
[The Philippines: Defending the defenders, defending their rights](#)

Juvy Capion was an indigenous B'laan mother of three, and a staunch defender of their ancestral domain in South Cotabato, Philippines, against the Tampakan Mining Project. Her house was strafed at in the early morning of 18th October 2012. The men of the 27th Infantry Battalion of the Armed Forces of the Philippines (AFP) who led the shooting, said that it was a legitimate military operation against a bandit. The “bandit” was Daguil Capion, Juvy’s husband, who was a tribal leader also strongly opposed to the mining project. The shooting left Juvy dead, along with her two sons: Jordan, 12 years old, and John, 8 years old. Vicky, 4 years old survived the attack. Daguil, on the other hand, was not at home at that time.

This case, known as the “Capon Massacre”, is one of the 31 extrajudicial killings related to mining and other extractivist campaigns under the previous government, led by Aquino, which remains unsolved.

Meanwhile, the Tampakan Mining Project of Sagittarius Mines, Inc., which has shareholdings from Indophil Resources NL, an Australian company, continues to be in the pipeline. The project site covers around 10,000 hectares, overlapping with agricultural lands and ancestral domains of the B'laan indigenous peoples. It is touted to be the largest copper-gold mining project in Southeast Asia.

The new government, under President Duterte, committed to only allow “responsible mining” in the country, and to close all mines which have adverse impacts on the environment. The President appointed Regina Lopez as the Secretary of the Department of Environment and Natural Resources (DENR). Ms Lopez is known for her anti-mining campaign work, so the news was welcomed by the mining-affected communities and environmental organizations. Ms Lopez ordered mining audits and, as a result, 23 mining companies were ordered for closure, and 5 more for suspension. Later on, she also ordered the cancellation of 75 mining contracts, one of which was the Tampakan Mining.

These actions earn the ire of the mining industry, which lobbied the Congressional Committee on Appointments to reject Ms Lopez as DENR Secretary. Even though local communities, environmental movements and the general public supported Ms Lopez, after a long series of congressional hearings, Ms Lopez was finally rejected. The Secretary of the Department of Finance, Carlos Dominguez, heaved a sigh of relief when Ms Lopez left the DENR. The Dominguez family has strong ties with different mining companies. His brother, in fact, is an executive of Sagittarius Mines, Inc.

The President, who once favoured Ms Lopez, just sat in the sidelines as his appointee was rejected. And so was his campaign promise of “responsible mining”. The mining industry lobby won and the corporate agenda is firmly installed. With all the closure orders on appeal, Secretary Dominguez assured the mining industry that everything is back to normal, and that such actions adverse to the industry will never happen again. “Never again,” said Dominguez. Duterte’s next appointee as DENR Secretary is General Roy Cimatu, a retired chief from the Armed Forces. While he is still mouthing “responsible mining” and “balance between environment and mining investments”, Cimatu held back the administrative order of Ms Lopez which bans open pit mining in the country.

Apart from further boosting the investments of retired generals and other military personnel who are deeply involved in the mining industry, appointing a military man in the environmental agency militarizes the mining conflicts as well as others related to natural resources. This is very alarming. To date, based on the documentation of the national campaign against mining or *Alyansa Tigil Mina* (ATM), during the 10 months of the Duterte administration, there were already 15 human rights defenders murdered while defending their land and territories. Most of them were community leaders with ongoing campaigns against mining and land grabbing. One of the most recent victims was a woman lawyer on environmental and human rights, Attorney Mia Mascarinas. These killings are in addition to the more than 8,000 women, men and children who have been killed under Duterte's on-going war on drugs.

Further alarming is the declaration of President Duterte of martial law in June 2017 in Mindanao, purportedly as a response to Islamic State (ISIS) militant group's terrorism in the region. Mindanao is home to a big population of Muslims, as well as indigenous peoples. It is also considered the mining capital of the country.

As local communities in Mindanao are experiencing the harsh impacts of the on-going war against terrorism – airstrikes killing civilians and destroying homes, thousands of families fleeing their communities, lack of food and basic needs in the refugee centres, and civilians being caught in the crossfire – the mining industry is quick to support Duterte's war and martial law. The large-scale mining operations in the region, which are mostly included in the closure order of the then Secretary Lopez, have announced that they are in "business as usual mode", and that the increased military presence in the region has made them feel more secure.

It is not coincidental that with the human rights deterioration in the country, and the severe, violent and militaristic governance of the Duterte administration, the confidence of the corporations and foreign investors in the country has increased. This is because the dissent from local communities, peoples' organizations and social movements will be silenced. Indeed, the statement of President Duterte against human rights (1) and his threats against human rights activists and defenders (2) are at the very least chilling: "Do not believe these human rights activists. I'll kill you along with drug addicts, I'll decapitate you. You cannot taunt me with that. Try to place me behind bars" (3). His over protection to the police and military forces, assuring them that in the implementation of their war against drugs, and criminality, he, the president, has their backs, is a commitment to impunity. He gave the same assurance to the soldiers when he declared martial law: "I will go to jail for you. If you happen to have raped three women, I will own up to it". These statements are clear incitement to violence, especially against women. Duterte has also been using women as part of the incentives and rewards to military soldiers. He is a violent, militaristic and misogynist president (5).

With this political landscape, the situation is very challenging for human rights defenders, particularly those who defend community rights. Corporate interests are well entrenched in the Duterte government. Human rights and human rights activists are demonized. Killings, rape and objectification of women are normalized; the culture of violence and impunity are firmly being fostered. Furthermore, Duterte remains to be popular among his 16 million Filipino voters, whom he uses to justify his creeping authoritarianism.

It has only been a year since President Duterte ruled this country. For Juvy Capión and her sons, and the increasing number of women, men and children killed in defence of their rights, their land, their lives – justice remains elusive.

But there are communities, groups, organizations, who, despite fear and security issues, continue to

speak up. They come together for organized actions against all of these abuses, and go to communities for deeper discussions on the links and connections of the continuous ravaging of our natural resources and the militarism of this government.

Hope lies within the communities, and peoples, who continue to resist.

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- (2) Inquirer, Duterte threatens to kill rights activists if drug problem worsens", November 2016, <http://newsinfo.inquirer.net/848933/duterte-threatens-to-kill-human-rights-activists-if-drug-problem-worsens>
- (3) Manila Standard, Duterte vows to kill EU 'rights activists', May 2017, <http://manilastandard.net/news/top-stories/237140/duterte-vows-to-kill-eu-rights-activists-.html>
- (4) The Washington Post, Duterte jokes that his soldiers can rape women under martial law in The Philippines, May 2017 https://www.washingtonpost.com/news/worldviews/wp/2017/05/27/duterte-jokes-that-his-soldiers-can-rape-women-under-martial-law-in-the-philippines/?utm_term=.2a4d86247043
- (5) <http://cnnphilippines.com/news/2016/04/20/duterte-complaint-womens-rights-group-chr.html>