



advocates
for
a sustainable future

G/F, Diocesan Pastoral Center
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The Hon. Navdeep Bains
Chair, Parliamentary Subcommittee on Human Rights and International Development
House of Commons
Parliament Buildings
Ottawa, ON K1A 0A6

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To the honourable members of this Subcommittee,

Greetings from the DIOPIIM Committee on Mining Issues (DCMI). We are a non-profit Church based organization composed of Social Action Centers' Directors, NGOs and Indigenous People's Organizations all over the dioceses of Dipolog, Pagadian, and Iligan, the prelature of Ipil and Marawi, and the archdiocese of Ozamiz. At DCMI, we have a commitment to the people of the Zamboangan Peninsula to advocate for the protection of their land, communities and livelihoods from the destructive bulldozers of large scale mining companies. We are involved in these issues because we believe that mining will not provide the sustainable development that our country so desperately needs. We seek to facilitate dialogue within communities and assist those whose voices would otherwise go unheard.

The Canadian Mining Company, TVI Pacific Inc., has frequently mentioned us in their statements as a local NGO who is 'spreading deliberate disinformation' because we are using this issue 'for our personal gain'. These charges are baseless. Contrary to the claims of TVI, we are not in this for 'funds' or 'personal interest'. Instead, we have always tried to be honest and transparent in our work. We ask you to judge our motives for yourselves: We have partnered with a poor mining-affected community for 8 years in order to monitor the operations of a Canadian company. Where is the money in that? If 'personal interest' is truly our prime motive, we would be working *for* TVI, not against them.

We are also not 'sowing conflict and strife within the community' as the company suggests. In fact, it was the Subanon people of Siocon in the 1990s who first issued statements and resolutions opposing the entry of foreign mining companies and small scale miners to their land. In 1994, TVI entered the community even though the Subanons had consistently stated their opposition to the large scale mining through their traditional representative, Timuay (Chieftain) Jose 'Boy' Anoy.

In November 1997, DCMI was born as a response to the persistent human rights violations and environmental destruction committed by international mining companies in the Philippines. It was at that time that we became involved in the Canatuan issue and partnered with the Subanon community of Siocon.

Opposition in Siocon to TVI's presence has only grown from that point. Within our offices we hold copies of numerous petitions and statements issued from various sectors and organizations within Siocon. On last November 12, the residents' opposition was again clearly stated by representatives from the local government unit; various religious groups; farmer, irrigators and fishers' organizations; the Subanon; and other people's organizations at an environmental forum in Siocon called by Environment Secretary and Cabinet minister Mike Defensor and attended by the Presidential Assistant for Mindanao and John Ridsdel for TVI.

Our continual monitoring of TVI's activities in Canatuan has led us to believe that the company is unscrupulous in its dealings and that it exhibits a careless disregard for the environment and the people living in the area. TVI's guards, the SCAA, have been accused by residents of various human rights abuses including shootings and the confiscation of personal property. The SCAA has also frequently intimidated community members by harassing them and issuing threats.



The company has been guilty of making deceptive statements to the media and other interested parties regarding its activities in Canatuan. TVI has misrepresented the local Subanon community and has stirred up local opposition against the Subanon who are vocal about their anti-mining stance. They have attempted to discredit the opinions of the majority of the Certificate of Ancestral Domain Title (CADT) holders because they oppose the company. Instead, they have made deals with a small group of Subanon - many of whom come from outside the area - who have shown they willing work with the company.

The company has also called into question the rightful leadership of Timuay Anoy. By doing so, TVI has made a mockery of the traditional customs and culture of the Subanon. In 2003 the Philippine Government recognized Anoy's place in the community when President Gloria Macapagal Arroyo personally handed him the CADT on April 11th. Also, a resolution from the National Commission on Indigenous Peoples (NCIP) granting approval for the CADT states that "the Subanon of these places [Barangays Tabayo and Candiz] in Siocon headed by its Chieftain Timuay Jose A. Anoy, was the recipient of a Certificate of Ancestral Domain Certificate...".¹ Timuay Anoy's leadership was undisputed until the company entered the area and found that Anoy was unwilling to abandon his anti-mining stance. Since that time, TVI has repeatedly slandered and defamed Timuay Anoy and Onsino Mato with a number of incredible charges. TVI's campaign has escalated to the point that Anoy and Mato cannot currently enter Canatuan out of fear for their lives.

Another small example of the company's duplicity regarding the Subanon is the Memorandum of Understanding (MOU) that was allegedly signed on October 2001 between TVI and the 'Subanen of Zamboanga del Norte'.² The document claims to have the signatures of 'the majority members of the Board of Trustees' of the SSAI as proof of its legitimacy. However, the document was signed by less than half of the members and those that signed were paid 6,000 PHP³ to do so. Furthermore, those who signed were told by Attorney Bernardo that they were approving the construction of a new road to the area.⁴

The company has also misrepresented the community living on Mt. Canatuan. In its publications it has continually dismissed the community members as 'illegal small scale miners' who are 'illegally occupying' the land. The company claims that residents are only interested in being able to small scale mine (SSM) and the negotiation of ridiculously high settlement fees from the company. The company also claims that it is the Subanons who are upset by their presence and it is the Subanons who have demanded that they vacate their CADT area.

