

THE COAL
DEATH
MARCH!

STOP
KILLING
FARMERS!

BAN
OPEN-PIT
MINING

DEFENDING THE PHILIPPINES

How broken promises are leaving land and environmental defenders at the mercy of **business at all costs**

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Anti-coal activist Gloria Capitan is one of 113 Filipino defenders killed since President Duterte took office in 2016. *Coal Free Bataan Movement*

SUMMARY

On 1 July 2016, a day after Rodrigo Duterte took office as President of the Philippines, environmental activist Gloria Capitan was killed while chatting to her cousin at her small karaoke bar.¹ A man dismounted from his motorcycle, held her in a chokehold and shot her three times in front of her grandchildren.²

Gloria had spent a year protesting against the devastating human cost of a coal boom in her home province of Bataan, which lies just across the bay from the country's capital, Manila.³ "This is not for me but for my grandchildren," Gloria would say. "I will only stop when my eyes are closed forever! What will I be able to do when I'm dead?"⁴ Tragically for Gloria, it seems that whoever ordered her killing had come to the same conclusion. That they felt able to silence Gloria without consequence says much about why the Philippines is such a dangerous place to defend the environment.

ONE OF THE WORLD'S DEADLIEST PLACES TO DEFEND THE PLANET

An archipelago of over 7,000 islands renowned for their natural beauty, the Philippines' vast natural resources and fertile soils have proved an irresistible pull for foreign investment.⁵ But the huge profits generated have done little to enrich ordinary Filipinos – thanks, in large part, to widespread corruption concentrating wealth in the hands of a few.⁶ Half of the country's people consider themselves poor⁷ and at least one in five live in poverty.⁸ While mining contributes only a tiny proportion of the country's GDP⁹ and employs an even smaller fraction of the population,¹⁰ landslides linked to mining-related environmental destruction wreak havoc in the Philippines.¹¹ And the imposition of martial law on the island of Mindanao has empowered an army already known for protecting business projects and attacking those who oppose them.¹²

Community activists, indigenous leaders and NGO workers who demand change for the better face appalling levels of violence and intimidation. Since Global Witness began publishing data in 2012, the Philippines has consistently recorded the highest number of killings in Asia of people who oppose illegal logging, destructive mining or corrupt agribusiness.¹³ Few of the perpetrators have ever been prosecuted. And in 2018 this trend of spiralling violence reached a disturbing new landmark: the Philippines became the country with the highest total number of such killings in the world.¹⁴ Many of the victims simply wanted a say on how their land and the country's natural resources are used.

DUTERTE'S BROKEN PROMISES – A MIDTERM REVIEW

On 25 July 2016, Rodrigo Duterte delivered his first State of the Nation Address as the newly elected President of the Philippines. He promised to safeguard the country's rural and indigenous communities, tackle corruption, and protect the environment.¹⁵

Here was a President promising to use his strength to stand up to big business and powerful vested interests. To do what was right for his people and the planet. This would necessarily mean tackling the root causes of the threats facing land and environmental defenders. Yet in practice – as this report shows – Duterte has so far failed to keep his promises, and the killings of those protecting their land and our planet have reached record levels.¹⁶



On **supporting marginalised and indigenous communities**, Duterte said he would:

“vigorously address the grievances that have been time and again expressed by... indigenous peoples and other groups for security, development [and] fair access to decision-making.”¹⁷

Yet our new investigation reveals how communities are yet to receive reparations for the imposition of business projects on land taken from them without their consent. Complaints abound that the poor and indigenous are still denied the right to participate in decision-making regarding their land and natural resources. Duterte has failed to combat widespread corruption in the National Commission on Indigenous Peoples (NCIP), the very institution supposed to guarantee the implementation of the country’s law protecting indigenous rights, and has not replaced the mining law, which facilitates business abuses. What’s more, indigenous peoples are over-represented among murdered defenders.¹⁸

On **combating corruption**, Duterte said:

“The fight against criminality and... corruption will be relentless and sustained.”¹⁹

But we can reveal how companies are routinely breaching the terms of their operating licences without consequence, while allegations of bribery are rife across sectors and at all levels. Powerful politicians and local development authorities have not been held to account for links to abusive projects, and impunity is rife. The army is sent to protect business projects and silence opposition, raising serious questions about the relationship between the state and private interests.

On **protecting the environment**, Duterte warned:

“I have to protect the country... Do not destroy the environment.”²⁰

But our report reveals that communities are being threatened for opposing the expansion of coal-fuelled power plants and NGOs are being left to conduct dangerous citizens’ arrests against illegal loggers, while some government officials and top tycoons profit from the numerous business ventures allowed to cause environmental damage.

This report serves as a mid-term review of the Duterte government’s record in living up to its promises and the consequences for land and environmental activists.



Indigenous peoples and local communities are being murdered after standing up to big business and political elites in an effort to protect their livelihoods.
Ezra Acayan/Getty Images

HOW THE 'WAR ON DRUGS' HAS FUELLED ATTACKS

It's not only Duterte's failure to implement his campaign promises that has left communities and defenders at ever greater risk. The President's brutal 'war on drugs' has fostered a culture of impunity and fear, emboldening the politically and economically powerful to use violence and hitmen against those they see as an obstacle or a threat.²¹ The Government's own statistics suggest that 6,600 drug suspects "died" during anti-drug operations,²² and the Philippine National Police recorded around 23,000 Homicide Cases Under Investigation (HCUI) from July 2016 to June 2018 – a figure covering drug-related killings by unknown gunmen.²³ Philippines Human Rights Commission figures suggest more than 27,000 people have been killed in three years of the 'war'.²⁴

These are not only pushers and addicts, or even the urban poor or political opposition. These deaths include people calling out corruption or refusing to allow elites to profit at the expense of their community's rights.²⁵

THE ARMY'S CONTINUED PROTECTION OF PRIVATE INTERESTS

Military and paramilitary 'Investment Defence Forces' (IDFs) were set up more than a decade ago to protect

infrastructure projects from "terrorists and [...] other rebel groups that stand in the way of development".²⁶ They were tasked with guarding land used for mines, plantations and power transmission lines.²⁷ Duterte's government has not only continued to allow the army to protect private interests but, in implementing martial law, has emboldened them to use force to silence environmental and indigenous activism. 52 defenders have been killed extra-judicially by the army in the last three years.²⁸

BUSINESS AS USUAL MEANS BUSINESS AT ALL COSTS

When environmentalist Gina Lopez was named Secretary for the Environment, and Duterte backed her decision to suspend destructive mines, it looked like the President might rein in the worst abuses of companies, and ensure profit was made responsibly.²⁹ However, the reality is 'business as usual', with large companies, influential politicians and established landowners continuing to make money with brazen disregard for the rights and wellbeing of local communities. Indeed, with scores of activists murdered for standing up to these abuses, you could argue that the situation is one of 'business at all costs'.³⁰

The case studies in this report bring to light new evidence of the corrupt and criminal acts that are driving violence

against defenders. They span many different sectors and regions, illustrating the systemic nature of the problem. They include the stories of:

Del Monte, Dole, dodgy dealings and bloodshed in Bukidnon – where indigenous organisations have faced threats and attacks for protesting violations of indigenous rights by ranchers doing business with the international ‘agri-giants’. One such rancher is Mayor and former Del Monte Consultant Pablo Lorenzo. Indigenous leader Renato Anglao was murdered after leading some of the protests.



The tourist boom fuelling violence in Palawan – where Ruben Arzaga, village head and member of a local environmental group, was killed when apprehending illegal loggers. He was the twelfth group member murdered in less than two decades. Other defenders claim to have been threatened by local governor and businessman Jose Alvarez. The group oppose the illicit hardwood logging fuelled by the island’s surge in boutique hotels.



Mining, murder and the military in Compostela Valley – where a farmers’ association leader, Jimmy Saypan, was murdered by hitmen after protesting against the illegal activities of a gold and silver mine linked to Filipino beer and manufacturing giant San Miguel, which is headed by Duterte Donor Ramon Ang. Five members of the farmers’ association have been imprisoned on what appear to be trumped-up charges, and others have been harassed by the army.



International investment in dirty coal in Bataan – where, following the murder of anti-coal campaigner Gloria Capitan in 2016, community activists are threatened for standing up to a coal-power plant controlled by San Miguel Corporation, and backed by Standard Chartered and the World Bank’s International Finance Corporation. They complain the toxic plant was imposed upon them without proper consultation.



HOW BUSINESS IS SHIRKING ITS RESPONSIBILITIES

A range of Filipino laws and international safeguards oblige companies and investors to uphold environmental standards, operate transparently, and allow communities to give or withhold their free, prior and informed consent for the use of their land and natural resources. The UN

Guiding Principles oblige businesses to respect human rights regardless of whether the Filipino government is willing or able to uphold its duty to protect them.

However, this report demonstrates that many are complicit in the abuse of people’s rights and trashing the environment. Whether the result of proactive strategies, turning a blind eye or negligence, their actions and omissions are contributing to a growing intolerance of protest and leaving defenders at risk. International companies like Del Monte, national corporations like San Miguel, private investors like Standard Chartered and development banks like the IFC must clean up their acts or be held accountable.

TIME FOR DUTERTE AND THOSE INVESTING TO STEP UP

Land and environmental activists will only be able to carry out their activism safely when Duterte’s government and those doing business in the Philippines take action – as international law requires them to – to prevent land rights and environmental abuses, protect defenders at risk, and hold the perpetrators of intimidation and violence to account.

Consumers too can play a part – by demanding that the fruit they buy or the hotel they stay in isn’t associated with conflict and bloodshed, and by demanding that their government take a stand and support activists in defending their land and our environment without fearing for their lives.

“Communities rely on the land for their livelihoods and traditions and I will not just stand by while indigenous communities are brutally cut down for defending their way of life... I am one of thousands in a global movement of defenders working on the front line to protect human rights and the environment... Businesses and governments must be held to account.”

Rene Pamplona, Filipino defender

WHO'S BACKING BUSINESS AT ALL COSTS?

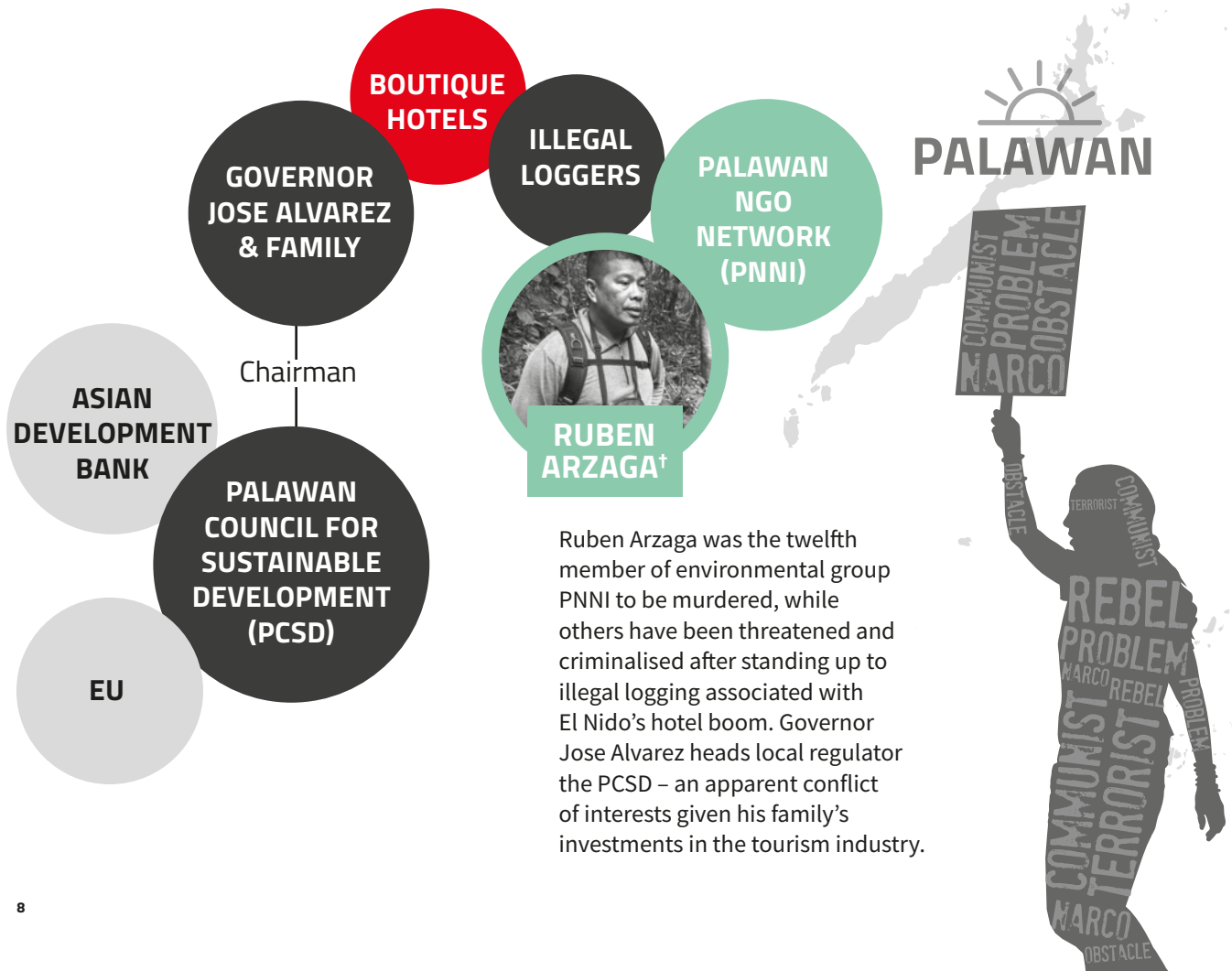
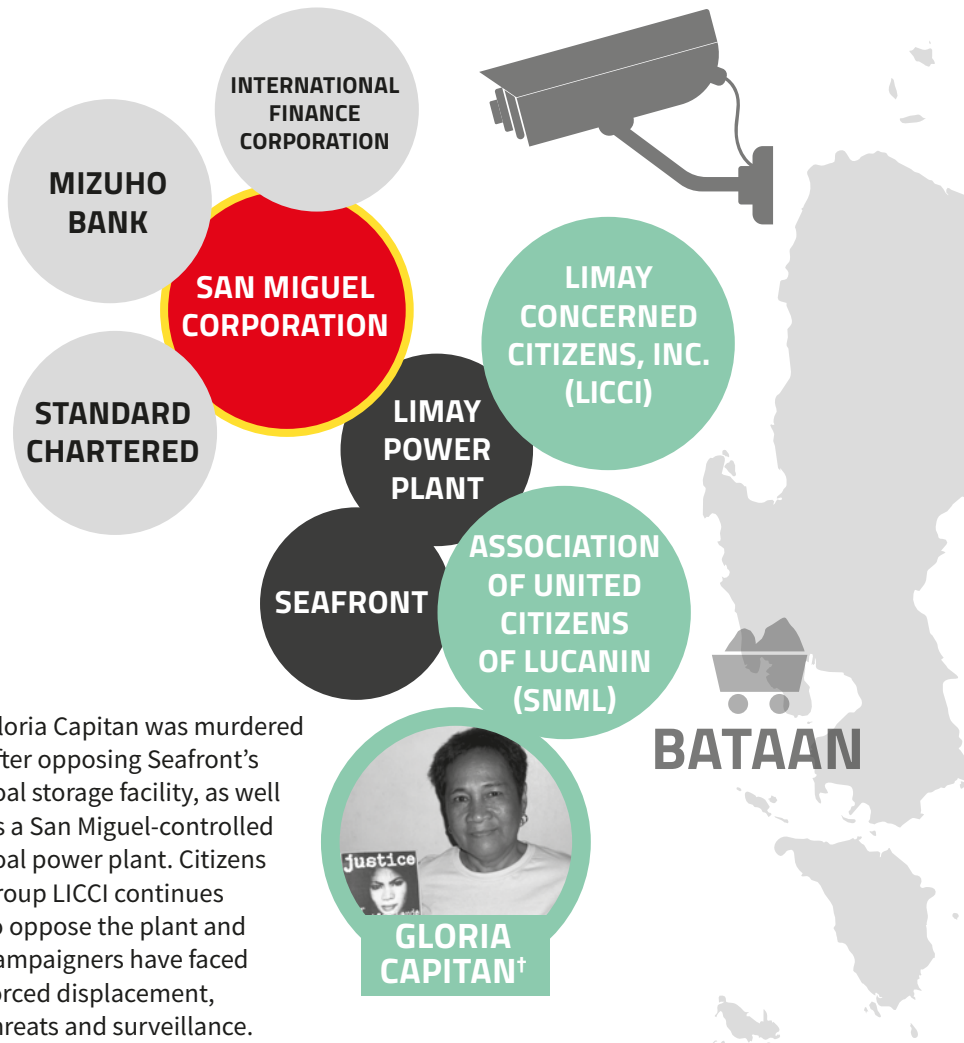
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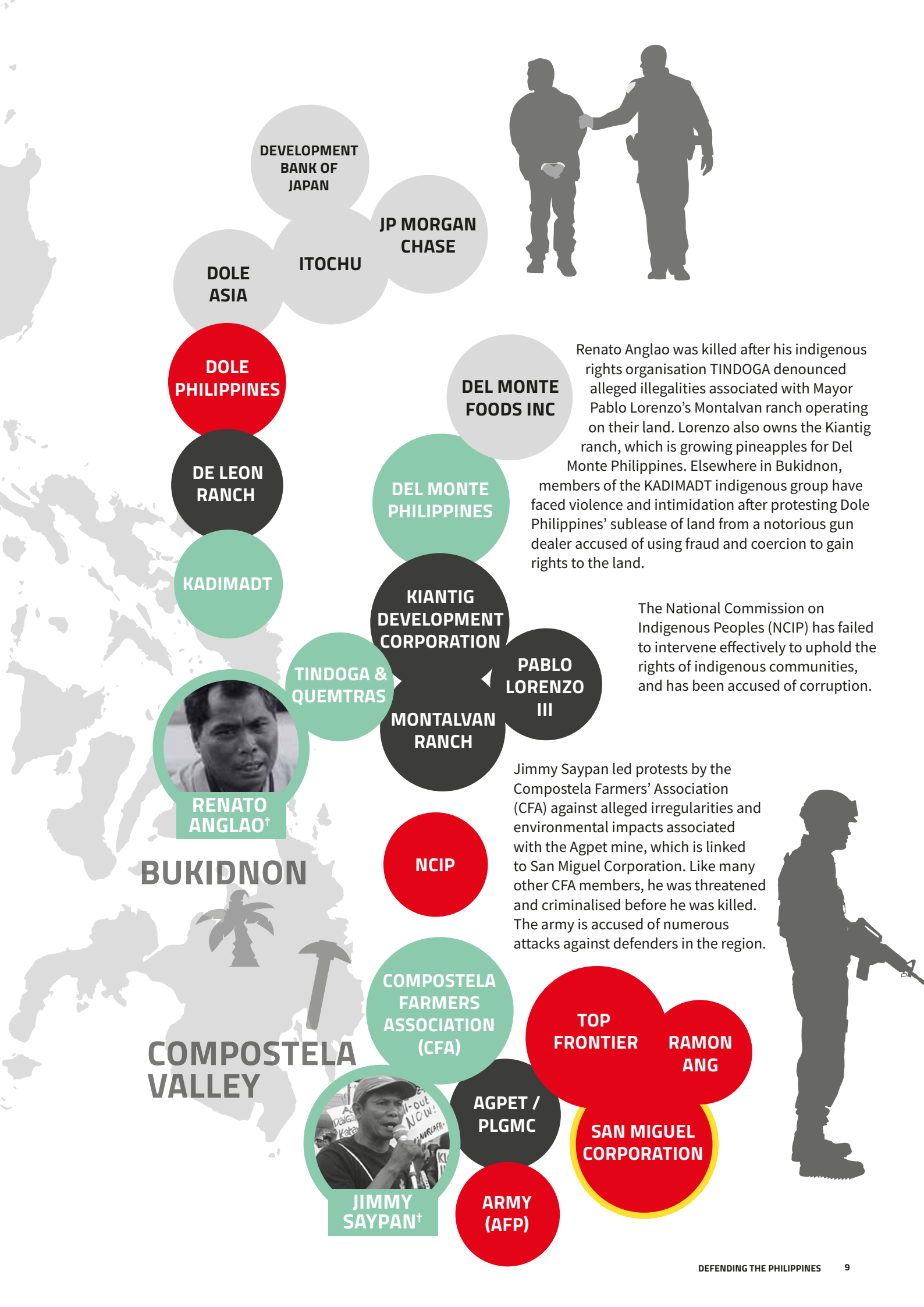
LAND AND ENVIRONMENTAL DEFENDERS

LOCAL BUSINESS AND POLITICAL ACTORS

NATIONAL BUSINESS AND POLITICAL ACTORS

INTERNATIONAL BACKERS





DEVELOPMENT BANK OF JAPAN

JP MORGAN CHASE

DOLE ASIA

ITOCHU

DOLE PHILIPPINES

DE LEON RANCH

DEL MONTE FOODS INC

DEL MONTE PHILIPPINES

KADIMADT

KIANTIG DEVELOPMENT CORPORATION

TINDOGA & QUEMTRAS

PABLO LORENZO III

MONTALVAN RANCH



RENATO ANGLAO†

BUKIDNON

NCIP

Renato Anglao was killed after his indigenous rights organisation TINDOGA denounced alleged illegalities associated with Mayor Pablo Lorenzo's Montalvan ranch operating on their land. Lorenzo also owns the Kiantig ranch, which is growing pineapples for Del Monte Philippines. Elsewhere in Bukidnon, members of the KADIMADT indigenous group have faced violence and intimidation after protesting Dole Philippines' sublease of land from a notorious gun dealer accused of using fraud and coercion to gain rights to the land.

The National Commission on Indigenous Peoples (NCIP) has failed to intervene effectively to uphold the rights of indigenous communities, and has been accused of corruption.

Jimmy Saypan led protests by the Compostela Farmers' Association (CFA) against alleged irregularities and environmental impacts associated with the Agpet mine, which is linked to San Miguel Corporation. Like many other CFA members, he was threatened and criminalised before he was killed. The army is accused of numerous attacks against defenders in the region.



COMPOSTELA VALLEY

COMPOSTELA FARMERS ASSOCIATION (CFA)

TOP FRONTIER

RAMON ANG



JIMMY SAYPAN†

AGPET / PLGMC

SAN MIGUEL CORPORATION

ARMY (AFP)



Indigenous leader, Renato Anglao killed on 3 February 2017.

1. Agribusiness and deadly attacks against indigenous groups

Bukidnon is known as the Philippines' 'food basket' – a fertile region with swathes of fruit plantations. But in some cases, business is being done on land that indigenous peoples claim was stolen and swindled from them, and is now being used by local ranchers who have entered into partnerships with well-known brands.

Indigenous leaders standing up for their rights have suffered threats, harassment and criminalisation. In 2017 Renato Anglao was shot dead after demanding local rancher and current mayor Pablo Lorenzo III return their land, which Lorenzo's company – the Montalvan Ranch – was using for agribusiness plantations. Nobody has been prosecuted for the killing.

Del Monte is one of the world's biggest and best-known fruit producing brands, known for its famously sunny, family-friendly advertising.

But this case reveals that Del Monte Philippines has a business agreement with Pablo Lorenzo to grow pineapples for them. They also employed him as a consultant, and renewed contracts with him even after evidence of violence associated with his companies came to light. Effectively, they failed to do adequate due diligence before and during entering into contracts with him and his company. Del Monte Philippines is a major exporter of pineapples to Del Monte Foods Inc in the United States.³¹

As demonstrated by the allegations of corruption and violence around a nearby plantation run by global food giant Dole Philippines, this story is, tragically, far from an exception. It shows how international companies are still not doing adequate due diligence to avoid conflicts in their supply chains – particularly in countries like the Philippines, where laws protecting land and indigenous rights are often not enforced. In spite of President Duterte's promises to protect citizens from the abuses of vested interests, 'business at all costs' continues as usual.

