

[Statement] Philippines: FORUM-ASIA supports petition to cancel OceanaGold's mining permit over legal, human rights and environmental rights violations

(Bangkok, 6 May 2024) - The Asian Forum for Human Rights and Development (FORUM-ASIA) supports the [petition](#) to cancel OceanaGold's mining permit as filed by the Roman Catholic Diocese of Bayombong alongside representatives of communities and civil society in Nueva Vizcaya, Philippines.

FORUM-ASIA is in solidarity with the impacted communities and petitioners.

The petition seeks for the cancellation of the Financial or Technical Assistance Agreement (FTAA) granted to OceanaGold Philippines, Inc. (OGPI), an Australian-Canadian gold and copper mining firm, citing multiple violations of national legislation, including inadequate consultations with impacted communities and a lack of free, prior and informed consent.

The Petition for Certiorari and Mandamus, filed on 22 April 2024 at the Bayombong Regional Trial Court, raises grave concerns over violations of constitutional local autonomy and inadequate environmental assessments. It underscores several [legal failures](#) by OGPI, including the absence of a mandatory Environmental Clearance Certificate and an updated Environmental Impact Statement as mandated by the [Philippines Mining Act 1995](#) and related decrees.

In addition, the renewal of OGPI's permit contradicts the Environment Code of the Nueva Vizcaya Provincial Government which prohibits open-pit mining in the Didipio Mine. OGPI allegedly continues to violate this regulation with impunity.

The Didipio Mine operates under FTAA-0001 executed between the Philippine Government and OGPI in 1994. In July 2021, the FTAA was retroactively renewed for another 25 years despite inadequate implementation of the Memorandum of Agreement from the previous FTAA and a complete disregard for issues repeatedly raised by impacted community members and civil society organisations (CSOs).

Pervasive Human Rights and Environmental Rights Abuses

In 2022, FORUM-ASIA in collaboration with Balay Alternative Legal Advocates for Development in Mindanaw (BALAOD Mindanaw) and Purple Action for Indigenous Women's Rights (LILAK) conducted field research on the detrimental impact of OGPI's operations. [Report](#) findings highlighted a range of human rights violations, impacting people's environmental, economic, social, cultural, and civil and political rights.

The research shed light on the exploitation of the land and resources of indigenous Tawali people in affected communities. It documented illegal deforestation, increased air pollution and respiratory illnesses, declining agricultural produce, and the contamination of the Didipio river as some of the consequences of OGPI's operations over the past 25 years.

The report also highlighted the heightened vulnerability of communities to the impacts of the climate crisis and food insecurity, coupled with an atmosphere of fear and intimidation against vocal opponents of OGPI's mining project.

Over the years, [data](#) and [testimonies](#) regarding OGPI's operations have illustrated how the Philippine Government is turning a blind eye to such violations without regard for the environment and the communities.

Call to action

FORUM-ASIA supports the petitioners and CSOs in their pursuit of justice, accountability, and environmental protection. We call upon the Philippine Government to uphold its commitment under national and international human rights and environmental rights obligations.

Echoing the petition to #CancelOceanaGold, we appeal for a thorough and impartial investigation into OGPI's operations, with a focus on environmental and human rights due diligence policies and practices.

We call on the Australian and Canadian Governments and shareholders to proactively launch an official inquiry into the operations of the Didipio Mine and to suspend operations until the inquiry is complete.

More broadly, we urge the Philippine Government to hold meaningful consultations with affected communities to ensure that their voices are taken into consideration with regards to issues that impact them directly.

In line with the recommendations of the fourth cycle of the country's Universal Periodic Review, respecting the principle of free, prior, and informed consent is paramount. Therefore, the Philippine government must establish effective mechanisms to secure the genuine participation of communities in decision-making processes that concern their lives, livelihoods, and futures. Furthermore, OGPI must facilitate effective restoration and reclamation efforts for the affected environment and provide access to remedies for communities.

FORUM-ASIA urges the Philippine government to ensure transparency and accountability in the extractives sector, particularly in the issuance and renewal of permits. Comprehensive environmental and social impact assessments and adherence to local regulations must be diligently enforced to safeguard the rights of affected communities and preserve the surrounding ecology.

About FORUM-ASIA:

The Asian Forum for Human Rights and Development (FORUM-ASIA) is a network of 85 member organisations across 23 countries, mainly in Asia. Founded in 1991, FORUM-ASIA works to strengthen movements for human rights and sustainable development through research, advocacy, capacity development and solidarity actions in Asia and beyond. It has consultative status with the United Nations Economic and Social Council, and consultative relationship with the ASEAN Intergovernmental Commission on Human Rights. The FORUM-ASIA Secretariat is based in Bangkok, with offices in Jakarta, Geneva and Kathmandu. www.forum-asia.org

For media inquiries, please contact:

- Communication and Media Programme, FORUM-ASIA, communication@forum-asia.org