

June 19, 2020

Francisco Cali Tzay

UN Special Rapporteur on the Rights of Indigenous Peoples
Geneva, Switzerland

Dear Mr. Tzay,

This is in response to the call for inputs on your upcoming “Report of the Special Rapporteur on the rights of indigenous peoples to the General Assembly: Impact of COVID-19 on indigenous peoples.” It is being submitted on behalf of the Indigenous Peoples Rights International¹ and the Indigenous Peoples International Centre for Policy Research and Education-Tebtebba Foundation.² We hope that this contribution sees inclusion in your report.

1. How does the State collect and analyse information on the impact of COVID-19 on indigenous peoples and individuals? Is disaggregated data on indigenous peoples, including health impacts, available?

We have not seen any official State document about the impact of COVID-19 on Filipinos, much more on indigenous peoples. The government indeed gathers information – mostly the number of suspected cases, number of confirmed cases or deaths, which it publishes in a dedicated public website created – www-covid19gov.ph – but there is no separate information on indigenous peoples. There is however no information, as shown on this government website, about the impacts of COVID-19 to the various aspects of the lives of individuals and communities. Even the Department of Social Welfare and Development, the primary government agency for social welfare, has not released any data or analysis about impacts of COVID-19 on the welfare of the public. The National Commission on Indigenous Peoples (NCIP), the government agency with the mandate to ensure the protection and promotion of indigenous peoples rights, has not made known any effort to gather information and impact of COVID-19 on indigenous peoples.

2. Please provide information and specific examples showing the increased risks and/or disproportionate health impact of the pandemic on indigenous peoples. What measures have been taken to provide health care and other forms or urgent assistance for remote communities?

¹ For more details about the organization, see <https://www.indigenousrightsinternational.org/index.php/en/>.

² For more details about the organization, see <https://www.tebtebba.org>.

The prevailing inequality in terms of access, adequacy, quality and appropriateness of health services and facilities to indigenous peoples in their communities make them more disproportionately vulnerable and less shielded against COVID-19 and measures to mitigate it. Measures to prevent or avoid the spread of the virus, like wearing masks, sanitizing and washing with water, are difficult to implement when these are not available or accessible to indigenous peoples.

The situation of indigenous families in evacuation centers³ is even worse, since social distancing is impossible to observe due to the limited space. There is lack or shortage of water, alcohol, food supply and vitamins, thus increasing their vulnerability to the virus. Take for instance the case of around 1897 non-Moro indigenous families who were displaced from Brgy. Pandan, Brgy. Kuya and Brgy. Pilar in South Upi Maguindanao, BARMM due to an on-going armed conflict between state and non-state armed groups in their territories. These families have evacuated since May 29, 2020, and are staying in a roofed basketball court in Brgy. Kuya or in makeshift shelters. They are cramped in their temporary shelters, and cannot practice social distancing. Because of this situation, they are also more prone to spreading other illnesses, aside from COVID-19. They lack food, water, medication and sanitation in their temporary shelters.

There were also reports of increased anxiety and mental illness among indigenous peoples during the time of COVID-19. In Maguindanao, an indigenous Teduray youth who was stranded in Kidapawan City and was not able to go home to his family and his community committed suicide. His family attributed the death to depression and anxiety.

3. How are indigenous peoples supported in their own initiatives to fight the pandemic, protect health and provide assistance in their own communities? What lessons can be learnt from indigenous traditional practices and community-based programs in lock down and emergency?

Indigenous peoples, particularly those living in their own communities, were more resilient during the initial weeks of the State-imposed lockdowns, because of their sustainable farming and the availability of food in their territories. In one case, the Mayor of Sadanga, Mt. Province, an indigenous town, refused to accept food packs provided by the DSWD, claiming that there were more needy families and that their community will be able to get through the lockdowns because there is enough food in their territories.⁴

³ Evacuations are caused by armed conflicts and militarization of indigenous communities.