On 3 February 2017 Renato Anglao, together with his wife and five-year-old son, were travelling home by motorcycle after buying school supplies in Quezon town, Bukidnon.³² Three unidentified gunmen, on another motorcycle, drew close to the family and shot Renato in the head. He was pronounced dead on arrival at the local hospital.³³ His wife suffered a minor injury and his child was unharmed.³⁴

Renato was the Secretary General of the Tribal Indigenous Oppressed Group Association (TINDOGA),³⁵ which claims rights to some of the ancestral lands of the Manobo Pulanguihon – an indigenous group in the province of Bukidnon,³⁶ the ‘food basket’ of northern Mindanao.³⁷ But despite its agricultural riches, Bukidnon is one of the country’s poorest provinces and home to many indigenous groups.³⁸

Large swathes of what was once indigenous-owned land in Bukidnon have given way to industrial plantations of sugarcane, pineapples and bananas,³⁹ exacerbating the impact of historic land disputes that have led to indigenous people being threatened, intimidated and killed.⁴⁰ Some such plantations are on indigenous land, which has previously been ‘grabbed’ and is now being used to produce fruit for Del Monte Philippines by a local landowner – a story that unfolds in the pages that follow.

A MODERN-DAY TRAGEDY BORN OF HISTORIC LAND GRABS

According to the government’s National Commission on Indigenous Peoples (NCIP), TINDOGA’s ancestral land was borrowed for cattle grazing in 1921 by Bukidnon’s first governor Don ‘Manolo’ Fortich. But when it wasn’t returned after 30 years as promised, it effectively became stolen land.⁴¹ The Fortich clan, of Spanish descent, went on to dominate Bukidnon’s politics and have entire towns named after them.⁴²

In 2011, TINDOGA attempted to reclaim its land by building houses on it.⁴³ By then the land was being used by a company called Montalvan Ranch,⁴⁴ even though the company’s permit had expired two years earlier.⁴⁵ TINDOGA was driven off the land by armed men at the behest of the Montalvan Ranch.⁴⁶ Community representatives told Global Witness that they have since been shot at, received death threats and had 17 of their houses burnt down by gunmen allegedly hired by the head of the company, Pablo Lorenzo III.⁴⁷ It would appear no government protection was ever offered to these clearly at-risk indigenous defenders, and the threat was allowed to escalate.

After years of protest camps, rallies and petitioning officials, in 2014 the government finally ruled to return the land to TINDOGA. However, the ruling also included another indigenous organisation that had claims on the land.⁴⁸ A year later, that other organisation entered into an agreement to lease part of the land back to Montalvan Ranch.⁴⁹ TINDOGA members, claiming the land as theirs, stepped up their protests. On 24 March 2015 – according to one survivor – the company’s guards opened fire on the community while they were on their way to the protest, killing one of their members, Mabini ‘Tata’ Baito, and injuring two more.⁵⁰ The NCIP has an office in Bukidnon but failed to resolve the dispute.

TINDOGA suspects that gunmen working for Pablo Lorenzo III were also behind the 2017 killing of Renato Anglao.⁵¹ Lorenzo is the president and chairman of Montalvan Ranch and General Manager and co-owner of the adjacent Kiantig Development Corporation.⁵²

Del Monte Philippines (DMPI) supplies the US giant Del Monte Foods with tinned pineapples. DMPI continued to purchase pineapples grown on disputed land even after evidence of violence against indigenous people was made public. *Del Monte Foods website*





Irene Anglao talks about the death of her father and the struggle of their community against encroaching plantations in Bukidnon. *Erwin Mascarinas/Global Witness*

He is also mayor of Quezon,⁵³ the town where Renato was killed. Local indigenous leaders allege that, in November 2015, Renato was threatened by Lorenzo in person, who told him: if you don't stop this you will "regret it".⁵⁴ This came at a time when Renato was leading the community's protests and just over a year before he was murdered.

DANGER SIGNALS THAT DEL MONTE SHOULD HAVE BEEN AWARE OF

The allegations against Pablo Lorenzo III should have been a major red flag for any reputable company. And with a history of land grabs and violence, Bukidnon is a region where extra care should be exercised - and thorough prior and ongoing due diligence done - by companies when establishing agreements with local landowners to grow crops on their behalf, in order to identify and mitigate any historic or new allegations of human rights violations.

However, Global Witness has obtained documents showing that Lorenzo has worked as a consultant for Del Monte Philippines since 2008.⁵⁵ What's more, he is also the general manager and co-owner of the Kiantig Development Corporation⁵⁶ - a company that operates on land adjacent to the Montalvan Ranch⁵⁷ and that had a Crop Producer and Growership Agreement with Del Monte Philippines to grow pineapples for the corporation from

August 2008 until March 2019.⁵⁸ Del Monte Philippines continued to do business with Lorenzo even after allegations of violence against indigenous communities that laid claim to his land was made public in national and international media, as well as via NGO press releases and community protests.⁵⁹

A NCIP resolution found that the land Kiantig operates on, along with the land used by the Montalvan Ranch, was one of four parcels of land stolen from indigenous people by Don Manolo Fortich in 1921.⁶⁰ Seven of Kiantig's current directors have the surname Fortich.⁶¹ In 2016, another indigenous organisation - QUEMTRAS - demanded the cancellation of all contracts held by the government and companies on its land, because it claims that the officials overseeing these contracts were bribed by 'foreign investors'.⁶² It also believes that the community never agreed their land could be used for fruit plantations.⁶³

The government itself had already suggested that there was reason for concern. The state body in charge of resolving ancestral land disputes, the NCIP, has backed the legal claims of the indigenous communities to the land held by Lorenzo's Montalvan and Kiantig companies.⁶⁴ In a 2012 resolution, the NCIP also stated that the agreements between the ranchers and the indigenous communities are "fraught with violations especially so that some of these areas are now under lease with big companies for pineapple plantations instead of being utilized for agro-forest purposes".⁶⁵

In November 2016, a government investigation was launched into QUEMTRAS' claims that 'foreign investors' operating on the land were bribing Department for Environment and Natural Resources (DENR) officials overseeing the lease agreements.⁶⁶ Global Witness is unaware of who these investors might be. In a letter to Global Witness, Del Monte Philippines said that they are "not aware of any such bribery" and "did not deal with the DENR with respect to the [Kiantig] land".

Global Witness wrote to Del Monte Philippines, which claimed it had checked that Kiantig did have the correct permissions to allow growership agreements for agricultural plantations on the land before they entered into their arrangement;⁶⁷ something which the community disputes.⁶⁸

Del Monte Philippines' due diligence *prior* entering into a growership agreement with Kiantig should have raised serious questions about historical disputes regarding indigenous rights to the land in question. However, Del Monte Philippines told Global Witness that they, "do not have knowledge of the alleged historical dispute about the [Kiantig] land".

Ongoing due diligence should have alerted the company to allegations of violence associated with their consultant and Kiantig head Pablo Lorenzo. However, Del Monte Philippines told Global Witness that they do "not have knowledge of the serious allegations" and "did not know about" Renato Anglao's murder. They state that they "had no factual or legal basis to terminate our growership agreement" with Kiantig, and that they "had decided not to renew [Lorenzo's] consultancy when we learned that he held public office". When asked whether they raised concerns with Pablo Lorenzo regarding violence and killings against indigenous people on land covered by his ranch, the company told Global Witness that "We are certain that if the incident and allegation were brought to our company's attention, we would have investigated the same and taken any necessary steps".

Del Monte Philippines confirmed that it sells tinned pineapples to Del Monte Foods in the US.⁶⁹ However, the Filipino company insists none of the tinned pineapples that came from Kiantig ranch made their way to the US.⁷⁰ Del Monte Foods confirmed all its pineapples are from the Philippines and said it sourced them from the port town of Bugo.⁷¹ Bugo is about 90km from the Kiantig plantation. Regardless of where the Bukidnon fruit ended up, the fact remains that the US firm is doing business with Del Monte Philippines, a local company operating in a dangerous environment, employing a local grower tainted by serious accusations, and buying fruit grown on disputed indigenous land, the claimants to which have

been attacked and even murdered. Del Monte Foods has a responsibility to ensure that its suppliers uphold human rights and environmental standards, and should investigate any accusations of illegalities, wrongdoing or inadequate due diligence associated with their suppliers' operations.

THE NCIP'S MIXED AND INADEQUATE RESPONSE

The indigenous groups of QUEMTRAS, TINDOGA and indeed KADIMADT (an indigenous group which has been threatened and attacked for protesting against a questionable sub-lease deal with Dole on its land, see page 16) have raised concerns about the use of their land and the violence perpetrated against them. That the NCIP took years to respond adequately to the communities' complaints and its own misgivings about the contracts on the ancestral land, raises serious questions about the Commission's ability to stand up to powerful business interests.

Kiantig Development Corporation's Forest and Land Grazing Lease Agreement, issued by the Department of Environment and Natural Resources on ancestral land, expired in December 2018. Yet it continued to use the land to grow pineapples for Del Monte Philippines for a further three months, arguing that was necessary to purchase the remaining fruits to be harvested by that time.⁷² In February 2019, some governmental institutions finally stepped in to do their job, helping 480 families from the indigenous Manobo community assert their rights and begin the process of reclaiming their ancestral land from ranchers. Accompanied by military officials and the Philippines National Police, an NCIP-led taskforce went with the community to deliver an eviction notice to Kiantig.⁷³

Global Witness asked Del Monte Philippines to explain what actions they had taken to ensure that the indigenous community was fully informed of and agreed to the extension of their growership agreement with Kiantig into 2019. Their response was that "our Company did not know who these claimants were and who exactly to inform. The indigenous community did not communicate with us regarding its supposed claim on the area."

THE CASE FOR CHANGE

It is Global Witness's view that local ranchers operating on disputed land are willing to allow violence and intimidation to be used, in order to retain control of the land and lucrative contracts with overseas investors. This case demonstrates that the Philippines government is



still failing to resolve land disputes, guarantee indigenous rights or protect defenders.

But in particular, it suggests that Del Monte Philippines has acted recklessly and irresponsibly in continuing to do business with Pablo Lorenzo – both as a consultant and as a grower of their pineapples – after he and his private security guards were subject to serious allegations of land grabs and violence against community members and indigenous defenders, including Renato Anglao, who was murdered.

The company should have spotted the evidence of land disputes and allegations of violence linked to its business partner and supplier. Given the complaints of the local indigenous communities, the region's history of land grabs and violence, and the well-documented criticisms of the government's institutions and processes designed to uphold indigenous rights in the country, Del Monte Philippines, should have made extra efforts to guarantee their safety and their rights, as required by international and Filipino law.

Global Witness believes that Del Monte Philippines' response to our enquiries is emblematic of an inadequate approach to due diligence. Their admission that they were unaware of the claimants to the Kiantig land, the complaints of historic land grabs and of local violence – and their excuse that the indigenous groups affected failed to contact Del Monte – misses the point that it is incumbent upon the company to act responsibly, identify potential human rights violations and take steps to mitigate them. This responsibility becomes accentuated when operating in a country and a region where government institutions are routinely accused of failing to protect rights and uphold the law, and where the ability of communities to speak out and approach companies is undermined by precisely the kinds of threats and attacks of which Del Monte Philippines ought to have been aware.

Del Monte Philippines' failure to terminate or carefully review its contracts with Pablo Lorenzo raises serious questions about the company's commitment to respecting the rights of local indigenous communities. Given the importance of the company in Bukidnon, this raises the prospect that similar problems may exist across the region and strengthens the case for a full review of the company's operations there. This should ensure that its business partners and suppliers are not involved in violent disputes with local communities, and that peaceful and respectful resolutions are sought that protect the rights of any community potentially affected by its operations.

Foreign buyers of fruit from Del Monte Philippines and similar companies, like the US-based Del Monte Foods, also have a responsibility to ensure that their suppliers uphold human rights and environmental standards in their supply chains. Whilst Del Monte Foods boasts of its cosy relationships with family farms in the US, there are clear questions to be answered regarding apparent inadequacies in Del Monte Philippines' due diligence, and what that means in terms of the company's association with human rights abuses against indigenous people and attacks against land and environmental defenders.

Recent government support for families displaced by Kiantig Development Corporation is cause for hope, but it came too late to prevent years of conflict. The perpetrators of this violence remain free, leaving TINDOGA and QUEMTRAS vulnerable to further attacks.

President Duterte has promised to tackle the abuse of indigenous peoples by big business and powerful landowners, but has so far done little to live up to that promise. A radical change in priorities is necessary in the second half of his term in office.

Given these findings, Global Witness recommends that

- The **Philippines government** guarantees the security of all members of TINDOGA and QUEMTRAS, and ensure that the perpetrators of Renato Anglao's murder, as well as those behind it, are prosecuted.
- The **Philippines government** guarantees an independent investigation into the alleged illegalities involving these ranches, as well as into the role of Mayor Pablo Lorenzo in alleged land grabs and threats against defenders, ensuring the victims receive compensation and redress.
- **Del Monte Philippines** conducts a full review of its existing and planned business partners and suppliers, to ensure that any potential human rights violations and land disputes are identified, avoided and mitigated.
- Any **agribusiness companies** planning operations in Bukidnon conduct thorough and ongoing due diligence into their operations, business partners and suppliers to identify, avoid and mitigate potential human rights violations and environmental harm.
- **Del Monte Foods (US)** and other companies sourcing fruit from the Philippines ensure that the companies they buy from adhere to international law and best practice, and are not associated with human rights abuses.



Global Witness is calling on Dole Philippines to freeze operations on the land it leases in Mindanao's Bukidnon region until an agreement with affected indigenous communities has been properly and fairly negotiated.
Jeoffrey Maitem / Global Witness

DOLE: ANOTHER HOUSEHOLD NAME LINKED TO VIOLENCE AND FRAUD

In July 2019, Global Witness exposed how the operations of global food giant Dole Philippines in Bukidnon show how demand for products we consume every day is driving violations against indigenous peoples and their leaders in the Philippines.

In 2016 and 2017, Dole Philippines exported bananas and banana products worth US\$647 million. Its main export markets are China, Japan and South Korea.⁷⁴ Its operations also have significant international backing, with investment – via the Japanese Itochi Corporation – from the Japanese Development Bank and US investment bank JP Morgan Chase among others.⁷⁵

Yet this international profile belies a distinctly murky local reputation. Global Witness understands that a local businessman called Romulo T. De Leon III – who owns one of the largest gun-making factories in the Philippines⁷⁶ – is sub-leasing some of a local indigenous community's ancestral lands to Dole Philippines to grow bananas. Evidence and testimony collected by Global Witness raise serious questions about the legality of this deal.⁷⁷



Landowner, Romulo T. De Leon III poses with semi-automatic weapons at his factory, one of the largest gun-making factories in the Philippines. *Erik de Castro / REUTERS*

Since at least 2006, a local government taskforce has been investigating claims by the indigenous community – which groups itself under the name of Kitanglad Alihuton Danao Inalad Manigay Ancestral Domain Title (KADIMADT) – that there were serious irregularities in the licensing process for the land that was subsequently leased to Dole Philippines.⁷⁸



Benedick Kilaan is one of hundreds of indigenous people whose homes were demolished in June 2018. This followed a court order by a local businessman, who is sub-leasing some of the community's ancestral lands to Dole Philippines. *Jeffrey Maitem / Global Witness*

The community says it never legally consented to De Leon's current lease agreement to operate on its ancestral land, and alleges fraud was used to fake its consent. Members reportedly told police that a local government official attempted to coerce community members into signing the agreement, and even threatened community members with imprisonment if they failed to sign it.⁷⁹ Local police agreed there were grounds for investigation, yet no action appears to have been taken.⁸⁰

Defenders who have stood up for their rights have faced threats and attacks. On 1 August 2016, according to a human rights group, 73-year-old Estrella Bertudez, a member of the indigenous community, was confronted by two security guards from the De Leon ranch and told her to leave her land or something might happen to her.⁸¹ Later that month her house, as well as those belonging to her community, was allegedly destroyed by armed security guards who three days later uprooted the community's crops, fired gunshots and threatened to kill several people.⁸²

Nobody has been prosecuted for the attacks on KADIMADT, and yet its members have actually been criminalised for their struggle. In March 2015 three community members were arrested after De Leon accused them of forcible entry on to ranch land.⁸³ While detained, they were also charged with gathering timber without a licence on De Leon premises.⁸⁴ They are currently on bail awaiting trial.⁸⁵ A judicial order applied for by De Leon was also carried out in June 2018, demolishing around 200 of KADIMADT's homes.⁸⁶

Global Witness is calling on Dole to freeze operations on the land it leases until an agreement with affected indigenous communities has been properly and fairly negotiated. The company should also review all of the land it leases in the Bukidnon area to ensure that it isn't subject to land disputes, and that free, prior and informed consent has been granted by indigenous communities where necessary. And Dole's foreign investors should conduct rigorous checks along their supply chains to ensure that their operations aren't linked to attacks against defenders and abuses of land rights.

Dole Philippines is owned by Dole Asia Holdings, which in turn is wholly owned by the Japanese Itochu Corporation.

Global Witness has made repeated attempts to contact both Dole Philippines and Romulo T. De Leon III, to give them a chance to respond to our allegations. At the time of publication, we have still not received a response.




Global Witness is calling on Dole Philippines to freeze operations on the land it leases until an agreement with affected indigenous communities is properly and fairly negotiated.



This banana plantation on the Filipino island of Mindanao is at the heart of a long-standing land dispute. The local indigenous population says that fraud was used to fake their consent in the licensing process for the land, which was later leased to Dole Philippines. *Jeffrey Mattem / Global Witness*





“I only learned that my house would be demolished on the day it happened. We packed our things, carried them outside and then they destroyed our hut.”

Cheryl Cagaanan, whose home was demolished in June 2018.

Jeoffrey Maitem / Global Witness

FREE, PRIOR AND INFORMED CONSENT IN THE PHILIPPINES

Business projects in the Philippines often get the green light without the full, free, prior and informed consent (FPIC) of those communities affected – contravening both international and Filipino law on citizen participation and consent.⁸⁷

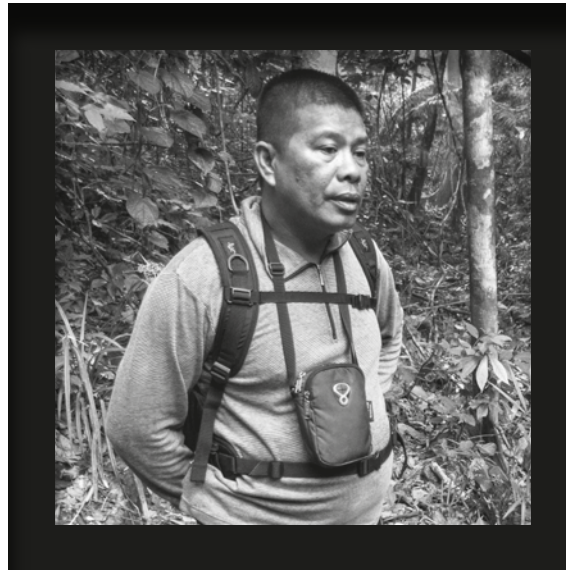
With swathes of natural resources found in ancestral lands,⁸⁸ indigenous people are suffering the most, in spite of the 1997 Indigenous People’s Rights Act (IPRA or RA 8371), which recognises indigenous peoples’ ancient possession of their ancestral domain.⁸⁹ While IPRA is imperfect and subject to legitimate criticism, its Section 59 does protect the right of indigenous people to self-determination, of which FPIC is an expression.⁹⁰ With the objective of helping the government to implement the law, official guidelines have since been developed on carrying out FPIC and how Memorandums of Agreement (MOAs) can be agreed between indigenous groups and companies.⁹¹

A 2013 expert policy brief commissioned by the German government found violations of FPIC in 61.5 per cent of the cases studied, and violations at the post-FPIC and MOA signing phase in half of the cases.⁹² The report outlined a litany of violations including: the deliberate exclusion of project opponents from FPIC processes, manipulation of voting procedures, the signing of MOAs by communities without knowing their content, and the commencing of business operations before the

community has consented.⁹³ The authors concluded that “for the most part, indigenous communities have been short-changed”.⁹⁴

Global Witness’s investigation, and information provided by both governmental and civil society sources in the Philippines, shows that President Duterte has so far failed to overcome the problems identified in the German government’s report, and that the situation today remains dire:

- Both indigenous and other communities routinely complain that projects are imposed upon them without their consent.⁹⁵
- Guidelines on FPIC and MOAs are consistently ignored by both government and business representatives.⁹⁶
- The fact that land titling and FPIC processes are often paid for by companies, without proper safeguards, leaves them open to bias and corruption.⁹⁷
- Royalty payment arrangements between companies and local communities are often opaque and communities sometimes feel the payments they receive are incommensurate to the value of projects.⁹⁸
- MOAs are transferred from one company to another without community consent.⁹⁹
- Company operations on indigenous territory often appear to contravene existing agreements regarding the use of their land.¹⁰⁰



Village head and anti-logging activist Ruben Arzaga, killed 14 September 2017.

2. Murder in paradise: the dark side of a luxury tourism boom

White sands, turquoise waters and boutique hotels crafted out of local tropical timber provide an idyllic backdrop for the tourist escape of Palawan, in the far west of the Philippines. However, visitors to this island getaway could be unwittingly complicit in environmental destruction and violence against those trying to preserve the destination's natural beauty.

In the pursuit of illegal timber for luxury hotels, environmental officials and activists are being threatened and even killed. Despite President Duterte's promise to protect the environment, the country's 'last ecological frontier' is being trashed for profit.

This case illustrates three of the reasons why the Philippines is one of the most dangerous places to defend land rights or the environment.

Firstly, conflicts of interest – one of which involves the island's governor – are hindering efforts to stem Palawan's environmental destruction. Secondly, the national government is failing to end the attacks, with zero convictions for

the murder of at least 12 local environmentalists since 2004, local activists say. Finally, Duterte's aggressive anti-dissent rhetoric coupled with his 'war on drugs' means that those standing up against powerful interests can be smeared as 'narcos' - exposing them to the danger of violence.

It is a crisis that has reached fever pitch. To tackle it, Duterte will need to hold the corrupt to account, and put in place the staff and resources required to tackle illegal logging. Tourists and tour operators, too, must demand that the hotels they stay in prove the origins of their timber, or else stay elsewhere.

On 14 September 2017, environmentalist and village head Ruben Arzaga requested police backup to help him confiscate illegal timber on the island of Palawan, known as the Philippines' last 'ecological frontier'.¹⁰¹

When police and government officials arrived at the site, gunfire rang out and Ruben was shot in the head.¹⁰² Two known illegal loggers, the Villarosa brothers, fled the scene but were captured the next day and are currently awaiting trial for murder.¹⁰³ According to police, Ruben had helped arrest the brothers in a previous incident¹⁰⁴ and had received threats as a result.¹⁰⁵ Police are yet to arrest anybody for having ordered the attack.

Ruben Arzaga was also a member of the Palawan NGO Network (PNNI) – a group of citizens who work to enforce Palawan's environmental laws. They confiscate chainsaws and mining drills, often after lengthy trips tracking criminals through the forest.¹⁰⁶ According to the PNNI, 12 of their members have been killed since 2001.¹⁰⁷ In one incident, member Roger Majim was allegedly tortured and had his penis cut off and buried on a beach.¹⁰⁸



Adelita Arzaga, widow of murdered environmental para-enforcer and PNNI member Ruben Arzaga, holds her daughter at her husband's funeral in the tourist town of El Nido.

