

Situationer on Extractive Industries and Energy vis-à-vis Indigenous Peoples in the Philippines



Matigsalugs Tribe of Kadayawan Village, Davao, Philippines (Photo courtesy: Raniel Jose Castañeda-Wikipedia)



Table of Contents

Overview of Extractive Industries and Energy in the Philippines	1
Introduction to Indigenous Peoples in the Philippines	3
Relevant National Legal and Policy Framework and International Human Rights Obligations	4
Impacts of Extractive Industries and Energy Projects on Indigenous Peoples in the Philippines	6
Representative Cases of Extractive Industries and Energy Projects Impacting Indigenous Peoples in the Philippines	7
Challenges for Indigenous Peoples' Rights in the Contexts of Extractive Industrie and Energy Projects	10
Good Practices of Extractive Industries and Energy Projects Promoting Indigenous Rights	11
Conclusion and Recommendations	12

Overview of Extractive Industries and Energy in the Philippines

While significant to the country's economy, the extractive industries and energy sector in the Philippines have resulted in substantial negative impacts. These sectors, which include the extraction of minerals, oil, and gas, and the production and distribution of energy, have led to environmental degradation and rights violations. The Philippines, albeit rich in mineral resources and with a huge potential for different kinds of energy, has seen these industries contribute to environmental destruction and land rights issues regarding Indigenous Peoples. The extractive and energy sectors are experiencing steady growth, though at the expense of Indigenous Peoples and other impacted communities who suffer from displacement and loss of livelihood.

Mineral Extraction

The Philippines is a leading nickel producer and a significant producer of gold and copper. The country also exports iron ore, chromium, zinc, and silver, and produces oil and gas. At least 9 million hectares of the country's total land area are known to hold high mineral deposits, and nearly 764,000 hectares are covered by mining concessions.¹

Gold is one of the most valuable mineral resources in the Philippines. Major gold mining operations are in the provinces of Benguet, Masbate, and Compostela Valley. Large-scale mining companies like Benguet Corporation, Lepanto Consolidated Mining Company, and OceanaGold Philippines Inc. are the key players in this sector. Nickel is primarily mined in the provinces of Surigao del Norte, Palawan, and Zambales, with Nickel Asia Corporation and Global Ferronickel Holdings, Inc. being the major companies involved in the mineral extraction. Other significant minerals include copper, chromite, and silver, with operations spread over the country.

The extractive sector accounts for less than 1% of the country's GDP and 7.9% of total exports in 2021,² but



Map of the Philippines

Source: Google Maps 2025

there is a steady growth and recovery of the industry due to the policies that were put in place in 2021, such as former President Duterte's lifting of the 9-year moratorium on mineral agreements through amending Section 4 of the Executive Order (EO) No. 130 s. 2021.³ However, such growth is not all possible, as the lifting of the moratorium poses escalated threats to the affected communities especially Indigenous Peoples, to the environment, and its defenders. The lifting of the moratorium was met with strong resistance from Indigenous Peoples and rights groups, and such groups are still calling for the junking of the Mining Act of 1995 and the enactment of the People's Mining Bill.

In addition, current mining activities have caused high-profile disasters, including major landslides that have claimed the lives of many workers in the industry. Oil and gas extraction, particularly offshore drilling, is destructive to marine ecosystems. Moreover, expanding coal-fired power plants contributes to increased air pollution and higher carbon emissions.

¹ 'The Human Rights Impact of Mining Transition Minerals in the Philippines', IUCN NL, 2023.

² Philippine Extractive Industries Transparency Initiative Multi-Stakeholder Group (2023). FY 2021 Country Report.

³ Exec. Order No. 130, s. 2021 (2021).

Table 1. Approved Mining Permits, 2023-2024 (Data presented during the State of the Philippine Environment 2024 forum, Center for Environmental Concerns - Philippines)

Type of Mining Permit and Contract	Existing Mining Permits and Contracts	Area Covered (Hectares)
MPSA	299	554,659.20
FTAA	6	102,255.31
Total	305	656,914.52

Source: Mines & Geosciences Bureau, 2024

Table 2. Number of applications under process as of June 6, 2024 (Data presented during the State of the Philippine Environment 2024 forum, Center for Environmental Concerns - Philippines)

Type of Mining Permit and Contract	2023	2024
Mineral Product Sharing Agreement (MPSA)	151	122
Financial or Technical Assistance Agreement (FTAA)	37	235
Mineral Processing Permit (MPP)	58	45
Sand and Gravel Industrial Permit (SGIP) or Industrial Sand and Gravel Permit (IP)	274	263
Exploration Permit (EP)	895	784
Special Mines Permit*	7	8
TOTAL	1422	1457

Source: Mines & Geosciences Bureau, 2024

Energy Sector

The apex body for governing and developing policy within the country's power sector is the Department of Energy (DOE), and it is responsible for supervising the reform process of the sector following the Electric Power Industry Reform Act (EPIRA).⁴ The EPIRA of 2001 was implemented to achieve reliable and competitively priced electricity in the Philippines, but its perceived ineffectiveness resulted in several criticisms, with some calling for its review, if not an outright repeal.⁵ EPIRA divided the electric power industry into four (generation, transmission, distribution, and supply). The National Grid Corporation of the Philippines (NGCP) operates the country's transmission network, while several private companies and electric cooperatives handle distribution.

