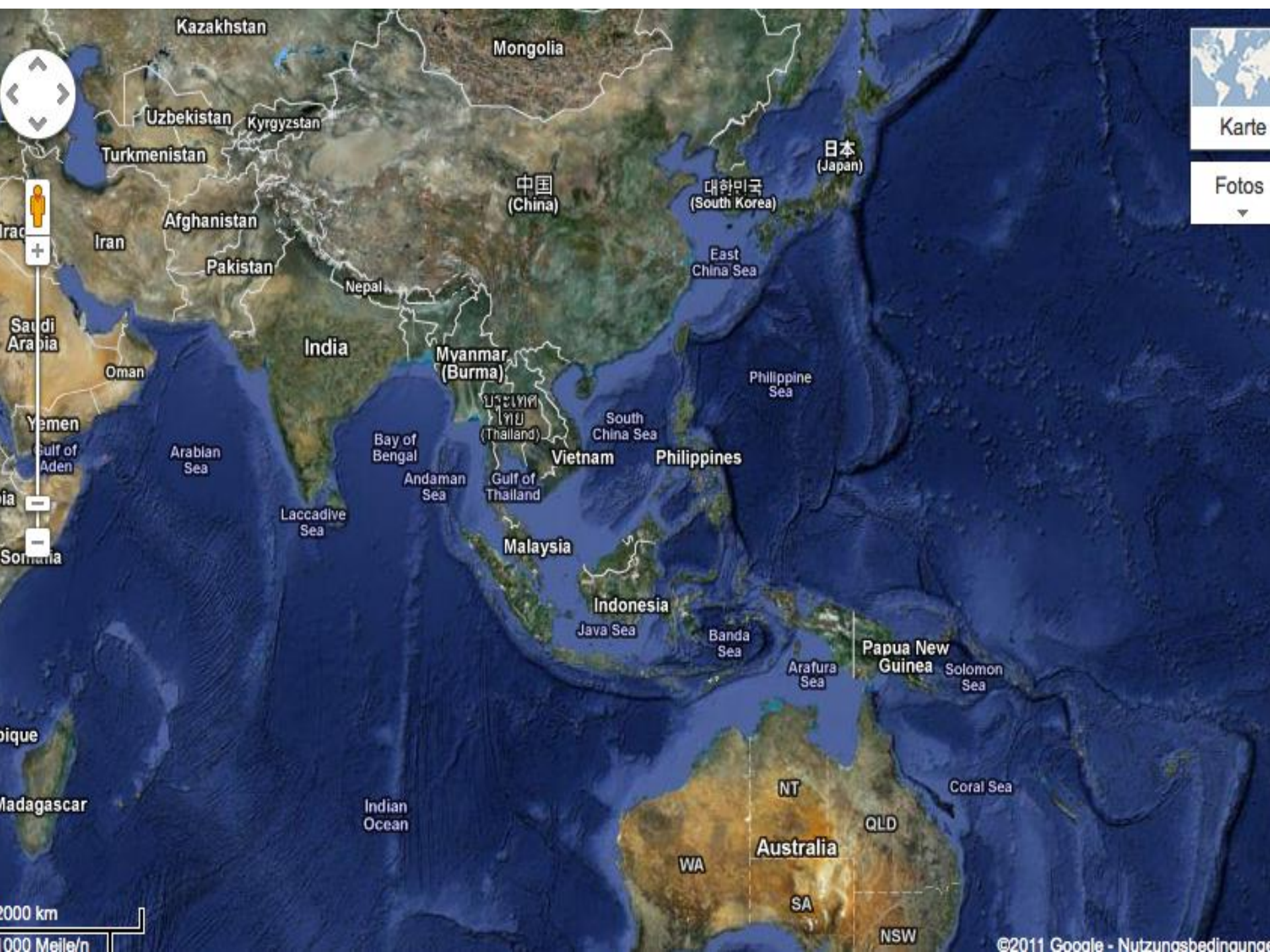


Those who have less in life should  
have more in law: How to address  
the imbalance of power

*Sentro ng Alternatibong Lingap Panligal*  
(SALIGAN- Mindanaw)



Kazakhstan

Mongolia

Uzbekistan Kyrgyzstan

Turkmenistan

日本 (Japan)

中国 (China)

대한민국 (South Korea)