GOVERNOR ALVAREZ: BUSINESS INTERESTS AND ANTI-ENVIRONMENTALISM

One political family that has benefited from Palawan's tourism boom is that of Jose Alvarez,¹⁰⁹ the Governor of Palawan and reportedly the Philippines' richest public official.¹¹⁰ Alvarez owns hotels and significant real estate on the island.¹¹¹ Having made his fortune from logging Palawan's forests, Alvarez has been heavily criticised by local NGOs for participating in the destruction of the island's precious environment.¹¹²

Alvarez has been at loggerheads with PNNI for years.¹¹³ A PNNI member told Global Witness that in 2016 they confiscated chainsaws used to clear mangroves to make way for a project construction in San Vicente, northern Palawan. According to PNNI, those clearing the area alleged that the chainsaws belonged to the governor.¹¹⁴

Another of the governor's companies, Normal Holdings, was allegedly given environmental clearance to go ahead with a controversial rubber plantation inside a protected area.¹¹⁵ The government body that apparently approved the plans, the Palawan Council for Sustainable Development (PCSD), is chaired by the governor himself.¹¹⁶

According to its mandate, the PCSD has the authority to approve clearance and monitor development projects in environmentally critical areas of Palawan.¹¹⁷ Given the personal business interests of Jose Alvarez and his family, particularly in the tourism and natural resource sectors, his chairmanship of this body would appear to represent a clear conflict of interest. PNNI claims approval of the



Palawan Governor Jose Chaves Alvarez, also head of the Palawan Council of Sustainable Development. Yang Guanyu/Xinhua/Alamy Live News

Normal Holdings' plans was not discussed in plenary by the council, and that the project "has been pushed with great deception and evasive manoeuvres".¹¹⁸ The group alleges that, the same day clearance was approved, a multi-sectoral investigation found that the land was already being cleared in order to plant rubber.¹¹⁹

PNNI members told Global Witness that they have received threats from the governor and his officials.¹²⁰ In one incident, Governor Alvarez challenged PNNI head Bobby Chan to a fight after he questioned the PCSD's approval of a mining project and coal power station on the island.¹²¹ According to the *Philippine Daily Inquirer* the governor said: "What does he want? War? If he wants, we can square off, the two of us."¹²² Bobby also told Global Witness that in May 2017 an official in Alvarez's government, while speaking live on the radio, threatened him for opposing the governor.¹²³

Guardians or opportunists? EU-funded forest destruction

This is not the first time that the Palawan Council for Sustainable Development's track-record has been questioned. In 2011, environmentalist Gina Lopez hit out at its questionable practices: "In this age of climate change and global warming, we have an institution sacrificing our trees and biodiversity by manipulating laws".¹²⁴ She said that between 1992 and 2011, under PCSD stewardship, Palawan lost 16 per cent of its forest cover.¹²⁵ By 2005, only 46 per cent of the island's forests remained – down from 52% since the PCSD's creation in 1992.¹²⁶ This is despite a total commercial logging ban across the island.¹²⁷

Startlingly, funding from the European Union (EU) has financed the PCSD's existence.¹²⁸ Between 1995 and 2004 the EU and the Asian Development Bank invested €17 million into a seven-year special forest preservation project implemented by the PCSD.¹²⁹ Having backed a body with a questionable environmental record and allegations of conflicts of interest, the EU and the Asian Development Bank should use their leverage to ensure changes in the body's practices and full civil society oversight.

THE GOVERNOR'S BROTHER AND LINKS TO ILLEGAL TIMBER IN A BOUTIQUE HOTEL

The governor's brother, ex-Palawan Member of the House of Representatives Antonio Alvarez,¹³⁰ has also been linked to illegal logging, which is destroying the island's pristine environment. The company of which he is the largest shareholder, Narayanee Corp, owns an opulent boutique hotel, the Maremegmeg Beach Club, on a white sand beach near El Nido, according to a sign outside the construction site photographed by Global Witness.¹³¹ Global Witness has evidence that illegal timber was seen entering the site of his hotel project when it was under construction.¹³²

The allegations are supported by an official report by local government officials who recorded the incident. It states that in the early hours of 3 August 2017, police followed three vehicles carrying timber, which they believed to be illegal, to the construction site of Antonio Alvarez's hotel.¹³³ One of the vehicles was apprehended while the other two entered the hotel compound.¹³⁴ The report cites Darwin Cantiga as the man who sourced the wood. According to a local government source, Cantiga is a known timber trafficker and ex-marine, who was seen that night in the hotel compound.¹³⁵ The investigation is ongoing, but Cantiga's brother-in-law has been arrested.¹³⁶ A government source told Global Witness he had personally received threatening text messages for pursuing the investigation.¹³⁷

Local businesswoman Brigitte Bustamante told Global Witness investigators that she is developing a hotel in the same compound.¹³⁸ She said that she has a close business relationship with Antonio Alvarez and they are using the same contractors to build their hotels.¹³⁹ In 2018, a government taskforce, led by the DENR, found illegally cut timber being used in another hotel owned by Bustamante.¹⁴⁰

Illegal timber was seen entering the construction site of the Meremegmeg resort owned by Antonio Alvarez, brother of Palawan's Governor.

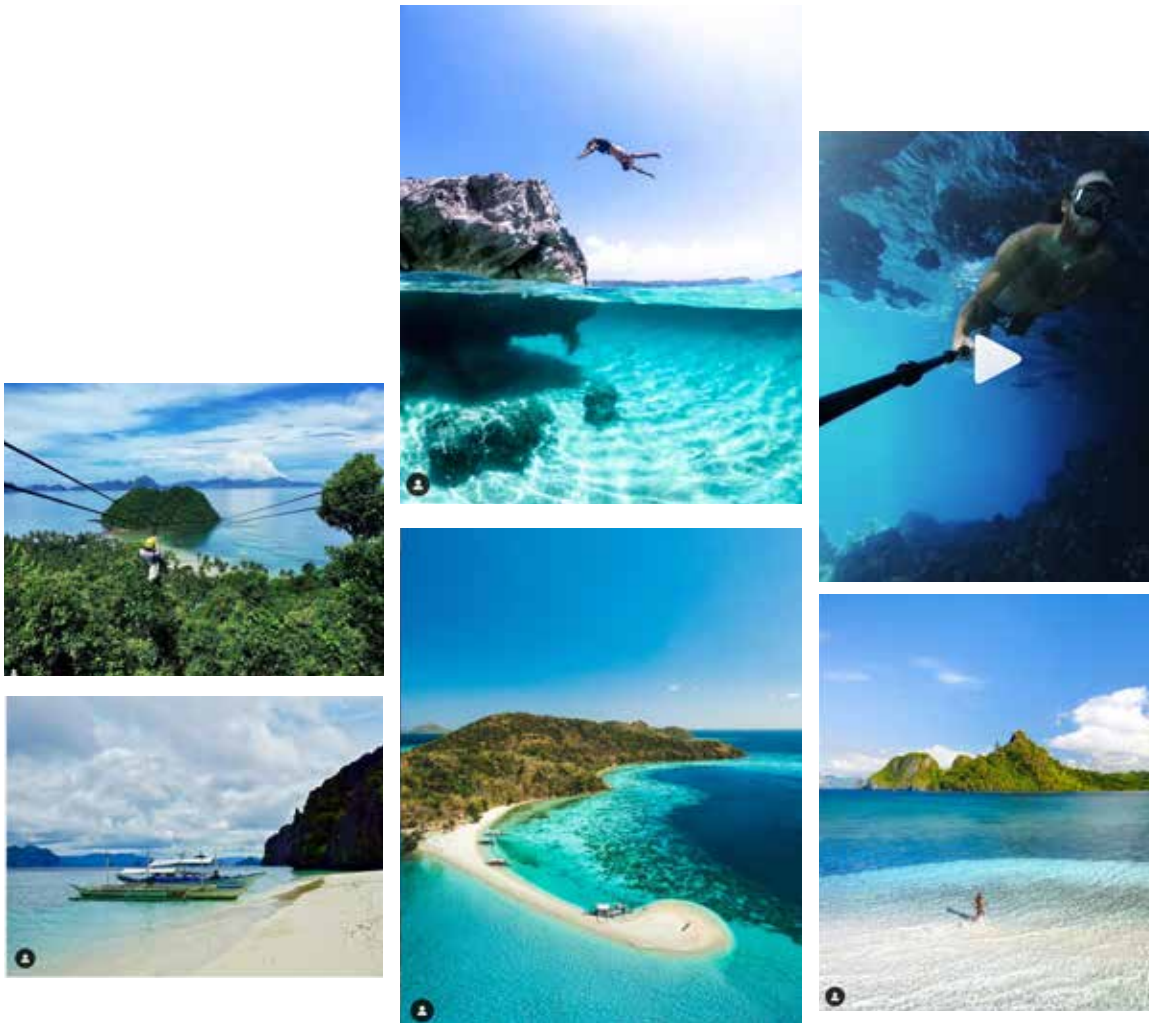


**“What does he want? War? If he wants,
we can square off, the two of us.”**

Governor Alvarez to Bobby Chan in the
Philippine Daily Inquirer



Members of the Palawan NGO Network Incorporated (PNNI) risk their lives to protect the reefs and forests of Palawan from rife environmental crime. Environmental defender and PNNI head Bobby Chan has received numerous threats to stop his activism. *Thom Pierce / Guardian / Global Witness / UN Environment*



Travellers tempted by Palawan's untouched beaches must question the cost of luxury. According to local environmentalists, at least 12 activists have been killed trying to prevent illegal logging linked to the growing tourism industry. Jackson Groves and soultravelblog.com

THE TOURISM BOOM AND THREATS AGAINST ENVIRONMENTAL OFFICIALS

Tourism on the island has grown exponentially in recent years, especially around El Nido town, where Ruben Arzaga was killed. According to public officials and local NGOs, this boom is driving the demand for illegal timber for hotel construction.¹⁴¹

With the tourism boom and the increased need for timber¹⁴² has come mounting threats against environmental groups. El Nido is fast transforming into a luxury tourism destination and, in the face of large-scale development, the town's previous mayor, Nieves Rosento, remains an isolated voice.¹⁴³ A well-known environmentalist, Rosento told Global Witness she has faced numerous threats because of her policies to protect the environment.¹⁴⁴ She says that developers, on multiple occasions, have attempted to bribe her to change land use plans in the islands so they can build new hotels.¹⁴⁵

And it is not just environmentalist politicians and non-governmental groups like the PNNG that have faced intimidation and attacks on Palawan. Forest officials from the DENR have also been shot at and received death threats from illegal loggers in the area.¹⁴⁶

THE CASE FOR CHANGE

Global Witness's findings suggest that brave community leaders like Ruben Arzaga are being murdered to ensure that nobody stands in the way of the flow of tropical hardwoods to furnish El Nido's boutique resorts and hotels.

Tourists have the power to encourage a new culture: one where ethics, not illegalities, result in financial reward. They can ask hotels where their timber came from and demand proof it has been sourced responsibly. Then, if the evidence is not forthcoming, take their business elsewhere.



Mayor Nieves Rosento speaks at Ruben Arzaga's funeral. Rosento too has faced reprisals for her environmentalism.

They can also show their support for the island's environmentalists, like the PNNI, who are risking their lives to protect this paradise.

But it shouldn't be down to the tourists or the PNNI to end the criminality and violence that lurks behind Palawan's sunny façade.

This case exemplifies the links between questions of conflicts of interest, environmental damage and violence against defenders. So long as local development authorities are rife with conflicts of interest, then rules will be broken and defenders like Ruben will be forced to step up, putting their lives on the line. The Palawan Council for Sustainable Development regulates the chainsaws used for illegal logging, as well as the provision of areas for tourism. Its head is a politician known to have made a fortune from natural resource exploitation, and widely alleged to have threatened environmentalists.¹⁴⁷ The El Nido Law Enforcement task force was created to apprehend violators of environmental regulations, such as loggers and illegal fishers, within the protected area of El Nido. Yet it lacks the autonomy, funding and transparency needed to have an impact.

So long as President Duterte fails to tackle serious conflicts of interest and corruption at the local level, the seeds of conflict will continue to be sown. So long as nobody is jailed for the almost annual murders of the island's environmental activists, then future perpetrators will not be dissuaded from attacks. And so long as the President endorses the use of what amount to extra-judicial hit lists, then there will be an additional threat hanging over those who speak out.

Global Witness recommends

- The **Philippines government** guarantees the security of all members of the Palawan NGO Network, and prosecutes the perpetrators of Ruben Arzaga's murder and those behind it.
- The **Philippines government** clamps down on illegal logging in Palawan, and guarantee a thorough investigation into the origin of the timber used in the Maremegmeg Beach Club and the Beach Shack– ensuring that those responsible for any wrongdoing are held accountable.
- The **Philippines government** ensures the El Nido taskforce has the power, funding, autonomy and civil society oversight – allowing NGO and community-led enforcement operations and confiscations – to carry out periodic timber audits of all hotels in the municipality, collaborating with the Protected Area Management Board and the police to sanction and prosecute those using illegal timber.
- **Palawan Council for Sustainable Development** puts in place safeguards – including transparency and access to information – to ensure it doesn't back projects linked to human right abuses, corruption and threats against defenders; and that it implements, or delegates, a more effective system of controlling chainsaw licences.
- **Any hotel or tourism company** with, or planning, operations on Palawan conduct thorough due diligence into their operations to identify, avoid and mitigate potential human rights violations and environmental harm. They should guarantee that business partners are not linked to the illegal timber trade.
- **The European Union** use its leverage to work with PCSD to ensure the entity guarantees safeguards are in place to avoid human rights abuses and conflicts of interest, and ensures civil society oversight.



The Armed Forces of the Philippines are often sent to protect business projects and have been accused of killing 84 defenders since 2002. NOEL CELIS/AFP/Getty Images

The army and paramilitaries protecting business interests

“Imagine goons, armed with the best weapons mining corporations and plantation owners could buy, trained by the Armed Forces of the Philippines, and legitimized by the President, are going after indigenous people and ordinary citizens who are critical of projects and businesses. It is an abomination to democracy that corporations have an army under their thumb.” Cordillera Peoples Alliance

The military are suspected of being responsible for over a third of the killings of land and environmental defenders recorded by Global Witness in the Philippines since 2002. Paramilitaries are accused of carrying out 11% of the killings.

The current government has inherited outdated policies and practices giving the army and paramilitary groups a mandate to carry out counterinsurgency operations and protect business interests without effective safeguards. Even so, the government has failed to create safeguards to uphold human rights and protect those communities standing up against abuses by businesses and armed groups. In fact, Duterte’s martial law appears to be making things worse.

Escalating Violence and Mining Encroachment Spark Protests in the Philippines



Look at private army angle in 'Sagay 9' killings, rights group urges

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They Took On the Philippines' Powerful Mining Interests, and Are Paying With Their Lives

Lindsay Fendt | Tuesday, Oct. 16, 2018

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A hazardous mixture: Coal mining, militarization driving away IPs from homes, communities in Mindanao

Jul 24, 2018 DAVAO TODAY

Where mining interests and army presence converge, there are often subsequent reports of threats and killings of land and environmental defenders.



THE REAL TARGET OF MILITARY OPERATIONS IN MINDANAO

ARMY PROTECTION OF PRIVATE INTERESTS

In 2008, former President Gloria Macapagal-Arroyo created the 'Investment Defence Forces' (IDF) to protect infrastructure projects from "terrorists and... other rebel groups that stand in the way of development".¹⁴⁸ Characterised as a 'special army unit' but often made up of civilians, it was tasked with guarding land used by intrusive industries such as mines, plantations and power transmission lines, particularly in Mindanao, where the government sought further investment.¹⁴⁹ There has been widespread condemnation of the government's continued use and support of the IDF –¹⁵⁰ which receives direct training from military units – particularly where business interests come into conflict with community land rights, and there have been accusations of human rights violations.¹⁵¹

Sometimes, specific army units have been accused of protecting companies at the expense of communities. Indigenous activist Juvy Capion and her two children were shot by 13 soldiers in October 2012 in Tampakan, a mountainous area in southern Mindanao.¹⁵² Community members believe the Capions' anti-mining stance made

them prime targets for attacks by the local battalion,¹⁵³ which had received pay from the Sagittarius Mines Corporation (SMI).¹⁵⁴ SMI own the Tampakan Copper-Gold Project, which it claims is one of the largest undeveloped copper-gold mines in Southeast Asia, covering around 10,000 hectares including ancestral lands.¹⁵⁵ The project has been subject to fierce opposition from the B'laan indigenous communities.¹⁵⁶ At the time of the killings, Swiss company Glencore was engaged in a merger process with Xstrata PLC, which was reportedly the major backer and operator of this company until its exit in 2015.¹⁵⁷

A congressional hearing on the 'Tampakan Massacre' heard testimony from a senior army official stating that SMI made payments to members of the Armed Forces of the Philippines to protect SMI.¹⁵⁸ Minutes of the hearing reveal that in 2005 the company and local politicians tasked the army with creating 'Task Force KITACO' – comprised of police, military and government militia – to maintain order and provide security to the mining area.¹⁵⁹

Army abuses against anti-mining activists continue. Indigenous defender Teresita Navacilla, a member of the Save Pantukan Movement of indigenous peoples, who defend environmental and land rights in southern

Mindanao, was shot dead in January 2016, reportedly by soldiers from the 46th infantry battalion.¹⁶⁰ Community members allege the troops were assigned to secure the King-king mining project, and that soldiers have killed other indigenous people who oppose mining in the area.¹⁶¹

GOVERNMENT SUPPORT OF PARAMILITARY FORCES

Paramilitary forces in the shape of Citizen Armed Force Geographical Units (CAFGUs) were created in 1987 and Civilian Volunteer Organisations (CVOs) in 2006 to complement the operations of the regular Armed Forces of the Philippines. Despite being linked to abuses against communities, they continue to receive government funding and military training.¹⁶²

Global Witness has previously reported indigenous activist Michelle Campos's struggle for justice after her father, Dionel, was brutally executed in 2015, allegedly at the hands of paramilitaries operating together with the army.¹⁶³ Dionel Campos had been the leader of an indigenous community in Lianga, Mindanao, and of a community group campaigning against the proposed influx of mining projects targeting reserves of coal, nickel and gold.¹⁶⁴ Another community member, the executive director of the local school, was detained by the notorious Magahat-Bagani paramilitary group. He was later found dead, his body bearing evidence of torture.¹⁶⁵

Duterte's government has persisted with the counterinsurgency approach of former administrations.¹⁶⁶ In 2018, the President awarded members of existing CAFGUs 7,000 pesos (US\$133) over two months for "their indispensable service maintaining local peace and order".¹⁶⁷ This financial support is despite human rights reports detailing concerns over the recruitment of paramilitary units and CAFGU members by political families and clan leaders to maintain private armies – particularly in Mindanao.¹⁶⁸

GETTING WORSE UNDER DUTERTE? MARTIAL LAW AND NEW INVESTMENTS

The problem isn't only that the President has failed to reverse or curtail old policies of militarisation. It even extends beyond his encouragement of attacks on rural communities, for example by saying he would bomb

indigenous schools,¹⁶⁹ and ordering soldiers to shoot alleged rebel women "in the vagina".¹⁷⁰ But by announcing an investment push in Mindanao without the proper safeguards, and by declaring martial law without the necessary checks and balances, Duterte has left the rural poor and indigenous communities exposed and unprotected.

Almost a half of the killings of defenders since the beginning of the Duterte presidency have taken place on the island of Mindanao, which has been governed by martial law since May 2017.¹⁷¹ Almost 75 per cent of these killings were reportedly perpetrated by either the military or paramilitary groups.¹⁷² There is a clear case for businesses with interests in Mindanao – and indeed any other part of the country affected by martial law – to conduct additional due diligence to guarantee they can definitely operate without association with human rights abuses and abusers.

Ostensibly, martial law was imposed to clamp down on Islamic militants in central Mindanao. But arguably the crisis was manipulated and martial law extended to target any community accused of sympathising with the communist insurgency of the New People's Army (NPA), which may be operating in and around some of the rural communities opposed to abusive business projects.

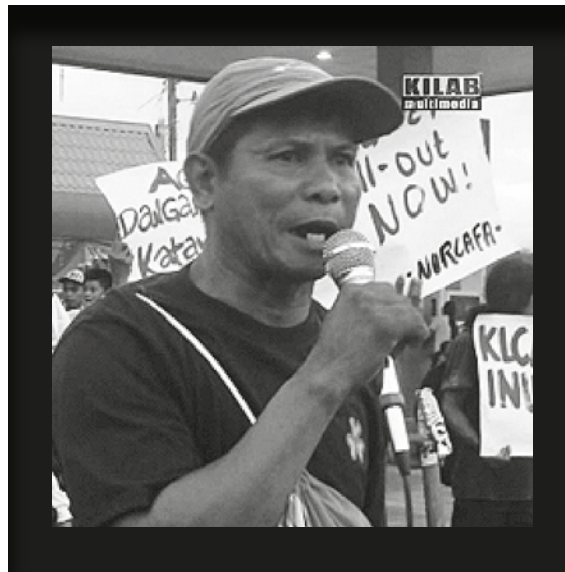
The massacre of eight indigenous activists from the Taboli-manubo Sdaf Claimants Organization (TAMASCO) group in 2017, who were fighting for their ancestral land and opposed to a coffee plantation, illustrates the consequences of such a policy.¹⁷³ The army claimed the victims were affiliates of the NPA.¹⁷⁴ The community had complained of harassment from soldiers and plantation guards before the massacre, and the independent Commission on Human Rights (CHR) found two military commanders liable for human rights abuses in connection with the killing.¹⁷⁵ Nonetheless, they have not been prosecuted.

Duterte recently promised to increase the prosperity of indigenous lands through international investment.¹⁷⁶ However, until the Filipino government overhauls the policies that have allowed soldiers and paramilitaries to carry out human rights abuses in the name of promoting business, provides accountability for these violations, and puts in place human rights safeguards on the army's counterinsurgency operations, the arrival of more megaprojects is likely to make life worse, not better, for the country's poor.



Rene Pamplona is the 2018 winner of the Alex Soros Foundation Award for the Environment and Human Rights. Working for the Convergence of Initiative for Environmental Justice (CIEJ), Rene documents human rights violations and advocates for the rights of indigenous communities in the Southern region of the resource-rich island of Mindanao. Because of his work, he has faced intimidation, surveillance and is said to be on a hit-list. According to latest data by Global Witness, the Philippines is the most murderous country in the world for land and environmental defenders, with at least 30 activists killed in 2018. Thom Pierce / Guardian / Global Witness / UN Environment





Anti-mining activist Jimmy Saypan, killed 10 October 2016.
Compostela Farmers Association

3. Mining, murder and the military in Mindanao

Among the mountains and waterfalls of southern Mindanao lie the mineral-rich valleys of Compostela Valley.¹⁷⁷ There, farmers and indigenous groups have joined forces under the banner of the Compostela Farmers Association (CFA) in a struggle to protect their land, livelihoods and environment.

Their cause has put them on a collision course with mining projects in the region, whose destructive operations intensify the impact of the super-typhoons and deadly landslides that hit the island with devastating regularity.¹⁷⁸

It has also left them at the mercy of the Armed Forces of the Philippines, whose presence in the region has intensified since President Duterte declared martial law,¹⁷⁹ and who appear to be carrying out operations against opponents of mining, as much as against the island's numerous armed insurgencies.

The CFA's activism has been met with threats, criminalisation, attacks and murder – sometimes

at the hands of a military acting in the interests of big business. The tragic killing of the CFA's Jimmy Saypan and the case of the AgPet gold and copper mine – owned by Ramon Ang's San Miguel group – shows what 'business at all costs' looks like in the Philippines. It demonstrates why communities must be given a proper say about the use of their land, and why the country's regulations and institutions require an overhaul – particularly in the case of the deeply flawed mining law.

"We know the government would surely force us to accept the company by using force, but we will never give up our right to these resources." Jimmy Saypan, 2015

On 10 October 2016, Jimmy Saypan, Secretary General of the Compostela Farmers Association (CFA), was returning to his farm in Compostela Valley, when he was shot in the stomach by two gunmen on a motorcycle.¹⁸⁰ Injured, he pursued his attackers before collapsing.¹⁸¹ He died the following day in hospital.¹⁸² His colleagues told Global Witness that he had survived two previous assassination attempts that year.¹⁸³ Nobody has been prosecuted for his murder.