The Philippines generates energy from various sources, but natural gas and coal remain the predominant indigenous fossil fuels in the country.⁶ The majority of oil and gas exploration and drilling activities take place off the west coast of the island of Palawan, and Luzon and Mindanao have the most fossil fuel power plants.

The most common sources of renewable energy in the Philippines are geothermal and hydropower, contributing together about 82% to all renewable electricity produced in 2021.⁷ Due to the country's location, renewable energy sources are widely available—the Philippines has both high solar and wind energy potential. Despite this, both sectors remain relatively underdeveloped.

Hydroelectric power is generated through large dams such as the Magat Hydro Plant and the Angat Hydropower Plant. There are also dams being built on Indigenous lands, such as the Gened Dams in Apayao, the Kaliwa-Kanan-Laiban Dams in the Sierra Mountain range, and the Saltan Dam in Kalinga. These dams pose great threats to the livelihood and well-being of the residents of the affected communities, and mass movements have strengthened in opposition to these dams.

Other energy projects also face scrutiny from different groups, especially regarding foreign funding and ownership, allowing foreign powers to take root in Philippine land.

⁴ 'Philippines Energy sector Assessment, Strategy, and Road Map', Asian Development Bank, 2018.

⁵ Brucal, A. & Anchenta, J., 'The Philippine electric power industry under EPIRA', Policy Note, 2018, p. 1.

⁶ 'Philippines Energy sector Assessment, Strategy, and Road Map', Asian Development Bank, 2018.

⁷ Energy industry in the Philippines. Advanced Energy Technologies.

Table 3. Summary of Renewable Energy Projects in the Philippines (Source: Department of Energy)

Summary of Renewable Energy (RE) Projects under the RE Act of 2008 as of 31 March 2024

Summary of Renewable Energy (RE) Projects under the RE Act of 2008

Resources	No. of RE Projects		Potential Capacity MW		Installed Capacity MW	
	Commercial	Own-Use	Commercial	Own-Use	Commercial	Own-Use
Hydropower	424	4	12,437.969	-	1,189.848	5.024
Ocean Energy	9	-	34.000	-	-	-
Geothermal	35	-	981.215	-	1,955.265	-
Wind	276	-	91,733.919	-	442.900	-
Solar	472	31	32,359.129	8.286	1,443.456	6.432
Biomass*	58	18	206.879	-	581.799	182.871
Sub-Total	1274	53	137,753.11	8.286	5,613.27	194.327
Grand Total	1327		137,761.40		5,807.60	

Introduction to the Indigenous Peoples of the Philippines

Indigenous Peoples in the Philippines are integral to the nation's cultural diversity and historical heritage. According to census data of 2022, the population of the Indigenous Peoples in the Philippines comprises around 15 - 17 million people of the country's 114 million people or about 15 - 20 % of the country's population, but their territories take up as much as 44% of the country's total land area.⁸ Despite the need for disaggregated data about indigenous peoples, there has been no serious attempt by the government to study the population of the Indigenous Peoples and the different ethno-linguistic groups in the country.

The Lumad in Mindanao comprise the majority of the Indigenous population—about 63% of the country's Indigenous Peoples. An estimated 34% are found in Luzon, with the Igorot of the Cordillera being the most prominent group. Other distinct groups in Luzon include the Caraballo tribes, the Mangyan in Mindoro, the Ayta in Central Luzon, and the Palawan tribes. About 3%, such as the Tumandok, are in the Visayas Islands.⁹

These figures could be higher because there is no disaggregated data in public and private censuses for Indigenous identity or ethnicity.

The Philippine Indigenous Peoples have maintained their distinct cultures and traditions despite centuries of Spanish, American, and Japanese colonization. However, their interactions with Indigenous communities varied widely, with some groups maintaining relative autonomy in remote areas, as is the case of the Cordillera region in northern Luzon and the mountainous areas of Mindanao during the Spanish colonization. During the American colonial period (1898-1946), policies regarding Indigenous Peoples shifted toward integration and assimilation, often at the expense of their traditional ways of life. Notably, the American colonial government introduced public education, which frequently marginalized Indigenous cultures and heritage.

⁸ 'State of Indigenous Peoples Address 2022 Report', Legal Rights and Natural Resources Center, 2022.

⁹ 'IP Tenurial Rights, Key Initiatives, Issues, & Challenges', KATRIBU et al, 2023.

