
Philippines: Growing opposition against the Sumitomo Corporation nickel refinery plant in Palawan

Even though in 1992 the local government on the island of Palawan cancelled the concessions granted to logging companies (see WRM Bulletin 38) in an attempt to curb the destruction and degradation of the country's forests, it did not halt the threat to the integrity of the indigenous communities in the Philippines. There are also mining companies endeavouring to carry out their business in spite of the opposition of local communities and warnings about the environmental damage their activities will cause.

The project for the installation of a multi-million dollar nickel refinery, financed 90% by the giant Japanese mining company, Sumitomo Metal Mining Corp and the remaining 10% by the Rio Tuba Nickel Mining Corp. (RTNMC) --a company belonging to the brothers Ronaldo and Manuel Zamora that has been operating for years in the region-- will extract 10,000 tons of nickel. The production will take place over a 20-year period, starting this year and increasing in successive years.

Exploitation activities in Rio Tuba are located in the South Eastern region of Palawan Island. With its over one thousand islands and islets rich in tropical flora and fauna scattered over 1.5 million hectares, Palawan is the largest province in the Philippines and the home of various indigenous groups, among which the Tagbunau, Pala'wan, Tau't bato and Batak.

The indigenous population of Rio Tuba has organised itself and joined with other community members to defend their lands, their health and their way of life. The toxins from mining operations have visibly affected water sources because the dams built to contain the wastes overflow during the rainy season, causing the rivers to become silted up. Skin and respiratory problems suffered by the inhabitants of the communities are attributed to the dust and waste coming from a lateral mine gallery. The proposed project will be another blow to hundreds of fisher people, farmers and indigenous peoples whose very survival depends on a healthy environment.

In 1991, the Palawan NGO Network, Inc. (PNNI) was set up, comprising social and non-governmental organisations from the province, and on 3 December 2002 on its behalf, the Environmental Legal Assistance Centre (ELAC) with the support of the international organisation Environmental Law Alliance Worldwide (ELAW), submitted a document to the Environmental Management Bureau (EMB) to prevent the endorsement of the construction of a multi- million dollar nickel refinery complex.

This document makes a critical analysis of the ecological, legal and political impacts of the mining project, pointing out that it violates several of the country's laws, policies and directives. The project is located and affects areas within the ancestral domains of the Pala'wan community. Over 30 families of this community who inhabit the territory are struggling to reaffirm their ancestral rights to the land, which enables them to maintain their means of livelihood and are fearful that the project will use a limestone outcrop in Sitio Gutok, considered a sacred site.

For all these reasons, ELAC argues that the Environmental Compliance Certificate (ECC) should not

be granted to this mining project. It also denounces the fact that the evident community opposition shows that the company does not have community consent. This involves a violation of the Indigenous Rights Law, which requires that the company should obtain "prior free and informed consent" following an open presentation of the intentions and scope of the activity proposed, to enable the community to have a clear understanding of the situation.

According to the report that ELAC submitted to the Environmental Management Bureau (EMB), RTNMC used deceitful tactics to obtain the signatures of the indigenous leaders and of other groups, which it later attached to its environmental impact declaration. The community inhabitants and various other groups such as ELAC have publicly denounced the deceitful ways used by the company to achieve support: "many were asked to sign an attendance sheet, and found out later it was a letter supporting the proposed HPP project."

On 10 July 2001, the Secretary of the Department of Environment and Natural Resources, Heherson Alvarez granted an environmental certificate to the project, certifying that it would not cause considerable negative impacts and that the submitting company had observed all the requirements of the Environmental Impact Assessment system. This certificate was later endorsed by the Palawan Council for Sustainable Development, an administrative body regulating environmental projects in the province.

This sentence goes against the well-founded fears that a major part of the project will be carried out in a zone where activities are not permitted, including a coastal area with coral reefs. The experts studying the environmental impact declaration submitted by RTNMC found that some details of the project were missing. Meanwhile, the company did not duly respond to the questions on how they were going to prevent infiltration of sulphur and other dangerous effluents from the plant.

In September, ELAC met with Senator Robert Jaworski, which led to him to adopt a senatorial resolution questioning the environmental certificate. Subsequently there was another resolution regarding this subject. As a result, last December the senate carried out an investigation in which NGOs, indigenous communities, Muslim and farmer representatives from Palawan submitted their case. The senate promised to continue with the investigation and the people are now waiting that this body forcefully intervenes by taking up defence of the environment and of the inhabitants of Palawan.

Article base on information from: Indigenous Peoples in The Philippines Fight Nickel Mine Expansion", Drillbits & Tailings, Volume 7, Number 7, 5 September 2002, "Project Underground" e-mail: cbaldi@moles.org; "Planned nickel plant in Palawan under fire", Jofelle Tesorio, Inquirer News Service, http://www.inq7.net/reg/2002/jan/28/reg_6-1.htm ; Administrative Order N° 2000, http://www.psem.ph/download_files/dao-mine%20waste3.pdf