⁴ See related story: Mayor Gabino Ganggangan of Sadanga refuses food packs so the needy can have them, MSN News, May 4, 2020, <https://www.msn.com/en-ph/news/national/mayor-gabino->

When the national government allocated funds for distribution to low-income families under its Social Amelioration Program (SAP)⁵, at least 21 towns from indigenous territories returned various amounts of unused SAP budget. The SAP consisted of Php5000 – Php8,000 (\$100 – 160) cash assistance to families most in need during the lockdowns. According to heads of these indigenous towns, the amounts given were beyond the actual amount distributed to eligible families under the SAP.⁶

Community quarantine and lockdown is a common response by indigenous peoples to epidemics, pestilence, and other environmental crises. In the Cordillera, indigenous communities have different versions of this but the essence is the same: to cleanse, protect, and heal the community so the community must be locked down and quarantine measure taken. In *Kankanaey* communities in western Mountain Province, the term used is *ubaya* or *ngilin*. Among the Bontok, it is *teer* or *tengaw*. In other indigenous communities, traditional rituals were done to protect their communities from COVID-19.⁷ In Kibungan, Benguet, indigenous elders and local government officials gathered together to perform a traditional healing ritual and to strengthen community cohesion and cooperation in addressing COVID-19. The *Erumanen ne Menuvu* indigenous peoples in Mindanao, believe that all illnesses have cures. One of their traditional faith leaders had been warning them to prepare for a pandemic since last year. On March 17, 2020, many households conducted the offering ritual *sinuhung* for every window in response to this constant reminder from the *baylan* or faith leader as a way of warding-off the entry of bad energy and illnesses. The *Ayta-Mag-indi* tribe of Porac Pampanga initiated their own lock down, preventing people not belonging to their community from entering and assigning one of their people along with a non-indigenous person to act as first responders for medical needs. They intensified traditional healing practices and campaigned for the drinking of ginger tea. They also produced on their own, facemasks, because no masks were given or available to them.

Generally, indigenous communities have small to zero cases of COVID19. In areas where there are infections, these were cases of returning residents or visiting persons. However, while indigenous communities in geographically

[ganggangan-of-sadanga-refuses-food-packs-so-the-needy-can-have-them/ar-BB128dV3](#), last accessed on June 17, 2020.

⁵ See Joint Memorandum Circular No. 1, Series of 2020, <https://www.officialgazette.gov.ph/downloads/2020/03mar/20200328-JOINT-MEMORANDUM-CIRCULAR-NO-1-S-2020.pdf>, last accessed on June 17, 2020.

⁶ “21 Cordillera LGUs return P19.5-M Excess SAP aid, Philippine News Agency”, May 29, 2020, <https://www.pna.gov.ph/articles/1104348>, last accessed on June 17, 2020.

⁷ See related story: “In a Philippine indigenous stronghold, traditions keep COVID-19 at bay”, Karlston Lapniten, Mongabay, April 21, 2020, <https://news.mongabay.com/2020/04/in-a-philippine-indigenous-stronghold-traditions-keep-covid-19-at-bay/>, last accessed on June 17, 2020.

isolated areas are less likely to get the virus, their access to basic food supplies, health and education, is hampered by the quarantines/lockdowns. Some *Aeta* communities retreated further into the forest for fear of infection, but which will make them even further away from basic social services.

In some indigenous communities, their leaders took the initiative to solicit and distribute food packs because the goods from the DSWD were just not enough. Civil society organizations and non-government institutions have been very active in their own drive to distribute food and medical assistance to indigenous communities. However, in conflict areas, indigenous leaders were accused of receiving relief assistance from alleged terrorists or from the New Peoples' Army (NPA), and such accusation threatened the indigenous peoples and limited the assistance to these communities from non-government organizations.

Tebtebba, on its own initiative, is also supporting a few indigenous partners and their communities in the Philippines in addressing COVID-19. This comes in the form of immediate healthcare--such as helping communities make their own face masks or procure sanitizers, etc.—and food needs, such as foodpacks, among others; and education, awareness-raising, and monitoring on COVID-19.⁸

Some local government units allocated additional resources to transport relief goods to remote indigenous communities. In the province of Benguet for instance, Philippine Army choppers were used to transport *cavans* of rice and assorted groceries to communities that were not accessible by road.