Most Indigenous communities have traditional political structures that they run alongside the local government within the national system. These socio-political systems have varying degrees of persistence and disintegration.

For Indigenous Peoples, land is life and a sacred inheritance from their ancestors, not merely a commodity. They seek to preserve their ancestral land rather than treating it as property. Customary laws govern land and resource access, viewing land as a collective legacy to be maintained across generations. Ownership varies from communal to semi-communal to private, with rights primarily acquired through labor and improvements made to the land.

This contrasts with state policies and laws, where Indigenous Peoples' ancestral lands are often considered part of the public domain and at the government's disposal unless formally applied for Torrens titling. For the state, land can be viewed as a commodity that can be sold or leased through legal instruments involving financial transactions.

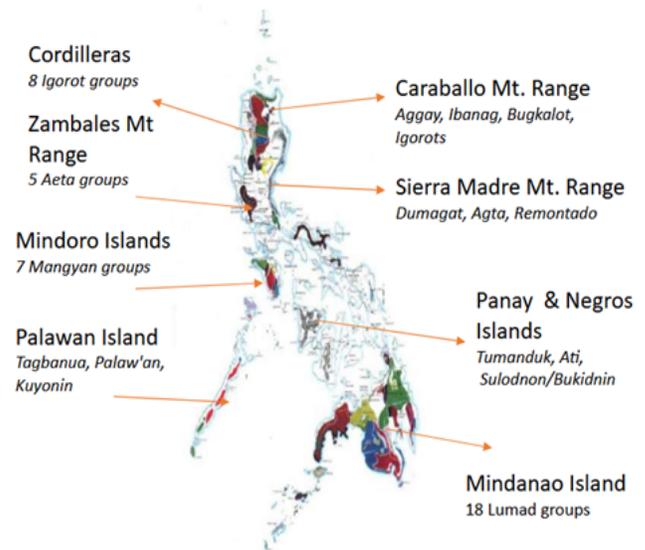


Figure 1. Indigenous Peoples groups in the Philippines.
Source: KATRIBU

Indigenous peoples' organizations in the Philippines were primarily formed to address the issues faced by Indigenous Peoples. The most enduring organizations emerged during the presidency of Ferdinand Marcos Sr., a time marked not only by the terror of Martial Law but also by large-scale projects with significant impacts on Indigenous communities.

Relevant National Legal and Policy Framework and International Human Rights Obligations

Under **Article II: State Policies Section 16 of the 1987 Philippine Constitution**, the Philippine Government is obliged to safeguard the right of the Filipinos to a "balanced and healthful ecology in accord with the rhythm and harmony of nature."¹⁰ Meanwhile, Section 22 reiterates the government's acknowledgment and promotion of the rights of the Indigenous Cultural Communities within the context of national unity and development. These provisions emphasize the importance of environmental protection, ecological balance, and safeguarding of the Indigenous Peoples' well-being and cultures. It also reflects the government's commitment to sustainable practices and conservation of natural resources, including those in the Indigenous Peoples' ancestral lands.

Moreover, **Article X: Local Government of the Constitution** underscores the need for autonomous

regions in Muslim Mindanao and the Cordilleras. The provisions reiterate the importance of local autonomy, equitable resource sharing, and protection of the Indigenous Peoples and Moro's rights that can be applied in the context of energy and extractive projects.

Chapter III Section 7 of Republic Act No. 8371 or the Indigenous Peoples Rights Act (IPRA) of 1997 reiterates the Indigenous Peoples' rights to ancestral domains, which include ownership rights, the right to develop lands and natural resources, the right to stay within their territories, the right to protection in case of displacement, the right to regulate the entry of migrants, the right to safe and clean air and water, the right to claim parts of reservations, and the right to resolve conflicts.¹¹

However, some Indigenous rights defenders argue that IPRA falls short of truly protecting Indigenous

¹⁰ 1987 Constitution of the Republic of the Philippines

¹¹ Republic Act No. 8371, Indigenous Peoples' Rights Act of 1997

communities and even calls for its repeal. Critics claim that the law's implementation has been inconsistent, often favoring corporate interests over Indigenous Peoples' rights. The law has been used to legitimize projects that encroach on ancestral lands, leading to displacement and environmental degradation, and it fails to empower Indigenous communities to exercise their rights as intended fully.

Republic Act No. 7942 or the Philippine Mining Act of 1995 mandates the state to ensure environmentally sound methods in mineral resource management while upholding the welfare of impacted communities. Section 16 states "No ancestral land shall be opened for mining operations without prior consent of the indigenous cultural community concerned."¹² Chapter IV also reiterates the need for an exploration permit in conducting the exploration of minerals in an area. However, the act's execution has sparked controversy, with the Indigenous Peoples and environmental defenders claiming it favors economic gains at the expense of community welfare and ecological integrity.