Afghanistan

Iran

Pakistan

Nepal

East China Sea

India

Myanmar (Burma)

Philippine Sea

ประเทศไทย (Thailand)

South China Sea

Vietnam

Philippines

Saudi Arabia

Oman

Bay of Bengal

Andaman Sea

อ่าวไทย (Gulf of Thailand)

Arabian Sea

Laccadive Sea

Malaysia

Indonesia

Java Sea

Banda Sea

Papua New Guinea

Solomon Sea

Yemen

Gulf of Aden

Somalia

Madagascar

Madagascar

Indian Ocean

NT

Coral Sea

WA

Australia

QLD

SA

NSW

2000 km

1000 Meile/n

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Luzon

Manila

Mindoro  
Island

**Philippines**

Panay

Samar  
Island

Palawan

Negros

Sulu Sea

Mindanao

Kota  
Kinabalu





SULU SEA

DABUAN CITY  
DIFOLOG CITY  
Kabuntian  
Roxas

ORDOITA CITY

ZAMBOANGA DEL NORTE

MISAMIS OCCIDENTAL

Baliguian

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Siraway

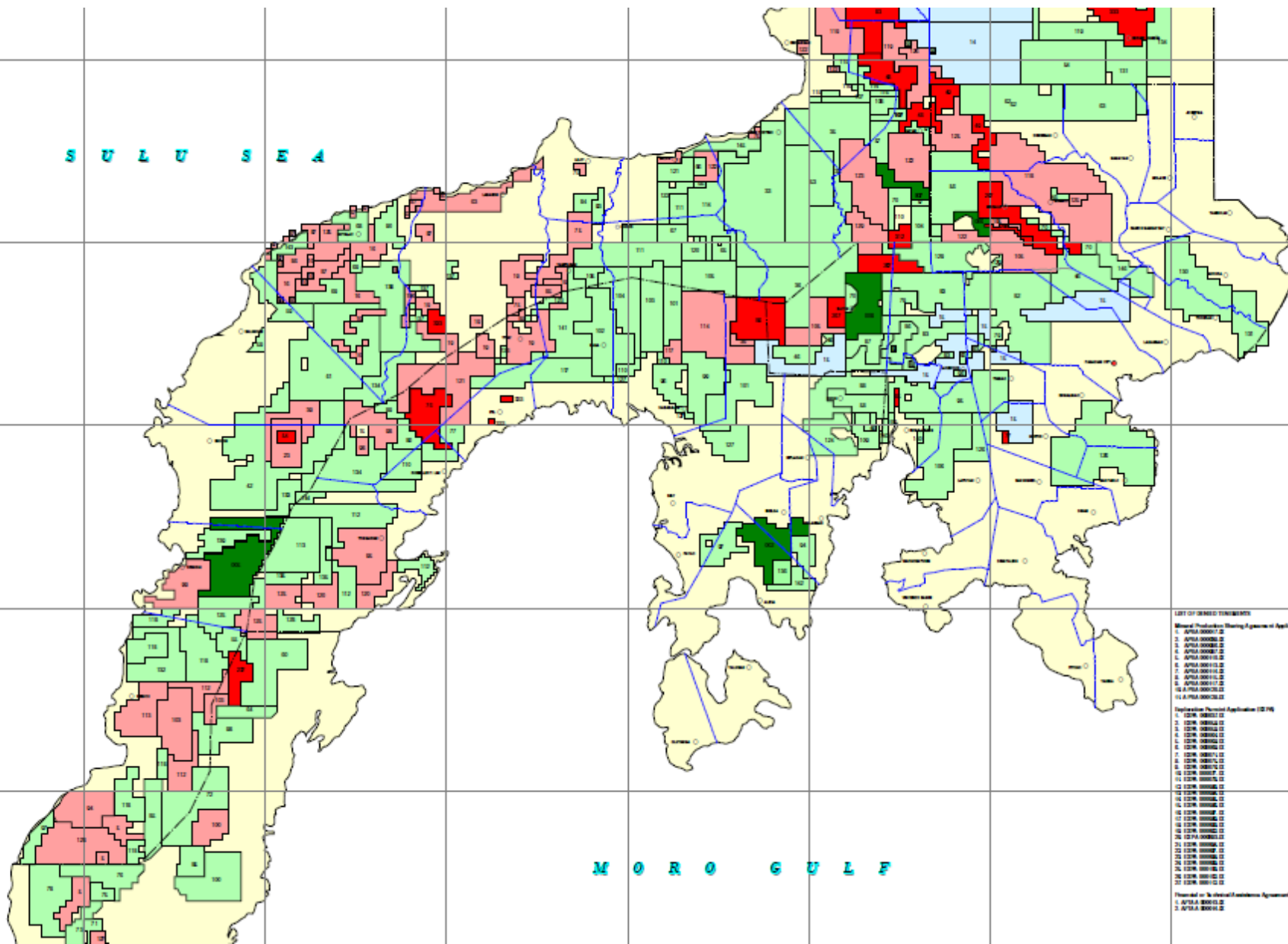
Sibuco

ZAMBOANGA CITY

ZAMBOANGA DEL SUR

CELEBES SEA

ZAMBOANGA PENINSULA



S U M A T R A

M O R O G U L F

- LIST OF ZONED TERRITORIES**
- Miscellaneous Production Planning Agreement Application (MPPA)**
1. APDA 000001.02
  2. APDA 000002.02
  3. APDA 000003.02
  4. APDA 000004.02
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  99. EPA 000099.02
  100. EPA 000100.02
- Prepared on the basis of Indonesia Agreement Application (IATA)
1. IATA 000001.02
2. IATA 000002.02
3. IATA 000003.02