Meanwhile, an official report by the country's independent Commission on Human Rights (CHR) contains allegations that Jimmy Saypan had previously received verbal threats from leading military officers¹⁸⁴ – officers linked to Agusan Petroleum and Mineral



Silt seeps into the sea from a large-scale mining operation on Dinagat Island. Mining contributes only a tiny proportion of the Philippines GDP and employs an even smaller fraction of the population, yet landslides linked to mining-related environmental destruction, wreak havoc in the Philippines. *Erwin Mascarinas/Global Witness*

Corporation (AgPet) – part of a gold and copper mining group. According to official documents, AgPet is currently in the process of transferring the mine to, and manages it on behalf of a company, Prima Lumina Gold Mining Corporation (PLGMC), which is indirectly owned and controlled by Top Frontier, the same company that holds nearly half of one of the Philippines’ biggest and most politically connected corporations: the beer and manufacturing powerhouse San Miguel Corporation (SMC) group of companies.¹⁸⁵ San Miguel and Top Frontier boss and shareholder Ramon Ang was a donor to Rodrigo Duterte’s presidential campaign.¹⁸⁶

The CFA claim that Jimmy was targeted because of his opposition to AgPet mine’s potential environmental impact, the harassment getting worse as its permission to operate was obtained and renewed, and to the protection the company received from the army.¹⁸⁷ The institutions, practices and particularly the law currently governing the mining sector are flawed and putting communities at risk. Jimmy was apparently murdered for speaking out.

HOW THE STORY BEGAN: AGPET OBTAINS ANOTHER COMPANY’S MINING PERMISSIONS

In the early hours of a spring 2015 morning, residents of Sitio Nursery awoke to find that AgPet had installed drilling equipment on their land as part of its gold-mining exploration in Compostela Valley.¹⁸⁸ Hundreds of local farmers and affected residents set up barricades in an attempt to halt the drilling.¹⁸⁹ The protesters felt they had not been consulted about the new operations, and

were confused about how AgPet had been allowed to proceed.¹⁹⁰

CFA’s campaign for the cancellation of AgPet’s exploration permits had ramped up in 2013, to challenge the company’s alleged purchase of a pre-existing Memorandum of Agreement (MOA) from a smaller mining company named Candido Marilou and Sons (CMS) Corporation. The terms laid out in the MOA had promised to compensate farmers for any damage to crops or buildings or relocate affected indigenous peoples within the same locality, as well as leaving space for the community to continue artisanal mining.¹⁹¹ In this MOA, the indigenous community had given permission to CMS to operate according to these terms.¹⁹²

The Filipino constitution enshrines the principal of community consultation,¹⁹³ and the country’s indigenous rights law (IPRA) guarantees its indigenous people self-determination over the use of their land.¹⁹⁴ What’s more, the Revised Guidelines on Free and Prior Informed Consent (FPIC) and Related Processes of 2012 say that ‘no concession, license, permit or lease, production-sharing agreement, or other undertakings affecting ancestral domains shall be granted or renewed without going through the process laid down by law and these Guidelines’ – in other words, FPIC. They are clear that an affected indigenous community must be fully informed about any MOA transfer.¹⁹⁵ But testimony from both the community and an official at the National Commission for Indigenous Peoples (NCIP) suggests that neither AgPet nor CMS – nor indeed the government – had consulted or even clearly informed the community about AgPet’s apparent purchase of the smaller company’s MOA.¹⁹⁶

While the Mining Act only requires the companies to inform the government's Mines and Geoscience Bureau when a company transfers permits and agreements,¹⁹⁷ this effectively allows the affected communities to be left in the dark, contradicting both national and international law,¹⁹⁸ and demonstrating the need to harmonise the Philippines' various pieces of legislation and regulations in a way which prioritises human rights. Replacing the current mining law with the alternative bill proposed in 2016 would represent a significant contribution.¹⁹⁹

AGPET'S PERMITS RENEWED DESPITE COMMUNITY OPPOSITION

Community protests escalated in July 2015 when AgPet's exploration permits were renewed for the first time.²⁰⁰ The CFA outlined its opposition to the renewal in a letter to the Municipal Mayor of Compostela, citing fears of serious environmental consequences for the community, as well as eviction from their homes and the loss of livelihoods.²⁰¹

Highlighting a disturbing example of what happens when you oppose mining in Compostela Valley, the CFA petitioned local and national government complaining that its members had faced physical threats and "gross violations of human rights", allegedly by a military unit connected to AgPet.²⁰²

In spite of the protests, the government appears to have granted AgPet's extension without fresh consultations with the affected communities.²⁰³ The Mining Act is silent in regards to consultation requirements around permit renewal, again removing any agency from the affected communities and demonstrating the need for an overhaul of the law. However, the extension occurred in violation of the original MOA between the community and CMS itself, which stipulated that no permit, license or agreement should be renewed without the communities' consent.²⁰⁴ It is also unclear whether the local barangay (village) officials were notified of the initial transfer or subsequent renewal, as is necessary under sections 26 and 27 of the Local Government Code.²⁰⁵

In 2015, the barangay council backed the protesters and denied AgPet entry into Sitio Nursery – a section of its mining operation.²⁰⁶ The decision to seek cancellation of the permit was later supported by the municipal authorities, which reissued a request to the Mines and Geoscience Bureau of the Department of Environment and Natural Resources (DENR) to revoke AgPet's exploration permit, pointing to "escalating mass action" against the mining operation.²⁰⁷ The MGB ignored the

opportunity to uphold the community's right to have a say, and declined the council's request on the grounds that there was "no compelling or justifiable reasons to cancel the permits".²⁰⁸

In 2017, just months after Jimmy Saypan's murder, AgPet requested a *de facto* second renewal, claiming that it had been unable to operate since the previous renewal due to "unforeseen circumstances".²⁰⁹ But the company should have foreseen that the community would oppose a violation of their rights, and ought to have respected those rights in the first place.

CORRUPTION ALLEGATIONS AND IMPUNITY – STAPLES OF MINING IN THE REGION

The case of the AgPet mine exposes flaws in the policy and practise of natural resource extraction in the Philippines, which go beyond the opaque transfer of MOAs and the renewal of permits without community consent.

It shows, for example, how big companies can get away with breaking the terms of their permits with impunity. Firstly, the CFA claims that AgPet continued to run its operation between April 2013 and July 2014, regardless of the fact its exploration permit had expired.²¹⁰ And secondly, it appears that AgPet has been able to carry out operations on a piece of land far larger than that specified in its initial MOA with the indigenous community.²¹¹ The company has apparently faced no consequences for its infractions and behaviour despite indications that it may have broken the law, and SMC keep backing the project regardless.

What is more, the case is enveloped in the kind of corruption allegations commonly associated with the mining industry in the Philippines. According to CFA members, AgPet offered payments to community leaders, including Jimmy, in attempts to secure their support for the mining project.²¹² The CFA also told Global Witness that the signatures used by the government as evidence that the community approved of AgPet's first permit were obtained dishonestly. They claim they were actually taken from other public gatherings, including a parent-teacher meeting.²¹³

A lack of oversight, transparency and accountability – coupled with an apparently complete disregard for community concerns about the human rights and environmental impacts of AgPet's project – demonstrate the need for an overhaul of the laws and institutions governing the mining sector. Serious questions must be asked about both the role of the Department of the



In 2017, Global Witness visited four members of the CFA and the driver of a motorcycle taxi in jail, where they described being detained by army officials and imprisoned on false accusations of terrorism. *Global Witness*

Environment and Natural Resources (which manages the MGB), and about why the NCIP, an institution created to protect indigenous rights, completely failed to do so.

The Filipino government had a duty to rein the company in and protect the rights of its citizens. If it had upheld this obligation, it could have tackled the apparent root causes of attacks against defenders in the region, and prevented them. But in the end the government did the opposite: it sent in the army.

MILITARY THREATS AND INTIMIDATION

Government documents show that during the year before Jimmy Saypan’s murder, and despite local opposition to mining, military and police forces received orders from the government to help AgPet implement its operation.²¹⁴ This is not unusual in the Philippines (see pages 27-31), yet local anti-mining activists also told Global Witness that military forces had pressured community members to end their protests and back the mining project.²¹⁵

Following his murder, Jimmy’s wife told the Commission on Human Rights (CHR) that a Commander from the 66th battalion stationed near AgPet’s operation had threatened Jimmy and other CFA members.²¹⁶ CFA members also allege that soldiers from the same battalion pointed firearms at them during a public discussion with the government about Agpet’s operation,²¹⁷ and sprayed one farmer’s home with bullets.²¹⁸

Global Witness has seen a CHR report outlining separate CFA claims of harassment by 66th battalion officers while they and other community members protested against AgPet.²¹⁹ The CFA claim that they met with local

government and military representatives to ask for forces to be removed from the local area, but no action was taken.²²⁰

THE CFA EXPERIENCE – TYPICAL OF DEFENDERS IN MINDANAO

The struggle against AgPet is just one of the CFA’s campaigns. The organisation’s members include activists from a range of indigenous and non-indigenous communities in Davao del Oro who are standing up for their rights and livelihoods, often in the face of large business projects.

Members have reported the use of excessive force and intimidation by military units against anti-mining activists and communities, and targeted smear campaigns by persons unknown.²²¹ Human rights groups claim that at least ten CFA members were killed between 2016 and 2017 – allegedly at the hands of the military – following their opposition to a number of different mining operations across Compostela Valley.²²²

Stigmatisation and criminalisation are also the norm. “CFA and NPA [the illegal New People’s Army, the armed wing of the Communist Party of the Philippines] is said to be one and the same” were the words scrawled on a sack and left at a public meeting attended by activist Jimmy Saypan.²²³ It is not known who left the message, but the military has certainly accused many other CFA members of belonging to the NPA – an accusation that can amount to a death sentence under Duterte’s martial law.²²⁴

In 2017, four members of the CFA and the driver of a motorcycle taxi they were traveling in were detained by army officials.²²⁵ Speaking to Global Witness from prison,



Large-scale mining operation in a forested watershed in Surigao del Sur, on the Island of Mindanao. *Erwin Mascarinas/ Global Witness*



the five described how they were stopped and arrested by soldiers on trumped up charges. After two days held in a cell, they were accused of carrying explosives.²²⁶ The five have been in prison awaiting trial for two years.²²⁷ Mirroring an international trend, criminalisation is often used in the Philippines to restrict the work of defenders and ensure that precious resources which could be dedicated to protecting land and environmental rights are instead tied up in fighting spurious charges and unduly drawn out legal processes.

The justice system is effective in punishing human rights defenders when they are accused of crimes, yet is practically absent for those seeking justice for attacks on defenders. Jimmy's case remains unsolved, and no soldier has been prosecuted for killing a land or environmental defender in Mindanao. Despite the clear pattern of threats and attacks against CFA members and even Jimmy himself, he was left – unprotected by the state – to die.

He is not the only one. On 29 November 2017, Rodrigo Timoteo, another CFA member was assassinated in Compostela Valley.²²⁸ CFA members told Global Witness that he was shot in the head by two gunmen while out walking.²²⁹ Like Jimmy Saypan, Rodrigo's land was under threat from AgPet's mining operation.²³⁰ He was a passionate anti-mining campaigner who often took part in protests.²³¹ Before his murder, he had received text messages discouraging him from joining the protests against AgPet, the CFA said.²³²

The CFA say there are witnesses to the murder, but that they are not willing to testify. Allegedly, Rodrigo was killed a few hundred yards from a military detachment.²³³ His murder remains unsolved too.



In the face of concerted criminalisation, persecution and attacks, a number of CFA members are living in hiding away from their families and communities. *Karlos Manlupig / Global Witness*

THE CASE FOR CHANGE

Global Witness's investigation shows that AgPet disregarded the rights of the affected community and benefited from the demonstrable flaws in the government institutions supposed to protect community rights, pushing ahead with its takeover and apparent expansion of the mining project. It also seems the company failed to prevent the military from committing violence on its behalf.

Documents suggest that AgPet has links to Prima Lumina Gold Mining Corporation (PLGMC), which sits within the same group as one of the Philippines' largest conglomerates – San Miguel Corporation. While AgPet's name is written on the exploration permits, Prima Lumina appears to be behind the scenes. Company documents from Top Frontier Investment Holdings Inc., the parent company of San Miguel Corporation, show that from at least 2014, PLGMC is 'assignee' of the two exploration permits operated by AgPet.²³⁴ In October 2017, documents show AgPet applied to transfer the name on the licence to PLGMC – exactly one year after Jimmy Saypan was killed for demonstrating against the project.²³⁵ As of June 2019, MGB records show a pending exploration permit in PLGMC's name.²³⁶

San Miguel President, CEO and Vice-Chairman Ramon Ang and Director Inigo Zobel²³⁷ – two of the Philippines' richest tycoons – have questions to answer about the apparent lack of diligence and ethics in their companies' investment and acquisition practices.

This case also exemplifies the need for change in the laws and regulations covering mining operations and megaprojects in the Philippines. That companies can buy agreements (MOAs) negotiated between a community and a different company is absurd. While the fact that a mining permit can be extended without free, prior and informed community consent, especially given the evidence of violence and protest, runs contrary to the provisions of the IPRA law and the spirit of the country's constitution.

The Philippines' current set of flawed institutions and regulations can contradict one another, but whichever entity or guideline is most favourable to business interests will usually prevail. In the case of AgPet and the CFA, the flawed mining law, which effectively protects business interests (see box on page 40), trumped the IPRA law, which should protect indigenous peoples. The NCIP failed to intervene on behalf of the affected communities, but the MGB asked the army to intervene on behalf of the company.

Mindanao demonstrates the risks of sending military forces trained for war to protect mining operations opposed by communities, with no additional training, no guarantees that they will respect the right to protest, and no accountability mechanisms to address wrongdoing.

President Duterte promised to protect the poor and tackle vested interests. Yet he has so far done little to tackle the widespread violations associated with mining and the military that he inherited. It's business as usual in Mindanao.

Global Witness recommends

- The **Philippines government** guarantees the security of all members of the CFA and ensures that the murderers of Jimmy Saypan and Rodrigo Timoteo, and those behind the killings, are prosecuted.
- The **Philippines government** guarantees due process for the CFA members and the taxi driver who are imprisoned on charges related to terrorism, and provides compensation for depriving them of their liberty without trial.
- The **Philippines government** suspends the relevant exploration permits (whether owned by PLGMC or AgPet) pending a full and independent investigation into the allegations of illegalities and violations of indigenous rights associated with AgPet's operations.
- The **Philippines government** guarantees an independent civilian investigation into the role of the 66th infantry battalion in threats against CFA members, ensuring compensation and redress is provided to the victims and their families.
- **PLGMC** puts in place policies and practices to identify, prevent, mitigate and remedy any human rights and environmental impacts of its operations. It should ensure that any future operations are subject to the free, prior and informed consent of the affected communities, and offer effective remedy to any victims of past violations.
- Any **other mining companies** planning operations in Compostela Valley conduct thorough due diligence into their operations to identify, avoid and mitigate potential human rights violations and environmental harm.

THE ALTERNATIVE MINING LAW

The current Mining Act of 1995 (Republic Act No. 7942) prioritises big business over citizens' rights and foments the kinds of conflicts and abuses defenders are protesting against.²³⁸ It should be replaced.

In August 2016, the Philippines House of Representatives introduced the Philippine Mineral Resources Act, widely known as the Alternative Minerals Management Act (AMMA).²³⁹ The bill advocates for responsible mining and builds on the expertise and recommendations of mining-affected communities and a broad range of civil society organisations across the Philippines. The AMMA tackles the failings of the current Mining Act and promotes concrete measures to protect the rights of mining-affected communities and activists. This bill should be passed as soon as possible, and the government must prioritise its implementation.

The bill ensures:

- that no mining activity will be conducted within indigenous ancestral domain lands without free, prior, informed consent (FPIC) and recognises indigenous ownership of mineral resources within their ancestral domains;²⁴⁰ FPIC shall be required at each and every stage of mining operations²⁴¹
- decision-making over mineral resources will sit under a multi-sectoral mineral council composed of representatives of the national government (DENR and MGB), relevant local government units, NGOs and local indigenous communities²⁴²
- full disclosure of information about the methods and processes of mining, its environmental and social risks, and the operation's ownership structure and financial sources²⁴³
- that mineral agreements cannot be transferred from one company to another²⁴⁴
- that at least 10 per cent of the gross revenues will be given as a royalty payment to the indigenous communities and peoples, rather than the current one per cent²⁴⁵
- human rights violations, bribery, intimidation, threats and coercion of public officials and communities are grounds for the immediate cancellation of mineral agreements²⁴⁶
- that the use of private and military forces shall result in the automatic cancellation of the mineral agreement and the filing of appropriate civil, criminal and/or administrative charges²⁴⁷
- that Strategic Legal Action against Public Participation (SLAPP) will be strictly prohibited.²⁴⁸



Ramón See Ang, a Filipino businessman, is Vice-Chairman, President and Chief Operating Officer of San Miguel Corporation (SMC). *Edwin Tuyay/ Bloomberg via Getty Images*

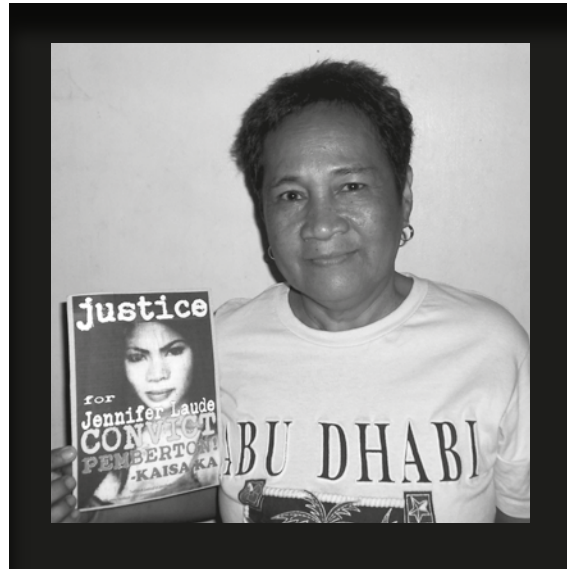
RAMON ANG – AGPET FINANCIER, POWER PLANT BACKER, AND THE BUSINESS TYCOON WITH THE PRESIDENT'S EAR²⁴⁹

Ramón See Ang, a Filipino businessman, is Vice-Chairman, President and Chief Operating Officer of San Miguel Corporation (SMC). He is also President and Chief Executive Officer of Top Frontier Investment Holdings, Inc. – an indirect controlling shareholder in Top Frontier and San Miguel Corporation.²⁵⁰

Ang has an estimated wealth of US\$2.9 billion and is the 8th richest man in the Philippines as of September 2018, according to Forbes.²⁵¹ He has a controlling interest in the Daily Inquirer, one of the best-known newspapers in the Philippines.²⁵²

Ang has helped finance Duterte's presidential campaign and openly supports the President's war on drugs.²⁵³ The Financial Times reported that following Duterte's landslide victory in 2016, top execs at SMC realigned the company's political position and investment plan with the President's priorities.²⁵⁴ Within eight months of Duterte's inauguration, it was reported that SMC had hit its highest share price for years.²⁵⁵ Perhaps best known for its San Miguel beer, ubiquitous in the Philippines, SMC has aggressively grown to play a greater role in the manufacturing and infrastructure sectors, particularly via merger and acquisition deals.²⁵⁶

SMC is one of the Philippines' largest conglomerates.²⁵⁷ Its website promises to "inspire a better world", "help people progress with their lives" and "share in the responsibility for environmental protection".²⁵⁸ As well as having links to the AgPet mine, SMC is behind the Limay Power Plant highlighted in this report for their links to environmental and human rights abuses.



Anti-coal activist Gloria Capitan, killed on 1 July 2016. *Coal Free Bataan Movement*

4. The coal boom fuelling attacks on defenders

“Because we do not have the choice, and the children are the ones who will suffer. They will take their lives and livelihood, and their right to breathe and have clean air.” Members of Limay Concerned Citizens Inc (LICCI)

On the first day of Duterte’s presidency, won on the back of pledges to tackle corruption and climate breakdown while supporting the poor, the first murder of a land and environmental defender on his watch took place.

Gloria Capitan was killed for her opposition to coal-storage facilities polluting her community and destroying her business. She also opposed the arrival of a dirty-power plant backed by the International Finance Corporation, Standard Chartered and Mizuho Bank, and operating in a culture of fear.

Three years on and Gloria’s murder remains unsolved, while Duterte’s promises ring increasingly hollow.

Anti-coal activists in Gloria’s region of Bataan, just over the bay from Manila, still face harassment, intimidation and attacks for demanding they be properly consulted about the power plant expansion demolishing their houses. Once again, we see profit above people; business at all costs.

The first half of this case study details Gloria’s campaign against the negative health impacts of an open-air coal shipyard in her neighbourhood and the circumstances surrounding her death. The second focuses on the same community’s struggle against the Limay Power Plant. In the centre of this case sits one of the biggest companies in the Philippines – major global drinks, food and energy supplier, the San Miguel Corporation.²⁵⁹

PART ONE: GLORIA CAPITAN MURDERED AFTER CAMPAIGNING AGAINST SEAFRONT COAL-STORAGE FACILITY

On the evening of 1 July 2016, two men stopped their motorcycle opposite Gloria Capitan’s karaoke bar as she sat there talking to a cousin. Believing them to be customers, she was unconcerned when one dismounted, stepped inside and approached her.²⁶⁰ Holding her in a chokehold, he shot her three times – once in the head, once in the neck and once in the arm as she tried to protect herself.²⁶¹ Gloria’s family, including two of her young grandchildren who had been playing nearby, witnessed this brutal murder.²⁶² A stray bullet grazed her eight-year-old grandson on the arm.²⁶³



Gloria's hometown of Lucanin is situated right next to the uncovered open coal-storage facility owned by Seafront.
 Google maps: Imagery ©2019 CNES / Airbus, Maxar Technologies, Map data ©2019

Gloria was the President of the Association of United Citizens of Lucanin [Samahan ng Nagkakaisang Mamamayan ng Lucanin, (SNML)], a community-led organisation in Mariveles, located on Manila Bay in Bataan.²⁶⁴ The group is affiliated with the Coal Free Bataan Movement (CFBM). At the time of her murder, it was involved in an active dispute with Seafront Shipyard and Port Terminal Services Corporation (Seafront) over a coal-storage facility that SNML alleged was polluting the nearby bay area and operating without the correct permissions.²⁶⁵

Coal was stored in open-air pits at Seafront's shipyard, Google Earth images show – a short walk from Gloria's home.²⁶⁶ The facility stored coal for Seafront's clients, including the Petron Bataan Refinery, 18 per cent owned by San Miguel Corporation, one of the Philippines' biggest conglomerates.²⁶⁷

TARGETED AFTER CALLING OUT THE ENVIRONMENTAL AND HEALTH IMPACTS OF COAL

According to her son, Gloria's grassroots activism started in 2015 when the provincial health office rejected her permit to operate her roadside store. They told her it would have to close because of the health risk posed by ash that the community alleged came from a local coal-storage facility and power plants.²⁶⁸



Community members and anti-coal protestors call for justice following the murder of Gloria Capitan. Coal Free Bataan Movement

Gloria complained about black dust that covered the surfaces of her store from nearby coal projects, including Seafront's coal-storage facility.²⁶⁹ Her grandchildren had repeated asthma attacks, chest infections and skin rashes, and so Gloria began to worry about the effect the storage facility might have on the health of the community.²⁷⁰ 'Acute respiratory infection' was the number one cause of death in Gloria's hometown of Lucanin between 2010 and 2016 – with a steady increase in respiratory illness documented in public health reports.²⁷¹ Health studies show that these kinds of illnesses can be attributable to the contamination of ground and surface water by coal pollutants.²⁷²



Three of Gloria's children stand at the place where their mother was killed, a short walk from the coal storage facility she was campaigning against. *Global Witness*

Concerned about pollution levels, Gloria started her campaign against Seafront,²⁷³ amassing nearly a thousand signatures from local residents calling for the closure of Seafront's coal-storage unit.²⁷⁴ But as her campaign gained momentum, the intimidation started.