Chapter II Section 6.d of the Republic Act No. 11234 or the Energy Virtual One-Stop Shop Act, aims to provide a secure and accessible system for all government agencies in permitting power generation, transmission, and distribution.¹³ Its impact on the Indigenous Peoples depends on how well it balances streamlined processes with community rights, environmental protection, and meaningful participation.

Chapter I Section 2 of Republic Act No. 9136 or the Electric Power Industry Reform Act (EPIRA) of 2001 aims to ensure and accelerate the total electrification of the Philippines and to promote the use of indigenous and renewable energy resources in power generation, among others.¹⁴ Moreover, **Republic Act No. 9513 or the Renewable Energy Act of 2008** promotes the development, utilization, and commercialization of the country's renewable energy resources. Chapter VI Section 14 ensures all explorations shall be conducted in compliance with environmental regulations as advised by concerned government agencies.¹⁵ However, both EPIRA and the Renewable Energy Act's emphasis

on private sector participation and infrastructure development can lead to the displacement of the Indigenous Peoples. Energy projects encroach upon ancestral lands, affecting the Indigenous Peoples' rights to self-determination and cultural heritage.

The **Charter Change (ChaCha)** proposed under President Ferdinand "Bongbong" Marcos Jr. aims to amend the 1987 Philippine Constitution, primarily focusing on economic provisions. This initiative seeks to allow 100% foreign ownership of ancestral lands and territories. Additionally, critics emphasize the possible change in political structures, which could potentially weaken democratic safeguards and the Bill of Rights. Indigenous Peoples oppose ChaCha and cited that this will only lead to intensified land grabbing and human rights violations, and that basic social services will be further denied.¹⁶

The Philippines is a signatory to various international human rights instruments including the **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)**. Ratified in 2007, UNDRIP underscores the fundamental rights of indigenous communities, including the right to self-governance, the preservation of cultural heritage, and involvement in legislative processes.¹⁷ A year later, the Philippines affirmed its commitment to these principles by officially supporting this global declaration, reinforcing the nation's dedication to the empowerment and recognition of its indigenous communities. The declaration serves as a significant step towards ensuring that the rights of the Indigenous Peoples are respected and integrated into international and national policies.

The Philippines must bridge the gap between national legal and policy frameworks and actual protection for the Indigenous Peoples. Strengthening FPIC processes, addressing conflicting laws, and ensuring the safety of the Indigenous Peoples and human rights defenders are crucial steps. By implementing international and national obligations and upholding the Indigenous Peoples' rights, the Philippines can create a more just and sustainable future for the Indigenous Peoples.

¹² Republic Act No. 7942, Philippine Mining Act of 1995.

¹³ Republic Act No. 11234, Energy Virtual One-Stop Shop Act.

¹⁴ Republic Act No. 9136, Energy Power Industry Reform Act of 2001.

¹⁵ Republic Act No. 9513, Renewable Energy Act of 2008.

¹⁶ 'IP and Moro Groups Protest vs. Marcos-led ChaCha at Mendiola', KATRIBU, 2024.

¹⁷ United Nations Declaration on Indigenous Peoples.



Dumagat community of Tanay, Rizal joined by Katribu Kalipunan ng Katutubong Mamamayan sa Pilipinas came together to celebrate the International Day of Action for Rivers and Against Dams on March 14, 2025. (Photo courtesy: KATRIBU)

Impacts of Extractive Industries and Energy Projects on Indigenous Peoples in the Philippines

The expansion of mining operations and energy developments has significantly disrupted the lives of Indigenous communities worldwide. These activities often lead to environmental degradation, compromising the natural resources that Indigenous Peoples depend on for their livelihoods and cultural practices. Mining, oil extraction, and energy production can contaminate vital resources such as water, air, and soil, posing serious health risks. Indigenous populations frequently experience higher rates of health issues due to such pollution. Efforts to mitigate these impacts and improve conditions are crucial for the well-being of these communities.

The construction of large-scale hydropower projects, such as dams, often results in the flooding of ancestral lands, displacement, and loss of livelihoods. A notable example is the Chico River Dam Project in the 1970s and 1980s, where the Kalinga and Bontoc peoples successfully resisted the project, which would have submerged their lands and sacred sites.¹⁸

While renewable energy projects are generally considered environmentally friendly, they are not without challenges for Indigenous Peoples. The push for wind and solar farms can lead to land conflicts and marginalize local communities. For instance, wind farm

construction in Ilocos Norte faced opposition from local Indigenous communities, who were not adequately consulted and did not benefit from the projects.

Moreover, these projects can result in the displacement of communities, loss of ancestral lands, and erosion of traditional knowledge and languages. It is crucial to respect the rights and voices of Indigenous Peoples and seek their consent in decisions that affect their lands and way of life.