Other LGUs in Mt. Province have arranged barter systems for upland communities for example to provide vegetable supply for communities in the low lands who in turn exchanged their banana produce to the upland communities.

4. How are indigenous peoples given the possibility to shape the national COVID-19 response to ensure it does not have discriminatory effect on their communities? Is their input sought and respected in the programs that could affect them?

In the Philippines, the Inter-Agency Task Force (IATF) created under the *Bayanihan to Heal As One Act of 2020*⁹ is the body that is mandated to draw national policies and guidelines to address the COVID-19 pandemic. It is a

⁸ <https://www.tebtebba.org/index.php/covid-19>

⁹ Republic Act 11469.

top-down process and it does not include a single indigenous person in the task force. It also does not include the NCIP, the national government agency working on indigenous peoples. Since it is usually a top-down decision making process, then inputs from the ground, much more from indigenous peoples, are not gathered.

5. How is information about COVID-19 and prevention measures disseminated in indigenous communities? Is such information available in indigenous languages?

The official national information center of the government for COVID-19 is the dedicated website under the Department of Health – www.covid19.gov.ph.¹⁰ All information in this website and in national media, are in English or Filipino. At the national level, no information is available in any of the indigenous languages. Although there are FAQs that are available in English and Filipino, as well as major regional languages like Ilokano, Kapampangan, Sebwano, Waray, Meranaw, Kinaray-a, Pangasinan, Bikol and Hiligaynon. None of these are indigenous languages, but may be understood by multi-lingual indigenous persons. However, many indigenous communities have difficulty accessing the Internet, where most of these platforms are based¹¹.

There is however an effort to translate some materials to major regional languages - <https://www.doh.gov.ph/COVID-19/FAQs>

So while it is helpful, they fall short in terms of really reaching out the most vulnerable communities (i.e. IPs)

Local government units however have their own information dissemination activities, mostly through social media which are not accessible to most indigenous communities, community radio¹² that can reach even remote villages, billboards or posters in public places like small *sari-sari* stores, waiting sheds, schools, village halls or electric posts. Information are generally in English, but some have reported that a few information were

¹⁰ The information channels being used by the Department of Health are the main sources for information on COVID-19. This includes their web site (<https://www.doh.gov.ph/2019-ncov/>), a web-based tracker (<https://www.doh.gov.ph/covid19tracker>), a nationwide Viber group, a Facebook page, a YouTube channel, and a Google Drive that serves as a repository of all COVID-19 related public documents.

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¹² Example: the community radio of Sagada, Mt. Province that broadcast some information in relation to the COVID-19. While it is done in the regional lingua-franca which is not an indigenous language, it reaches to more remote communities that have access only to radios.

translated by local governments to indigenous languages, as in the case of Buguias, Bakun, Kibungan in Benguet province.

Regional government line agencies have also contributed in information dissemination. There are a few information on social media accounts of line agencies that were shared in local languages but still, most of are in English or Filipino. A few are in local or indigenous languages. An example is NCIP Region 9 Office' published video and infographics on COVID-19 information in their Facebook page¹³.

6. Please provide examples of good practices and targeted measures to redress the disproportionate impacts of the pandemic on indigenous peoples' health. If these are being carried out by State, provincial and local governments, please explain how these measures were designed in consultation and implementing free prior and informed consent with the indigenous peoples concerned in order to ensure that such measures are adapted to the cultural and other specific needs of these indigenous communities.

There are no targeted measures of the government to redress the disproportionate impacts of the pandemic on indigenous peoples' health. All actions by the government are done without any form of consultation with indigenous peoples, and as mentioned above, decisions are made on a top-down process, where cabinet officials of the national government make the guidelines and policies, for implementation of local governments.

7. Please provide information on the economic, social and cultural impact of lockdowns, quarantines, travel and other restriction of freedom of movement on indigenous communities. Please provide information on measures taken to ensure indigenous communities do not experience discriminatory impacts on their access to livelihoods, food and education. How are indigenous peoples taken into account in the development of assistance and relief programmes? Where are the gaps if any?

