

Mining the WOMB of the Earth



Struggles of Indigenous Women against destructive mining



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ACKNOWLEDGEMENTS

Charlotte Hinterberger – Editor

Contributors:

1. Aliansi Masyarakat Adat Nusantara (AMAN), Indonesia
2. Cordillera Peoples Alliance (CPA), Philippines
3. Environmental Legal Assistance Center, Inc. (ELAC), Philippines
4. Philippine Task Force for Indigenous Peoples Rights (TFIP), Philippines
5. Haruethai Buakhiao, Laos PDR

Design and Layout: HRCPA Team

Publisher:

Asia Indigenous Peoples Pact (AIPP) Foundation

108 Moo 5, Tambon Sanpranate

Amphur Sansai, Chiang Mai 50210 THAILAND

Tel: 66 5338 0168 Fax: 66 5338 0752

Web: www.aippnet.org

Cover Photo Credits: Robie Halip, Rep. Teddy Baguilat

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Printed in Chiang Mai, Thailand by AIPP Printing Press

Mining the WOMB of the Earth: Struggles of Indigenous Women against destructive mining

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This publication is a collection of stories of struggle of some indigenous women in Asia who directly face the negative impacts of mining. These testimonies have been shared earlier in the following fora:

1. National Consultation Workshop on ASEAN Mechanisms, Corporate Social Responsibilities and Indigenous Peoples, Baguio City, Philippines, 13- 14 November 2010
2. National Consultation Workshop on ASEAN Mechanisms, Corporate Social Responsibilities and Indigenous Peoples, Jakarta, Indonesia, 16-17 November 2010
3. Southeast Asia Regional Consultation on Development, Access to Justice and the Human Rights of Indigenous Women, Chiang Mai, Thailand, 30 October – 2 November 2013

I. LAOS

1. Locating the case:

Laos, South-central Laos, Savannakhet Province, Vilabouly District: Ethnic minority women affected by the Sepon Gold and Copper Mining Project

2. Background to mining operations:

The copper-and-gold open-pit Sepon gold and copper mining project (Sepon mines) is one of the biggest industrial projects in Laos. It was originally operated by Oxiana Limited of Australia which became OZ Minerals in 2008.¹Sepon mines is a long-running business which commenced exploration in 1993 and production in 2003. Its revenue is the second highest in the country, after the export of electricity. The mining project is located in a mountainous area, covering 1,250 square kilometers of Vilabouly² District and centered in Sepon town at Savannakhet Province.

3. Impact of the mining operations on the community/women¹:



The Sepon mine project (photo credit: Haruethai Buakhiao)

Laos PDR is one of the most ethnically diverse countries in Southeast Asia. Various ethnic minorities, some of whom have very low populations call the mountainous areas of Laos PDR their home. They mostly depend on the forests, land and rivers for their sustenance, practicing rotational agriculture, gathering forest product and fishing the inland waters. The ethnic minority women are especially dependent on mountain rice production, forests and the rivers as their task is to provide for their family's daily food and maintaining the family welfare through their swiddens and forest food collection.

The large-scale Sepon mining project has tremendous impacts on the ethnic minority groups living in the area. Previously under the government's village clustering program, various ethnic minority groups were relocated from their original villages by merging them into priority zones or focal sites as a means of providing basic services to them, among other objectives. When the mines came, these peoples experienced another round of relocation. Altogether, there are fourteen villages directly within the core mine zone that had been resettled. Much relocation took place between 1999 and 2007, and some villages had to move twice. About seventy villages are within the mine concession but not all these had been asked to move as of end of 2012.

The case of Bua-Ban, a 40-year-old ethnic minority woman,³ is a case illustrating the situation of many ethnic minority women affected by the Sepon mines.⁴ In 2005, Bua-Buan's village was relocated because it was on the mine concession granted to Oxiana, and also in line with the village clustering program.

¹The names of the individuals and exact village have been changed.

The villagers' forced relocation to focal sites has alienated them from their territory – the source of identity, subsistence, and the base of their culture. When the mining operations started, the village and its surrounding areas, including the Koh River they depended on, became so polluted that the villagers decided to move again. The pollution of the river severely limited their traditional farming practices and subsistence sources, crucial elements of the ethnic minority group's identity. For this "voluntary" relocation, Bua-Bandid not receives any compensation. As they are injected into a completely new environment, Bua-Ban and other the ethnic minority women nowadays face difficulties to meet food supply and ensure potable water in their homes. "Gathering wild vegetable has changed into growing food domestically and buying them from the market", Bua-Ban states and adds: "Living here in a totally new place, no money means no food. We cannot go and collect wild vegetables or catch wild fish like before. Indeed this is much different. We must have a job in order to have money to have food and to be able to send our children to school". The ethnic minority women are now having difficulties to