These industries often operate in areas rich in natural resources that overlap with Indigenous territories, leading to conflicts over land rights and self-determination. The disregard for traditional decision-making processes by private corporations can undermine Indigenous autonomy, displace communities, and result in the loss of traditional livelihoods.

Despite international and national legal recognition, Indigenous Peoples' rights are often overlooked, leading to the loss of cultures, languages, and lives. It is essential to actively involve Indigenous communities in decision-making processes and uphold their rights to prevent the adverse effects of extractive industries. Policymakers and companies must engage with Indigenous Peoples, respecting their rights and integrating their traditional wisdom into sustainable development plans. This approach not only protects the rights of Indigenous communities but also contributes to global efforts in preserving biodiversity and combating climate change.

¹⁸A. Salamanca, 'Resisting development: Indigenous land struggles in the Philippines', *Third World Quarterly*, 36(12), 2015, pp. 2192-2207.

Representative Cases of Extractive Industries and Energy Projects Impacting Indigenous Peoples in the Philippines

Mining

The Didipio Gold and Copper Mine which faces strong opposition from the Indigenous Peoples in Brgy. Didipio, Nueva Vizcaya scarred their ancestral lands and receded the water system on which they depend. The Oceana Gold Philippines operates the project under the Australian-Canadian investor OceanaGold Corporation. The operation covers 27,000 hectares of land and holds about 1.41 million ounces of gold and 169,400 tons of copper. Despite the opposition from the residents and local government, the Philippine government granted the extension of its operation under the Financial and Technical Agreement (FTAA).¹⁹ In 2020, the police used force to disperse the barricade of the people of Didipio injuring Indigenous Peoples.²⁰ Those who were injured were unable to seek medical assistance due to the distance from the hospital and allowed their injuries to heal on their own. Fifteen individuals were later charged by the police with violating COVID-19 protocols. This included the chairperson of the Didipio Earth Saver's Movement Association (DESAMA), who was detained for one day and subsequently released on bail. In 2022, the case against them was dismissed with the assistance of a lawyer from the National Union of Peoples' Lawyers - Cagayan Valley.

In 2007, Citinickel Mines and Development Corporation (CMDC) received mining rights in Palawan, including the Pulot Sofronio mine, governed by Palawan's Strategic

Environment Plan for Palawan Act or RA 7611. Despite promises of progress, Citinickel's mining operation since 2010 has caused significant environmental and social harm, pushing indigenous communities into poverty. A silt spill in 2014 led to the suspension of CMDC by the Mines and Geosciences Bureau (MGB) and a fine for polluting water bodies. Despite this, mining operations resumed in 2014. Indigenous peoples in Palawan continued to oppose the mine operated by CMDC even after lifting of suspension by DENR. In 2017 DENR issued an audit report found that the operation of CMDC impaired the functions of watershed in the area.

The Tampakan Copper-Gold is an open-pit mining project in South Cotabato, Mindanao by Sagittarius Mines, Inc. (SMI). It covers around 10,000 hectares of multiple municipalities, and provinces, and 3,000 hectares of forest, and the sacred site of the IP are directly affected. The B'laan Indigenous community has faced displacement of 4,000 individuals, environmental degradation, and militarization due to this project. The proposed open-pit mining operation threatens their ancestral lands, livelihood, and cultural heritage. The Indigenous community experienced human rights abuses in defending their ancestral lands against the mining project, including the killing of the Indigenous People tribal leader Anteng Freay of the Bong Mal community in 2013.²¹ In the recent pronouncements made by the project developer of the company, this "biggest mining project" of copper-gold site in Mindanao, may begin commercial operations in the last quarter of 2026 at the earliest.²²



Indigenous and environmental groups call for passing of the Peoples' Mining Bill as an alternative to the destructive Philippine Mining Act of 1995, Mendiola, March 3, 2025. (Photo courtesy: KATRIBU)

¹⁹ 'Didipio Gold and Copper Mine in Nueva Vizcaya', Ej Atlas, 2022.

²⁰ 'Attachment A: Foreign-owned mining, eco-tourism, dam and other energy projects built on ancestral domains', KATRIBU, 2023.

²¹ L. Chavez, 'The fight goes on for opponents of a Philippine mine given a new lease on life', Mongabay, 2020.

