s inalienable rights under the IPRA law, and specifically the **Right to Stay in the Territories-** (Chapter III, Sec. 7, item c) as well as the **Right to Safe and Clean Air and Water** (Chapter III, Sec. 7, item f) **the Rights to Ancestral Lands** (Sec. 8) **and the Right to Determine and Decide Priorities for Development** (Chap. IV, Sec. 17).

## **II. VIOLATION OF THE PHILIPPINE MINING ACT (RA no. 7942)**

The Philippine Mining Act contains detailed information on those areas where mining activities should not be allowed.

Section 19. Areas Closed to Mining Applications:

*(d) Areas expressly prohibited by law;*

*(f) Old growth or virgin forest, proclaimed watershed forest reserves, wilderness area, mangrove forests, mossy forests, national parks, provincial/municipal forests, parks, greenbelts, game refuge and bird sanctuaries as defined by law and in areas expressly prohibited under the National Integrated Protected Area System (NIPAS) under Republic Act no. 7586, Department Order no. 25, series of 1992 and other laws.*

It needs to be pointed out that Palawan's diversity served as the basis for declaring the Province a "Game Refuge and Bird Sanctuary" in 1967 and a "Mangrove Reserve" in 1981. Furthermore, the management of the entire Province is governed by the Strategic Environmental Plan for Palawan prohibiting any human activity in those areas that are classified as 'core zones' and 'restricted zones'.

Both MAC and INC MPSA areas incorporate vast areas of old growth/virgin forest that should, therefore, be banned from mining operations.

## **III. MAC AND INC MPSA AREAS ARE WITHIN THE MOUNT MANTALINGAHAN PROTECTED LANDSCAPE (MMPL)**

The Gantong range and neighboring areas where MAC and INC intend to operate are within the area recently declared as *Mount Mantalingahan Protected Landscape*, pursuant to Presidential Proclamation no. 1815. **The uplands of Brooke's Point Municipality constitute the northern fringe of the Mt. Mantalingahan range and share with the latter the same biological and cultural features/diversity, and thus should receive the same level of protection and 'legislative privileges'.**

In the proclamation signed on 23 June 2009, it is also specified (see page 11) that *"any valid contract, permit or license for the extraction or utilization of natural resources therein already existing prior to this proclamation shall subject to national interest and existing laws, rules and regulations, be respected until its expiration. Areas covered by such contracts, permits or licenses which are found not viable for development after assessment and/or exploration shall automatically form part of the MMPL"*.

Undoubtedly, on the bases of the information so far provided and available evidence, the areas claimed by both MAC and INC are **not viable for development, due to their particular ecological characteristics and specific landscape value.** The present economic development of the whole municipality will be adversely affected if mining operations push through, due to the destruction of the resource-base on which thousands of farmers and indigenous peoples depend for their livelihood. Specifically mining excavations and associated deforestation activities will affect and contaminate pristine water sources, causing the siltation of rivers and of lowland rice fields. Siltation will also affect the coastal environment with the consequent decrease of fish stock, and significant economic losses for the local fishing industry. **To conclude, MAC and INC rather than enhancing development will actually damage farming and fishing industries, destroying sources of potable and irrigation waters, and thus jeopardizing the future of the coming generations.**

For the above mentioned reasons **MAC and INC MPSAs should be revoked or rescinded for the Benefits of the Public Interest**, and the uplands of Brooke's Point Municipality should receive the same level of protection granted to the other areas found within the perimeter of the MMPL.

**IV. THE RESOLUTIONS ENDORSING THE OPERATIONS OF MAC AND INC SIGNED BY THE SANGGUNIANG BAYAN OF BROOKE'S POINT AND BY THE SANGGUNIANG PANLALAWIGAN OF PALAWAN VIOLATE EXISTING LAWS SINCE THEY BYPASS THE DECISIONS AND SENTIMENTS OF THE MAJORITY OF BROOKE'S POINT MUNICIPALITY POPULATION.**

In late 2005, the *Sangguniang Bayan* of Brooke's Point endorsed the mining exploration of MacroAsia in a single session without observing the regular legislative process and, thus, without calling first for public consultations. As a result, this decision was strongly criticized by farmers, fisher folks, indigenous communities, concerned citizens and NGOs.

