



**Subcommittee on International Human Rights
of the Standing Committee on Foreign Affairs and International Development
*Briefing on the Current Situation in the Philippines***

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Mining and Human Rights in the Philippines – Canada’s Duty to Protect

I have lived and worked with environmental and human rights defenders affected by Canadian mining companies in the Philippines since 1988 - the last 22 years with MiningWatch Canada as Asia-Pacific Program Coordinator.

I first testified before this committee in 2005,¹ together with two indigenous Subanon leaders from Mindanao in the Philippines. Timuay Anoy and Onsino Mato flew to Canada at the invitation of this committee, to [testify](#) with urgency about human and indigenous rights abuses faced by their people and threats to their lives as a result of Canadian mining company TVI Pacific’s determination to mine a sacred mountain on their ancestral land. Due to this committee’s concern about actions taken by TVI Pacific, even as the Subanon were on their way to Canada, they were invited to testify *in camera* for their safety. The abuses suffered by the Subanon of Canatuan are well-documented.² Some I witnessed myself on visiting their place, including forced relocation, TVI’s use of paramilitary forces³ to set up roadblocks to control access of community members and food to the village, marginalizing traditional leaders, such as Timuay Anoy, and bringing in fake leaders to secure Free Prior and Informed Consent as required by Philippine law, and using funds provided by the Canadian Embassy to reward villagers who agreed to cease their opposition to the mine.

I have taken us back to this earlier testimony because, in the context of severe deterioration of human rights in the Philippines and lack of access to remedy,⁴ the abuses suffered by Timuay

¹ See <https://www.ourcommons.ca/DocumentViewer/en/38-1/SDEV/meeting-12/evidence>

² [Breaking promises, making profits Mining in the Philippines](#). Christian Aid and PIPLinks. December 2004.; [Undermining the Forests. The need to control transnational mining companies: a Canadian case study](#). Forest Peoples Programme, Philippine Indigenous Peoples Links and the World Rainforest Movement. January 2000.; <https://miningwatch.ca/news/2005/8/13/tvi-faces-social-political-and-environmental-risk-philippines-indigenous-subanon> ; <https://miningwatch.ca/blog/2005/8/13/philippines-canada-exchange-controversial-tvi-pacific-mine>

³ The forces used by TVI are known as SCAA, Special Civilian Armed Auxiliaries. See <https://miningwatch.ca/blog/2005/8/13/philippines-canada-exchange-controversial-tvi-pacific-mine>

⁴ Findings by [Global Witness](#) include that in 2019 over half of all reported killings of rights defenders occurred in just two countries, the Philippines and Colombia. The United Nations High Commissioner for Human Rights. 15 June–3 July 2020. Situation of human rights in the Philippines: [Report of the United Nations High Commissioner for Human Rights](#) notes that “the underpinning focus on national security threats – real and inflated – has led to

Anoy and Onsino Mata are prevalent at Canadian mine sites throughout the Philippines today.⁵ You heard testimony earlier from Mr. Clemente Bautista⁶ about threats to local indigenous Ifugao opponents of OceanaGold's mine in Nueva Vizcaya, and about the history of the well-documented⁷ human rights and environmental abuses at that site. In 2018 I accompanied indigenous rights defenders from that community, who were threatened by extrajudicial killing, on a fruitless visit to the Canadian Embassy to seek protection for them.⁸ These indigenous community members remain threatened today. Additionally, Barrick Gold has been embroiled in legal action since 2006 as a result of 30 years of irresponsible mining by a Canadian mining company bought out by Barrick that has left widespread environmental devastation on the small island of Marinduque. Another Canadian company, B2Gold, operating on the island of Masbate, is also embroiled in disputes with local farmers and fishers because of loss of land and livelihood to the mine, environmental impacts to water and fishing, militarization and criminalization of dissent.⁹

I am also taking us back to 2005, because in that year this committee prepared a very strong report¹⁰ that remains highly relevant to the issues discussed here today. This report was unanimously endorsed by both this Subcommittee and the Standing Committee. It asked that an investigation be made “of any impact of TVI Pacific’s Canatuan mining project in Mindanao on the indigenous rights and the human rights of people in the area and on the environment.” The Canadian government of the day declined to carry out this investigation.

The report also asked the government to: “Establish clear legal norms in Canada to ensure that Canadian companies and residents are held accountable when there is evidence of environmental and/or human rights violations associated with the activities of Canadian mining companies.” We are still waiting for these laws to be established.

Between 2007 and 2016, at least four United Nations treaty monitoring bodies and the Inter-American Commission of Human Rights have called attention to human rights violations by Canadian mining companies overseas and asked the Canadian government to create effective mechanisms for investigating and preventing abuses, and providing access to remedy.¹¹

serious human rights violations, reinforced by harmful rhetoric from high-level officials” and that “lawyers and journalists interviewed by OHCHR, cited numerous obstacles in documenting cases and pursuing justice.”