Even as indigenous peoples have shown resilience during this pandemic, the prolonged lockdowns have threatened the food security and livelihoods of indigenous communities specially when people were not allowed access (or where access is limited) to their farms or to farm materials, and to markets, and when many found themselves jobless because of the closure of establishments. While indigenous communities practice sustainable agriculture and some still do hunting and gathering, a community lockdown

¹³ See <https://www.facebook.com/NCIPportal/videos/626284244895109/?v=626284244895109>

preventing or restricting their access to their farms and other source of food adversely impacted on their livelihood and sustenance.

Access to market is also challenging to some communities because of the limited mobility. Transportation cost skyrocketed as prices of rice and other commodities have increased even if there is a price freeze on basic goods leading to the exhaustion of savings of some families. Indigenous peoples producing crops for commerce also found themselves losing thousands in investments and supposed profits because of lack of market that dipped the prices to almost nil. In Benguet and in Mt Province during the early days of lockdown imposed in Luzon, many farmers were not to allowed harvest their crops and these were left to rot in the farms. That meant loss of income and more debt. Producers of non-food products such as cut flowers suffered losses too. Later on, the LGUs arranged to transport farm products to trading posts. But even with this support, several stories were covered by media where farmers were discarding loads of their produce because it would cost them more to bring them to the trading posts located in urban centers¹⁴. The mandatory 14-day quarantine imposed on drivers and farmers returning to their communities after bringing goods to the trading centers discouraged some farmers to transport their goods. These entire situations pose a big challenge for many indigenous peoples who have lost their jobs because of the pandemic, and whose option is to return to agriculture for livelihood.

In Mindanao, the extended drought season has lessened the produce of indigenous peoples engaged in cash crop production such as corn. The impact of drought that started since late 2019 dried up all their crops, and there is not enough rain to grow crops leaving most of the *sulagad* areas idle. Teduray Justice and Governance in Maguindanao also reported the outbreak of the African Swine fever in the nearby areas that also caused their pigs to be culled; pests on poultry also followed.

The restriction in movement is also alarming in Palawan as access to food became restricted. While agricultural activities in *kaingin* farms were allowed, it only employs a limited number of individuals to comply with the physical distancing measures of the government. Cows and carabaos were not also allowed to pass in the checkpoints bordering different villages to graze.

¹⁴ See related story: "Cordillera farmers throw away veggies due to lack of buyers amid COVID-19 quarantine", Michelle Soriano, ABS-CBN News, March 25, 2020, <https://news.abs-cbn.com/business/03/25/20/cordillera-farmers-throw-away-veggies-due-to-lack-of-buyers-amid-covid-19-quarantine>, last accessed on June 17, 2020.

The same restriction posed a threat to small farm holders in Mindoro. Most were unable to visit their farms during the enhanced community quarantine (ECQ). When the lock down was eased, farmers were required to get a certificate from the Department of Agriculture, travel pass and health certificate – a process that is cumbersome for indigenous peoples living far from the town centers where these certificates are issued. Some of the farmers opted to walk through the mountains or sneak around checkpoints at nighttime, just to access their farms. It is to be noted that communities in these areas are still recovering from the economic loss caused by Typhoon Ursula in 2019.

Agricultural products are being sold at a lower price. Fishing has been allowed, but does not guarantee income. In Palawan, fishermen are unable to transport their catch to the market because of the unavailability of public transportation. In Mindoro, fishermen were allowed to bring their catch in the market only twice a week, and there is very limited transportation for them to do this. They end up not fishing anymore else their produce will be wasted when these are not brought to the market in time. In Carlagan, Burdeos, Quezon, indigenous families have been experiencing limited food supplies, lack of access to food sources like daily wage earnings, seas and farms. Carlagan is an island and most villagers sell their fish catch at the main island. Since the lockdowns, only one small boat was allowed to transport fish from their community to the main island, therefore not everyone can sell their catch, thus they opt not to fish anymore. Worse, the prices of fish notably depressed from Php60 (\$1.20) to Php20(\$0.40) per kilo. On the other hand, as experienced by other communities, prices of basic staple food like rice increased by as much as 100% per kilo. Rains are delayed and the prolonged warm weather hampered their rice and corn planting, forcing them to rely on commercial goods.

