Statement on the 20th Year of the Mining Act of 1995

Indigenous peoples, for many generations, lived in lands rich with natural resources. Many of the mountains they occupied and nurtured are rich in mineral resources that when extracted and used properly, can develop communities and the whole nation. Primarily, the land where indigenous peoples live are used for food production. They employed various forms of producing food for families, tribes and communities. From the primitive and nature-dependent hunting and gathering, slash and burn or “kaingin” faring, producing rice in terraces in mountains up to more modern ways of agriculture. The ancestral lands provided food and dwelling places for indigenous peoples and their communities but this was due to the indigenous practices of natural resource management, protection and defense of land in the spirit of stewardship, collective ownership and ensuring heritage for the next generation.

However, the government, from the colonial times to the present Philippine Republic, systematically marginalized indigenous peoples and their traditional practices in food production, natural resource management and taking care of the land, rivers, mountains and forests. Through the institutionalization of titles as ultimate proof of ownership and control of lands, they deprived indigenous peoples of rightful ownership and control over ancestral domains. Almost all lands in wide plains and valleys were titled and appropriated by powerful landlords who still rule the countryside at present. Indigenous peoples lands, especially those situated in mountainous areas in the Philippines were considered as public lands and at the disposal of the state where it deems the land can be most productive for the national economy. This was also done in the spirit of the antiquated Regalian Doctrine, which even the 1987 Constitution, did not deem obsolete.

20 years ago, on March 3 1995, a piece of legislation was signed into law that will put indigenous peoples in worse situation of land dispossession, displacement, food insecurity and poverty. The Republic Act 7942 or the Philippine Mining Act of 1995, opened up the Philippines’ mineral-rich lands to local and foreign mining companies. A large portion of these “offered” lands are indigenous peoples’ territories and ancestral domains. A company can exploit clear portions of the lands which are found out to have abundant and high grade minerals and can clear trees, houses and people in doing so. They also have the right to utilize parts of rivers and other bodies of water for their operations and for dumping of their wastes. Worse, even foreign corporations, through a Financial and Technical Assistance Agreement, can own completely up to 80,000 hectares of mineral land for 25 years. In the implementation of this law, the government willingly sacrificed indigenous peoples’ livelihoods and lives, deprived them of their right to land and self-determined development, in the guise of revitalizing and improving crisis-ridden economy.
In the 20 years of the existence of the Philippine Mining Act, the promised national economic gains and betterment of the lives of indigenous peoples and the Filipino people was not achieved. How can this happen when companies are provided for tax holidays in their first five years of operation, when taxes to be collected are merely up to 2% of the huge profits of mining companies and when the damage done by large and mostly foreign mining corporations can deem mountains dead and can serve no purpose in the preservation of plant and animal life putting indigenous peoples and the Filipino people in severe situations of food insecurity for decades and centuries to come?

In more concrete terms, indigenous peoples in different parts of the country, who were unwilling hosts of mining companies, suffer from disasters and even death of their community leaders and members. One of the recent examples of disasters brought about by large scale mining operations is the “tailings storage facility of the Philex Mining Corporation where 20 million tons of mine wastes were spilt in the Agno and Bued Rivers, which sustained lives of the Ibaloi in Benguet and farmers in Pangasinan. The company, after a mere payment of a certain fine, is now again in full operation.

Opposition to large scale mining and the continued implementation RA 7942 is met by full force and brutality of mining companies and state security agents. Units of the Armed Forces of the Philippines, paramilitary groups, and company private security are there to fully secure the interests of mining companies wherever they are situated. Most of the extra judicial killings committed against indigenous peoples were due to the victims’ leadership and membership in organizations and communities known for their staunch opposition to large mining operations. The brutal Capion massacre in Bong Mal in Mindanao, the Ligiw massacre in Abra, the death of Jimmy Liguyon in Bukidnon, and many other of the more than 50 victims of extrajudicial killings under the Aquino administration are examples of such.

The Aquino government and its agencies such as the National Commission on Indigenous Peoples (NCIP), are mum regarding the disasters and killings that happened due to large scale mining and the continued implementation of the Mining Act. This government still sticks to the logic that mining is a great contributor to the Philippine economy even though it is still oriented towards the export of raw and semi-processed minerals without a genuine national industry. There must be a stop to the wanton destruction of the environment, death and displacement of peoples and the deception and corruption that comes with the implementation of the current Mining Act.

The Philippine Task Force for Indigenous Peoples’ Rights are one with indigenous peoples’ organizations and other groups for the environment and Filipino people in the call to scrap and repeal the Mining Act of 1995. We also call the urgent passage of a new pro-Filipino, pro-indigenous peoples and pro-environment mining law which will re-orient and nationalize the Philippine mining industry and will employ the strictest environmental and human rights standards in mining operations.

Scrap the Mining Act of 1995!

Respect Indigenous Peoples Rights to their Ancestral Domain and Self-Determined Development towards the Attainment of Genuine Self Determination and Food Sovereignty! #