The Sepon mine is one of the biggest industrial projects in Laos (photo credit: Haruethai Buakhiao)

provide for their families as they do not have the necessary skills to compete in the labor market. For instance, they do not have the required knowledge for cash crop production, particularly monocrop plantation. If they are employed in this chemical- and technology-dependent mode of production, they do not know the safety measures to protect their health. The environmental differences can cause health problems. Even the diseases like malaria are new to the relocatees. Bua-Ban, like many other women in the resettlement village, continues to face hardships in

supporting her family. She has to cope with the tremendously increasing economic pressure to survive: payment for her children's education, daily household expenditures, and the family food. Many resettled women now work in the company weaving center or as daily workers.⁵ These women weavers are treated as daily labourers, and their work totally depends on the company – supplies, work orders, marketing, among others. In this context, community cooperation mechanisms and collective activities have also changed. While the mine seems to bring more benefits to young single individuals, married women experience fewer benefits and greater hardships adjusting to lifestyle changes. Older women have gained the least from the mine's operations as they do not have any direct benefits from it considering that they are not employed because of their low formal education and language challenges.⁶ Their integration into the cash economy forces them to have cash in order to meet their needs, something alien from the non-cash subsistence economy they lived in the mountains.

Additionally, various ethnic minority groups have been lumped together in one hamlet without much consideration for the cultural diversities and sensitivities of each of them. For example, in Ban Vang-Yang, different communities of differing ethnicities have been merged into one resettlement site. The villagers have to find ways by themselves to deal with different beliefs and cultural systems and

practices. The design of the relocation area is not culturally friendly for the performance of rituals, and thus, the cultural integrity of Bua-Ban's group has been undermined and threatened. Traditional knowledge and customary land management practices are likely to get lost as they cannot be practiced in the resettlement area. There are other numerous direct negative impacts of the mining operations on the environment such as water, air and land pollution and forests degradation, causing death to countless animals and endangering biodiversity. Before the arrival of the mines, Vilabouly was a wide and fertile rural district with a plenty of natural resources. Everybody could freely access natural resources without any restriction. When the mining project took over the land, the forests and fields were scraped off the face of the earth. Now that the forests are gone, ethnic minority women who are very dependent on these have lost access to critical food sources. Before, they were able to sell natural products from the forests to earn extra cash for their families. Now, this revenue or the products do not exist any longer.



Big tree near the mining site
(photo credit: Haruethai Buakhiao)

Women face problems with drinking water as they have to have to buy water. They must have cash to do this. They compete with others to get water from wells which are not sufficient and the water not potable. This is an added burden to women in the resettlement sites. Bua-Ban describes that the lack of water is even more troublesome than the lack of wild food. "My family has to buy water and dig our own well. Water in the river could not be used. It was filthy and nobody dares use it." Water pollution is a big problem in the resettlement site and many other adjacent communities. River Koh, the villagers' main supply, is now so heavily contaminated with waste water from the mining factory that everyone fears using it.⁷

4. Community/women's resistance:

The ethnic minority men and women in Vilabouly tried to take action against the mining company. For example, they repeatedly informed the responsible company person about their concerns and attempted to convince the company's staff by presenting them facts related to environmental pollution onsite. The villagers in Ban Vang-Yang selected a representative to further negotiate with the company about financial compensations they feel entitled to.

5. State/corporate sponsored repression:

Until now, the company ignored the villager's complaints and the villagers also did not receive any help from the government nor from outside agencies on the redress of their grievances. "The company said it was not yet the proper time. Our representative went to the company every year, and so far we've got nothing." Due to their small population, some of the ethnic minority groups can be considered endangered, and removing them from their homeland threatens their mere survival.⁸

II: PHILIPPINES

1. Locating the case:Philippines, Mindanao, South Cotabato Province, Bong Mal community: Blaen women affected by the Tampakan Copper-Gold Project, Sagittarius Mines, Inc.

2. Background to mining operations:

Sagittarius Mines, Inc. (SMI), backed by the Anglo-Swiss firm Xtrata, acquired the Financial and Technical Assistance Agreement (FTAA) from Western Mining Corporation (WMC) in 2002, for mining in the areas tri-boundary of Tampakan, South Cotabato Province, Kiblawan, Davao del Sur Province and Columbio, Sultran Kudarat Province. SMI is developing the large-scale Tampakan Copper-Gold Project. No process to get the free, prior and informed consent (FPIC) of the Blaen community was conducted by the company.

3. Impact of the mining operations on the community/women: the case of Juvy Capion

One of the indigenous peoples of Mindanao is the Blaen in South Cotabato. Bong Mal, which means “big river” in the local language of the Blaen, is a community that sits at the boundary of said three provinces. This mountainous area is home to an estimated 18 Blaen families or clans, with around 170 individual members. Women comprise 40% of the population. They subsist mainly on their own crops such as corn, glutinous rice, root crops and vegetables. They also hunt animals and gather other food and medicinal items from the forests. The Blaen women play a major role in the community as they are the producers of food and nurturers of the family.