²² <https://www.reuters.com/article/markets/currencies/philippines-tampakan-copper-gold-mine-may-begin-operations-in-2026-idUSKBN2ZF0K9/>

Dams and Energy

The Energy Logics Philippines Inc. (ELPI) was granted by the Philippine Government to develop the Ilocos Norte Solar Power Project in Burgos to provide additional energy for the Luzon grid at minimum cost. The energy firm will install 279,410 solar panels, with a capacity of 340 watts for each panel. The ELPI also plans to develop a 132-megawatt capacity wind energy project located in Vintar and Pasuquin.²³ In 2024, members of the Masamuyao community were denied access to their old settlement due to the construction of a solar power facility that was undertaken without proper consultation with their tribe. This has restricted their movement within their ancestral land. The community raised the issue with the National Commission on Indigenous Peoples, highlighting the restricted access imposed by the facility's fence and the fact that the project did not follow the FPIC process.²⁴

The Department of Energy has awarded five large dam projects along the Saltan River and its Northern Kalinga tributaries in Balbalan and Pinukpuk municipalities. Saltan D and Saltan E projects are considered large dams by the International Commission on Large Dams. The projects will affect the ancestral domains of the Dao-angan, Salogsog, and Poswoy tribes. According to JBD Water Power Inc. (JWPI), the three projects will have

a total installed capacity of 150 megawatts (MW) and a total output of 350 MW.²⁵ Last August 2023, members of the Mabaka tribe in Balbalan, Kalinga filed a petition against the JWPI's 40 MW Mabaca Hydropower Project to the NCIP regional office in Cordillera. The members of the tribe stated that the project would lead to their loss of ownership and control over their ancestral land and river.²⁶

The Pan Pacific Renewable Power Philippines Corporation's (PPRPPC) 150-megawatt Gened 1 dam project worth P19.8 billion and the 335-MW Gened 2 Hydroelectric Power Project costing P51.3 billion are planned to be constructed in the Abulug River in the Cordillera Administrative Region, Philippines. The Gened 1 is expected to be commercially operated in 2025. The projects of Pan Pacific threaten to submerge 898 households in eight barangays of Kabugao and 42 homes in Pudtol town, displacing more than 4,600 individuals and affecting key biodiversity in the area.²⁷

The Dumagat-Remontados in Rizal-Quezon provinces face the New Centennial Water Source Project (NCWS) - Kaliwa Dam, a China-funded loan project worth 12.2 billion pesos or \$225 million. The 60-meter high dam installed along the Kaliwa River in Quezon threatens to submerge 100,000 residents, six sacred sites, and 129 species. In 2019, five out of the six cluster communities



Members of the Salogsog tribe in Kalinga during a community assembly in September 2022 signing the resolution of non-consent in opposition and rejection to the proposed 49MW Saltan D Project. (Photo courtesy: SUMKADD)

²³ L. Adriano, 'Solar firm signs debt settlement deal with Ilocos Norte town', Philippine News Agency, 2023

²⁴ S. De Vera, 'Indigenous rights clash with solar power project in Ilocos Norte', Rappler, 2024

²⁵ S. De Vera, 'Dam projects face strong opposition in Kalinga', Rappler, 2022

²⁶ 'Members of the Mabaka tribe files petition against the 40 MW Mabaca River Hydropower Project of JBD Water Power Inc. (JWPI)', Cordillera Peoples Alliance, 2023

²⁷ K. Quitasol, 'FPIC manipulation, collusion on Apayao dam project haunt NCIP', Northern Dispatch, 2021.

in General Nakar, Quezon—Lumutan, Baybay, Pagsanghan, Umiray, and Cablao—did not approve the dam project after three assemblies as part of the FPIC consultation process.²⁸ This was in contrast to the Metropolitan Waterworks and Sewerage System (MWSS) previous report, which claimed that all six groups, including Malibay, had consented to the project. Additionally, there were reports of the Dumagat being locked in a room to pressure them into giving quick consent, and the FPIC documents were not translated into the local language.²⁹ By the end of 2026, the Kaliwa Dam project is expected to be completed and begin commercial operations in 2027. In addition, the MWSS is waiting for the approval of the National Economic Development Authority (NEDA) to proceed with the 12-billion-peso Kanan-Agos project. The Kanan Dam will provide a 3,000 million liters per day (MLD) water supply.³⁰

The 6.6-megawatt Jalaur River Multi-Purpose Project Phase II (JRMPP) is a joint initiative between the governments of the Philippines and Korea, along with the Korean Export-Import Bank (Exim). The project is valued at 11.212 billion Philippine pesos (approximately

250 million USD). The project is expected to displace 17,000 Tumandok individuals, affecting 16 Indigenous communities, and will submerge their houses and agricultural lands. In 2020, a joint military and police operation raided the communities to search for alleged members of the New People's Army (NPA), killing nine Indigenous leaders and arresting sixteen others. The locals deny the affiliations of those who were massacred by being members of NPA and they were killed due to their opposition to the project.³¹

In Central Mindanao, the proposed 250-megawatt South Pulangi Hydroelectric Power Plant project threatens to submerge 2,833 hectares of Indigenous land. The China-backed hydropower project is worth \$800m and also involves the construction of a 143-meter dam. According to a project plan released in 2018 by Pulangi Hydro Power Corporation, it will displace 20 Indigenous communities. The Indigenous Peoples living in South Pulangi and environmental defenders targeted by militarization under the former Duterte administration prevent them from gathering information about the possible impacts of the project.³²