Indigenous peoples engaged in small business in their communities, like small stores, were allowed to open during general community quarantines, but in compliance with imposed health protocols and curfews. During lockdowns, no small businesses are allowed and that means loss of income. Social events such as weddings, church services, graduations and moving up ceremonies and family reunions are cancelled.

On education, online learning was adopted to finish the semester or grading period this school year 2019-2020 but this was problematic to indigenous students who do not have the required gadgets and have no access to Internet. Those dependent on mobile data find difficulty downloading and uploading documents/assignments, not to mention the high cost of mobile data. It is an additional burden to parents who have less income as they have

to subscribe mobile data for their children, which can cost \$1 for 3 hours, an amount that is exorbitant for most indigenous peoples.

Indigenous peoples are included in the priority beneficiaries for the Social Amelioration Program (SAP) of the government. There were however numerous complaints from indigenous families claiming that SAP funds were given to some families who are not deserving while some families who were really in need were not qualified to receive SAP benefits. Apparently, the information used in identifying beneficiaries were 2014 data that were not updated and verified. The distribution of relief goods likewise included indigenous beneficiaries, although discrimination was also reported where indigenous peoples received less than that given to non-indigenous families. The discrimination is even emphasized when indigenous peoples are not present in the planning or in the distribution of relief goods. In Mindoro during the 2nd round of relief distribution, the Indigenous Peoples Mandatory Representatives at the barangay level were present to ensure that indigenous recipients received the same content of the relief packs as non-indigenous.

The Aeta-Mag-indi tribe in Porac, Pampanga reported another form of discrimination against them. They were portrayed as carriers of the COVID-19 because they eat bats – it was earlier reported to have been the source of the virus. People avoided interaction with them, thus isolating them even from their access to basic services and to relief goods. An Aeta community in Barangay Planas, Porac Pampanga reported that during one relief goods distribution by the government, each household was given only a few kilos of rice while non-indigenous peoples were given one *cavan* (50 kilos) of rice for each household.

The lockdowns likewise affected the indigenous peoples' cultural practices, as they were prevented from accessing worship grounds, or performing traditional rituals and festivities, which are usually integral to their agricultural activities. Rituals for the dead are no longer fully performed because wakes were not allowed at some point, and when it was allowed, they were required to bury or cremate their dead at the soonest possible time, even when traditional rituals were not yet performed. Violations of the quarantine restrictions mean imprisonment or payment of fines.

Exacerbating all these is the continuing challenge for indigenous peoples to defend their lands from land grabbers, agri-business and extractive industries, which, unfortunately, continued (if not worsened) even during the time of COVID-19 and the lockdowns. The lockdowns made the indigenous peoples more powerless because they could not leave their homes to defend

their territories or organize for mass actions without the risk of being penalized or imprisoned.

8. Please provide information on how indigenous women, older persons, children, persons with disabilities and LGBTI persons are or may be facing additional human rights challenges during the pandemic. Please provide information on targeted measures taken to prevent intersecting forms of discrimination, and ensure indigenous women, children, older persons, persons with disabilities and LGBTI persons' access, protection and services with due regards to their specific needs within indigenous communities.

Domestic violence and violence against children are more pronounced and authorities report that VAWC increased. As May 15, 2020, the PNP reported that they have monitored 815 cases of violence against women.¹⁵ Since there is no disaggregated data on indigenous peoples, we could not determine the exact cases in the national statistics reported by the IATF. However, we were able to receive information on cases of incest, physical abuse and death. In Baguio City for instance, an indigenous child in the care of his relatives was allegedly maltreated and murdered but was reported by his relative as a case of suicide until authorities suspected it otherwise and started to investigate. In one municipality in Benguet, an alleged incest rape took place against a young girl by her father. As domestic violence is intensified by the lockdowns where people are forced to stay in the places where abuse occurs, documentation and reporting is almost non-existing because of the restrictions of these lockdowns or quarantines. The option to seek refuge elsewhere is almost impossible because of the prohibition of travel outside of the residence.