The Blaen community of Bong Mal is now facing displacement from their ancestral domain due to the operation of SMI. The threat of displacement from their ancestral domain due to mining has forced the Blaen of Bong Mal to militantly oppose such incursion. They have declared ‘pangayaw’ (armed defense of their ancestral domain) against the mining company. The response of the government against the resistance of the community is to pour military forces in the area. This militarization worsens the suffering of the Blaen women who already lack social services. Military agents in their community constantly harass and intimidate them. They have been prohibited by the military from going to their swidden farms. This has resulted in insufficient food for the family. Even help and relief goods from outside, such as from the church, had been barred from entering the community. The practice of “*aksafu*” or sharing of food has been limited because of this. The military detachment was erected on a place above the village near the spring where the community gets their drinking water leading to its contamination, not only physically but also spiritually. Water springs are considered sacred which must be kept ‘pure’ thus human structures are allowed near them. The women now have to get water from a source farther away. With the ongoing “*pangayaw*” of the tribal warriors, their wives and children have been left vulnerable to attacks by the military. There had been incidences where the wife and children of the warriors who have been

Blaen women play a major role in the community (photo credit: Lorie Beyer)

declared as bandits and fugitives by the government, have been intimidated into divulging the hiding places of their husbands, fathers and other male relatives.

A case of extra-judicial killing was done by military forces against Juvy Capion and her two sons, aged 8 and 13, in the early morning of October 18, 2012. The military maintains that it is an encounter with Daguil Capion, Juvy's husband who is a leader of the pangayaw and his companions. However, witnesses claim that the bullets came only from the military. Juvy was two-months pregnant when she was killed. All their wounds were to the head. Houses and crop storage facilities were demolished and farm lots with crops were also destroyed. These incidents not only resulted in insufficient food, but also psychological stress.



Juvy Capion, a Blaang women-leader of KALGAD, killed by the elements of the 27th IB of the Philippines Army.

(photo credit: Lorie Beyer)

4. Community/women's resistance:

The Blaang of Bong Mal have a rich history of struggle against mining operations. They were able to bar WMC. Now, they struggle against SMI. They have staged various protest rallies in town centers to solicit wider support from different groups and the general public for the defense of their right to their ancestral land and self-determination. The women of Bong Mal have been very active in the campaign against the mining activities of SMI. They have presented their issues and situation to different public forums organized by the church and KALUHHAMIN (Kahugpungan sa mga Lumad sa Halayong Habagatang Mindanao), the federation of indigenous peoples' organizations in the region. With most of the maleson "*pangayaw*", the Bong Mal Blaang women have been at the frontlines during protest rallies and barricades.

5. State/corporate sponsored repression:

To date, no government agency, except for the military forces who are the prime suspects in the killings, has made any probe on the cases. These are clear violations of women's economic, social, cultural and civil and political rights, starting with the lack of FPIC for the mining operations. With the continuing opposition of the community have come graver human rights violations. Military detachments of the 27th Infantry Battalion of the Armed Forces of the Philippines have been installed in each sitio (sub-division of the village). The government also created Task Force Kitaco (Kiblawan, Tampakan, Columbio) as part of the Investment Defense Force, to protect the interests of Xtrata-SMI. Civilians, including promising tribesmen, are also employed as part of the paramilitary Citizen Armed Forces Geographical Unit (CAFGU). There are documented instances of threat, harassment, intimidation and theft by agents of the military and paramilitary. "*Pangayaw*" warriors, the armed defense of their ancestral domain against the mining company, are now declared as "bandits" and "fugitives" by the state forces and are vulnerable to being executed without due process. The Blaang are calling for the expulsion of SMI and military agents from their community. Their campaign and lobbying, together with other groups, resulted in the signing into law on June 9, 2010 by the Provincial Government of South Cotabato its Local Environmental Code, which bans open-pit mining.

III: PHILIPPINES

1. Locating the case:

Philippines, Benguet Province, Mankayan Municipality: Kankanaey women affected by Lepanto Consolidated Mining Company/Gold Fields Limited

2. Background to mining operations:

The Lepanto Consolidated Mining Company (LCMC), or Lepanto mines, operates an underground large-scale mines extracting gold, silver and copper in Mankayan. Aside from being the leader in gold and copper production, LCMC is also the oldest mining company in the country. According to an unpublished report by DINTEG-Cordillera Peoples Legal Center (2010), 60% of LCMC is Filipino-owned while 40% is owned by the Pacific Mining Limited, a company incorporated in the Cayman Islands. LCMC mines out 373,340 tons a year or an average of 1 ton/day. Studies conducted by the Cordillera Peoples Alliance show that the company sells its products to markets in Hong Kong, Canada, Peru and China.⁹ In its online company profile, LCMC-Lepanto Mine Division states it has around 1,706 employees. It is expanding its operations with new partners like the South African firm Gold Fields, Ltd into nearby areas.

3. Impact of the mining operations on the community/women- the case of Jacqueline Sakiwat Buli-e

Mankayan municipality in Benguet Province in northern Philippines is predominantly inhabited by the indigenous Kankanaey and Ibaloi peoples. In the past, these peoples relied on wet and dry subsistence agriculture, particularly rice farming, for their subsistence.



Land sinking at the central business area in 2009
(photo credit:Jacqueline Sakiwat Buli-e)

The large-scale corporate mining operations of LCMC have dislocated the Kankanaey and Ibaloi peoples from their ancestral lands and traditional sources of livelihood which are the basis of their continued existence and identity. The mining company has taken over lands used by indigenous women for their traditional livelihood - rice fields, vegetable gardens, swidden farming, and grazing lands. Garden cultivators have lost their crops to surface subsidence. The Lepanto mines have also had huge detrimental effects to the environment. Jacqueline Sakiwat Buli-e is one Kankanaey woman whose livelihood is adversely affected by the mining operations, - as are many other indigenous women in the area. The operations have caused landslides¹⁰ in her surroundings, and the land in populated areas is sinking, causing damage to buildings, farms and property.