# Surigao del Sur/del Norte Provinces







# NPA frees 2 mine firm officials in Surigao Norte; mining operations halted

By [Froilan Gallardo](#) | Wednesday | October 5, 2011 | Filed under: [Top Stories](#)

CAGAYAN DE ORO CITY (MindaNews/04 October) — Communist rebels released unharmed two officials of the Faganito Mining Corp. they had taken hostage in an attack Monday on three mining firms in Claver town, Surigao del Norte.

Maj. Eugenio Julio Osias, public information officer of the 4th Infantry Division said Jose Anievas, manager of Faganito Mining Corp. and their security officer, retired Army colonel Rene Perenal were left by the rebels in a secluded road as they withdrew to the mountains on Monday night.

"Both of them are okay and in good spirits when the soldiers caught up with them," Osias said.

He said the soldiers were advancing slowly, careful not to run into several landmines possibly left by the rebels along their withdrawal route.

Nickel Asia Corp., one of the country's major mining firms,

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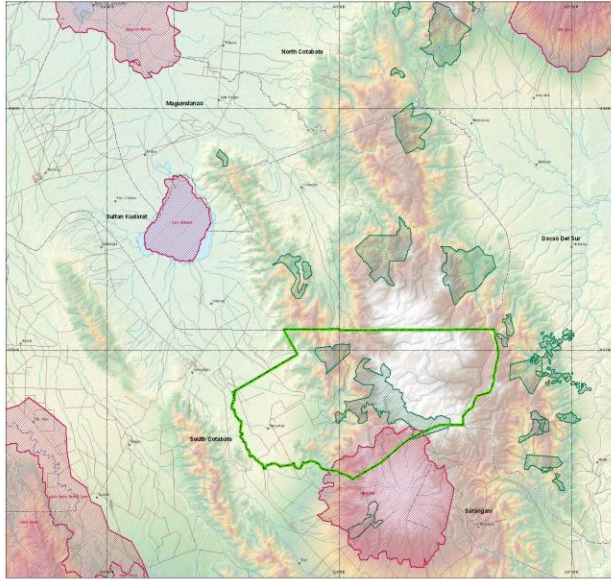
A barge smolders at anchor at the Cagdianao pier of Platinum Group Metals Corporation in in Barangay Cagdianao in Claver town, Surigao del Norte on Tuesday, Oct. 4, 2011. NPA rebels attacked three mining firms in Claver on Oct. 3 destroying hundreds of millions pesos of heavy mining equipment including barges. MindaNews photo by Roel Catoto