Table 4. Summary of Representative Cases of Extractive Industries and Energy Projects Impacting IP

Project	Area	IP groups affected
Mines		
Citnickel's Pulot Sofronio Mine	Palawan	Palaw'an
Didipio Gold and Copper Mine	Nueva Vizcaya	Settlers from the Cordillera
Tampakan Copper Gold	South Cotabato	B'laan
Energy		
Ilocos Norte Solar Power Project	Ilocos Norte	Isnag
Saltan Dams	Kalinga	Kalinga belonging to the Dao-angan, Salogsog, Poswoy, Limos, Buwaya, and Mabaka Tribes
Gened Dams	Apayao	Isnag
New Centennial Water Source Project (NCWS) - Kaliwa Dam	Rizal and Quezon Provinces	Dumagat-Remontado
Jalaur River Multi-Purpose Project Phase II (JRMPP)	Iloilo	Tumandok
South Pulangi Hydroelectric Power Plant	Bukidnon	Manobo

²⁸ Mavic Conde, 'Quezon province's IPs reject Kaliwa Dam project', Rappler, 2019.

²⁹ M. Ramos, 'Indigenous Filipinos fight Kaliwa dam project on their land', Context, 2023

³⁰ 'Kanan Dam project awaiting NEDA approval,' Business World, 2023

³¹ 'Jalaur River Multi-Purpose Project (JRMPP) Phase II Dam, Iloilo, Philippines', Ej Atlas, 2022.

³² N. Aspinwall, 'China-backed dam threatens Indigenous people in the Philippines', Al Jazeera, 2020.

Challenges for Indigenous Peoples' Rights in the Contexts of Extractive Industries and Energy Projects

Indigenous Peoples in the Philippines face significant challenges in asserting their rights amidst the encroachment of extractive industries and energy projects within their territories. These challenges are multifaceted and deeply rooted in systemic issues, ranging from violations of consent to outright violence and repression.

Violation of Free, Prior, and Informed Consent (FPIC)

Free, Prior, and Informed Consent (FPIC) is a critical right enshrined in IPRA, UNDRIP, and other various international instruments. This protocol protects the Indigenous Peoples' rights by obtaining consent that is free from manipulation or coercion and informed by relevant information.

However, in practice, FPIC is often bypassed or manipulated, which many indigenous communities experience. The FPIC is not always genuinely acquired, as the Indigenous Peoples may be inadequately informed or subjected to pressure during the consent process.

Extractive and energy projects frequently proceed without genuine consultation or the consent of the affected communities. There have been numerous reports of companies and the NCIP aiding in violating this right. The NCIP fabricates FPIC documents and uses the tactic of deception and misrepresentation among Indigenous Peoples to railroad the construction of projects.³³

Recently, the NCIP passed new FPIC guidelines, which railroads FPIC processes for proposed development projects in IP areas. Groups in the Philippines passed a petition to NCIP in June 2024 to halt its revision.³⁴

³³ Mavic Conde, 'Quezon province's IPs reject Kaliwa Dam project', Rappler, 2019.

³⁴ M. Ramos, 'Indigenous Filipinos fight Kaliwa dam project on their land', Context, 2023

³⁵ 'KATRIBU to Marcos Jr.: Act on UN Expert's Advice; address environmental, rights abuses', KATRIBU, 2023

Political Vilification

A disturbing trend is the red-tagging and terrorist-tagging by the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC), along with the state security forces, to Indigenous Peoples Human Rights Defenders (IPHRDs). The government vilifies IPHRDs as members of 'communist-terrorist' groups. This baseless labeling not only discredits legitimate advocacy but also places individuals and communities at heightened risk of harassment, arrest, and violence. The government also weaponizes laws such as the Anti-Terrorism Act of 2020 (ATA), which designates IPHRDs as terrorists. The first victims of the ATA were Aytas from the Central Luzon region, and in 2023, four Cordillera Peoples Alliance leaders were designated as terrorists by the Anti-Terrorism Council.

Furthermore, there is a prevalent use of criminalization through trumped-up charges among IPHRDs. Indigenous leaders and members of their communities are often falsely accused of various crimes, leading to prolonged legal battles, unjust imprisonment, and a climate of fear.

These vilifications serve as a tactic to suppress dissent and stifle the defense of indigenous rights, which include opposition to the encroachment of destructive mining and energy projects within IP territories.

Militarization and Bombings

Accompanied by political vilification is the militarization and bombing of Indigenous communities. It undermines FPIC, creates fear, endangers the safety of Indigenous Peoples, and infringes on the IP right to oppose destructive projects. Heavy military presence, which is often seen in areas rich in natural resources, protects mining, energy, and other projects. Under President Ferdinand "Bongbong" Marcos Jr administration, nine (9) incidents of bombing involving Indigenous communities have been reported.³⁵

Good Practices of Extractive Industries and Energy Projects Promoting Indigenous Rights

The Philippines has abundant natural resources and great potential for extractive and energy projects. However, in implementing extractive and energy activities it must lean towards sustainability, minimizing environmental impact, and promoting genuine social and economic benefits for local communities, and not in the self-vested interest of the few.