Some communities have lost entire mountainsides, burial sites and hunting grounds to ground collapse and deep open pits. Additionally, many of the natural water sources in Mankayan have been privatized

by mining companies. Jacqueline and other indigenous peoples from the affected areas have to either line up for hours in the few remaining natural water sources to fill up a one-gallon container. Or else, they buy water for drinking or domestic use. Now, there is a wide swath of infertile land on either side of the Abra River which is heavily silted and polluted from the mining operations. Rice crops have become stunted and plants and animals have perished. The elevated heavy metal content and other toxic substances in the soil and waters have become prevalent and are causing the deterioration of aquatic life and loss of flora and fauna, fish and shrimp kills, and poses threats to human life. The loss of aquatic life is a major change in the life support system of the communities that rely on the river for daily sustenance, and traditional fishing is no longer possible in polluted rivers.



Jacqueline Sakiwat Buli-e: community education as part of strengthening opposition against large-scale mining(photo credit: Jacqueline Sakiwat Buli-e)

Not only are livelihood sources affected, the general biodiversity is also damaged. Even common birds and tree species have disappeared. Negative health impacts of from air pollution on the surrounding indigenous communities have been extensively documented.¹¹ Water, soil and air contamination contributes to the increasing toxic build-up in people' bodies. The prevalence of asthma and other respiratory problems in local communities and mine workers has increased.



In March 2012, around 1500 women and men from different barangays joined the protest march against LCMC (photo credit: Jacqueline Sakiwat Buli-e)

LCMC is also well-known for its labor law violations and unfair labour practices. The extensive violations of the worker's rights encompass illegal dismissals, retrenchment and indefinite work suspensions for employees. Furthermore, LCMC is denying the workers access to social benefits such as retirement and medical services. As regular wages and benefits have often not been paid or delayed, the economic difficulties faced by employees families have worsened, especially the women who bear the brunt of these unfair practices. Many workers have also been forced to take their children out of school which often affects girls first.

Nowadays, more drilling activities in expansion areas have been conducted without the Free Prior and Informed Consent of affected communities. These operations have caused further landslides, ground subsidence and cracks, and some families had to be evacuated.

4. Community/women's resistance:

From 1995 to 1999, the people of Bulalacao, one of the affected communities, utilized legal and meta-legal tactics to deter the drilling operations of LCMC in the form of petitions, dialogues, lobbying and barricades. In response, the company sued 11 villagers for violation of the 1995 Mining Act and for illegal assembly. The same tactic is being used against protesters in the current struggle. To demand just compensation for damages due to landslides and to protest against raising the embankment of Tailings Dam 5-A, the affected residents conducted dialogues and set up barricades. At the town center, residents held several dialogues with the company and the municipal officials on how to address the problem of ground subsidence which the company denied as due to their operations. In August 2000, a municipal wide organization, "Save Mankayan Movement", was established by the indigenous communities purposely to deal with the mining problem in the affected areas and to assert rights to land, livelihood and life. The downstream communities also passed several petitions protesting the effect of the mining operations on their farmlands, water resources as well as their safety. Protests, demonstrations and workers' strikes were organized, e.g. two large strikes in 2003 and 2005. Women were actively involved in these activities. In 2012, the people at the expansion area of Madaymen held protest marches and set up barricades against drilling in their community. Jacqueline personally is affected as one of the drilling sites is in her backyard and has energetically and enthusiastically supported the protest movement in various ways.

5. State/corporate sponsored repression:

Despite the peoples' protests, the company has not effectively addressed the issues raised against it. Instead, it has utilized its resources to counteract the peoples' opposition through legal means in cohorts with government agencies directly responsible for regulating mining. In some occasions, the Philippine National Police, including the Military Intelligence Group units scattered in the municipality, had been called in to augment company security forces. To pacify the community, the company provides jobs to some of them and some assistance as a part of the company's social acceptability initiative in the form of livelihood assistance, infrastructure projects, medical mission, and others which are all in exchange for its unhampered operations. This has caused division among the peoples as not all are beneficiaries or in approval of the mining operations. Worker's strikes culminated to militarization as LCMC employed state security forces in the guise of maintaining peace and order.¹² The use of armed security forces resulted to the violent dispersals of mass actions.¹³ Combined forces of the LCMC security, the state police and the armed forces prevented the entry of food and medicines for striking workers and their families. Threats, illegal detention and other forms of harassment were experienced by the union leaders and members, including family members and advocates.

IV. INDONESIA

1. Locating the case:

Indonesia, Nusa Tenggara Timur Province, Naususu Sub-district, Molo: Molo Women affected by a marble quarrying

2. Background to mining operations:

Loacted in Molo, Naususu Subdistrict, Timor Tengah Selatan District, in Nusa Tenggara Timur (East Nusa Tenggara), the Fatu Nausus is the indigenous Molo peoples' most sacred mountain, known as the "mother of all rocks" in local legends.