In the year leading up to her murder, Gloria told her family and colleagues about a series of threats and offers of bribery.²⁷⁵ She said that members of SNML met with Carlo Ignacio, Seafront's co-owner, in July 2015, to discuss the community's complaint against the coal-storage facility.²⁷⁶ Gloria claimed that Ignacio threatened her at this meeting.²⁷⁷ She also told her colleagues that a member of Seafront's staff had offered her bribes, while another told her that her home was being watched.²⁷⁸

"It is not us [Seafront] who will suffer severely, but it is the public (due to power shortage) if the shipment of coal is stopped just because of the whims and caprices of this couple". Seafront part-owner Carlo Ignacio speaks to reporters and downplays the reasons behind Gloria's activism

SEAFRONT BREAKS ENVIRONMENTAL RULES WITH IMPUNITY

Gloria and the SNML claimed that Seafront's Environmental Compliance Certificate (ECC) did not cover its coal-storage operation and that the company was therefore operating its facility illegally.²⁷⁹

This accusation was backed up by the municipal health office, which found that the storage facility was carrying out "other business operations such as trading (coal)" to the services allowed by its ECC.²⁸⁰ The reporting officer also concluded that the facility was a "nuisance", with the potential to "injure health", "endanger life" and "produce discomfort to [the] community nearby".²⁸¹ Jesse Concepcion, the Mayor of Mariveles, the municipality where the facility is based, also spoke out, urging the company to suspend its coal imports.²⁸² However, it would appear no state authority took action to stop or sanction Seafront, and the *barangay* council took a different view and supported the operation in an official resolution.²⁸³

Seafront has denied it has acted illegally, saying that the coal-handling operation is being operated by Limay Bulk Handling Terminal, a separate company with its own ECC.²⁸⁴ Global Witness has seen an ECC giving Limay permission to operate a coal-storage facility at Seafront Shipyard.

However, the coordinates listed on Limay's ECC permit cover a site over a mile away from Seafront's registered operation.²⁸⁵ Meanwhile, the coordinates submitted on Seafront's permit cover a site located on the other side of Manila Bay.²⁸⁶

Shortly after Gloria argued that Seafront was operating without the correct permission, the company's part-owner Virgilio C. Ignacio, suddenly applied for an amendment to its ECC in order to cover the coal-storage facility.²⁸⁷ It's fair to assume that public pressure began to force a change of heart.

Nonetheless, a clause in the original ECC states that any changes to the project would require a new environmental impact assessment. So rather than merely having its existing ECC amended, Seafront should

have had a new assessment of what is a completely different activity with potentially different environmental impacts.²⁸⁸ It should also have faced an investigation by the Department of the Environment and Natural Resources into whether the terms of the original certificate had been breached, as Gloria alleged.

In a letter to Global Witness, Seafront stated that they are “a partner of the Government of Bataan”. They deny allegations of threats, bribery and public smearing of Gloria Capitan by Seafront’s co-owner and staff.

POLITICAL LINKS TO GLORIA’S KILLING

Some community members in favour of the storage facility attacked Gloria’s campaign as “economic sabotage”, and some local politicians publicly smeared her.²⁸⁹

Gloria also seems to have pushed the buttons of those higher up the political food chain. Global Witness believes that the Ignacio family found political support from a powerful public official, Charlie Pizarro. A former mayor, Pizarro manages the Metro Bataan Development Authority (MBDA), a development and infrastructure initiative launched with the backing of high-level politicians. It aims to strengthen Bataan as an economic region, protecting tourists and investors.²⁹⁰ Pizarro was reportedly seen visiting Seafront at the height of Gloria’s campaign.²⁹¹

Numerous sources have repeated allegations that, before her death, Gloria was offered bribes by a messenger claiming to represent Pizarro.²⁹² Gloria claimed she was approached at her home by a man named Alex Borboran, who offered to cover medical costs for her sick husband.²⁹³ Members of SNML told police that the bribe also included a monthly allowance for each member.²⁹⁴ Borboran allegedly told her that the money was from Pizarro,²⁹⁵ but Gloria declined the offer, believing it to be a bribe.²⁹⁶

Borboran is President of a civilian outfit called the Intrepid Movement of People Against Crime and Terrorism IMPACT Inc., that promoted a ‘brotherhood’ associated with the government and ostensibly concerned with tackling terrorism and advancing economic development.²⁹⁷

Gloria spoke out about Borboran’s visit three months before her murder, when he advised her to end her campaign against Seafront and the wider coal industry in Limay.²⁹⁸

She told her family that Borboran had warned her she was facing “a strong and powerful force” and that he’d “hate to see any of you buried under a mound”.²⁹⁹ Derek Cabe, a leader of Coal Free Bataan Movement, says that she was present when Borboran called Gloria in an attempt to pressure her to end her campaign.³⁰⁰

Seafront told Global Witness that “Seafront is not connected in any way to Mr. Charlie Pizarro” and that they have “no personal knowledge” regarding “whatever incidents or transactions... transpired between... Pizarro and Gloria Capitan”.

THE SUSPECTED GUNMAN’S LINKS

The lines of investigation between local authorities and Gloria’s murder don’t end with Pizarro’s presence and Borboran’s threats.

On the night of the killing, an eyewitness identified the gunman as Norman Llanda. Global Witness has seen police documents showing Llanda was an official suspect for the killing. According to Gloria’s family, he worked for Pizarro as an employee of the Capitol Security Intelligence Unit (CSIU) – an elusive security organisation linked to the Bataan Provincial Capitol.³⁰¹ Global Witness has been unable to find out any more about the nature of CSIU.

Police have also confirmed that Llanda has a criminal record for acting as a hired gun.³⁰²

In a separate investigation by the independent Commission of Human Rights, an anonymous witness also named Llanda as a suspect after he was spotted swapping vehicles on the night of Gloria’s murder.³⁰³ Global Witness understands that one of the vehicles, a black Toyota Corolla, is currently owned by a police officer and has been seen parked outside a police station in Bataan.

A source working for the authorities told Global Witness that Pizarro’s involvement in the murder is an “open-secret” within the community.³⁰⁴ Responding to Global Witness’s request to comment on the allegations, Pizarro denied any involvement in the crime.

The details of this case suggest there may have been potential police and political collusion in threats and



Norman Llanda was arrested and charged with the murder of Gloria Capitan on the evening of 9th July 2019.



Gloria complained about black dust that covered the surfaces of her store from nearby coal projects, including dust that allegedly came from Seafront's coal-storage facility. *Global Witness*

violence against communities and activists like Gloria. For this reason, President Duterte should mandate a special independent prosecutor to investigate those accused of being involved in Gloria's murder.

Despite the outcry following Gloria's death, the coal boom continues in Bataan, backed by business giants and international investors. And with it, continue the threats against those who raise concerns about its environmental and human rights impacts – as, once again, President Duterte looks on, apparently unmoved.

Norman Llanda was arrested and charged with the murder of Gloria Capitan on the evening of 9 July 2019. For Gloria's family, those who campaigned alongside her – and those around the world who continue to follow their struggle for justice – it is vital that the Filipino authorities convict not only whoever pulled the trigger, but whoever ordered the attack.

PART TWO: LIMAY POWER PLANT, SAN MIGUEL CORPORATION AND INTERNATIONAL INVESTMENT

From the same community as Gloria, Limay Concerned Citizens, Inc. (LICCI), affiliated with the Coal Free Bataan Movement, is a community group campaigning against the environmental damage and forced displacements caused by the 600MW coal-fired Limay Power Plant built in their community.³⁰⁵ The plant is operated by San Miguel Consolidated Power Corporation, a wholly owned

subsidiary of Filipino brewing giant, the San Miguel Corporation.³⁰⁶ It is indirectly financed by the World Bank's International Finance Corporation (IFC).³⁰⁷

Like Gloria, many LICCI members are concerned about the impact of the coal boom on residents' health. Some complained to Global Witness about foul smells emanating from nearby coal power plants, as well as an increase in skin rashes and respiratory problems.³⁰⁸

The community also feel that the government and the company have failed to uphold their right to be properly and previously consulted about the project's negative human rights and environmental impacts, and how they could be avoided, mitigated or redressed.³⁰⁹

A LACK OF TRANSPARENCY AND CONSULTATION LEAD TO EVICTIONS AND DEMOLITIONS

In 2014, the authorities moved against residents.³¹⁰ Under orders from the company and the local government, homes of residents near the proposed power plant were destroyed with police SWAT teams present, a legal petition from residents of Limay details. Many residents had lived in the area for 30 years or more.³¹¹ LICCI leader Daisy Pedranza told Global Witness that seven diggers excavated "18 feet deep into the land", tearing down homes.³¹² Desperate to halt the destruction, LICCI members staged a sit in – but the diggers merely paused before resuming. When the community went to

the police, they claim they were prevented from filing a complaint and told: “Do you know who you’re dealing with? These people are indestructible. We cannot do anything about that. That is San Miguel.”³¹³ This is the same San Miguel that made the absurd promise – in its Environmental Impact Assessment – that “no residents that will need relocation and resettlement will be affected and no property shall be displaced and disturbed”.³¹⁴

On 26 April 2016, community members – with the support of environmental lawyers – filed an injunction against SMC Global Power Holdings (controlled by San Miguel Corporation), and government officials, including Bataan Governor Albert S. Garcia.³¹⁵ The petition sought to prohibit SMC from evicting Limay residents without resettling them or providing adequate financial assistance.³¹⁶ It also outlined the community’s allegations that SMC had:

- failed to conduct consultations prior to the demolition
- failed to issue residents with a notice to vacate
- demolished homes and forced residents to sign undisclosed documents
- failed to prevent harmful fumes and environmental damage caused by their operation.³¹⁷

According to LICCI, San Miguel released a press statement claiming it had compensated 56 displaced families, but LICCI claim less than half were compensated.³¹⁸ The environmental damage continues. San Miguel

Consolidated Power Corporation (SCPC) was issued a warning notice by the DENR for environmental abuses after the company’s activities covered the community with coal ash in 2016.³¹⁹ DENR ordered the company to pause some of its operations. Residents say the power station dumps coal ash at a temporary location only metres away from residential homes.³²⁰

ALLEGATIONS OF SURVEILLANCE, HARASSMENT AND ATTEMPTED BRIBERY

LICCI’s brave stance against destruction, pollution and illegalities has allegedly led to their members being subjected to offers of bribes, as well as harassment and reprisals.

LICCI leaders Daisy Pedranza and Roberto Pedrajas are among those who have denounced intimidation and surveillance ever since they began their protests.³²¹ Daisy’s daughter-in-law reported that four men carrying guns but dressed as civilians arrived at the family’s compound in a vehicle without licence plates, asking where Daisy lived and whether her house had exit routes.³²² Daisy told Global Witness that, when the threats didn’t work, SMC staff appeared at her offices and offered cash bribes.³²³

Nestor Castro, another LICCI activist, told Global Witness that security officers, believed to be protecting the plant, destroyed the property of one LICCI member.³²⁴ The

Satellite image of the Limay Coal-fired power plant owned by San Miguel Consolidated Power Corporation dwarfing residential homes in the town of Lamo. Google maps: Imagery ©2019 CNES / Airbus, Maxar Technologies, Map data ©2019





LICCI leader Daisy Pedranza experienced intimidation and surveillance after protesting against the power plant. *Global Witness*

community has filed a case against security firm Merit Security.³²⁵

Community members say they have received no protection from the government, although the destruction of property has stopped since they filed their case in 2016.³²⁶

WHO IS FUNDING THIS COAL EXPANSION?

In a complete contradiction of Duterte’s environmentalist promises, the Philippines is in the midst of a coal boom – with current plans set to escalate the country’s coal production to five times the amount recorded in 2016 by 2030.³²⁷ Coal is one of the biggest contributors to climate change, which is in turn exacerbating the impact of natural disasters in the Philippines.³²⁸

However, there are some big vested interests behind the boom. San Miguel Corporation (SMC), one of the financiers of the plant in Limay, has installed approximately 19 per cent of the national grid,³²⁹ and could be in for a windfall if Duterte continues his dirty-energy policy. Both Standard Chartered and the Japanese Mizuho Bank agreed to provide finance for the first of three stages of the plant, beginning in 2013.³³⁰

According to a joint NGO report, UK bank Standard Chartered is the international investor with the greatest exposure to coal in the Philippines, channelling around US\$4.81 billion worth of finance to 19 plants accused

of devastating environmental and social impacts.³³¹ It agreed to part-finance the construction of the Limay coal plant, despite pledging to loan money only to those coal plants that use the “best available technology”.³³²



San Miguel Corporation (SMC) is one of the financiers of the plant in Limay that community members have protested. Some have subsequently faced threats. *Global Witness*



Mizuho Bank, The IFC (via intermediaries) and Standard Chartered, all backers of the Limay power plant. Kiyoshi Ota/Bloomberg via Getty Images. Richard James Mendoza/NurPhoto via Getty Images. Miguel Candela/SOPA Images/LightRocket via Getty Images.

However, in its updated policy - effective as of March 2019 - Standard Chartered has said it will no longer provide project finance for any new coal-fired power plants.³³³ It says it is committed to only providing financial services to clients that manage their environmental and social impacts responsibly.³³⁴ However, the banking giant still offers other services for coal companies and coal-related infrastructure.

From 2016-18, the years following the signing of the Paris climate agreement, Standard Chartered provided US\$5.042 billion in lending and underwriting for the top 120 coal-plant developer companies. This total makes Standard Chartered the second biggest coal financier among Europe-based banks, behind HSBC. The company

that received the most support from Standard Chartered over this period was the Philippines' San Miguel Corporation.³³⁵

The International Finance Corporation (IFC) has provided US\$592.71 million to two commercial banks, Rizal Commercial Banking Corporation (RCBC) and BDO Unibank, both of which have become major financiers of the Philippines' coal boom.³³⁶ This is despite the World Bank Group's 2013 policy to only finance coal power plants when there are "no feasible alternatives".³³⁷ The US, Japan, China, France, Germany and the UK were the World Bank's major shareholders in 2017 and should be asking serious questions about why their money is backing the Philippines' coal boom.³³⁸

The Limay Power Plant in 2019. San Miguel Corporation should compensate the affected communities and put in place environmental safeguards for existing and future projects. *Global Witness*



THE CASE FOR CHANGE

If the then government and the businesses involved had engaged constructively with local activists regarding their concerns at the outset, then violations affecting the rest of their communities could have been avoided. The violence wouldn't have escalated. Likely, Gloria Capitan would still be alive.

Global Witness recommends

- > The **Philippines government** guarantees the security of all members of Gloria Capitan's family, the Coal Free Bataan Movement, and the Limay Concerned Citizens, Inc., and that the perpetrators of Gloria Capitan's murder and those behind it are prosecuted.
- > The **Philippines government** investigates the permits of Seafront Shipyard and Port Terminal Services Corporation and the Limay Power Plant and, if appropriate, declare them null and void.
- > The **Philippines Government** undertakes an independent investigation into the alleged illegalities involving Seafront Shipyard and Port Terminal Services Corporation and the Limay Power Plant, and investigates the alleged role of individuals associated with the local government in threats and violence against Gloria Capitan.

> The **Metro Bataan Development Authority** puts in place checks and balances so that it and its members don't promote and support projects linked to abuses, threats and corruption, and that the interests of local communities are legitimised and represented.

> **Seafront Shipyard and Port Terminal Services Corporation** and the **Limay Power Plant** put in place policies and practices to identify, prevent, mitigate and remedy human rights and environmental impacts related to their operations. They should ensure that any future operations are subject to the free, prior and informed consent of the affected communities, and offer effective remedy to any victims of past violations.

> **San Miguel Corporation** compensates affected communities, puts in place environmental safeguards for existing protects, and halts any future expansion (Phase III) of its Limay coal-fired power plant, at least until appropriate measures can be taken to guarantee the protection of human rights and the environment.

> **IFC, Standard Chartered** and **Mizuho** banks use their leverage to ensure that San Miguel carries out the above steps.

> **The major shareholders in the World Bank** use their leverage to ensure the bank and the IFC cease financing intermediaries investing in coal and put in place policies to avoid and respond to threats against defenders.

IFC RESPONSE TO ITS INVESTMENTS IN FILIPINO COAL

In a letter to Global Witness, the IFC, the private arm of the World Bank, stated that it has now divested from BDO Bank.³³⁹ It acknowledged its exposure to coal via its equity bank client Rizal Commercial Bank (RCBC) – which is one of the largest banks in the Philippines and an investor in the Limay Power Plant.³⁴⁰

It told Global Witness that it is working with RCBC on a plan to improve its environmental and social performance.³⁴¹

Yet a coalition of more than 100 civil society organisations filed a landmark complaint with the IFC's Compliance Advisor Ombudsman against the IFC and its investment in the coal industry via its client RCBC.³⁴² According to the complaint, RCBC has provided finance to at least 19 active and proposed coal-fired power plants across the Philippines, or financed the companies that own them.³⁴³

In 2018, the CEO of the IFC, Philippe Le Houérou, committed to working with the IFC's financial intermediary clients to formally pledge to reduce or cease all coal investments over a defined period.³⁴⁴ This is not enough: Houérou and the IFC must state publicly what exactly they have asked of their intermediaries and what they will do regarding those refusing to stop investing in coal.

Later in 2018, the IFC published a much-needed position statement promising "zero tolerance" for any retaliation against those voicing their opinion about IFC projects like the power plant in Limay.³⁴⁵ However, it must now urgently work with civil society to develop robust protocols for implementing the statement's principles, including a mechanism that allows the IFC to respond in a timely and effective manner when defenders speaking out about their projects are threatened, preventing future attacks.³⁴⁶



A third of the defenders murdered since President Duterte took power were indigenous, despite the fact that indigenous peoples represent only around 14 per cent of the Philippines' total population. *Ezra Acayan/Getty Images*

5. Siding with business: corruption at the National Commission on Indigenous Peoples

President Duterte inherited a legacy of corruption across the government institutions supposed to protect the rights of ordinary Filipinos. He committed to tackle the issue, complementing his promised anti-poverty agenda by pledging to ensure precious resources weren't siphoned off by those in positions of authority.

Yet, wherever Global Witness investigators were in the country, there were reports of corruption across the institutions responsible for the

governance of the Philippines' vast natural wealth.

With these institutions weak, absent or apparently corrupted, business has seized the opportunity to ransack natural resources with little regard for people's rights or the environment. Nowhere is this problem more obvious than in precisely the government body supposed to provide protection for indigenous communities – the National Commission on Indigenous Peoples (NCIP).

WHO IS THE NCIP AND WHAT ARE THEY HERE FOR?

A third of the defenders murdered since President Duterte took power were indigenous, despite the fact that indigenous peoples represent only around 14 per cent of the Philippines' total population.³⁴⁷ Clearly, one of the most effective ways to reduce attacks on the country's land and environmental defenders is to prevent and resolve the abuse of indigenous rights which their leaders are risking their lives by denouncing.

Indeed, this is what Duterte promised when he pledged to support and protect this historically marginalised community.

There are those among Filipino civil society who believe that present-day violations of indigenous peoples' rights in favour of business interests have their roots in some of the conditions and complexities of the 1997 Indigenous People's Rights Act (IPRA). Their critiques and concerns³⁴⁸ – particularly regarding land titling and private appropriation of natural resources – are legitimate and merit a response from the government. However, there is evidence to suggest that the National Commission on Indigenous People (NCIP), created by IPRA to protect indigenous rights, is dysfunctional, if not systemically corrupt.

The NCIP itself identified violations in the agreements to establish fruit plantations on Manobo tribal land in Bukidnon, and yet it hasn't done enough to resolve conflicts generated by these projects or to guarantee the rights of the communities affected.³⁴⁹ Many of the defenders attacked for standing up to mining in Mindanao are indigenous.

INSIDERS SPEAK OUT

Global Witness has collected the testimony of affected indigenous communities, interviewed current NCIP staff,³⁵⁰ reviewed an in-depth civil society analysis of community consent processes,³⁵¹ and had exclusive access to two ex-NCIP whistle-blowers: Marlea Muñoz, NCIP Executive Director from 2013 to 2015, and Ferdie Cerna, who worked in the NCIP's office in Agusan del Sur from 2001 to 2010 and was recently appointed to the Office of the Presidential Advisor for Indigenous Peoples' Concerns.

Their testimony suggests that problems with IPRA's implementation go beyond clear incompetence and

under-resourcing. They point to a widespread culture of corruption within the NCIP,³⁵² which completely circumvents the law in order to ensure that logging, mining and agricultural companies gain access to indigenous lands.³⁵³ Here are some of the accusations levelled at the NCIP:

➤ *Bribes are paid by companies to NCIP staff, who in turn bribe indigenous leaders and members of the NCIP hierarchy.* Ferdie Cerna claims to have seen NCIP officials bribe indigenous leaders with “money, women and cell phones” to encourage them to grant permission to mining companies. This money, he says, came from extra-official payments to NCIP officials from company ‘contingency funds’, which he claims to have seen being made.³⁵⁴ Marlea Muñoz claims NCIP officials accepted gifts from a major mining company just before an important licence was about to be approved.³⁵⁵ She describes the NCIP as a “cash cow”, and says the fact that companies pay for FPIC opens the door to widespread corruption. Quite simply, she argues, without NCIP corruption there would be less mining in the Mindanao region. She claims that she was personally subject to attempted bribery by representatives of mining companies whose operations have since led to alleged human rights abuses. She estimates that half of local NCIP officials are corrupt, and claims that politicians with business interests try to influence the appointment of staff who will take decisions affecting their operations.³⁵⁶

➤ *NCIP staff deliberately liaise with pliable indigenous leaders or factions, who don't have the authority to represent the entire community, in order to fast-track 'FPIC', creating community divisions and conflicts.*³⁵⁷ Ferdie backed up the findings of a 2013 German government report on FPIC in the Philippines which criticised the “questionable selection and validation of [indigenous] leaders”, and the “premeditated exclusion of those perceived to oppose business projects”.³⁵⁸ He said such actions were deliberate.³⁵⁹ He said the NCIP has created and registered indigenous groups by picking members of the community amenable to mining, and having them sign as if they were leaders, thus bypassing the Council of Elders and circumventing FPIC. This would sometimes lead to armed conflicts between factions of the same tribe.³⁶⁰ A survivor of the 2015 Lianga massacre of indigenous leaders in Mindanao and another bereaved by it told Global Witness that they allege that the NCIP deliberately empowered an armed faction in an attempt to facilitate natural resource exploitation.³⁶¹



One of the most effective ways to reduce attacks on the country's land and environmental defenders is to prevent and resolve the abuse of indigenous rights. Ezra Acayan/Getty Images

- *NCIP staff misinform indigenous communities in order to manipulate processes relating to FPIC and MOAs. NCIP officials are alleged to have organised parallel FPIC meetings to confuse and dupe communities,³⁶² advised tribal leaders to sign over millions of dollars' worth of minerals for peanuts,³⁶³ and rigged FPIC processes.³⁶⁴*
- *The NCIP has carried out other fraudulent actions to circumvent the proper implementation of IPRA.³⁶⁵ Insiders described an institution bereft of accountability, in which those who try to do their job are threatened or pushed out.³⁶⁶ They suggest that this is an institution which, in practise and by hook or by crook, finds a way to tick the FPIC box rather than actually guaranteeing free, prior and informed processes through which indigenous peoples can give or withhold their consent.³⁶⁷*

Both Marlea and Ferdie alleged that, during their time at the NCIP, corruption occurred at all levels.³⁶⁸ Marlea claims she was told by somebody in the President's office to steer clear of investigating a particular mining case because the company was very influential.³⁶⁹ Ferdie, meanwhile, says he was asked to act as a bag man for higher ranking officials on eight occasions, to collect payments from companies which would then be distributed to key NCIP officials to sign off on 'FPIC'.³⁷⁰

THE CASE FOR CHANGE

The disproportionate numbers of indigenous people killed after standing up for their land rights and the environment is evidence in and of itself that the institutions mandated to protect their rights are failing. The stories of the indigenous peoples documented in this report illustrate the human cost of this negligence. The NCIP's processes must be overhauled and allegations of corruption within the institution investigated, if the Filipino state is to begin to guarantee the safety and rights of those who have traditionally been guardians of our planet.