Elderly persons were prohibited from leaving their homes. This is inequitable to those who are living on their own, with no non-elderly persons to go to market or buy groceries for them. There are stories where senior citizens went to the local markets and were denied entry because of their age. Even senior citizens were included in arrests done by local governments, for being outside of their residence. Some LGUs extended assistance to senior citizens to do their marketing¹⁶ but many other LGUs did not provide resources for a similar assistance.

The youth face challenges in completing their education. Since physical classes were stopped in March, online classes were adopted by many schools. While this is maybe feasible in a few urban schools, it is not practical or sensible in most indigenous communities where there is no access to the

¹⁵ IATF Report, Week 10, <http://www.covid19.gov.ph/bayanihan-accomplishments-tracker/>, last accessed on June 18, 2020.

¹⁶ Barangay Officials Told to Assist Senior Citizens, <http://www.baguio.gov.ph/content/barangay-officials-told-assist-senior-citizens>, last accessed on June 18, 2020.

Internet or when they do not have the necessary equipment like phones or computers or even electricity. A State college in Mt. Province printed modules or hard copies of school activities and sent these to their students through the assistance of the LGUs where these students are located. In other places, however, even the use of hard copies for school activities is difficult since the students do not have the means or resources for printing. In Agusan del Sur, where students were able to complete their studies through printed materials that they can bring home, they had difficulty getting these materials and submitting them later on to the schools which are located far from their communities. They had to walk for long distances since no public transportation is available and at the risk of being penalized or even imprisoned when accosted by the police for violating lockdown policies. Similar challenges confront teachers living in rural villages that do not have Internet access. In Davao region for instance, some teachers trekked up mountains to set up tents where they can get Internet connection and participate in webinars required by the Department of Education, or comply with requirements sent online.¹⁷

9. Please provide information on how States of emergency may contribute to threats or aggravate ongoing human rights violations against indigenous peoples, including with regards to the freedom of assembly and the protection of their traditional lands and resources. What measures have been taken to protect the lands, territories and resources of indigenous peoples against invasions and land-grabbing by external actors during the pandemic

Indigenous peoples' defense of their lands and territories, and their lives, liberty and security were even more threatened during State of emergencies and the community quarantines or lockdowns imposed in response to the COVID19.

During this pandemic, implementation of government response programs see the amplified involvement of the police and the military, and thus the further militarization of indigenous communities. Armed conflicts erupted that resulted to evacuations of indigenous families to places that put them at high risk of having COVID19. The government emergency response was utilized by the State's National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) to further red-tag indigenous land rights defenders and activists and intensify intimidation and threats against these persons.

In Maguindanao, crossfires were reported in barangays Kuya, Pandan and Pilar due to an ongoing armed encounter between state and non-state armed

¹⁷ DepEd says looking into issues in Davao Webinar after viral video of teachers in tents, Jaehwa Bernardo, ABS CBN News, June 18, 2020, <https://news.abs-cbn.com/news/06/18/20/deped-says-looking-into-issues-in-davao-webinar-after-viral-photo-of-teachers-in-tents>, last accessed June 19, 2020.

groups in the area that led to the displacement of more of less 900 indigenous *Teduray* and Lambangian families caused by forced occupation of Moros in Teduray and Lambangian Ancestral Domain Claim (TLADC). The conflict started because of non-IPs claiming parcels of land in the TLADC.

Red-tagging of indigenous peoples and organizations escalated during the COVID19 and the lockdowns limited the opportunity for those whose lives, liberty and security are threatened, from seeking refuge in other places. The Cordillera People Alliance (CPA) reported the persistent red-tagging and attacks against its officers and members by State forces, branding them as terrorists and recruiters of the CPP/NPA. These attacks are usually done in social media pages, in flyers and posters and other media. Relief operations for the COVID19 conducted by the CPA and other indigenous organizations were condemned by State forces as a front for recruitment to the CPP/NPA. On April 12, 2020, while the town of Sagada, Mt. Province was in lockdown, two (2) UH1J Huey choppers dropped propaganda flyers telling people to stay at home, but most of the other contents referred to alleged recruitment to the CPP/NPA activities by persons or organizations delivering relief or assistance.¹⁸ Many other community-based indigenous peoples organizations from all over the country reported threats and intimidation, surveillance and forced surrenders being done by the police and the military.