In the 1980s, the local government granted permits to mining companies to cut marble stone from the mountains. This was done without consulting local villagers. For example, P.T. Karya Asta Alam (PT KAA) started operations in 1999 by conducting land clearings, top-soil cutting, drilling, and blasting activities in the area. The whole procedure has violated Indonesian mining laws. According to these regulations, a company has to get its EIA approved before it can start operations. The EIA also has to be approved by the Provincial EIA Commission and to incorporate community's opinion before making a decision. However, PT KAA had no environmental strategy and had failed to undertake an Environmental Impact Assessment.

3. Impact of the mining operations on the community/women– the case of Altea Baun:

In the past, the ancient hills were of high importance for the Molo. The sacred twin mountains Fatu Naususu and Fatu Anjaf were used as sacred sites and place for prayers. When community members passed away, they were buried in these sacred burial grounds. The mountains were also used as



The sacred mountains of the indigenous Molo
(photo credit: Aleta Baun)

meeting places where community decisions were made. The mountains are the Molo's main source of physical and spiritual nurturance, connecting them with their ancestors. Moreover, among the Molo, nature, in the form of stones, trees and water are important identity symbols. Marble stones are particularly important for the Molo's base of life as they are considered the Earth's bones. Any desecration of these stones means a desecration of life. However, these stones are precious marbles in the eyes of capitalists.

Marble mining has not only destroyed the community's sacred sites, but has also various ecologic and economic impacts, such as deforestation and water pollution. For example, the water-intensive industry reduces the water in the rivers, drying up the fertile agricultural land downstream. Landslides become commonplace, further polluting the waters and causing hardship to the villagers living downstream.

4. Community/women's resistance:

A Molo women human rights defender, Aleta Baun, known as “Mama Aleta”, came into a leadership role in her community because of impact of the quarrying to her peoples, to their lifeways. Having observed the destructive effects of marble mining and oil extraction, Aleta used her organizing skills to launch a sustained campaign to stop marble mining in their community. When miners attempted to desecrate their sacred mountain, the indigenous peoples protested for years to assert their right to their lands. Aleta at one time had to live in the forest for months in order to escape attempts on her life. She has a scar in her leg from a machete wound inflicted by a paid thug. Protests became heightened in 2008 to 2012. Often, authorities used force and demonstrations ended violently. Nevertheless, the villagers were not intimidated. 150 women -under the leadership of Aleta- occupied the largest marble quarry in the hills of Naususu in symbolic protest by setting up their looms for several months, so the miners did not have any room for their activities.



Aleta Baun, winner of the 2013 Goldman Environmental Prize (photo credit: AIPP)



“Mama Aleta” has organized the women's resistance against the mine (photo credit: Aleta Baun)

As women are traditionally responsible for family food security, mining would have particularly impacted their livelihoods. “We also emphasized to women that the forest provides the dyes for our weaving, which is a very important part of our lives. That inspired us to showcase our weaving in the form of a peaceful protest starting in 2006,”¹⁴ Aleta stated. Meanwhile, the men took over the domestic chores, such as cooking, cleaning and caring for the children. “The men were fully supportive of us, but did not position themselves at the forefront of the campaign because they would have likely had clashes or conflicts with the mining companies and would have been the target of attacks,”¹⁵ she added.

5. State/corporate sponsored repression:

Finally, Molo men and women, led by Aleta, managed to stop all mining marble in their homeland. The strong and intense community opposition heightened for three years (2008-2010) made five marble exploration companies leave District Fatumnasi, Molo North and South Molo. After successfully driving out the the mining companies in the midst of government apathy, Aleta is now helping to rebuild the destroyed land – spiritually, culturally, enviromentally. For her work of leading the change in her peoples lives against marble mining, she was awarded with the 2013 Goldman Environmental Prize. This prize

honors grassroots environmentalists from around the world for their excellence in protecting the environment. Receiving the Goldman price, Aleta referred to the relationship of indigenous peoples to the nature: “We, the community of Molo, Amanatun, and Amanuban tribes, stand by our way of life, which we see as the only way to live in balance with our environment: we only sell what we create, and we will not sell what we cannot create.”

V. INDONESIA

1. Locating the case:

Indonesia, South Sulawesi Province, Luwu Timur Regency, Sorowako District Witamorini/Karonsi’e: Karonsie Donge women affected by Vale Inco Nickel Mining

2. Background to mining operations:

PT Vale Indonesia (or Vale Indonesia) is a foreign investment company licensed by the Indonesian Government to mine and process nickel.¹⁶ PT Vale Indonesia Tbk is a subsidiary of Vale, the world’s second biggest mining company based in Brazil. Previously, PT Vale Indonesia Tbk was called PT International Nickel Indonesia or PT Inco. Nowadays, Vale Indonesia’s majority shareholder is Vale Canada which owns 58.73%¹⁷. The company signed a Contract of Work (COW) with the Indonesian Government in 1968 and the full production started in 1978. In 1996, PT Inco signed a second COW, gaining exploration rights in additional zones in South, Southeast and Central Sulawesi. This original COW later on got modified and extended up to 2025.