Global Witness recommends

- **President Duterte** must appoint a strong and independent Commissioner to root out corruption in the NCIP and protect indigenous rights, particularly in the context of business projects.
- The **Office of the Ombudsman** in the Philippines should announce a full investigation into the accusations of corruption in the NCIP.
- The **diplomatic community** should promote and support programmes focused on the protection of indigenous rights and eradication of corruption in the NCIP.
- **Companies operating in the Philippines** must guarantee the highest standards in community consultation and free, prior and informed consent.

FOREIGN GOVERNMENTS FAILING TO TAKE A STAND

Governments have a duty to ensure that the actions of their officials and businesses abroad do not have a negative impact on human rights. Those trading with or providing aid to the Philippines are particularly well placed to use their leverage to support local defenders. Indeed, an increasing number of countries have developed policies to guide their governments and diplomats in supporting and protecting at-risk defenders.³⁷¹

Nonetheless, no embassy in the Philippines is doing enough to promote respect for human rights and the environment, or to protect at-risk defenders. Instead they are focusing on promoting their own national interests – a short-sighted approach in one of the most dangerous countries on earth in which to defend rights.

The US

The Philippines receives more military aid from the US than any other country in the region, receiving grants of assistance and the expedited sales of arms, munitions and unmanned surveillance equipment.³⁷² At the end of 2018, US President Donald J. Trump signed into law the Asia Reassurance Initiative Act, committing US\$1.5 billion to fund its long-term strategic vision across the Indo-Pacific region.³⁷³ The fund contains Philippines-specific human rights conditions, recognising the need to tackle increased levels of impunity arising from Duterte's 'war on drugs'.³⁷⁴ The Philippines National Police are singled out as being prohibited from receiving US money until the government's counternarcotic strategy meets international human rights standards. These include "investigating and prosecuting individuals who are credibly alleged to have ordered, committed, or covered up extrajudicial killings and other gross violations of human rights in the conduct of counternarcotics operations."³⁷⁵

While these steps are necessary, US aid continues to reach the Philippines military, which is repeatedly accused of ongoing human rights abuses against defenders. As well as stepping up support for local activists through its embassy in Manila, the US must apply its current aid conditions to the documented violations against land and environmental defenders, and modify these existing conditions to include an assessment of civil society's ability to act without risk or interference.

The UK

In recent years, the UK embassy in Manila has led some diplomatic initiatives to support land and environmental defenders at risk, and this year the Foreign and Commonwealth Office in London published its guidelines on defenders which allow activists to request UK support.³⁷⁶

Yet the UK's overall impact on the safety of local rights groups is likely to be negative if it fails to insert a human rights optic into its trade policy. MP Lloyd Russell-Moyle has accused the UK government of breaking its own laws on arms sales after licensing the sale of £150,000 of spyware to the Philippines in 2016.³⁷⁷ In 2017 – against the backdrop of state-sanctioned murders of supposed drug addicts and threats against human rights defenders – the UK sold the Philippines telecommunications interception equipment, which can be used to track the users' location.³⁷⁸

A U-turn is needed to end this hypocrisy, but the signs are ominous. Kicking off his post-Brexit trade campaign, then International Trade Secretary, Liam Fox, faced public criticism after he extolled 'shared values' with the Philippines, in his attempts to woo Duterte.³⁷⁹ In March 2019, the first Philippines-United Kingdom Economic Dialogue concluded with the signing of a Partnership Statement and Joint Action Plan on Economic Cooperation and Trade and Investment. This agreement identifies priority sectors for deeper economic cooperation – including infrastructure projects, transparency and anti-corruption initiatives, green finance and industry collaboration – but which fails to mention human rights or those who defend them.³⁸⁰

The EU

With the European Union accounting for almost 10 per cent of the Philippines' total trade in 2018,³⁸¹ it is vital that European investors do proper due diligence before throwing their money behind projects in a country with demonstrable environmental and human rights risks, as well as threats against those holding business to account. The EU delegation in Manila should work with European companies and financiers to identify and avoid such risks, but the very real impacts highlighted in this report once again underline the imperative for the European Parliament to make such due diligence mandatory.³⁸²

DUTERTE'S BROKEN PROMISES AND IRRESPONSIBLE BUSINESS:

What needs to change?

Palawan: environmental heroes murdered for protecting paradise from the illegal logging fuelled by a luxury hotel construction boom. Compostela Valley: farmers threatened, murdered and allegedly locked up, for taking a stand against destructive mining for mineral exploitation. Bataan: a grandmother apparently slain because she didn't want her grandchildren growing up amid the smog and the ash of the coal industry. Bukidnon: indigenous communities live in fear as their land reaps a harvest for corporate giants.

This investigation underlines the specific and heightened risks land and environmental defenders face precisely because they challenge business interests. It demonstrates President Duterte's total failure to protect them, despite his firm promises to tackle the issues which put them at risk.

This is a historic crisis that is getting worse under the current regime. The Filipino government, companies operating in the Philippines, investors backing those companies and governments providing trade and aid to the Philippines must take strong and urgent steps to:

Tackle the root causes of risk

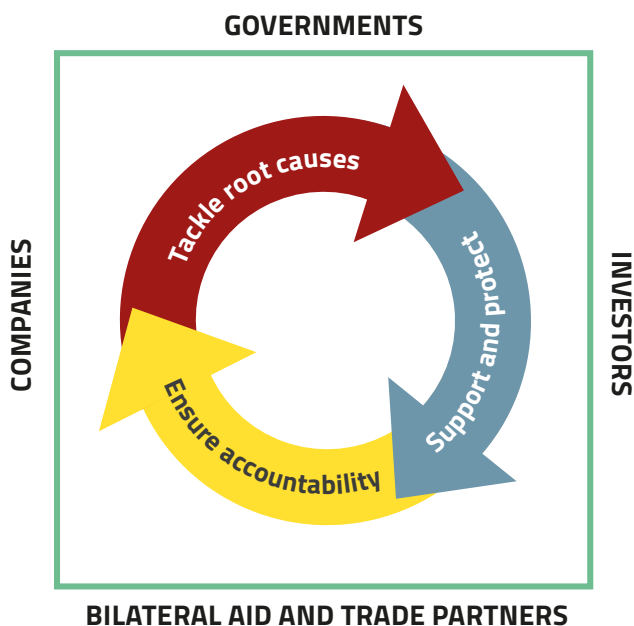
Address the reasons people are forced to stand up for their rights. This means guaranteeing the right of affected communities to give or withhold their free, prior and informed consent regarding the use of their land and natural resources. It also means combating corruption and preventing environmental harm by businesses.

Support and protect defenders

Put in place specific laws, policies, practices and resources to protect at-risk defenders. States and businesses must create an enabling environment for human rights defence, ensuring defenders are neither stigmatised nor criminalised.

Ensure accountability

Bring to justice the perpetrators of attacks against defenders and those behind them, to help prevent future threats and dissuade would-be aggressors. Meanwhile, those who fail to support and protect activists should face political, financial and judicial consequences.



TACKLING THE ROOT CAUSES OF RISK

When communities across the globe have their land taken from them without their permission or even knowledge, they are given little choice but to take a stand. If the institutions supposed to protect them instead side with those seeking to make money at any cost, community leaders are compelled to denounce those responsible. If the forests and rivers on which they depend are trashed, or their air polluted, then they form movements and organisations to protect themselves and the planet.

They become defenders.

Yet this sets them on a collision course with those benefitting from the status quo; those expecting to take their cut of the profit; those who will stop at nothing to silence whoever stands in their way.

Upon taking office, President Duterte promised to protect the worst-off, combat corruption and tackle climate change. Three years on, it's business as usual in the Filipino regions where natural resources are exploited. However, it is not too late for Duterte to stand by his commitments and, in doing so, tackle the root causes of the conflicts which lead to threats and attacks against defenders.



“The best way to protect the environment is to improve people’s lives. That’s my experience.” Gina Lopez, former Environment Secretary. An ardent environmental activist, Gina was best known for her fearless role as Environmental Secretary in 2017. Her work and support of local communities and defenders was a beacon of hope and inspiration to many in the Philippines and beyond. What she heard and saw spurred her uneasiness regarding extractive industries and led her to take decisive action. As the Head of DENR, Gina cancelled the approval of 75 proposed mines in watershed areas, ordered the closure of 26 mines for environment violations, and suspended five other contracts. She also worked with grassroots organisations like PNNI to champion a total mining ban on the island of Palawan. In her short time, she sent a message that the rights of Filipino people and protection of the environment are tied together. She will be sorely missed by all. Regina Paz Lopez, 27 December 1953 - 19 August 2019. JAY DIRECTO/AFP/Getty Images

Duterte must guarantee communities a say on how, and if, businesses use their land

Business projects like Del Monte Philippines’ grower-ship agreement in Mindanao and San Miguel’s power plants are going ahead without the full consent, or even prior knowledge, of affected communities, contravening both international and Filipino law.³⁸³ AgPet was able to renew and expand its mining operations without asking the communities affected for their opinion.

Many of these problems are exacerbated by pervasive corruption within government institutions like the National Commission on Indigenous Peoples (NCIP), and a law on mining that favours profit and foreign investment over the rights of local communities. Proactive engagement of affected communities is the best way to avoid conflict in the first place.

Duterte must root out corruption

Corruption that protects business elites at the expense of communities’ rights is not limited to the NCIP.³⁸⁴ According to the World Economic Forum, corruption is the third biggest obstacle for doing business in the country.³⁸⁵

As this report shows, companies are routinely ignoring the terms of their operating licences without consequence. In Bataan, locals claim Seafront operated a coal-storage facility, in spite of a planning certificate

that only permitted shipyard services.³⁸⁶ Community testimony suggested that AgPet continued exploration activities even after its permits expired.³⁸⁷ Corporations are growing fruit on indigenous lands under leases which communities claim prohibit plantations.³⁸⁸

Global Witness has heard allegations of attempted bribery by representatives of the agribusiness, mining, tourism and coal sectors, whether to incentivise government officials to bend the rules,³⁸⁹ persuade indigenous leaders to support their projects,³⁹⁰ or encourage opponents to stay quiet.³⁹¹ Those who refuse kickbacks can wind up losing their job,³⁹² with a target painted on their back,³⁹³ or even dead.³⁹⁴

Rather than cleaning up how business is done, powerful politicians are often implicated. The country’s richest public official, Jose Alvarez, is accused of involvement in destructive logging, having rubber plantations in protected areas and threats against environmentalists.³⁹⁵ He is also accused of using his position on the local development authority to oversee and allow business irregularities, and threaten those who stand in the way.³⁹⁶ Similarly, Bataan politician Charlie Pizarro heads the Metro Bataan Development Authority, but stands accused of intervening in disputes between a polluting business and the local community.³⁹⁷ Quezon Mayor Pablo Lorenzo is alleged to have broken lease agreements and ordered tribal villages to be shot at and burnt down.³⁹⁸

There is an estimated one trillion dollars' worth of natural resources in the Philippines.³⁹⁹ Yet so long as businessmen and officials circumvent the rules and attack those who dare call them out, then profits will stay in the hands of a few, while the land of the many is stolen and the environment is trashed. This sets the scene for the conflicts which leave defenders vulnerable to attacks.

Duterte must clamp down on environmental abuses

The Philippines is among the countries most vulnerable to the negative effects of climate change.⁴⁰⁰ Yet our case studies show a range of business projects pushing ahead with brazen disregard for the planet.⁴⁰¹ Mystifyingly, as vicious typhoons and devastating flooding cause havoc to Filipino lives and the economy, President Duterte has allowed his commitments to protect the environment to slip off the agenda.

The permanent nomination of the President's designated Environment Secretary Gina Lopez was denied by the Commission of Appointments – whose Vice Chair's family owns the country's largest nickel mining company⁴⁰² – after Lopez shut down or suspended over 100 mines on environmental grounds.⁴⁰³ With the government deprioritising the issue, the burden of standing up to environmental destruction now falls upon the communities most affected by its impacts – creating a David and Goliath scenario in which legitimate demands that would benefit us all are met with violence and repression.

In Palawan, NGOs fill the void and take on the armed illegal loggers devastating this protected eco-region. In Bataan, community leaders have been displaced and murdered after raising concerns about health risks linked to coal pollution.

SUPPORTING AND PROTECTING AT-RISK DEFENDERS

All of the murdered defenders in this report had previously been threatened, often publicly.⁴⁰⁴ Sometimes they had alerted the authorities directly.⁴⁰⁵ The government had plenty of warning and ample opportunity to do its duty and protect those at risk. The families and colleagues of those defenders are yet to receive any effective protection.

It is clearer than ever that the Philippines' Senate must pass the tabled Human Rights Defender Bill as quickly

as possible (see box on page 57).⁴⁰⁶ But the government doesn't need to wait for a specific law to support defenders. Authorities at every level should commit to creating a safer environment to enable activists to protest safely.

Duterte must overhaul his brutal drugs policy

Gloria Capitan, Renato Anglao and Jimmy Saypan were all murdered by hitmen on motorbikes. This modus operandi is commonplace in attacks on defenders, and mimics the one regularly used in President Duterte's 'war on drugs'.⁴⁰⁷ Clearly, so long as extra-judicial hits are tolerated against one section of the population, there is a danger they will be used against others to silence dissent.

Duterte must end the stigmatisation and criminalisation of defenders

The President should lead by example in speaking out to legitimise land and environmental defenders. However, Duterte has threatened to kill rights activists he deems to be 'obstructing justice'.⁴⁰⁸ He labelled one UN expert a "communist"⁴⁰⁹ and threatened to throw another to the crocodiles.⁴¹⁰ As this report shows: when officials are allowed to brand activists as "terrorists",⁴¹¹ "NPA",⁴¹² "economic saboteurs"⁴¹³ and "narcos",⁴¹⁴ they are left exposed and vulnerable to threats, attacks, murder and – particularly – criminalisation.⁴¹⁵ These kind of smear campaigns fit a global trend, in which the rich and powerful stigmatise human rights activism with the aim of deterring participation, leaving those on the front lines isolated.

Indeed, the aim of preventing defenders from being able to protest is often achieved by those violating rights without resorting to murder. Criminalisation is widespread across the Philippines. For example, the imprisonment without trial of four members of the Compostela Farmers Association (CFA) for two years on allegedly trumped-up terrorism charges (see page 35) had a threefold impact.⁴¹⁶ Firstly, it took four anti-mining activists out of action. Secondly, it curtailed CFA's ability to hold abusive mining operations to account because they had to invest time and resources in campaigning for their colleagues' freedom.⁴¹⁷ Finally, the legitimacy of their struggle was undermined by alleged links to terrorism.

Other policies also threaten to close space for civic protest. At first glance, the government's SEC Memorandum Circular No. 15⁴¹⁸ might appear to protect NGOs against money laundering.⁴¹⁹ However many

activists are concerned over a lack of transparency in its creation and the way in which it will be implemented.⁴²⁰ The guidelines give authorities powers to identify CSOs defined as being a risk, on the basis of information provided by institutions including the military and the police.⁴²¹ Without checks, these increased powers could be used to intensify surveillance, and harass and violate the rights of defenders – particularly those who have previously challenged these institutions.⁴²²

HUMAN RIGHTS DEFENDER BILL

In June 2019, the Philippines House of Representatives unanimously approved the Human Rights Defenders Protection Bill (House Bill 9199).⁴²³ The bill – which was developed with input from civil society and is based upon the international Model Law for the Recognition and Protection of Human Rights Defenders – seeking to prevent human rights abuses against all defenders, including those working on land and environmental issues.

However, the bill will only enter into force if its counterpart is passed by the Senate and approved by the President. Senate Bill 179 has stalled at committee stage since it was presented by Senator De Lima in February 2018.⁴²⁴

The legislation could prove a game changer for defenders at risk. If passed, it would create a Human Rights Defenders Protection Committee whose members would be nominated by civil society organisations and chaired by a Commissioner from the National Commission on Human Rights.

It would also articulate through national law a range of rights for human rights defenders, while obliging the government to respect and protect activists, penalise reprisals against them and prevent the stigmatisation of human rights defence.

The Philippines has the chance to become the first country in Asia to pass such ground-breaking legislation. The government should encourage the Senate to pass Bill 179 as soon as possible, before supporting the Bicameral Conference Committee in guaranteeing a final law of the highest standard.

ENSURING ACCOUNTABILITY WHERE THREATS AND ATTACKS DO OCCUR

Attacks against defenders in the Philippines will continue until those responsible are brought to justice, as impunity acts as a green light to would-be perpetrators who don't believe there will be a consequence for their actions. Nobody has been prosecuted for any of the killings documented in this report, meaning that currently, not only the triggermen, but also those ordering the attacks are – quite simply – getting away with murder.

The Philippines has an impunity problem in general, with the country ranked as among the worst in the world in terms of access to justice and rule of law.⁴²⁵ But given that human rights defenders are particularly vulnerable to attacks, and given their vital role in supporting and demanding justice for the victims of other crimes and abuses, additional mechanisms to provide justice for and dissuade future attacks against them is not only justified, but should be a priority for the government.

Renato. Ruben. Jimmy. Gloria. Four inspirational activists defending land rights and the planet. Sticking up for their communities and demanding that irresponsible companies and corrupt politicians be held to account for trampling their rights and trashing our environment to make a quick profit. Four lives cut short. Four grieving families. Four heroes gone.

And yet their killers walk free, just like those who ordered the attacks. If the Philippines is to become a safe place for land and environmental defenders then these perpetrators must be prosecuted. Justice must be done.



Mirivic 'Tarsila' Danyan's father and husband were killed by the army in December 2017 after defending community land against the expansion of coffee plantations in the Philippines. Thom Pierce / Guardian / Global Witness / UN Environment

GENERAL RECOMMENDATIONS

Please note that specific recommendations are made at the end of each case study in this report. In addition, Global Witness recommends:

To President Duterte:

- Work with the legislature to ensure the passage and implementation of the Human Rights Defender Bill and, in the meantime, implement policies and actions to prevent and respond to threats against land and environmental defenders.
- Establish an independent investigation into corruption and malpractice in the NCIP, and implement its recommendations in order to uphold indigenous rights.
- Publish a National Human Rights Action Plan including provisions for the protection of human rights defenders.
- Appoint a Corporate Accountability Czar to ensure that human rights are guaranteed in the context of business projects.
- Halt the use of paramilitary and militia organisations, and repeal Executive Order No. 546 regarding the use of Investment Defence Forces, and Executive Order No. 264 allowing the continued existence of Civilian Volunteer Organisations (CVOs) and Citizen Armed Force Geographical Units (CAFGUs).
- Refrain from making defamatory statements about activists and rather make strong public statements recognising the legitimate role of land and environmental defenders.
- Remove all mention of names of any human rights defenders from all sections of the terror watch list.

To the Philippines authorities:

- Ensure that any members of the Armed Forces of the Philippines accused of human rights abuses or crimes against civilians are tried in civilian courts.
- Rescind SEC Memorandum Circular No. 15 or seek expert international guidance to modify it and monitor its subsequent implementation to ensure it is not used to criminalise civil society.

- Update the charter of the Commission on Human Rights, and ensure that its independence, credibility and sustainability is guaranteed.
- Issue a standing invitation to the country for all UN Special Procedures to carry out official visits, and provide all necessary assistance during such visits.
- Collaborate with the UN Human Rights Council and in particular in regards to implementation of its July 2019 resolution regarding the human rights situation in the Philippines.
- The Department of Justice must guarantee the prosecution of the material and intellectual authors of all known crimes against land and environmental defenders.
- The Department of Justice must take steps to combat the criminalisation of activists and guarantee due process for any human rights defender accused of a crime.
- The Office of the Ombudsman should establish a specialised area to process complaints related to the natural resource sector, and investigate all allegations of corruption and conflicts of interest made in this report.
- The Department for the Environment and Natural Resources should carry out a review all of the cases documented in this report in order to guarantee compliance with international human rights law and environmental standards, and monitor and implement the decisions of the 2017 mining audit.
- The Philippines legislature should pass the Human Rights Defenders' Protection Act, the Alternative Minerals Management Act, and other pending legislation which would tackle the issues flagged in this report.
- Local Government Units should work with civil society to develop, approve and implement ordinances for the protection of human rights defenders.

To companies and investors (including international finance institutions):⁴²⁶

- Employ enhanced due diligence throughout their supply chains in order to guarantee that their operations, partners and suppliers uphold the highest internationally recognised human rights and environmental standards, even where the government is not willing or able to do so.
- Guarantee no phase of any project is implemented without the free, prior and informed consent (FPIC) of any potentially affected community. Where claims of a lack of FPIC are alleged, projects should be suspended immediately until proper FPIC is obtained. The right of indigenous peoples to self-determination must be respected.

- Develop, implement and resource strong human rights policies which include protocols to prevent and respond to threats and attacks against human rights defenders associated with their operations and investments.
 - Guarantee remedy and reparations wherever credible complaints of human rights or environmental abuses are made in relation to their operations, partners and suppliers.
 - Proactively engage civil society and advocate for the government and the private sector to support human rights defenders, prevent threats and attacks against them, and provide accountability when they occur.
 - Wherever a human rights defender is threatened or attacked, having raised concerns regarding a business project, condemn the threat and suspend the project until the activist's safety is guaranteed and their complaint is satisfactorily resolved.
 - Put in place and implement conditions on aid which restrict disbursement if civil society is not able to operate without interference, and wherever human rights abuses against defenders are widespread or are not brought to justice.
 - Use leverage as shareholders of International Finance Institutions (IFIs) to ensure that IFIs do not fund projects associated with land grabs, environmental abuse, and attacks against defenders.
 - Avoid promoting, endorsing or authorising trade agreements that might impact negatively upon human rights or the environment.
 - Pass legislation obliging investors and companies to carry out and report on human rights and environmental due diligence on all business projects at home and abroad. Such mandatory due diligence should include an assessment of any threats facing human rights defenders.
 - Ensure that foreign investors abide by and uphold national and international laws and standards, withdrawing diplomatic and trade support to any company or investor associated with threats and attacks against defenders.
- To bilateral aid and trade partners:**
- Implement effective policies to support and protect land and environmental defenders.⁴²⁷
 - Focus aid efforts on strengthening civil society space, supporting human rights defender protection, enabling land rights and FPIC, and fortifying the justice system.

Robert Chan with his team at Palawan NGO Network Incorporated, Puerto Princesa, Palawan, Philippines. *Thom Pierce/Guardian/Global Witness/UNEP*





Across the Philippines, industries like agribusiness, mining, logging and coal are triggering attacks against defenders, feeding corporate avarice and driving business at all costs. *Karlos Manlupig/Global Witness*

A CALL TO ACTION: The responsibility and power we all hold

This investigation exposes an endemic wave of attacks against land and environmental defenders in the Philippines.

These defenders are important. They are important because, as our planet speeds towards a climate crisis, they stand on the frontline of environmental destruction and they fight it. They're important because they challenge corporate greed, ruthless industry and corruption at the highest levels. They're important because, before they became defenders, they were everyday people: grandmothers, sons, friends, daughters. They're important because they stand for all of us.

This report shows how important it is to stand with them. By not protecting land and environmental defenders, the government is not just letting Filipino citizens down, but renege on promises which President Duterte himself made when he needed votes. Promises to protect the environment, end corruption and defend the poorest in society. Our findings are clear: so far, he has failed on all three.

Across the Philippines, industries fuelled by our consumption – agribusiness, mining, logging and coal – are triggering attacks against defenders, feeding corporate avarice and driving business at all costs.

And as Duterte fails to halt this destruction, governments like the UK are sharpening their pencils, ready to make new trade deals with him.

In short: governments, investors and companies alike are failing these brave men and women of the Philippines.

They must use their power positively and act now.

They must tackle the root causes of attacks against land and environmental defenders, as well as make genuine moves to support and protect them. They must provide justice for those murdered – among them Gloria Capitan, Ruben Arzaga, Jimmy Saypan and Renato Anglao.

You too, as a consumer, can play a part: by insisting that the fruit you buy or the hotel you stay in isn't associated with conflict and bloodshed, and by demanding your government takes a stand and supports activists so they can defend their land and our environment without fearing for their lives.