# Sustainable Development and Extractive Industries in Tampakan, South Cotabato, Philippines

## Highlighting environmental impact and potential threats to biodiversity

### Protected Areas



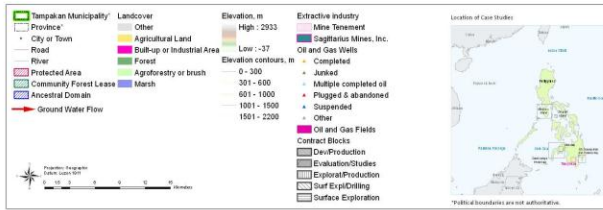
South Cotabato has six volcanoes, a typhoon free mild sub-tropical climate which produces evenly distributed annual rainfall. It is one of the most important agricultural provinces in the Philippines. There are approximately 85,000 farms with 200,000 hectares under cultivation. General crops include corn, rice, and vegetables. Perennial crops include pineapple, bananas, papayas, robusta coffee, rubber and palm oil, some of which are grown by agribusiness. Irrigation water comes from water catchments in the Mount Makulana range.

Concern about the proposed mining plans were made clear during the 2008 Mindanao Super Region Project meeting. Governor Fuentes stated "If they eventually open up our mountains, we really don't know how it will affect our environmental landscape and river systems: from Tampakan to Koroasakal, Tawangan, Lutaayan and the Hoban Lake and all the way to the Rio Grande river system." she called for studies on Moly impacts.

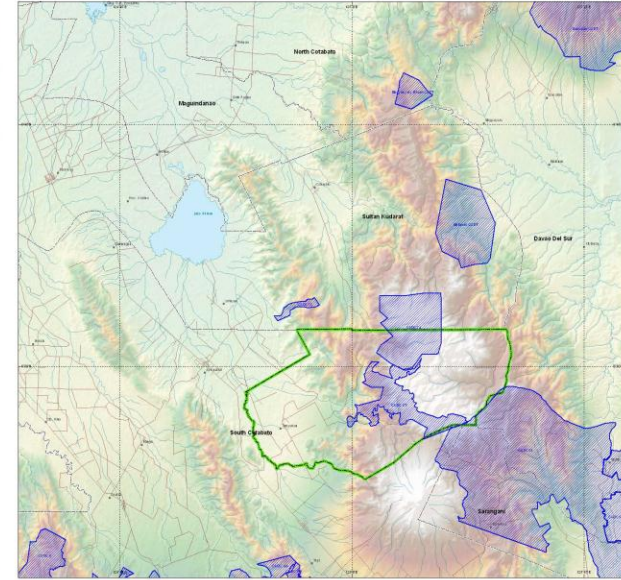
National and International experts commissioned by the WGMF, visited the area and prepared a report Philippines: Mining versus Food? and this map. It shows that the proposed Mining concession including the Tampakan Mine overlap critical water catchments and the lands of the indigenous B'laan peoples. Their culture, traditions and livelihoods were negatively impacted in the past by inward migration from the northern islands and then badly affected by logging.

The area is highly vulnerable with frequent landslides. This is aggravated by many seismic shocks and the extensive logging that took place during the 70's and 80's. Water catchments need urgent conservation/rehabilitation. Mining could impact downstream agricultural areas of South Cotabato, Sultan Kudarat and Davao Del Sur provinces. These areas would be at risk of pollution, siltation, decimation of fish stocks and landslides. Lake Hoban with its superb sustainable fish production may be damaged or even destroyed by fish foods, pollution or siltation which will gravely affect the Muslim population who depend upon it for survival.

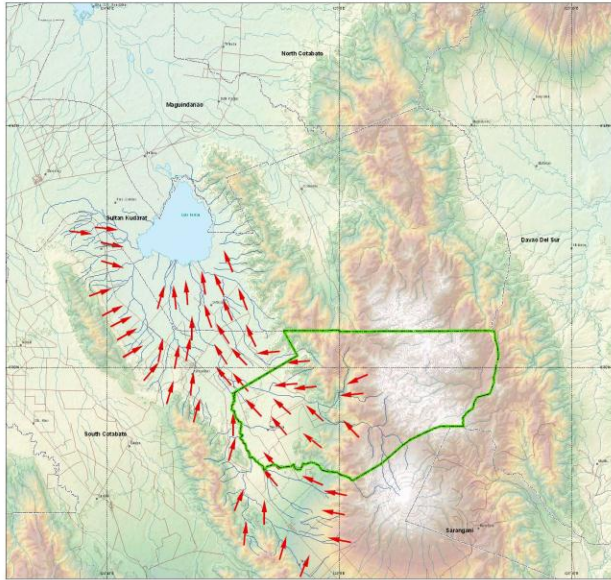
The area is a center of armed conflict. On 31st January 2008 MNM militants attacked the Yoda mining base camp and burned buildings. Mining in conflict areas will most likely lead to an increase in armed conflict and human rights abuses.