The extracted nickel is sold to factories in Japan, South Korea, Taiwan and China.¹⁸ PT Inco/PT Vale Indonesia has gained great profits from its operations in Sulawesi.¹⁹ At the government level, the Ministry of Energy and Mineral Resources, the district governments of Luwu Timur Regency, the provincial government of South Sulawesi as well as the central government of Indonesia are involved in the mining project.²⁰

3. Impact of the mining operations on the community/women:- the case of Werima Mananta

Witamorini, Sorowako, Luwu Timor in South Sulawesi is inhabited by the indigenous Karonsi’e Donge. In the past, they practiced shifting cultivation, cultivated various crops and collected minor forest products such as rattan and bamboo. Before the mining operations started, Sorowako’s land was fertile. It provided livelihoods for growers of rice and a variety of fruit and vegetables.

The Karonsi’e Dongi’s ancestral domain was given out to PT Vale Indonesia as a mining concession without the peoples’ free, prior and informed consent. They were totally excluded from the negotiations for the land since these were done only between the government and the company.

The mining project currently affected 38 families or 250 to 300 Karonsi’e Dongi. This indigenous group was forced to escape from their traditional homeland in Dongi Baru during the unrest in the 1950s. They returned in the 1970s only to find that PT Inco was in control of their land. Their villages, rice fields,

forests and graveyards had been bulldozed. Their cultivated land was converted into a company golf course. To survive as a community, some built their houses at the edges of the golf course. Others communities (e.g. in Wasupondo, Central Sulawesi) were forced to integrate with neighbouring communities.



Since the company commenced operations in the area, surrounding communities have been victimized in various ways (photo credit: AMAN)

The project has caused a large number of ecological problems since its operations started. Freshwater fish comes from the Larona River and the Matano Lake ecosystem. These have been heavily polluted causing the degradation of the landscape, soil pollution and air pollution. PT Inco/Vale Inco has left boreholes which have destroyed cashew plantations and agricultural crops. Vale Inco has also quickly ruined vast forest resources that produce raw materials for local trade items like medicinal herbs and rattan. Only a few of the indigenous peoples are working as labourers on temporary contracts.

Striking differences between the standards of living of the area's original inhabitants and employees of PT Inco/ PT Vale Indonesia have been reported. Provisions for social services like housing, electricity, clean water, and access to education are higher for those employed by the company. Promises of free health care, education, and priority in employment have never been fulfilled for the indigenous communities. The Karonsi'e Dongi'community's health has deteriorated from the dust and smoke emitted by the mines but the company-run health center has dismissed their problems. The children of the Karonsi'e community have no access to education because the schools in the area are owned by the companies and are only intended for families of the company's employees. Studies have shown that the workload of women in villages has become heavier with the existence of the mine. The company has taken land and natural resources that used to sustain the community's livelihood, and therefore, women have to work harder. Women have taken on the role of wives to company employees. Worse, some have turned to prostitution in the mining town. More incidents of rape and other forms of violence against women have been reported. Further, the locality has seen the rise of teenage pregnancy.²¹

One of the Karonsi'e Dongi indigenous women fighting against the mine is Werima Mananta from Tokarun'sie. By 1953, Werima and all community members were forced to leave their village to Central Sulawesi when separatist groups occupied the area. In 2000, Werima's family, led by her sister Naomi Mananta, organized the community of Tokarun'sie to return to their old village in Dongi. Since this time, Werima and her sister kept on struggling to defend the Tokarun'sie indigenous land. The local government, in turn, tried to put pressure on the community to leave the area. The sisters organized negotiations with the government, and as a consequence, a resolution was made to relocate community members of Tokarun'sie from Dongi to an area appointed by government. This resolution provoked

conflicts and dissent among the community members. Naomi Mananta supported villagers who accepted this resolution, who were relocated and received compensation.

Werima Mananta, however, continued fighting against the relocation and organized resistance. For many years, Werima had suffered from various health problems. In 2009, she was hit by a stroke during a meeting with PT Inco's management and government officials in the Bappeda (Regional Development Planning Agency) office. Due to her dedicated fight for their indigenous territory, involving protests, long distance travels, numerous meetings and negotiations, her health condition deteriorated continuously, and finally, she passed away in July 2013.



Werima Mananta, a Karonsi'e Dongi women fighting against the mine (photo credit: AMAN)

4. Community/women's resistance:



Hundreds of Karonsi'e Dongi women and men have joined the struggle against the mine (photo credit: AMAN)

Since the company started operating, there have been various forms of protests and actions undertaken by the Karonsi'e Dongi such as blockades, demonstrations, sit-ins and hunger strikes. Efforts also included lobbying directly to PT Inco/PT Vale and holding policy dialogues with the local government and North Luwu parliament. Some civil society organizations have actively supported the community's efforts. These include filing cases for mediation with the local government and sending the human rights violations report to the National Human Rights Commission. The Karonsi'e Dongi families have tried to occupy the land around the

company but they have been consistently intimidated and driven away to this day. The police was even threatened to burn their huts, some were arrested, interrogated and put in jail as there were accused of encroaching on "Inco land".