**In endorsing the mining exploration of both MAC and INC, the *Sangguniang Bayan* has acted in contradiction with its own Municipal Comprehensive Land Use Plan (CLUP) for 2000-2010, in which mining was never considered as a development strategy.**

The CLUP - adopted under Municipal Ordinance No. 04, series of 2001, and approved by the *Sangguniang Panlalawigan*, through Resolution No. 4786, series of 2001 - clearly specifies that the municipality's land and resource uses should be largely targeted for agro-forestry development, watershed protection and forest management. Interestingly enough, the areas identified by the CLUP as municipal "Communal Forest" are now covered by the 2,835.06 hectares-MPSA area of CNMEC/INC in Barangays Maasin and Ipilan. Moreover, according to the CLUP: "*protection and production forests which cover approximately 54,099 hectares or 63.60% of the municipal land area be maintained*" as such. Clearly as it appears, the endorsements to MAC and INC are in contradiction with the Municipal CLUP.

**Also the former barangay council has approved mining operations, bypassing all forms of consultations with their constituents.** In 2007 the *Sangguniang* Barangay of Ipilan has passed two resolutions endorsing the operation of MacroAsia in Bgy. Ipilan. This is in clear violation of Section of Article XIII of the Philippine Constitution which mandates (section 16) that: "*The right of the people and their organizations to effective and reasonable participation at all levels of social, political, and economic decision-making shall not be abridged. The State shall, by law, facilitate the establishment of adequate consultation mechanisms*".

Moreover, in passing the said resolutions, **the *Sangguniang* Barangay of Ipilan, likewise, abrogated the important requirement of the Local Government Code (RA 7160)** with respect to their duty of consulting their constituency on any project or program that may cause pollution, climate change, depletion of non renewable resources, amongst others, and its possible impact to the people and community in terms of environment or ecological balance.

Complaints on the lack of public consultations have also been raised in 2009 by the residents of those communities situated within the areas to be directly impacted by the operations of INC and MAC. Specifically, in February 2009, a Petition complaining about the lack of consultation with regard to the passage of the 2007 *Sangguniang* Barangay resolution was circulated in Barangay Ipilan, Brooke's Point Municipality.

Peoples demonstrations and a rally carried out in Brooke's Point on August 27, 2009 convinced the Mayor of Brooke's Point to call for additional public consultations to determine the degree of public oppositions to the activities of INC. The result of these consultations carried out on October 27 and 28, 2009, and the final counting of the votes obtained during these events, indicate that the majority of population in barangays Ipilan and Maasin are solidly opposing mining.

On March 13, the Department of Environment and Natural Resources together with MAC and INC set up a public consultation in barangay Mambalot (Brooke's Point). Interviews to community members attending the consultation, as well as the testimony of Mrs. Erlinda Edep, Barangay Captain of Mambalot, **indicate that participants were paid an amount of 200.00 pesos for attending the consultation, and that this inducement was agreed by the mining companies.** In spite of MAC and INC attempts to manipulate and control the whole process, the overwhelming majority of peoples attending the public consultation, still expressed their clear opposition against mining operations.

Recently, the anti-mining stand and opposition to MAC and INC operations on the part of the residents of Brooke's Point Municipality has been made clear in the course of a rally at the Provincial Capitol on June 8, 2010. The rally received international attention and was covered on the websites of international organizations and advocacy groups worldwide.

As of now, no certification-precondition has been issued by the National Commission for Indigenous Peoples (NCIP), to prove that indigenous peoples of Brooke's Point Municipality have favorably accepted mining activities. On the contrary, **evidence clearly demonstrate the ICCs of Brooke's Point Municipality are in opposition to mining and they claim to have not been properly consulted about the planned activities of both MAC and INC in their traditional territories.**

The exclusion of the concerned barangay residents (indigenous peoples, migrant farmers, etc.) from participating in decision-making processes on development projects affecting their life is not only in contradictions with the IPRA law, but also violates Section 27 of the Local Government Code stating: *"No project program shall be implemented by government authorities unless the consultations mentioned in section 2(c) and 26 hereof are complied with, and prior approval of the sangguniang concerned is obtained: provided, that occupants in areas where such projects are to be implemented shall not be evicted unless appropriate relocation sites have been provided, in accordance with the Provisions of the Constitution"*.