In the Philippine setting, the good practices of extractive industries and energy projects are not evident from the companies and even in the government. The Indigenous Peoples are continuing to resist the negative impacts of extractive industries and energy projects. Various actions are being taken to ensure the prevention of rights violations and environmental preservation.

Legal Actions: Filing cases in courts to hold the companies and the government institutions accountable for the violations of Indigenous Peoples' rights. Indigenous Peoples utilized the legal mechanisms by lobbying their concerns to ensure protection against the violation of their rights and territories. In April 2024, Indigenous Peoples in Didipio, Nueva Vizcaya, with the aid of an organization, filed a petition for certiorari at the Bayombong Regional Trial Court seeking reversal of the Financial or Technical Assistance Agreement (FTAA) issued by the Philippine government to OceanaGold Philippines, Inc. (OGPI), a mining company. Citing lack of consultation with communities and disregard for local autonomy is the basis of the petition.³⁶

Direct Actions: Indigenous Peoples (IP) are organizing protests and mass demonstrations to voice their grievances and to expose the government's inaction in resolving the issues of protecting the IP rights and their ancestral lands.

Campaign and Advocacy: Working with civil society organizations (CSO) and other advocacy groups to raise awareness and educate the policymakers and public about the IP situation. The IP also utilizes various platforms like social media, public forums, and international bodies like the United Nations to strengthen their campaign for land rights and the right to self-determination. Collaborating with other groups provides legal assistance, technical support, and aid in documenting and campaigning the issue of human rights.

Media and Documentation: Mainstream and alternative media are effective methods for documenting the situation of Indigenous Peoples, popularizing their campaigns and issues. Media also serves as an avenue for educating the public about the challenges faced by Indigenous communities.



Indigenous Peoples display the use of spears against the images of President Ferdinand Marcos Jr. and Vice President Sara Duterte during the 2024 People's State of the Nation Address (SONA) in Quezon City, Philippines. (Photo courtesy: Philippine Collegian)

³⁶ 'Illegal renewal of OceanaGold mining contract brought to court', Legal Rights and Natural Resources Center, 2024

Conclusions and Recommendations

The challenges faced by Indigenous Peoples in the context of extractive industries and energy projects are complex and deeply intertwined with broader issues of governance, human rights, and environmental justice. Addressing these challenges requires a concerted effort to respect and uphold the rights of Indigenous Peoples, ensure genuine participation in decision-making processes, and hold perpetrators of human rights violations accountable.

TO THE GOVERNMENT

- Ensure genuine FPIC Enforce strict compliance with FPIC processes for all projects affecting Indigenous lands.
- Uphold Indigenous Peoples' rights: Cease militarization, bombings, red-tagging, and terrorist vilification of Indigenous Peoples; repeal ATA, revoke the arbitrary terrorist designations, and investigate the situation of indigenous political prisoners.
- Enact effective measures for Indigenous Peoples: Pass into law the Human Rights Defenders Bill and Environment Defenders Bill.

TO THE BUSINESSES

- Respect FPIC: Honor the principle of FPIC by engaging in genuine, transparent, and inclusive consultations with Indigenous communities.
- Adopt Ethical Practices: Commit to ethical business

practices that respect Indigenous rights and environmental sustainability

- Address Grievances: Establish and maintain grievance mechanisms to address concerns and disputes promptly and fairly.

TO INDIGENOUS PEOPLES

- Strengthen Advocacy: Continue to advocate for IP rights and raise awareness about the impacts of extractive and energy projects on Indigenous communities. Document Violations: Systematically document any violations of IP rights and report them to relevant authorities and human rights organizations.
- Build Alliances: Form alliances with other Indigenous groups, civil society organizations, and international bodies to amplify Indigenous voices and strengthen advocacy efforts.

TO OTHER STAKEHOLDERS

- Support Indigenous Advocacy: Provide financial, technical, and moral support to Indigenous communities in their advocacy efforts.
- Promote Accountability: Hold governments and businesses accountable for violations of Indigenous rights and ensure they adhere to international standards and best practices.
- Raise Awareness: Educate the public about the challenges faced by Indigenous Peoples and the importance of protecting their rights and lands.



*Indigenous women from Balbalan, Kalinga say No to Dams!
(Photo courtesy: Cordillera Peoples Alliance)*



Over 150 participants from diverse sectors in the SOCCSKSARGEN region, with 40 T'boli and B'laan indigenous community members, gathered to address the environmental and social impacts of mining in these areas. (Photo courtesy: KATRIBU)

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