5. State/corporate sponsored repression:

Until today, no solution to assure the survival of the community has been reached, and the Karonsi'e Dongi have not obtained a sustainable solution to their plight. Instead, they have experienced greater government repression with increased police presence in the area. The company had offered them relocation but this has not been accepted.²² The majority of the community members have also refused to accept compensation payments as they were regarded as inadequate.²³

VI. PHILIPPINES.

1. Locating the case:

Philippines, Palawan Province, Bataraza Municipality: Pala'wan women and Rio Tuba Mining Corporation

2. Background to mining operations:

The Rio Tuba Mining Corporation (RTNMC), otherwise known as the Coral Bay Nickel Corporation (CBNC), is engaged in the mining and production of nickel in the municipality of Bataraza, Palawan province.

The RTNMC, a Filipino-Japanese partnership, has been operating in Bataraza, Palawan since 1977. This company has been involved in the export of beneficiated nickel silicate ore to Japan. The RTNMC has a mining claim of 5,265 hectares, 353 hectares of which is currently operated on. In 1996, an EIA was conducted for the modification of RTNMC's 110 nickel mining claims into a Mineral Production Sharing Agreement (MPSA) as well as for its continued operations. Despite the glaring unacceptability and environmental issues raised against RTNMC, an Environmental Compliance Certificate (ECC) for the MPSA was granted in 1997. In connection with this, RTNMC applied for a Mineral Production Sharing Agreement (MPSA) covering 84.5364 hectares for limestone quarry development in Gotok. Their application was approved in 2005. Later on, RTNMC and CBNC expanded their hydrometallurgical processing plant (HPP) project with the construction of another HPP.²⁴

3. Impact of the mining operations on the community/women:

Bataraza is located in the southernmost part of mainland Palawan Island. Its twenty-two barangays are populated by indigenous communities, such as the Pala'wan and the Molbog. Their livelihood includes subsistence farming, fishing and occasional barter trading. They are swidden cultivators with a sophisticated knowledge of intercropping techniques. Agriculture is the main source of livelihood for the people. Among their major crops planted are rice, corn, coconut, banana and various fruit trees. Resin, rattan canes and wild honey are collected for sale.

The mining project and quarry site are within the ancestral domain of the Pala'wan indigenous community. The mining operations have caused damage to livelihood sources including forests, foraging and hunting grounds, agricultural lands, mangrove and coastal areas. They have caused the loss of wildlife habitat for ecologically important flora and fauna in the mined-out areas and the limestone quarry area. There is also a marked decrease in the quantity and quality of water, adverse impacts on the irrigation systems and a decline in agricultural production. Flash floods have occurred and coastal resources are threatened by erosion, water and air pollution. There are also health impacts such as skin lesions. For the villagers, their way of life was better before the mining operations started. Life used to depend mostly on farming and fishing. Products from their farmlands were abundant. The mining operations made the soil less productive to the point that people had to engage in other means of livelihood to supplement their income. This has especially adverse impacts on the indigenous women

living in the area as traditionally, they are the main family food producers, and they heavily rely on natural resources.

Marilyn Samparan, a Pala'wan women leader, living in the area, has raised her concern over the mining activities taking place in that province: "Time will come when our children no longer recognize the names of trees, the footprints of animals, the birds' songs. This will be the time when the forest is gone, the mining companies are gone, the rivers no longer flow... And us? We will still be here".²⁵The detrimental impacts of mining operations and the HPP created an unhealthy dependence between the mining companies and communities. Not only that, it also fostered conflict and divisiveness between and within indigenous peoples' communities and the non-IP communities.

For the indigenous communities in Bataraza, benefits were promised including the provision of service vehicles as well as projects on infrastructure, health, social services, livelihood and education. Some of the promised benefits were not given due to cost-cutting measures of the companies. The promise of employment has not been fully fulfilled. Moreover, only a limited number of people from the impacted barangays were employed. Other complaints are the low salaries and absence of benefits for the contractual and seasonal employees. The municipal government said the company is providing medical services and scholarships to 300 students from the Pala'wan indigenous community in the area. Marilyn Samparan, who is opposing the company's expansion, said she is not after the benefit that these companies could provide her family.

4. Community/women's resistance:

The Free and Prior Informed Consent of the affected communities was secured by RTNMC and CBNC for the HPP in a process tainted with irregularities and fraud. Many of the members of the indigenous community expressed that they did not understand the process. Several cases filed by the indigenous community to contest the grant of the consent. In December 2002, the community filed a civil case before the Court of Appeals regarding the issuance of the ECC by without the FPIC of the affected indigenous communities. When the court dismissed the special civil action in favor of the HPP, the IP community filed an appeal in the Supreme Court. The High Tribunal affirmed the decision of the Court of Appeals although the decision was mainly focused on technical grounds. As of August 2012, the Pala'wan indigenous communities continue to engage with the Rio Tuba Mining Corporation, e.g. in form of meetings and negotiations regarding hunting rights as well as the extension of mining activities (such the drilling of new boreholes).²⁶

5. State/corporate sponsored repression:

The Department of Environment and Natural Resources (DENR) recognized the first FPIC process which favored the HPP on the grounds that there were no pending applications for Certificate of Ancestral Domain Claim by affected indigenous peoples. However, a 2nd and 3rd filed-based investigation recognized the presence of indigenous communities within the HPP site in Rio tuba, and recommended that their FPIC be secured. However the DENR maintained their decision in favour of the HPP. The communities and the NGOs pressed their case against the HPP. They went through a lot of legal processes like asking the Palawan Council for Sustainable Development (PCSD) to revoke the Strategic