With reference to the above-mentioned consideration, and **before endorsing the proposed operation of MAC and INC – PCSD should ascertain for itself the social acceptability of these two mining companies on the part of the local residents.** The Council's own rules (Section 6 of a letter dated April 21 and 22, 2010) states that *"for projects or undertakings requiring an EIS, the PCSD may conduct public consultations or public hearing if deemed necessary in order to ascertain the acceptability of the project in the community and to ensure that the interests of all stakeholders are considered. Whether any or all of the following circumstances are present, public consultation/hearing is necessary": i. The magnitude of the project is such that a great number of people are affected, ii. There is mounting public opposition against the proposed project; or iii. There is written request for the conduct of such public hearing from any of the stakeholders. In case of conflicts, no project shall be elevated to PCSD for its action unless all measures were exhausted to address the issue at hand"*.

## **V. VIOLATION OF INTERNATIONAL CONVENTIONS AND DECLARATIONS SIGNED BY THE PHILIPPINE GOVERNMENT**

The possible endorsement by the PCSD to the proposed operations of MAC and INC contravenes those provisions contained in well know conventions [e.g. *The Convention on Biological Diversity (CBD)*] signed and ratified by the National Government

The CDB is a key instrument for the conservation, sustainable use, fair and equitable sharing of benefits arising out of the utilization of genetic resources. In this regard, the principle of Free Prior and Informed Consent (FPIC) is an important element of the CBD provisions on access to genetic resources and fair and equitable sharing of benefits. It is also essential to the implementation of a number of provisions of the Convention, which are of particular importance to indigenous and local communities. The CDB was launched at 1992 United Nations Conference on Environment and Development, together with the non-legally binding Forest Principles and Agenda 21 that – in chapter 11 – focuses on 'Combating deforestation'. **The commitments made under this convention form some of the strongest government statements of their own responsibilities towards the protection and promotion of traditional knowledge and respect for holders of such knowledge.**

A key standard on indigenous peoples established under the conventions is set in article 8(j) mandating that Each Contracting Party shall, as far as possible and as appropriate:

*“Respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices”.*

These principles are further listed in the *UN Declaration on the Rights of Indigenous Peoples* (especially articles 1, 12, 20, 27 and 30) adopted and signed by the Philippine government on September 14, 2007. In the UNDD it is stated that *“indigenous people have the right to determine and develop priorities and strategies for the development or use of their lands, territories and other resources, including the right to require the states obtain their free and informed consent prior to the approval of any project affecting their lands, territories and other resources, particularly in connection with the development, utilization or exploitation of miner, water or other resources”.*

Moreover, the endorsement of mining operations in areas of high ecological and cultural diversity, such as the uplands of Brooke’s Point, further contradicts other conventions that the Philippine Government has ratified such as **1) *The Convention concerning the Protection of the World Cultural and Natural Heritage*** and; **2) *The Convention for the Safeguarding of the Intangible Cultural Heritage***. Furthermore, it is in contradiction with the principles and motivations that led the UNESCO to declare Palawan a “Man and Biosphere Reserve”.

The inclusion of precious habitats, such as watersheds and biodiversity hotspots in the MPSA area of MacroAsia and Ipilan Nickel Corporation is also in contradiction with the *Revised IUCN Protected Area Category System*, since it jeopardizes *the integrity between ecological, biological, cultural and scenic values* in the Municipality of Brooke’s Point.

## **VI. DISREGARD FOR FOREIGN/INTERNATIONAL GROWING CONCERN AND APPEAL TO NATIONAL AND PROVINCIAL GOVERNMENTS TO SPARE PALAWAN FROM MINING EXPLOITATION**

The concern and appeals expressed to both Palawan Provincial Government and to the National Government by well-recognized international institutions worldwide have been massive and continuous. Such institutions have unanimously requested the Provincial and National Government to spare Palawan from mining destruction and to ensure the long-term protection of its bio-cultural diversity.

To facilitate the circulation of information at the international level on the mining threats faced by the indigenous communities of Palawan, a dedicated page has been set up on the website of Survival International. Presently, the page is being updated with new information, see <http://www.survivalinternational.org/tribes/palawan>

More importantly, the webpage (see the *ACT NOW* section) includes a standard letter of concern that hundreds of private institutions and individuals have already downloaded, signed and sent to the concerned government authorities in the Philippines, to request for the cancellation of all mining claims in those areas where indigenous communities live since time immemorial.