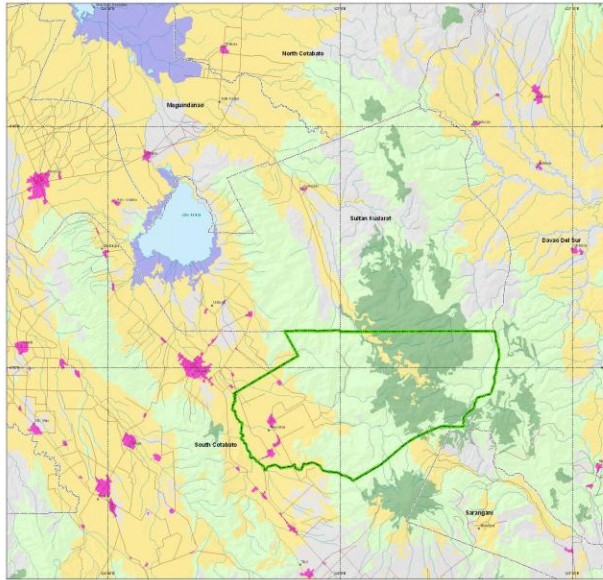
### Ancestral Domains



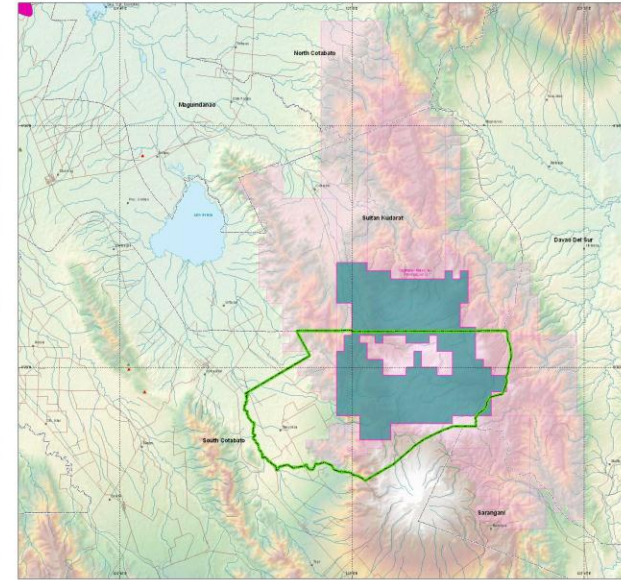
### Groundwater Flow



### Agriculture and Watersheds



### Mining, Oil and Gas Industry



# Remedies

- 2010 Rules of Procedure for Environmental Cases:
  - = *writ of kalikasan* (environmental writ), whenever an activity have violated or threaten to violate environmental rights (remedial & preventive)
  - = Exemption or deferment of legal fees
  - = Limiting the period of time for adjudication
  - = protection from harassment suits against environmental advocates and defenders

# Precautionary Principle

- *When human activities may lead to threats of serious & irreversible damage to the environment that is scientifically plausible but uncertain, actions shall be taken to avoid or diminish that threat.*
- Evidence: Where there is lack of full scientific certainty in establishing causal link between human activity and environmental effect, the court shall apply the precautionary principle in resolving the case before it.
- Right to ecology be given benefit of the doubt.

# Challenges

- Lack of awareness of judges of the provisions of the environmental rules
- Legal practitioners failing to appreciate the nature of environmental rights
- Lack of adequate legal representation
- There are still delays, focusing too much on technicality, rather than substance, and
- Seeming reversal of burden of proof is diminished by courts still requiring same burden to communities complaining of any abuse.

# Available mechanisms

- Traditional or indigenous justice systems.  
= If the GP allows grievance mechanisms administered by business enterprises, why not also those presently administered by indigenous peoples in their ancestral domains, and even local village justice systems (*Katarungang Pambarangay*)
- Should these pass the effectiveness criteria for non-judicial grievance mechanism set forth in the GP?  
= legitimate, accessible, predictable, equitable, transparent, rights compatible and a source of continuous learning

Thank you.