Environmental Plan clearance. Despite the recommendations of its own Technical Working Group to disallow limestone quarrying in Mt. Gotok which is within the Core Zone of the Environmentally Critical Area Network, the PCSD supported the DENR claim that the subject area was declared alienable and disposable and already being used for rotational farming and other productive activities. Aside from court cases, the IPs and support organisations filed an administrative case with the PCSD Adjudication Board (PAB) for the exclusion of the Mt. Gotok from HPP operations and cancellation of certificates of title with the DENR. In 2003, a formal petition with the DENR Provincial Environment and Natural Resource Office (PENRO) in Palawan for the cancellation of the homestead patents in the limestone quarry area. In 2009, another administrative case was filed against RTNMC before the PAB in relation to their clearing activities in Mt. Bulanjao which is within the ancestral domain of the Pala'wan tribe. A case against the erring local officials of Bataraza municipality was also filed before the Office of the Ombudsman for violations of a provincial board ordinance related to a mineral zone in the same area.

¹ In 2009, China Minmetals Corporation bought the majority of assets from OZ Minerals and formed MMG. MMG owns the 90% of Lane Xang Minerals Limited (LXML) which owns and operates Sepon, while the Lao Government owns 10%. At the end of 2010, MMG was acquired by Minmetals Resources Limited (MRL) and later in 2012, MRL changed its name to MMG Limited.

² For example, Vilabouly encompasses 55 villages in the lowlands, and 46 villages in the mountainous region.

³ In order not to pose security risks to the interviewee, her name was changed and her ethnic background not further specified

⁴ The data in this report were collected on 17 October 2012

⁵ At the end of 2009, more than a quarter of all women of working age living in the communities close to the mines were mine wage-workers. Around one fifth of the Vilabouly mine's employees are female

⁶ <http://www.icmm.com/page/59737/utilizing-mining-and-mineral-resources-to-foster-the-sustainable-development-of-the-lao-pdr>

⁷ Damdouane Khouangvichit, 2010: Socio-Economic Transformation and Gender Relations in Laos PDR, *umu.diva-portal.org/smash/get/diva2:318827/FULLTEXT01*

Other sources used: Friends of the Earth. Sepon gold mine, Laos. www.foei.org/en/resources/publications/oil-mining-and-gas/2000-2007/sepon.pdf/at_download/file

Participatory Poverty Assessment: Lao People's Democratic Republic, 2002

<http://www.ruralpovertyportal.org/country/home/tags/laos>

www.upr-info.org/IMG/pdf/A_HRC_WG-6_8_LAO_1.pdf

⁹ DINTEG-Cordillera Indigenous Peoples Legal Center(2010).

¹⁰ Ibid.

¹¹ E.g. in the Philippines Indigenous Peoples ICERD Shadow Report (August 2009)

¹² Dubbed as "Task Force Lepanto", combined elements of the 54th Infantry Battalion of the Armed Forces of the Philippines (AFP), the Philippine National Police (PNP) and paramilitary groups were deployed to the communities

¹³ According to DINTEG-Cordillera Indigenous Peoples Legal Center (2010),

¹⁴ <http://www.thejakartapost.com/news/2013/04/18/aleta-baun-environmental-heroine-molo.html>

¹⁵ Ibid.

¹⁶ <http://unsr.jamesanaya.info/study-extractives/map/index.php/reports/view/76>

¹⁷ 20.09% are owned by Sumitomo Metal Mining Co. Ltd., public and other shareholders own 21.18%, <http://unsr.jamesanaya.info/study-extractives/map/index.php/reports/view/76>

¹⁸ Sangadji, July 18, 2002

¹⁹ NGO Working Group on Export Development Canada or EDC, 2003

²⁰ Aliansi Masyarakat Adat Nusantara, 2009

²¹ NGO Working Group on the EDC, January 2003

²² Unpublished document by Aliansi Masyarakat Adat Nusantara (AMAN), 2009

²³ Ibid.

²⁴ The expansion is expected to increase the production of nickel from 10,000 MT to 20,000 MT per year (The Bulanjao 2010 Geo Tagged Report, 2010).

²⁵ MARYLIN SAMPARAN, PALAWAN WOMAN, [HTTP://VIMEO.COM/ALDAWNNETWORK](http://VIMEO.COM/ALDAWNNETWORK)

²⁶ <http://www.betterplace.org/en/projects/1553-protection-of-ancestral-land-of-palawan-tribe/news/70940>

This publication is part of the Indigenous Peoples Human Rights Defenders Network (IPHRD Net) efforts to inform actors and stakeholders of the efforts of indigenous women and their communities to address violations of their rights, particularly their collective rights as indigenous peoples. The IPHRD Net is supported by the European Instrument for Democracy and Human Rights (EIDHR). This network conducts lobby, campaigns and advocacy for the promotion and protection of indigenous peoples rights and welfare in Asia and provides legal, material and other forms of support to indigenous peoples human rights defenders at risk. For more information, please visit www.iphrdefenders.net



European Union

The printing press has been established with support from the European Union's European Instrument for Democracy and Human Rights



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