So far, the international Campaign for Palawan, initiated by Survival International on May 2009, has received support from members of scientific institutions, advocacy groups and NGOs such as: FOREST PEOPLES PROGRAMME (UK), INTERNATIONAL WORK GROUP FOR INDIGENOUS AFFAIRS (DENMARK), PEOPLES AND PLANTS INTERNATIONAL (USA), THE ASSOCIATION FOR INTERNATIONAL SOLIDARITY IN ASIA (ITALY), THE FEYERABEND FOUNDATION (SWITZERLAND),

THE COMMISSION ON ENVIRONMENTAL, ECONOMIC AND SOCIAL POLICY (CEESP) OF THE IUCN, THE EDEN PROJECT (UK), THE CNRS (FRANCE), THE PHILIPPINE INDIGENOUS PEOPLES LINK (UK), THE UNIVERSITY OF KENT (UK), THE ARIZONA STATE UNIVERSITY (USA), THE DEPARTMENT OF HUMAN ECOLOGY, RUTGERS UNIVERSITY (USA), UNIVERSITE' PARIS DESCARTES (FRANCE), THE MINORITY REFORMS CONSORTIUM (KENYA), THE ALLIANCE OF AURUNCI AND CIOCIARI SHEPHERDS (ITALY), CARPUS (GERMANY), etc.

More than 13 videos on the impact of mining in the Gantong range (Brooke's Point Municipality) and in the Bulanjao Range (Bataraza Municipality) have been made available, through Internet, to the international public opinion. Such films contain detailed information on the particular responsibilities of MacroAsia Corporation and Rio Tuba Nickel Mining Corporation (RTNMC). These videos are publically available and can be viewed through the following websites:

**<http://www.youtube.com/user/ALDAWpalawan>**

**<http://vimeo.com/aldawnetwork>**

**<http://hub.witness.org/en/users/aldaw-network>**

A petition to Save Palawan from mining activities is also available online and, so far, has received hundreds of electronic signatures: **<http://petitiononline.com/PA2010/petition.html>**

Information and updates on the threats that mining poses to Palawan ecology and social/cultural stability have been posted on the websites of national and internationally respected institutions (e.g. MINES AND COMMUNITIES (MAC), WOMENS LAND RIGHTS, FLEMISH CENTRE FOR INDIGENOUS PEOPLES, INTERNATIONAL LAND COALITION, ERRACHIDIA.ORG, MOSTLY WATER, HARIBON FOUNDATION, PHILDHRA, ALYANSA TIGIL MINA, PHILIPPINE INDIGENOUS PEOPLES LINKS, SURVIVAL INTERNATIONAL, ZUNIA, INTERCONTINENTAL CRY, PLANT-TALK.ORG, COMMUNITY SOLIDARITY RESPONSE TORONTO, IUCN COMMISSION ON ENVIRONMENTAL, ECONOMIC AND SOCIAL POLICY (CEESP), INDIGENOUS PEOPLES ISSUES AND RESOURCES, INTERNATIONAL WORK GROUP FOR INDIGENOUS AFFAIRS, FOREST PEOPLES PROGRAMME, PGIS.NET BLOG, as well as on the online page of national newspapers: BUSINESS MIRROR, INQUIRER, , THE MANILA TIMES. For additional details please refer to the following links:

<http://www.minesandcommunities.org/article.php?a=10161>

<http://flemishcentreforindigenouspeoples.skynetblogs.be/archive/2010/06/08/indigenous-peoples-unite-against-mining-in-palawan.html>

<http://www.landcoalition.org/cpl-blog/?p=6277>

<http://www.landcoalition.org/cpl-blog/?p=4239>

[http://mostlywater.org/indigenous\\_peoples\\_unite\\_against\\_mining\\_palawan](http://mostlywater.org/indigenous_peoples_unite_against_mining_palawan)

<http://haribonfoundation.multiply.com/journal/item/73/73>

<http://phildhra.net/?q=node/362>

<http://www.alyansatigilmina.net/>

<http://www.alyansatigilmina.net/content/story/january2010/geo-tagging-technology-reveals-mining-threats-palawan#attachments>