This is how we ensure that corruption and greed doesn't win in its battle for profit, and against protest. This is how we protect the planet and its people.

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- Palawan NGO Network Inc. (PNNI)
- Panaliptan
- Quezon Manobo Tribal Association (QUEMTRAS)
- Rural Missionaries of the Philippines
- Samahan ng Nagkakaisang Mamamayan ng Lucanin (SNML)
- Task Force Detainees of the Philippines (TFDP)
- Tribal Indigenous Oppressed Group Association (TINDOGA)

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- 47** Global Witness interview with TINDOGA, 4 October 2017.
- 48** On 1 September 2014, 623 hectares were awarded to TINDOGA, (represented by their leader Datu Santiago Agdahan), as well as to another indigenous organisation led by Bae Dolores Anglao, Bae Maria Anglao Ampoan, Bae Purita L. Zapata and Bae Lolita L. Anlimpao.
- 'Official CALT awarding and ceremonial presentation of CEB resolution recognizing CADTs/CALT in Bukidnon', The National Commission on Indigenous Peoples, 1 September 2014;
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- 52** 'General information sheet for Rancho Montalvan Inc, Philippines Securities and Exchange Commission', 4 June 2015.
- 'General Information Sheet Kiantig Development Corporation', Securities and Exchange Commission, p.4, 16 July 2015.
- 53** Pablo Lorenzo III elected mayor on 22 May 2019.
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- 54** Global Witness interview with Datu Jomorito Guaynon, head of the Kalumbay Regional Lumad Organisation, 2 October 2017.
- 55** Del Monte Philippines confirmed their employment of Pablo Lorenzo in a letter to Global Witness in May 2019.

Del Monte Philippines Incorporation response to Global Witness enquiry, 17 May 2019;

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57 'Resolution En Banc No. 155-2012-AD', National Commission on Indigenous Peoples, p.10, 12 July 2012.

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59 DMPI confirmed that the Crop Producer and Growership Agreement with KDC was effective from August 2008 until July 2018, and was extended until March 2019 to allow DMPI to purchase the remaining fruits to be harvested by that time.

Del Monte Philippines Incorporation response to Global Witness enquiry, 17 May 2019.

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'What It's Like to Be an Environmental Defender in the Philippines' Sierra, 11 June 2018, <https://www.sierraclub.org/sierra/what-its-be-environmental-defender-philippines> (accessed: 9 September 2019);

'Montalvan Ranch guards shoot lumads in Quezon, Bukidnon' Katribu, 27 March 2015, <https://kabataanparasatribu.wordpress.com/2015/03/27/montalvan-ranch-guards-shoot-lumads-in-quezon-bukidnon/> (accessed: 9 September 2019);

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'Urgent Alert: 1 killed, 2 others wounded as Montalvan Ranch guards shoot Lumads in Bukidnon', Indigenous Peoples Human Rights Defenders Network, 25 March 2015, <https://iphndefenders.net/urgent-alert-1-killed-2-others-wounded-as-montalvan-ranch-guards-shoot-lumads-in-bukidnon/> (accessed: 30 January 2019);

'Killings continue amidst BS Aquino's crisis', Karapatan, 27 March 2015, <https://www.karapatan.org/Killings+continue+amidst+BS+Aquino's+crisis> (accessed: 30 January 2019);

'House Resolution no. 764, 3 February 2017;

House of Representatives – Republic of the Philippines, 8 February 2017 'http://www.congress.gov.ph/legisdocs/basic_17/HR00764.pdf (accessed: 9 September 2019);

60 Kiantig was formerly known as the Cesar Fortich Ranch and is one of four parcels of land, including the Montalvan Ranch, which the National Commission on Indigenous Peoples found was stolen from indigenous Manobo groups by Manolo Fortich.

'Certificate of Filing of Amended Articles of Incorporation - Kiantig Development Corporation' Securities and Exchange Commission, p.1, 3 November 2015.

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61 'General Information Sheet Kiantig Development Corporation', Securities and Exchange Commission, p.1, 16 July 2015;

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62 'Request of the Manobo Pulangi-on Tribe Quezon Bukidnon for Investigation of the Ancestral Land covered by Cesar Fortich Ranch "Kiantig" San Jose, Quezon,

Bukidnon', Memorandum from the Assistant Secretary of Field Operations-Mindanao of the Department of Environment and Natural Resources (DENR), 16 November 2016.

63 Global Witness interview with QUEMTRAS, 3 October 2017.

64 The NCIP referred to four parcels of land which were stolen by Manolo Fortich in 1921, including parcels operated by Kiantig (then Cesar Fortich ranch) and Montalvan Ranch.

'Resolution En Banc No. 155-2012-AD', National Commission on Indigenous Peoples, p.10, 12 July 2012.

65 'Resolution En Banc No. 155-2012-AD', National Commission on Indigenous Peoples, p.10, 12 July 2012.

66 QUEMTRAS, the Manobo Pulangi-on Tribe in Quezon, claims officials from the Department of Environment and Natural Resources (DENR) are receiving bribes from foreign investors operating in 900 hectares of their ancestral land which is currently being used by Kiantig.

'Request of the Manobo Pulangi-on Tribe Quezon Bukidnon for Investigation of the Ancestral Land covered by Cesar Fortich Ranch "Kiantig" San Jose, Quezon, Bukidnon', Memorandum from the Assistant Secretary of Field Operations-Mindanao of the Department of Environment and Natural Resources (DENR), 16 November 2016.

67 Del Monte Philippines Incorporation response to Global Witness enquiry, 17 May 2019.

68 Global Witness interview with QUEMTRAS, 3 October 2017.

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72 'Forest Land Grazing Lease Agreement No. 122', Department of Environment and Natural Resources Diliman, Quezon City, 2 February 1994;

Del Monte Philippines Incorporation response to Global Witness enquiry, 17 May 2019.

73 'Feature: Recovering ancestral lands – soon a reality' Philippine Information Agency, 26 February 2019, <https://pia.gov.ph/news/articles/1018798> (accessed: 17 July 2019).

74 Based on official customs data from the Philippines government.

75 Dole Philippines is owned by Dole Asia Holdings Pte. Ltd.

For more information on Dole see:

'Dole Philippines Inc. Financial Statement – independent auditors' report', Security and Exchange Commission, 20 May 2016;

'Dole Philippines Inc. General Information sheet', Security and Exchange Commission, 27 May 2016;

'Our Company Our Story', Dole Asia, <https://www.doleasia.com/our-company/our-story> (accessed: 7 February 2019);

'Dole', Food Industry Asia, <https://foodindustry.asia/site/fiaa/templates/general.aspx?pageid=901&cc=gb> (accessed: 7 February 2019);

Dole Asia Holdings Pte. Ltd. is wholly owned by the Japanese Itochu Corporation.

For more information on Itochu Corporation:

'Our Company, Our Story', Dole Asia, <https://www.doleasia.com/our-company/our-story> (accessed: 18 June 2019);

'Major Subsidiaries and Associated Companies', Annual Report 2018 for the Itochu Corporation, p.2, https://www.itochu.co.jp/en/files/ar2018E_12.pdf (accessed: 18 June 2019);

Itochu set up Dole International Holdings (23 October 2012) prior to acquiring Dole Asia (which now sits under Dole International Holdings). Japan's Itochu has investment from – among others – the Japanese Development Bank, US investment bank JP Morgan Chase and CP Worldwide Investment Company from Hong Kong.

For more information on the purchase of Dole Food Company by the Itochu Corporation see:

'Acquisition of Asian fresh produce business and worldwide packaged foods business of Dole, world's largest producer and marketer of fresh fruits and vegetables', Itochu Corporation, 25 December 2012, <https://www.itochu.co.jp/en/news/press/2012/1212251.html> (accessed: 18 June 2019);

Itochu Corporation Annual Report, 2018, <https://www.itochu.co.jp/en/files/ar2018E.pdf> (accessed: 18 June 2019).

For the investments and Itochu Corporation see:

'Notice of the 95th Ordinary General Meeting of Shareholders', Itochu Corporation, 30 May 2019, p. 41, https://www.itochu.co.jp/en/files/95_shoshu_eng.pdf (accessed: 18 June 2019);

'Notice of the 95th Ordinary General Meeting of Shareholders', Itochu Corporation, 30 May 2019, p. 42, https://www.itochu.co.jp/en/files/95_shoshu_eng.pdf (accessed: 18 June 2019);

'Notice of the 95th Ordinary General Meeting of Shareholders', Itochu Corporation, 30 May 2019, p. 42 https://www.itochu.co.jp/en/files/95_shosho_eng.pdf (accessed: 18 June 2019).

Hong Kong-based investment arm of the Thai Conglomerate Charoen Pokphand Group. According to its 2017 Annual Report, the CP Group and Itochu have a number of complex corporate entanglements – both invest in each other, sit of each other's boards and operate joint ventures.

'About CP', Charoen Pokphand Group, 2019, <http://www.cpgroupglobal.com/about> (accessed: 10 July 2019).

76 'Investigation Report Re-complaint of KADIMADC against the approved pasture lease permit of Mr. Romulo De Leon III, Philippine National Police of Impasugong Municipal Police Station', 20 July 2006;

'Field Base Investigation Report Re: Renewal De Leon Ranch', National Commission on Indigenous Peoples Region 10, 20 July 2004;

'Philippine gunmakers take aim at production line', Reuters, 29 July 2012, <https://www.reuters.com/article/us-philippines-guns/philippine-gun-makers-take-aim-from-the-backyard-to-the-production-line-idUSBRE86S00S20120729> (accessed: 8 February 2019);

'About Us', Shooter's Arms, 2018, www.shootersarms.com.ph/about-us (accessed: 10 July 2019);

Global Witness interview with KADIMADC, 2 October 2017.

77 Part of KADIMADT's ancestral land in Impasugong, Bukidnon is under lease by the De Leon ranch.

National Commission on Indigenous Peoples Region 10, Field Base Investigation Report Re: Renewal De Leon Ranch, 20 July 2004;

Global Witness interview with KADIMADC, 2 October 2017.

KADIMADT want this agreement (between themselves and De Leon ranch) cancelled as they claim it was made illegally through coercion by government officials and manipulation of the process to show supposed consent of the members of the community.

Philippine National Police of Impasugong Municipal Police Station, Investigation Report Re-complaint of KADIMADC against the approved pasture lease permit of Mr. Romulo De Leon III, articles 5, c, d, e and f, 20 July 2006;

Global Witness interview with KADIMADC, 2 October 2017.

KADIMADT claim that the agreement itself is illegal as it violates the Philippines law on Free, Prior and Informed Consent.

Republic of the Philippines Congress, The Indigenous Peoples' Rights Act of 1997 - Republic Act No. 8371, Section 59, 29 October 1997. Available from: <https://www.officialgazette.gov.ph/1997/10/29/republic-act-no-8371/> (accessed 8 February 2019).

Global Witness believe De Leon has been sub-leasing some of this land, since at least 2014, to the agribusiness giant Dole Philippines for a banana plantation. Global Witness has made repeated attempts to allow Dole Philippines to respond to this claim, but at the time of writing has still not received a response.

KADIMADT told Global Witness that Dole Philippines has been sub-leasing around 100 ha of their land from De Leon for banana plantations since at least 2014. Global Witness has seen a reference to a contract between De Leon and Dole Philippines from 2014.

KADIMADC letter to National Commission on Indigenous Peoples requesting their intercession to ensure Dole Philippines conduct an FPIC process, 4 July 2016;

Bernabe P. Eliang granting of Special Power of Attorney to Romulo T De Leon to enter into contract with Dole Philippines, 27 May 2014;

Global Witness interview with KADIMADC, 2 October 2017.

KADIMADT claim the lease between De Leon and Dole is illegal because of irregularities in the initial agreement for De Leon to use their land. They also assert that Dole ought to have sought their free, prior and informed consent for the land to be used for growing bananas.

KADIMADC letter to National Commission on Indigenous Peoples requesting their intercession to ensure Dole Philippines conduct an FPIC process, 4 July 2016;

Philippine National Police of Impasugong Municipal Police Station, Investigation Report Re-complaint of KADIMADC against the approved pasture lease permit of Mr. Romulo De Leon III, articles 5, c, d, e and f, 20 July 2006;

Global Witness interview with KADIMADC, 2 October 2017.

KADIMADC's claims would make the agreement illegal as it would violate the Philippines law on Free, Prior and Informed Consent.

Republic of the Philippines Congress, The Indigenous Peoples' Rights Act of 1997 - Republic Act No. 8371, Section 59, 29 October 1997. Available from: <https://www.officialgazette.gov.ph/1997/10/29/republic-act-no-8371/> (accessed 8 February 2019);

Under the original 1972 Pasture Lease Agreement (No. 3358) granted to Romulo De Leon III, articles 19a and 21, De Leon was not authorised to sub-lease the land, or use it for agricultural purposes. This expired and was subsequently renewed. It is unclear whether these articles were still valid at the time in which Dole Philippines entered into agreement with De Leon III.

Romulo De Leon III's Pasture Lease Agreement No. 3358, 1972;

Global Witness interview with KADIMADC, 2 October 2017;

78 Global Witness' report 'Enemies of the State? How governments and business intelligence defenders', refers to KADIMADT by its former name, Kitanglad Alihuton Danao Inalad Manigay Ancestral Domain Claimant (KADIMADC). We have subsequently updated its name to reflect the current status of their ancestral land claim.

'Investigation Report Re-complaint of KADIMADC against the approved pasture lease permit of Mr. Romulo De Leon III', Philippine National Police of Impasugong Municipal Police Station, 20 July 2006;

Global Witness interviews with source who worked on Task Force De Leon, October 2017 and February 2019;

79 For more information on the threat of imprisonment, see Philippine National Police of Impasugong Municipal Police Station:

'Investigation Report Re-complaint of KADIMADC against the approved pasture lease permit of Mr. Romulo De Leon III', articles 5, c, 20 July 2006;

It also stated that the official, together with a representative from the National Commission on Indigenous Peoples, forced them to sign an agreement at De Leon's lawyers' office, threatening not to reimburse their travel and food unless they did so.

See articles 5e and 5f, Ibid.

The taskforce, which included police, also identified possible crimes including "coercion, threats, falsification or swindling" back in 2006 relating to the approval of De Leon's current lease agreement to operate on KADIMADC's ancestral land.

'Philippine National Police of Impasugong Municipal Police Station, Investigation Report Re-complaint of KADIMADC against the approved pasture lease permit of Mr. Romulo De Leon III', article 12, 20 July 2006;

80 'Investigation Report Re-complaint of KADIMADC against the approved pasture lease permit of Mr. Romulo De Leon III', Philippine National Police of Impasugong Municipal Police Station, article 12, 20 July 2006.

81 'Fact Sheet on KADIMADC', Task Force Detainees of the Philippines, 6 October 2016;

Global Witness interview with KADIMADC, 2 October 2017.

82 'Fact Sheet on KADIMADC', Task Force Detainees of the Philippines, 6 October 2016.

83 'Fact Sheet on Arrest and Detention of Sandinao et al', Task Force Detainees of the Philippines, 6 October 2016;

'Warrant of Arrest Criminal Case 26344-15', Regional Trial Court Malaybalay City, 6 February 2015.

84 'Fact Sheet on Arrest and Detention of Sandinao et al', Task Force Detainees of the Philippines, 6 October 2016;

'Presidential Decree No 705: Revised Forestry Code of the Philippines', Section 68, Department of Environment and Natural Resources, <http://forestry.denr.gov.ph/pdf/pd705.pdf>

85 Global Witness interview with KADIMADC, 2 October 2017.

86 Regional Trial Court, Malaybalay City, Order for Demolition, 7 July 2017;

Global Witness interview with Datu Salagapon et al, 7 February 2019;

Global Witness interview with KADIMADC, 7 February 2019.

87 International law, guidance and practice protect the principle that all communities should be able to make free and informed choices about whether and how their land and natural resources are used and developed, with individuals having the right to say 'no' to business projects that affect their rights, their land or their environment.

'International Law on Free, Prior and Informed Consent' in 'Defenders of the Earth' Global Witness, July 2017, <https://www.globalwitness.org/en-gb/campaigns/environmental-activists/defenders-earth/> (accessed: 5 April 2019);

The 1987 Constitution of the Philippines establishes the state duties to encourage non-governmental, community-based, or sectoral organisations that promote the welfare of the nation (Article II- Section 23) and to facilitate by law the establishment of adequate consultation mechanisms (Article XIII Section 16), as well as the right of the people and their organisations to effective and reasonable participation at all levels of social, political, and economic decision-making (Article XIII Section 16).

'The 1987 Constitution of the Republic of the Philippines', Republic of the Philippines, 1987, <https://www.officialgazette.gov.ph/constitutions/1987-constitution/> (accessed: 4 April 2019);

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'Republic Act No: 8371: The Indigenous People's Rights Act, 1997', Republic of the Philippines, 1997, <http://extwprlegs1.fao.org/docs/pdf/phi13930.pdf> (accessed: 9 April 2019)

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'About the Philippines', Philippine History, 12 January 2019, <http://www.philippine-history.org/about-philippines.htm> (accessed: 10 July 2019).

89 'Republic Act No. 8371: The Indigenous People's Rights Act, 1997', Republic of the Philippines, 1997, <http://extwprlegs1.fao.org/docs/pdf/phi13930.pdf> (accessed: 9 April 2019).

90 Section 59 of the IPRA law states that "no certification shall be issued by the NCIP without the free and prior informed and written consent of ICCs/IPs concerned". Under the IPRA, Free and Prior Informed Consent (FPIC) is defined as: "The consensus of all members of the ICC (Indigenous Cultural Communities) or IPs which is determined in accordance with their respective customary laws and practices that is free from any external manipulation, interference and coercion and obtained after fully disclosing the intent and scope of the plan/program/project/activity, in a language and process understandable to the community. The FPIC is given by the concerned ICCs/IPs upon the signing of the Memorandum of Agreement (MOA) containing the conditions/requirements, benefits as well as penalties of agreeing parties as basis for the consent."

'Republic Act No. 8371: The Indigenous People's Rights Act, 1997', Republic of the Philippines, 1997, <http://extwprlegs1.fao.org/docs/pdf/phi13930.pdf> (accessed: 9 April 2019);

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92 'Assessing Free and Prior Informed Consent (FPIC) implementation in the Philippines; Climate-relevant Modernization of Forest Policy and Piloting of REDD in the Philippines', Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, April 2013, <https://www.giz.de/en/downloads/giz2013-en-assessing-free-and-prior-informed-consent-fpic-philippen.pdf> (accessed: 5 April 2019).

93 Some of the irregularities and abuses documented in the report included: "FPIC proper is conducted outside the community, limiting community participation and is oftentimes a premeditated design to exclude those who are perceived to be opposed to the project. Other noted violations are on: questionable selection and

validation of leaders; management of funds by applicants; transfer of Certification Precondition without FPIC; and absence of consensus-building or the freedom period is not followed"; "signing conducted outside the NCIP provincial office; lack of qualification and/or validation of signatories; lack of knowledge of what was being signed/forgery; absence of NCIP officials during signing; the MOA was not presented to the community before signing; and the MOA does not reflect the true intention of parties"; "There are nine case reports that revealed that proponents already started their operations before seeking the consent of the communities, and there are cases where no FPIC was conducted."

'Assessing Free and Prior Informed Consent (FPIC) implementation in the Philippines; Climate-relevant Modernization of Forest Policy and Piloting of REDD in the Philippines', Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, April 2013, <https://www.giz.de/en/downloads/giz2013-en-assessing-free-and-prior-informed-consent-fpic-philippen.pdf> (accessed: 5 April 2019).

94 'Assessing Free and Prior Informed Consent (FPIC) implementation in the Philippines; Climate-relevant Modernization of Forest Policy and Piloting of REDD in the Philippines', Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, April 2013, <https://www.giz.de/en/downloads/giz2013-en-assessing-free-and-prior-informed-consent-fpic-philippen.pdf> (accessed: 5 April 2019).

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See mining case study, page 32

97 Global Witness interview with Ferdie Cerna;

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98 Global Witness interview with local NCIP official in Mindanao.

Independent, in-depth assessment of the FPIC and MOA processes around four specific mining projects in Mindanao, commissioned by a Filipino NGO and shared privately with Global Witness.

99 Independent, in-depth assessment of the FPIC and MOA processes around four specific mining projects in Mindanao, commissioned by a Filipino NGO and shared privately with Global Witness.

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100 See case study 1 on agribusiness in Bukidnon

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106 Ruben Arzaga was barangay captain (village head) of Villa Libertad and chair of the Law Enforcement Committee of the Protected Area Management Board El Nido-Taytay Managed Resource Area. He was also a member of the Palawan NGO Network Inc.

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107 As well as Ruben Arzaga the following PNNI enforcers have been killed: Edgardo Pulilan, Alberto Santiago, Roger Majim, Ruben Tingkatan, Camlon Rantacan Sr., Camlon Rantacan, Jr., Ruel Ansino, Narlito Lahiden, Merlita Mondragon, Nestor Lubas and Tinde Salamat.

Interview with PNNI by Global Witness, 28 September 2017.

108 Interview with PNNI by Global Witness, 14 February 2019.

109 Governor Jose Alvarez declared assets worth 6,674,797,600 pesos (US\$127 million) and declared numerous business interests including owning 24 real estate assets in Palawan as well as Palawan Whitebeach Exchange Corp and Palawan Hotel Corporation. Maria Carmela “Pie” Alvarez, Jose Alvarez’s daughter has held stock in the luxury hotel resort Club Agutaya Inc since 2007, in the municipality of San Vicente. Antonio C. Alvarez, Jose Alvarez’s brother is also the majority shareholder in Narayane Corp.

‘Sworn Statement of Assets, Liabilities and Net Worth for Jose Alvarez’, 31 December 2017, pp. 3, 6-7;

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111 As of 31 December 2017, Governor Jose Alvarez declared assets worth 6,674,797,600 pesos (US\$131 million) and declared numerous business interests, including owning 24 real estate assets in Palawan including Palawan Whitebeach Exchange Corp and Palawan Hotel Corporation. Palawan Whitebeach Exchange Corp is listed as a real estate company with 60 per cent stock owned by Alvarez while Palawan Hotel Corporation is listed as a hotel owned by Duraworks Holdings Corporation of which Jose Alvarez owns a 99.9 per cent stake.

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- Global Witness interviews with two local government sources, September 2017;
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- 132** Global Witness interviews with two local government sources, September 2017.
- 133** In the incident report by the El Nido Traffic Management Group, the hotel is listed as the Beach Shack. However, according to Beach Shack hotel owner Brigitte Bustamante, both her hotel and the Narayanee resort are being built on the same construction site. Global Witness confirmed this with an ocular visit to the site, which is owned by Alvarez's Narayanee Corp, according to a sign there. A government official confirmed that the lumber entered a gate leading to the construction site for the two hotels. Brigitte Bustamante also told Global Witness that Alvarez was formerly part-owner of the Beach Shack and that both her hotel and the Narayanee resort are using the same building contractors. A source close to the hotel project confirmed to government officials that illegal timber was being used in Alvarez's hotel construction.
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- 142** For more information on tourism boom and illegal logging:
- Global Witness interview with Nieves Rosento, Mayor of El Nido, 27 September 2017;
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182 'Final Investigation Report: Death of Jimmy Saypan', Commission on Human Rights, Davao City, 12 December 2016;

'Resolution: Jimmy Saypan, Case Number - XI-2016-0324', Commission on Human Rights, 16 December 2016;

'Special written report RE: Shooting incident victimising Jimmy Palmera Saypan', Montevista Municipal Police Station, Compostela Valley, 12 October 2016;

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'Anti-mining farmer dies in hospital after attack by riding-in-tandem', Davao Today, 11 October 2016, <http://davaotoday.com/main/human-rights/anti-mining-farmer-dies-in-hospital-after-attack-by-riding-in-tandem/> (accessed: 7 February 2019).

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185 Top Frontier Investments Holdings Inc. is a major conglomerate with interests in the mining, energy and beverage sectors.

