

NATIONS UNIES
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HIGH COMMISSIONER FOR HUMAN RIGHTS



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Excellency,

I write to thank you for the responses received on 4 January 2008 to the letter sent by the Committee on the Elimination of Racial Discrimination on 24 August 2007, which were reviewed at its seventy-second session, held from 18 February to 7 March 2008.

In view of new information at its disposal, however, the Committee remains preoccupied by the situation of the community of the Subanon of Mount Canatuan. It notes with concern that the situation has not improved and, in accordance with article 9 (1) of the Convention and article 65 of its rules of procedure, it requests from the State party further clarification and additional information in relation to the following issues already raised in August 2007:

- the granting of a concession to a Canadian mining company (TVI Pacific) authorizing mining activities on Mount Canatuan, a sacred site of the Subanon, without having obtained their free, prior and informed consent in line with their traditional forms of decision-making;
- the continuing recognition of the 'Siocon Council of Elders' as the representative body of the Subanon community by the NCIP and the Government despite the repudiation of this body by the community concerned;
- the measures taken by the State party to protect the members of the community from acts of violence and attacks on their property, sacred sites and institutions, bearing in mind in particular that paramilitary forces deployed by TVI Pacific are accused of human rights violations, allegedly with the cooperation of the armed forces;
- whether the amendments introduced in 2002 and 2006 to the 1998 Implementing Rules and Regulations impose restrictions in relation to the time-frame and process required to obtain the free and prior informed consent of indigenous communities; and

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- the failure to process all complaints and legal actions brought by the community.

Furthermore, the Committee is concerned about information suggesting that the situation of the community of the Subanon of the Mount Canatuan is not an isolated case, but that it is rather indicative of similar situations faced by other indigenous communities in the State party. In this context, the Committee wishes to recall that the free, prior and informed consent of indigenous communities for any development projects on their ancestral lands is required under the State party's 1997 Indigenous Peoples Rights Act.

The Committee wishes to receive the requested information **no later than 30 June 2008**. It further reminds the State party that in its letter of 24 August 2007, the Committee indicated that in case of non-receipt by 30 June 2008 of the State party's fifteenth to nineteenth periodic reports, it would proceed with the full review of the implementation of the Convention in the Philippines and adopt concluding observations in the absence of a report, in light of information received from other sources, including non-governmental organizations, at its 73rd session, to be held from 28 July to 15 August 2008. The State party may wish, therefore, to include the requested information in its overdue report, which, in addition, should be drafted in compliance with the revised reporting guidelines adopted by the Committee at its seventy-first session (CERD/C/2007/1) attached herewith.

Rest assured, Excellency, that the Committee looks forward to engaging in a constructive dialogue with the Government of the Philippines, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

Yours sincerely,



Fatimata-Binta Victoire Dah
Chairperson of the Committee for the
Elimination of Racial Discrimination