<http://www.piplinks.org/UNESCO+%22Man+and+Biosphere+Reserve%22>

<http://zunia.org/tag/palawan/>

<http://intercontinentalcry.org/palawan-voices-from-the-lost-frontier/>

<http://intercontinentalcry.org/indigenous-peoples-unite-against-mining-in-palawan/>

<http://www.plant-talk.org/philippines-geo-tagging-reveals-mining-threat.htm>

<http://www.solidarityresponse.net/palawan-anti-mining-protesters-return-to-their-homes-few-gains-achieved-and-more-challenges-ahead/>

<http://www.iucn.org/about/union/commissions/ceesp/?4631/Geo-Tagging>

[http://www.iucn.org/about/union/commissions/ceesp/ceesp\\_news/?5277/Participatory-Video-Validates-Geo-tagging-on-Mining-Threats](http://www.iucn.org/about/union/commissions/ceesp/ceesp_news/?5277/Participatory-Video-Validates-Geo-tagging-on-Mining-Threats)

[http://indigenouspeopleissues.com/index.php?option=com\\_content&view=article&id=4096:palawan-voices-from-the-lost-frontier&catid=68:videos-and-movies&Itemid=96](http://indigenouspeopleissues.com/index.php?option=com_content&view=article&id=4096:palawan-voices-from-the-lost-frontier&catid=68:videos-and-movies&Itemid=96)

<http://www.iwgia.org/>  
[http://www.forestpeoples.org/documents/asia\\_pacific/bases/philippines.shtml](http://www.forestpeoples.org/documents/asia_pacific/bases/philippines.shtml)  
<http://www.survivalinternational.org/tribes/palawan>  
<http://participatorygis.blogspot.com/2010/01/counter-mapping-in-philippines-gantong.html>  
<http://participatorygis.blogspot.com/2010/01/indigenous-peoples-exchanges-amongst.html>  
<http://www.iapad.org/bibliography.htm>  
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[http://www.businessmirror.com.ph/index.php?option=com\\_content&view=article&catid=23:topnews&id=26516:noon-midnight-deal-palawan-mining-firm-says&Itemid=58](http://www.businessmirror.com.ph/index.php?option=com_content&view=article&catid=23:topnews&id=26516:noon-midnight-deal-palawan-mining-firm-says&Itemid=58)

Worth noting is the support to the Save Palawan Campaign offered by the expatriate Filipino community based in Italy, with several hundreds signatures requesting the non-endorsement of MAC and INC, as well as of other mining firms, in the Philippine's Last Frontier. Some of the collected signatures have already been forwarded to Palawan NGOs, while additional others will be available by early September.

As it appears, various international institutions and actors have expressed their disappointment for the government decision to pursue mining activities in Brooke's Point Municipality and in Palawan as a whole. Therefore, **the Palawan Council for Sustainable Development (PCSD) should pay much attention to the growing international concern over these issues, rather than disregarding the mounting international outcry.**


#### FINAL STATEMENT

With reference to all considerations raised above on the tragic environmental consequences and high social costs associated with the possible endorsement of mining operations of both MacroAsia Corporation and Ipilan Nickel Corporation; on the behalf of my constituents and in my position as the Chairman of the Provincial Consultative Body (PCB) and of the Ancestral Land/Domain Watch (ALDAW), **I respectfully request the Palawan Council for Sustainable Development not to issue a SEP Clearance in favor of INC and MAC.**

The request herein expressed through the PCB is further validated by MAC and INC violations of the following laws: Indigenous Peoples Right Act (RA 8371), Strategic Environmental Plan for Palawan, the National Integrated Protected Areas System Law, the Philippine Mining Act as well as of Section of Article XIII of the Philippine Constitution. Mining activities in Brooke's Point Municipality further violate provisions contained in well-know conventions [e.g. *The Convention on Biological Diversity (CBD)*] and further listed in the *UN Declaration on the Rights of Indigenous Peoples* (especially articles 1, 12, 20, 27 and 30) adopted and signed by the Philippine government.

We hope that this Honorable Council will respond promptly and responsibly to the call of the residents of Brooke's Point Municipality and that the objections raised by the Provincial Consultative Board (PCB) and by the Ancestral Land/Domain Watch (ALDAW) will be duly taken into account.

Very truly yours

  
Artiso A. Mandawa  
Chairman  
Provincial Consultative Body (PCB)  
Aldaw Network (Ancestral Land Domain Watch)

Date: PPC 23 July, 2010