It holds (according to the company's own documents) approximately 40% of the issued share capital of San Miguel Corporation, and 100% of Clariden Holdings Inc. San Miguel Corporation is a major Filipino group which produces the eponymous beer. Clariden Holdings Inc. reportedly owns 100% of Prima Lumina Gold Mining Corporation, which - as the company reports - is the assignee of the mine operated by AgPet, and subject of the complaints outlined in this report.

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'San Miguel stays on the right side of Philippines politics', Financial Times, 13 June 2016, <https://www.ft.com/content/a965f20e-3154-11e6-bda0-04585c31b153> (accessed: 17 July 2019).

187 CFA members' interview with Global Witness (Interview 1), 5 March 2017;

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'Letter to Mayor Uma Dole: Petition letter of resident farmers who are victims of typhoon Pablo', Compostela Farmers Association, 14 April 2015;

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188 'Declaration of stand by CFA's leaders', Compostela Farmers Association, (Unknown date);

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189 'Declaration of stand by CFA's leaders', Compostela Farmers Association, (Unknown date);

'Agreement with officers of Barangay council of the Municipality of Compostela', Compostela Farmers Association, 28 April 2015;

'Farmers put-up camp to halt mining exploration in Compostela Valley', Davao Today, 20 June 2015, <http://davaotoday.com/main/environment/farmers-put-up-camp-to-halt-mining-exploration-in-compostela-valley/> (accessed: 17 March 2019);

'Farmers and small-scale miners barricade against the Agusan Petroleum and Minerals Corporation', Youtube: Jay Gomez, 29 April 2015, <https://www.youtube.com/watch?v=CLvjUfLpV4I> (accessed: 17 March 2019).

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CFA members' interview with Global Witness (Interview 1), 5 March 2017;

'Farmers put-up camp to halt mining exploration in Compostela Valley', Davao Today, 20 June 2015, <http://davaotoday.com/main/environment/farmers-put-up-camp-to-halt-mining-exploration-in-compostela-valley/> (accessed: 17 March 2019).

191 In 2010 Candido had entered into a Memorandum of Agreement (MOA), required by law to carry out mining exploration activities, with Kaimunan Lumad sang Compostela (KLC) - the administrative arm managing the land of the Mandaya Tribe. The MOA covers indigenous land across the following areas: Barangay Ngan, Barangay Panansalan and Barangay Managayon, covering a total area of 9,997.53 ha. The MOA agreement is 'co-terminus' with the mining company's obtainment of an exploration permit. Some CFA members also belong to the same indigenous group. CFA told Global Witness that Candido sold the MOA to AgPet in 2011. According to a local government resolution it was run as a joint venture between AgPet and Candido from 2011.

'Memorandum of Agreement', Candido Marilou and Sons, Mandaya Tribe and National Commission of Indigenous Peoples, 23 June 2010;

CFA members' interview with Global Witness (Interview 2), 5 March 2017;

'Agusan Petroleum: Threat to the people and the environment', Compostela Farmers Association, December 2015;

'Excerpt from the minutes of the executive-legislative conference held at the office of the municipal mayor at 6:00pm', Municipality of Compostela, 28 April 2015.

192 CFA members told Global Witness, that they were opposed to numerous extractive sector projects before AgPet began its operation in the area, and that they had fought for years to reclaim and occupy the land. They were "shocked" to discover that after the Mandaya indigenous peoples were granted their ancestral land by the Philippines government, parts of it had begun to be sold off to mining companies without consultation among the wider indigenous community – which includes indigenous members of the CFA who had been campaigning for years to save their land.

CFA members' interview with Global Witness (Interview 1), 5 March 2017.

193 'The Constitution of the Republic of the Philippines, Role and Rights of People's Organizations, Section 16', Official Gazette, 1987, <https://www.officialgazette.gov.ph/constitutions/1987-constitution/> (accessed: 6 August 2019),

194 'Republic Act No. 8371: The Indigenous People's Rights Act, 1997', Chapter IV, Republic of the Philippines, 1997, <http://extwprlegs1.fao.org/docs/pdf/phi13930.pdf> (accessed: 9 April 2019).

195 'The Revised Guidelines on free and Prior informed consent (FPIC) and related processes of 2012', <https://ncip12.files.wordpress.com/2012/07/the-revised-guidelines-on-free-and-prior-informed-consent-fpic-and-related-processes-of-2012.pdf> (accessed: 12 August 2019);

196 An NCIP official told Global Witness that whilst working at the NCIP as the regional coordinator, CMS was told that legally the NCIP had to be informed about a 'new partnership', and that it should be presented to the indigenous claimant. The official also confirmed that AgPet are liable for 'all the terms and conditions signed by Candido in the original agreement', and that they 'had not seen that document' in the AgPet case.

Global Witness interview with local NCIP official in Mindanao, 7 March 2017;

197 "Section 25. Transfer or Assignment. - An exploration permit may be transferred or assigned to a qualified person subject to the approval of the Secretary upon the recommendation of the Director." 'Republic Act No. 7942: an Act instituting a new system of mineral resources exploration, development, utilization and conservation' 1995, https://www.lawphil.net/statutes/repacts/ra1995/ra_7942_1995.html (accessed: 28 August 2019).

198 'Republic Act No. 8371: The Indigenous People's Rights Act, 1997', Chapter IV, Republic of the Philippines, 1997, <http://extwprlegs1.fao.org/docs/pdf/phi13930.pdf> (accessed: 9 April 2019);

'International Law on Free, Prior and Informed Consent' in 'Defenders of the Earth', Global Witness, July 2017, <https://www.globalwitness.org/en-gb/campaigns/environmental-activists/defenders-earth/> (accessed: 5 April 2019);

199 'Republic Act No. 7942: Philippines Mining Act 1995', Republic of the Philippines, 1995;

'House Bill No. 2633. An Act to regulate the rational exploration, development and utilization of mineral resources, and to ensure the equitable sharing of benefits for the State, Indigenous People and Local Communities, and for other purposes', Sec. 63, House of Representatives Republic of the Philippines, 8 August 2016, http://www.congress.gov.ph/legisdocs/basic_17/HB02633.pdf (accessed: 16 April 2019);

200 'Mining Tenements Statistics Report for Month of February 2019: Mineral Production Sharing Agreement (MPSA)', Mines and Geosciences Bureau Regional Office No. 11, http://mgb.gov.ph/attachments/article/51/R11_MTSR_FEB_2019.pdf (accessed: 17 March 2019).

201 'Letter to Mayor Uma Dole: Petition letter of resident farmers who are victims of typhoon Pablo', Compostela Farmers Association, 14 April 2015.

202 Letter to Mayor Uma Dole: Petition letter of resident farmers who are victims of typhoon Pablo, Compostela Farmers Association, 14 April 2015;

'Declaration of stand by CFA's leaders', Compostela Farmers Association, (Unknown date);

'A Resolution Respectfully reiterating immediate action from the Minerals and Geoscience Bureau, Central office Manila on the executive legislative Resolution No 01; Series of 2015', Municipal Resolution No: 2015-3581, Tanggapan Ng Sangguniang Bayan, 10 July 2015.

203 According to Minerals and Geoscience Bureau records, between April 2013 and July 2014 AgPet's Exploration Permits had lapsed. Both of AgPet's permits were renewed after CFA had begun an active campaign opposing AgPet's operation, without fresh consultations being conducted by the company or the government.

'Excerpt from the minutes of the executive-legislative conference held at the office of the municipal mayor at 6:00pm', Municipality of Compostela, 28 April 2015;

'Excerpt from the minutes of the 6th Regular Session of the Sangguniang Barangay of Ngan', Municipality of Compostela, Compostela Valley, 20 March 2015;

'Order: Dismissing resolution No 1. Series of 2015, a resolution prepared by the executive-legislative body of Compostela, Compostela Valley Province requesting the cancellation of the Exploration Permits (EP: No: 00001-2011-XI and EP EP-00002-2011-XI) of Agusan Petroleum and Mineral Corporation', Mines and Geosciences Bureau, 13 May 2015;

'Complete list of existing exploration permits: as of May 2015', Department of Environment and Natural Resources, Mines and Geoscience Bureau, Mining Tenements Management Division, 31 May 2015.

204 'Memorandum of Agreement', Candido Marilou and Sons (CMS), Mandaya Tribe and National Commission of Indigenous Peoples (NCIP), 23 June 2010;

205 'Republic Act No. 7160: an Act providing for a Local Government Code of 1991', Republic of the Philippines, 1991, https://www.lawphil.net/statutes/repacts/ra1991/ra_7160_1991.html (accessed: 28 August 2019).

206 'Declaration of stand by CFA's leaders', Compostela Farmers Association, (Unknown date);

'Excerpt from the minutes of the 6th Regular Session of the Sangguniang Barangay of Ngan', Municipality of Compostela, Compostela Valley, 20 March 2015.

207 This occurred in an Executive – Legislative Conference held by the Municipal Mayor of Compostela on 28 April 2015. The letter describes the communities' "vehement objection to AgPet, its continued presence, and opposition to AgPet's exploration, has been made manifest in petition and peaceful appearances before the Sangguniang Pambarangay of Barangay Ngan, the Sangguniang Bayan of Compostela, and before the Sangguniang Panlalawigan of Compostela Valley". Community opposition to the project was deemed widespread enough that the Municipal Council "joins the immutable outcry of the people" and "strongly supports the petition of CFA for AgPet to discontinue its exploration activity in upper Ngan and in Cumbudlot".

'Excerpt from the minutes of the executive-legislative conference held at the office of the municipal mayor at 6:00pm', Municipality of Compostela, 28 April 2015;

'A resolution respectfully reiterating immediate action from the Minerals and Geoscience Bureau, Central office Manila on the executive legislative Resolution No 01; Series of 2015', Municipal Resolution No: 2015-3581, Tanggapan Ng Sangguniang Bayan, 10 July 2015.

208 'Order: Dismissing resolution No 1. Series of 2015, a resolution prepared by the executive-legislative body of Compostela, Compostela Valley Province requesting for the cancellation of the Exploration Permits (EP: No: 00001-2011-XI and EP EP-00002-2011-XI) of Agusan Petroleum and Mineral Corporation', Mines and Geosciences Bureau (MGB), 13 May 2015.

209 'Mining Tenements Statistics Report for Month of February 2019: Mineral Production Sharing Agreement (MPSA)', Mines and Geosciences Bureau Regional Office No. 11, http://mgb.gov.ph/attachments/article/51/R11_MTSR_FEB_2019.pdf (accessed: 17 March 2019).

210 'Mining Tenements Statistics Report for Month of February 2019: Mineral Production Sharing Agreement (MPSA)', Mines and Geosciences Bureau Regional Office No. 11, http://mgb.gov.ph/attachments/article/51/R11_MTSR_FEB_2019.pdf (accessed: 17 March 2019);

'Mining Tenements Statistics Report for Month of 30 November 2014: Mineral Production Sharing Agreement (MPSA)', Mines and Geosciences Bureau, 2014.

211 Records published in 2019 by the Mines and Geoscience Bureau show that AgPet had held two exploration permits covering over 12,000 ha in total – this is over 2400 ha more than was first issued in its MOA with indigenous communities. An additional Mines and Geoscience Bureau list shows that in February 2019, AgPet were waiting for the renewal of their permits covering a total of 8,411.92 ha across the areas of Compostela and New Bataan. Both of AgPet's exploration permits were renewed on the 15 July 2014, and both expired in July 2016.

Global Witness has obtained an official memorandum from staff at the Department of Environment and Natural Resources, directed to the heads of government bureaus including the Mines and Geoscience Bureau, which acknowledges the expired status of AgPet's exploration permits in 2016. Global Witness has also obtained the first renewal request AgPet submitted to the Mines and Geoscience Bureau in 2014; in this request, the Mines and Geoscience Bureau clearly states that the 'Resolution from all the Sanggunian [local barangay officials]' is 'pertinent to the renewal to applications'.

'2019 Exploration Permits', Department of Environment and Natural Resources, Mines and Geoscience Bureaus, Mining and Tenements Management Division, 28 February 2019;

'Mining Tenements Statistics Report for Month of February 2019: Mineral Production Sharing Agreement (MPSA)', Mines and Geosciences Bureau Regional Office No. 11, http://mgb.gov.ph/attachments/article/51/R11_MTSR_FEB_2019.pdf (accessed: 17 March 2019);

Memorandum of Agreement, Candido Marilou and Sons (CMS), Mandaya Tribe and National Commission of Indigenous Peoples (NCIP), 23 June 2010;

'Excerpt from the minutes of the executive-legislative conference held at the office of the municipal mayor at 6:00pm', Municipality of Compostela, 28 April 2015;

'Memorandum: RE: Complaint of Compostela Farmers Association against Agusan

- Petroleum and Mineral Corporation (AgPet); Department of Mines and Geoscience Bureau, Department of Environment and Natural Resources, 23 January 2017;
- CFA members' interview with Global Witness, 5 March 2017 (1);
- 'Application for 1st renewal of Exploration Permit of Agusan Petroleum and Mineral Corporation denominated as EP-000001-11-XI and EP-000002-11-XI located in Compostela Valley and Davao Oriental' Mines and Geosciences Bureau, 15 May 2014.
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- CFA members' interview with Global Witness, 5 March 2017 (1);
- Global Witness interview with CFA Chairperson Noli Villanueva, 11 February 2019.
- 213** CFA claims that many of these fraudulent signatures are the names of people who later signed their 2014 petition to stop the renewal of AgPet's permit.
- CFA Interview with Global Witness, 2017 (1).
- 214** Letter to Mayor Bolo regarding Agusan Petroleum and Mineral Corporation, Mines and Geosciences Bureau, 14 May 2015;
- 'Order: Dismissing resolution No 1. Series of 2015, a resolution prepared by the executive-legislative body of Compostela, Compostela Valley Province requesting the cancellation of the Exploration Permits (EP: No: 00001-2011-XI and EP EP-00002-2011-XI) of Agusan Petroleum and Mineral Corporation', Mines and Geosciences Bureau (MGB), 13 May 2015.
- 215** Global Witness interview with CFA Chairperson Noli Villanueva, 11 February 2019;
- Global Witness interview with member of Magsasaka at Siyentipiko para sa Pag-unlad ng Agrikultura (MASIPAG), 2019.
- 216** 'Resolution: Death of Jimmy Saypan', Commission on Human Rights, Davao City, 16 December 2016.
- 217** 'Extract of Blotter: Nestor Lazarte Bation and Jimmy Palmera Saypan, No: 6035523', National Police Commission, Compostela Municipal Police station, 30 June 2015.
- 218** 'Extract of Blotter: Sabelio B Tindasan, No: 6035524', National Police Commission, Compostela Municipal Police station, 30 June 2015.
- 219** 'Resolution: Death of Jimmy Saypan', Commission on Human Rights, Davao City, 16 December 2016;
- 'Final Investigation Report: Death of Jimmy Saypan', Commission on Human Rights, Davao City, 12 December 2016.
- 220** Global Witness interview with CFA members, 5 March 2017.
- 221** 'Resolution: Death of Jimmy Saypan', Commission on Human Rights, 16 December 2016;
- Letter to Mayor Uma Dole: Petition letter of resident farmers who are victims of typhoon Pablo, Compostela Farmers Association, 14 April 2015.
- 'Extract of Blotter: Sabelio B Tindasan, No: 6035524', National Police Commission, Compostela Municipal Police Station, 22 June 2015;
- 'Extract of Blotter: Sabelio B Tindasan, No: 6348903', National Police Commission, Compostela Municipal Police Station, 24 November 2015;
- 'Extract of Blotter: Nestor Lazarte Bation and Jimmy Palmera Saypan, No: 6035523', National Police Commission, Compostela Municipal Police station, 30 June 2015.
- 222** Teresita Navacilla January 2016, Jimmy Saypan October 2016, Jennifer Albacete February 2016, Pedro Pandagay March 2017, Ramon and Leonela Tapdasan Pesadillas April 2017, Rodrigo Timoteo November 2017, Jenni-Rose Porras December 2017.
- 'Case History: Teresita Navacilla', Frontline Defenders, <https://www.frontlinedefenders.org/en/case/case-history-teresita-navacilla>, (accessed: 5 September 2019);
- 'Compostela Valley woman leader dies from gunshot wounds', Bulatlat, 20 January 2016, <https://www.bulatlat.com/2016/01/30/compostela-valley-woman-leader-dies-from-gunshot-wounds/> (accessed: 5 September 2019);
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- 'Resolution: Death of Jimmy Saypan', Commission on Human Rights, Davao City, 16 December 2016;
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- 'Bloody pre-valentine, three killed in Compostela Valley', 11 February 2016, <http://bulatlat.com/main/2016/02/11/bloody-pre-valentine-3-activists-killed-in-compostela-valley/> (accessed: 5 September 2019);
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- 'Hustisya! Kin mourn slain farmer-activist', Politiko Mindanao, 28 May 2017, <https://mindanao.politics.com.ph/hustisya-kin-mourn-slain-farmer-activist/> (accessed: 5 September 2019);
- 'Ramon Dagaas Pesadilla', Business and Human Rights Resource Centre, <https://www.business-humanrights.org/en/ramon-dagaas-pesadilla-leonela-tapdasan-pesadilla> (accessed: 5 September 2019);
- 'Farmer-couple shot dead in Compostela', 3 March 2017, <http://davaotoday.com/main/human-rights/farmer-couple-shot-dead-in-compostela/> (accessed: 5 September 2019);
- CFA members' interview with Global Witness, 5 March 2017 (2);
- 'Duterte's Mindanao a red spot on rights group's map', Inquirer.Net, 30 December 2017, <https://newsinfo.inquirer.net/956138/dutertes-mindanao-a-red-spot-on-rights-groups-map> (accessed: 10 July 2019);
- 'Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the right to food; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the rights of indigenous peoples and the Special Rapporteur on violence against women, its causes and consequences', United Nations, 13 December 2018, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24187> (accessed: 5 September 2019);
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- 223** 'Extract of Blotter: Nestor Lazarte Bation and Jimmy Palmera Saypan, No: 6035523', National Police Commission, Compostela Municipal Police station, 30 June 2015.
- 224** 'They took on the Philippines' powerful mining interests and are paying with their lives', World Politics Review, 16 October 2018, <https://www.worldpoliticsreview.com/articles/26441/they-took-on-the-philippines-powerful-mining-interests-and-are-paying-with-their-lives> (accessed: 9 May 2019);
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- 225** Global Witness interview with imprisoned CFA members, 8 March 2018.
- 226** Ibid.
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- 236** 'Mining tenements control map', Mines and Geoscience Bureau Region XI, 20 June 2019.
- 237** '#11 Inigo and Mercedes Zobel', Forbes, 2019, <https://www.forbes.com/profile/inigo-mercedes-zobel/#581d059d58b9> (accessed: 11 June 2019);

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- 238** Republic Act No. 7942: Philippines Mining Act 1995', Republic of the Philippines, 1995.
- 239** 'House Bill No. 2633. An Act to regulate the rational exploration, development and utilization of mineral resources, and to ensure the equitable sharing of benefits for the State, Indigenous People and Local Communities, and for other purposes', House of Representatives Republic of the Philippines, 8 August 2016, http://www.congress.gov.ph/legisdocs/basic_17/HB02633.pdf (accessed: 16 April 2019).
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In its summary report, the EMED stated that both of Seafront's samples 'passed' the Philippines testing standard, and registered under the standard 300 ug/Ncm (normal cubic meter) levels set by the Philippines government. Seafront's test results are two times the recommended amount for 'coarse' PM and four times the recommended levels of 'fine' PM, according to the World Health Organization's 2005 guidelines. The TSP testing completed by the EMED at Seafront did not identify exposure across the PM index. The TSP testing completed by the EMED did not meet World Health Organization standards for testing, which indicate testing periods 24 hour mean or annual mean. The test time for both samples taken at Seafront's premises was over a one-hour period.

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277 According to the testimony of Gloria's colleagues and family, Gloria and other SNML members met with Carlo Ignacio – at his request – at the offices of the local barangay official, Jesselyn Empeno. During the meeting, she insisted that Seafront address SNML's concerns about their coal-storage unit. She also says that Ignacio asked to speak to her alone; Gloria refused his request and stopped others from leaving the room at which point, she told colleagues, Ignacio threatened her, asking: "What if your eyes close?" Gloria understood the Tagalog phrase to be a threat and says she responded accordingly: "E,pag pikit na mata ko, patay na ako" – "If my eyes close, that means I am dead!"

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278 Gloria told colleagues that she was visited at her home on several occasions by Geracel Nimer, an employee of Seafront, who offered bribes in the form of medical assistance for Gloria's family members, and assistance in securing land titles for Gloria's residence. All of these offers were declined by Gloria, and were understood to be bribes offered in exchange for SNML stopping its campaign.

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282 For rebuttal against the results of the 'Ambient Air Quality Analysis' test conducted by the Environmental Monitoring and Enforcement Division (EMED) on Seafront's premises (see endnote 273).

A month later, the Barangay council took a different view, signing an order recognising Seafront's operation as compliant with environmental regulations. The council rejected SNML's arguments and ruled in favour of Seafront. The council argued that Gloria Capitan had been "proven wrong" over her complaints of excessive pollution from the coal-storage unit, and that the air samples passed the Philippines limits for levels of total suspended particulate (TSP) testing. The results do not meet the World Health Organization's recommended limits (see endnote vii). The council failed to address problems observed by the Environmental Management Bureau (EMB) official regarding dust emissions from Seafront's coal facility and ignored additional concerns raised in the EMB report that highlighted that Seafront's operation was "still causing dust nuisance to nearby residents". The council also dismissed anomalies around Seafront's Environmental Compliance Certificates (ECC), arguing that at the time of the council vote, Seafront had applied for an extension of its existing ECC to cover its coal-storage operation. The council openly acknowledged that Seafront was operating its coal stockpile under the ECC of separate company Limay Bulk Handling. The motion to recognise Seafront's operation passed with a

majority vote. Gloria's husband, Efren Capitan, sits on the council board and did not sign the motion.

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283 A Resolution recognizing the operation of Seafront Shipyard and Port Terminal Services Corp. as DENR Environmental Rule Complaint: Resolution No 07: Series 2015, Excerpts from the special session of the Sangguniang Barangay, Sangguniang Barangay, 24 August 2015.

284 Environmental Compliance Certificate: Limay Bulk Handling Terminal Inc. for Open Coal Storage Facility, R3-0801-081-7200', Environmental Management Bureau, 3 February 2008;

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285 The coordinates listed on Limay's ECC permit covers a 5704m² site in Townsite, over a mile away from Seafront's registered operation.

'Environmental Compliance Certificate: Limay Bulk Handling Terminal Inc. for Open Coal Storage Facility, R3-0801-081-7200', Environmental Management Bureau, 3 February 2008.

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ture projects and other gainful economic activities in addition to petrochemical and related industries, amending for the purpose Presidential decree no: 949; Official Gazette, 17 April 2013, <https://www.officialgazette.gov.ph/2013/04/17/republic-act-no-10516/> (accessed: 24 February 2019);

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352 Marlea Muñoz estimates that "more than 50 per cent" of NCIP officials are corrupt.

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353 As well as the examples documented below, there have been other, similar accusations against the NCIP. In the framework of the UN Universal Periodic Review process, Katribu (a national indigenous peoples' alliance) denounced the NCIP as having served the interests of corporations and operations of the military, exacerbating the violation of indigenous peoples' rights and sowing disunity among indigenous peoples. According to Katribu, the NCIP has facilitated a fraudulent FPIC process, involving offering bribes to participants and the 'creation' of tribes that did not previously exist to negotiate with the companies. Katribu also accuses the NCIP of participating in the recruitment of indigenous peoples into paramilitary groups.

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As demonstrated by the case of murdered defender Renato Anglao documented in this report, the NCIP failed to mitigate the impact of a belated approval of an ancestral domain certification for an indigenous group which later split in two when one part opted to sign a deal with rancher and local official Pablo Lorenzo. This led to conflicts within the indigenous tribe and with other actors, which have seen community members threatened and attacked, as well as Anglao murdered. See case study 1.

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