⁵ A recently released [Global Witness](#) report finds that mining was the deadliest sector with 50 rights defenders killed in 2019 in the context of conflicts related to mining.

⁶ <https://www.ourcommons.ca/DocumentViewer/en/43-2/SDIR/meeting-16/evidence>

⁷ *OceanaGold in the Philippines Ten Violations that Should Prompt Its Removal*. Robin Broad, John Cavanagh, Catherine Coumans, and Rico La Vina. Institute for Policy Studies (U.S.) and MiningWatch Canada. October 2018.

⁸ Canada’s Voices at Risk policy does not mandate embassy staff to protect human rights. For more on the disappointing visit to Canada’s embassy in Manila see <https://miningwatch.ca/news/2018/12/18/indigenous-rights-defenders-targeted-over-opposition-oceanagold-mine-seek-support>

⁹ It is my opinion that none of the impacts currently reported by communities living around Canadian mines in the Philippines can be adequately investigated without the ability to compel testimony and documents from the companies involved.

¹⁰ 38th Parliament, 1st Session (October 4, 2004 - November 29, 2005). The Standing Committee on Foreign Affairs and International Trade. *Mining in Developing Countries-Corporate Social Responsibility*. <https://www.ourcommons.ca/DocumentViewer/en/38-1/FAAE/report-14/>

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In 2018, the UN Working Group on Business and Human Rights published a country report¹² calling on Canada to ensure its newly announced Ombudsperson received the resources, independence and powers needed to effectively investigate and address human rights abuses by Canadian multinationals.¹³

Canada intersects with the Philippines in at least three ways that impact on the human rights situation in that country: through the activities of our corporations in the country; through the activities of our consular staff; and through our financial flows to the Philippine government. The following recommendations address these three areas.

1) Canada must fulfil its obligation to protect human rights in the context of the deteriorated human rights situation in the Philippines, and in particular to protect those who are criminalized and whose lives are threatened for speaking out in defense of human rights and the environment. Canada should not be selling military equipment and providing defence support and cooperation to the Philippines. Canada needs to mandate its consular staff to protect human rights. And Canada needs to fast track the means by which rights defenders whose lives are threatened can receive visas for temporary relocation to Canada or other safe countries.

2) Canada needs to live up to its commitment to grant the Canadian Ombudsperson for Responsible Enterprise the powers to compel testimony and documents from Canadian

abuses, and providing access to remedy. U.N. CERD Com., Consideration of Reports Submitted by States Parties under Article 9 of the Convention, Concluding Observations of the CERD Committee: Canada, ¶ 17, CERD/C/CAN/CO/18, (May 25, 2007),

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCAN%2fCO%2f18&Lang=en ; U.N. CERD Com., Consideration of Reports Submitted by States Parties under Article 9 of the Convention, Concluding Observations of the CERD Committee: Canada, ¶14 CERD/C/CAN/CO/19-20,(Apr. 4, 2012),

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCAN%2fCO%2f19-20&Lang=en ; U.N. CRC Com., Concluding observations on the combined third and fourth periodic report of Canada, adopted by the Committee at its sixty-first session, (17 September – 5 October 2012), ¶ 29 CRC/C/CAN/CO/3-4, (Dec. 6, 2012),

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCAN%2fCO%2f3-4&Lang=en ; Hum. Rts. Com., CCPR, Concluding observations on the sixth periodic report of Canada, ¶ 6, CCPR/C/CAN/CO/6,(Aug. 13 2015),

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fCAN%2fCO%2f6&Lang=en ; U.N. Econ. & Soc. Council. Com. on Economic, Cultural and Social Rights, Concluding observations on the sixth periodic report of Canada, ¶¶ 15-16, E/C.12/CAN/CO/6,(Mar. 23, 2016),

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCAN%2fCO%2f6&Lang=en .

¹² <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/116/38/PDF/G1811638.pdf?OpenElement>

¹³ In his recent [testimony before this committee](#), Pierre Gratton, President of the Mining Association of Canada (MAC), argued against providing the Ombudsperson powers to compel testimony and documents from companies under investigation. He also made claims about his organization's voluntary program Towards Sustainable Mining (TSM) that were misleading. He implied that a number of countries, including the Philippines, had adopted the TSM standards, when in fact no countries have adopted these standards, only industry associations in some countries have said they will adopt them. MAC members, such as Barrick Gold and B2Gold, do not need to report on their overseas activities. Finally, the standards themselves are weak. They do not cover key aspects of mining and they set a lower bar than other international standards focused on mining according to a [2018 study](#) by The International Institute for Sustainable Development.

corporations in the course of her investigations. In addition, Canada needs to follow the lead of European jurisdictions and implement mandatory human rights due diligence legislation. Such legislation would require Canadian companies to prevent human rights abuse throughout their global operations and supply chains and to develop, implement and report on their human rights and environmental due diligence procedures. Companies could be sued in Canadian court if they caused harm or failed to do due diligence.

Thank you.