All of these allegations present a very misleading picture of the Canatuan community. To clarify – these residents are the remnants of a large community of Visayan settlers⁵ who arrived in the area when gold was discovered in Canatuan in the mid 1980's. Not all of these settlers were actually SSMs. Some came because of the growth of related businesses and many of them practiced agriculture on the mountain before TVI's arrival. Now that the company has started its operations, the community has become exclusively agricultural and they do not wish to leave behind their land, crops, and fruit trees. Residents have frequently told us that they are unwilling to leave their land at *any* cost.

The relationship between the Subanon and the Visayan settlers on the mountain is a complicated issue because many Subanons were opposed to anyone mining or living on their sacred mountain. Despite these tensions, a sense of community exists between the two groups - intermarriage is common and members of both groups participate in community matters. Thus, when the CADT was granted in 2003, many of these Visayan residents were listed as CADT recipients along with the Subanon.

¹ See Resolution no. 005-03-AD of the National Commission on Indigenous Peoples.

² See the MOA between the 'Subanen Council of Elders' and TVI from November 18, 2003 for reference to this document.

³ Equal to \$181.81 CAN as of October 2001.

⁴ This information was reported to us by Timuay Anoy.

⁵ The term 'Visayan' indicates the Christian majority group who are neither Lumad (Indigenous) nor Moro (Muslim).



Thus, contrary to company claims, it is not the CADT holders who are trying to evict the Visayans - it is company itself. TVI has already sent eviction notices to three households on Mt. Canatuan demanding that they leave the area or the company will be left "with no other option but to initiate Court action that may result in [their] criminal and civil liability."

TVI continues to claim that they are socially and environmentally responsible company. They blame any current environmental damage on the previous activities of SSMs and talk highly of the 'Environmental Clean-up Program' that they started in late 2002. They also mention a number of community development initiatives that they have undertaken in the area – one of which is a new school.

Area residents, however, take exception to these claims. Statements from the Siocon Fish Farmers Association and the Siocon Farmers Federation clearly state that they have noticed a decline water quality and decreasing crop and fish catches since the beginning of TVI's operations in the area. Residents note that the environmental degradation became obvious when TVI started to process the SSM's tailings⁶ as part of its 'Environmental Clean-up Program'.⁷

DCMI has also just recently received affidavits from residents describing a minor tailings leak that was witnessed on April 13, 2005. One resident was in a local creek following a rain storm and saw the water turn red and smelt cyanide in the air. Following that, he says he saw, "fish, eels, paitan, bolongatin, and shrimp in large quantities dying at the side of the creek." The next day, three other residents went out to investigate his claims and saw many dead fish in that creek and another neighbouring creek. They took pictures of these fish and DCMI currently has them on file.

Canatuan residents have also told us that they have not seen the benefits of TVI's 'community development' projects. The company frequently states that it has built a new school in Canatuan for the children of the local community. They show pictures of the nice new building and the old decrepit one.

The real story, however, is not quite so simple. The old school was located in the community and the residents' had recognized that the current building was insufficient for their needs. Thus, the Canatuan Parents, Teachers and Community Association and the Siocon Subanon Association Inc. (under the leadership of Timuay Anoy) petitioned the local government to donate a new school to the community. On May 2002, Congressman Angelo Carloto promised to the community to give them two additional rooms for their school during a visit to the area.

The new materials arrived on August 3, 2003 and were delivered to the site of the old school in the community. However, on November 27, 2003, an armed group led by TVI's Chief Security Consultant came to the community and forcibly hauled the materials to the TVI compound. In early 2004 the company built the new school in its compound with these materials.

The community residents are upset by the new location of the school for many reasons. One reason is that it is long walk from the community and the route takes the children down a road that is frequented by large trucks and other mining equipment. Another reason is that school is close to the TVI compound and the children can smell cyanide fumes in the air. For these reasons, many community children no longer attend school.

⁶ The SSMs were forced to stockpile their tailings on Mt. Canatuan because TVI would not let them bring them past the checkpoints that the established on the mountain in the mid 1990s.

⁷ TVI claims that it purchased these tailings from the SSMs using a formula of 'just compensation' in recognition of their 'economic and social circumstances'. However, we have several affidavits on file from community members where they claim that TVI stole the tailings from SSMs.



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Honourable members of this subcommittee, we ask that you consider TVI's poor record in the community as you deliberate on this matter. We have only been able to give you a brief summary of the issues in this space, but we hope that is has been sufficient enough to shed some light on the true state of affairs in Siocon.

Area residents have asked for nothing less than the full withdrawal of TVI from their area, and we partner our voice with theirs. We believe that the people of Siocon should have the right to say whether or not they consent to the presence of a large scale mining company in their area. Their request should not be ignored.

Sincerely,

Rev. Fr. Albert Bael
Chairman of the DIOPIM Committee on Mining Issues