Alternative learning schools established in indigenous communities in Mindanao, that have been the victim of red-tagging and attacks by the government, continued to experience human rights abuses during the COVID19. In the Misfi Academy in Barangay Makilala, North Cotabato for instance, the students of the school has been housed in the school premises since the lockdowns in March. On June 13, 2020, a father fetched his two sons from the school to bring them home to Saranggani province. They were reported missing after leaving the school, and were found to be in the custody of the 39th Infantry Battalion of the Philippine Army, five days after they were last seen. In other alternative learning schools in Lianga, Surigao del Sur, military men went to the school on June 14, 2020 and threatened to arrest the teachers if they continued school operations. The military told them that their schools were ordered closed.

Hundreds of indigenous families in evacuation centers in Mindanao and Metro Manila remain stranded and could not return to their communities for reasons including the continuing militarization of their villages, threats to their lives, community quarantines/lockdowns and restrictions on any form of travel. These families faced lack of food, water and sanitation supplies as

¹⁸ Easter Sunday propaganda operation by the military condemned, Northern Dispatch, April 14, 2020, <https://nordis.net/2020/04/14/article/news/car/easter-sunday-propaganda-operation-by-the-military-condemned/>, last accessed on June 19, 2020.

they face higher risk of COVID19 infection due to the conditions in the evacuation areas.

Indigenous peoples perennially face the challenge of defending their lands, territories and resources from agri-business, extractive industries and other developments that encroach into their ancestral domains. Indigenous peoples suffered and have been victims of killings, arrests, criminalization and other forms of abuses because of their efforts to defend their domains from these destructive projects. During the lockdowns, while indigenous peoples were being told to stay in their houses, these destructive industries were allowed to thrive like villains attacking in the dead of night.

The cases of Oceana Gold in Didipio, Nueva Vizcaya and Ipilan Nickel Corporation (INC) in Brooke's Point, Palawan for instance, have shown the increased vulnerability of indigenous peoples and the abuse of business entities who take advantage of lockdowns to perpetrate their illegal operations. The permit to operate of Oceana Gold expired in June 2019. Despite this, the company reportedly continued to operate despite the strong opposition of the community where its mining operation is located. On April 6, 2020, at the height of a community lockdown, 100 personnel of the Philippine National Police (PNP) escorted oil tankers towards the mining area. A few villagers posted at a community barricade had an altercation with the police officers that led to physical and violent dispersal of the barricade and the arrest and detention of one of their leaders. The oil tankers were able to proceed to the mining site, no police force was held responsible for the dispersal of the barricade, and the villagers were left with bruises and physical injuries and a member facing charges in court. On the other case, the Mineral Production Sharing Agreement of INC with the government expired on August 26, 2018 and has not been renewed since. Its Environmental Compliance Certificate was revoked earlier in 2016. Despite the absence of any permit and ECC, INC continued to operate, which caused a series of protests from the affected indigenous peoples and local residents, even before the lockdowns. On May 6, 2020 while the province of Palawan was under Enhanced Community Quarantine, villagers discovered that trucks continued to enter the mine site. INC created a new road via Everlasting Street with direct access to their barge, and continued to build fences and waterways for their silting ponds. On May 14, villagers were able to close off the gate to the new entryway. On May 26, the villagers confiscated the backhoe used by INC to build their fences and waterway. On June 17, villagers conducted a protest action and were determined to permanently close the mining area and prevent any mining company from operating. The protest action led to the withdrawal of INC's security forces. Villagers continue to guard the mining site to prevent the security forces from coming back.

Even government agencies were taking advantage of lockdowns to continue with plans for infrastructure development in indigenous territories and encroachment into their territories. For example, the Department of Environment and Natural Resources (DENR) were conducting cave hunting activities without the knowledge and consent of the indigenous peoples, while the Department of Public Works and Highways (DPWH) conducted surveys on proposed road construction in indigenous territories in Mindoro during community lockdown, and with out their free prior and informed consent.

We hope that these information will contribute to your report. While these answers are focused on the Philippine situation, we would like to submit additional information (Annex A), on general situation of indigenous peoples in other countries that were able to gather through our partners.

Very truly yours,



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