



WHAT DO WE GET IN RETURN?

HOW THE PHILIPPINES NICKEL BOOM
HARMS HUMAN RIGHTS

AMNESTY
INTERNATIONAL



Amnesty International is a movement of 10 million people which mobilizes the humanity in everyone and campaigns for change so we can all enjoy our human rights. Our vision is of a world where those in power keep their promises, respect international law and are held to account. We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and individual donations. We believe that acting in solidarity and compassion with people everywhere can change our societies for the better.

© Amnesty International 2024

Except where otherwise noted, content in this document is licensed under a Creative Commons (attribution, non-commercial, no derivatives, international 4.0) licence.

<https://creativecommons.org/licenses/by-nc-nd/4.0/legalcode>

For more information please visit the permissions page on our website:

www.amnesty.org

Where material is attributed to a copyright owner other than Amnesty International this material is not subject to the Creative Commons licence.

First published in 2024 by Amnesty International Ltd
Peter Benenson House, 1 Easton Street, London WC1X 0DW, UK

Index: ASA 35/8607/2024

Original language: English

amnesty.org



Cover: Design by Colin Foo. Images © 2024 Amnesty International

**AMNESTY
INTERNATIONAL**



CONTENTS

KEY TERMS	5
1. EXECUTIVE SUMMARY	6
2. MAP OF MINING SITES	19
3. METHODOLOGY	20
3.1 ACKNOWLEDGEMENTS	21
4. BACKGROUND	22
4.1 NICKEL MINING IN THE PHILIPPINES	22
4.2 PHILIPPINES' ROLE IN THE GLOBAL ENERGY TRANSITION	23
4.3 ENVIRONMENTAL IMPACTS OF NICKEL MINING	25
5. LEGAL FRAMEWORK	28
5.1 STATE OBLIGATIONS REGARDING INFORMATION, PARTICIPATION AND CONSULTATION	28
5.2 RESPONSIBILITY OF CORPORATE ACTORS TO RESPECT HUMAN RIGHTS	33
6. MINE PROFILES	35
6.1 SANTA CRUZ, ZAMBALES	35
6.2 BROOKE'S POINT, PALAWAN	37
7. PUBLIC PARTICIPATION	39
7.1 LACK OF INFORMATION	39
7.2 INADEQUATE CONSULTATION IN SANTA CRUZ	45
7.3 FPIC IRREGULARITIES IN BROOKE'S POINT	47

CONTENTS *continued*

8. ADVERSE IMPACTS OF MINING	54
8.1 LIVELIHOODS	54
8.2 ACCESS TO WATER	62
8.3 HEALTH	64
8.4 DISPOSSESSION OF ANCESTRAL LANDS AND EROSION OF CULTURE	67
8.5 THE RIGHT TO A HEALTHY ENVIRONMENT	68
8.6 MONITORING, GRIEVANCE MECHANISMS AND REMEDIES	70
9. FAILURE OF MINING COMPANIES TO RESPECT HUMAN RIGHTS	75
9.1 POLICIES VS PRACTICE	75
9.2 DUE DILIGENCE	78
10. NICKEL SUPPLY CHAIN	79
11. CONCLUSION AND RECOMMENDATIONS	83
ANNEX 1: MINE OPERATOR RESPONSES	90
ANNEX 2: OTHER COMPANY RESPONSES	108



KEY TERMS

ACRONYMS

BENGUET	BenguetCorp Resources Management Corporation
DENR	Department for Environment and Natural Resources
EIS	Environmental impact statement
ERAMEN	Eramen Minerals Inc.
EV	Electric vehicle
FNI	Global Ferronickel Holdings, Inc.
FPIC	Free, Prior and Informed Consent
INC	Ipilan Nickel Corporation
LEBACH	Lebach Mining Corporation
MMC	MacroAsia Mining Corporation
MPSA	Mineral Production Sharing Agreement
NCIP	National Commission on Indigenous Peoples
UN	United Nations
UNDRIP	UN Declaration on the Rights of Indigenous Peoples
UN GUIDING PRINCIPLES	UN Guiding Principles on Business and Human Rights
ZDMC	Zambales Diversified Metals Corporation

GLOSSARY

BARANGAY: The smallest administrative division in the Philippines referring to a cluster of communities and villages.

ENERGY TRANSITION MINERALS: Minerals essential to decarbonize the global economy including but not limited to aluminium, cobalt, copper, graphite, manganese, lithium and nickel.

PANGLIMA: Customary leaders of the Pala'wan Indigenous People.

SACRIFICE ZONE: According to the United Nations Special Rapporteur on human rights and the environment: “A sacrifice zone can be understood to be a place where residents suffer devastating physical and mental health consequences and human rights violations as a result of living in pollution hotspots and heavily contaminated areas.”

WRIT OF KALIKASAN: A legal remedy for the protection of the constitutional right to a “balanced and health ecology” in the Philippines.



1. EXECUTIVE SUMMARY

The climate crisis threatens the enjoyment of civil, political, economic, social and cultural rights of present and future generations, and ultimately, the future of humanity. It is critical that the world transitions away from the use and production of fossil fuels to renewable energy sources to address the climate crisis. However, in the Philippines and beyond, poorly regulated extraction of raw materials needed for the energy transition is leading to deforestation, environmental damage and serious harm to rural communities and Indigenous Peoples.

The Philippines is the world's second largest producer of nickel after Indonesia, and the world's largest exporter of nickel ore. Nickel is a key component in lithium-ion batteries used to power electric vehicles (EVs) and renewable energy storage units. According to the International Energy Agency, the demand for minerals for EV batteries is set to increase by approximately ninefold between 2024 and 2050. In the Philippines, it is predicted that the country could have as many as 190 new mining projects by 2026, with nickel accounting for one third of the new mines.

In the provinces of Zambales and Palawan – home to some of the largest nickel deposits in the Philippines – Indigenous People and rural communities are paying the price for the world's scramble to extract energy transition minerals. Deforestation and environmental pollution stemming from nickel mining is undermining their right to a clean, healthy and sustainable environment and as a result, communities report adverse harms to their livelihoods, access to water and health. Impacted communities have not been properly informed of the adverse impacts of nickel mining, nor have they been adequately consulted – as required by domestic and international law. In Palawan, the rights of the Pala'wan Indigenous People to Free, Prior and Informed Consent (FPIC) and self-determination have been harmed. FPIC processes have failed to respect their customary representatives and decision-making processes, while the nickel mining projects are contributing to dispossession from their ancestral lands and an erosion of their culture and identity as Indigenous People.

United Nations (UN) experts have described places “where residents suffer devastating physical and mental health consequences and human rights violations as a result of living in pollution hotspots and heavily contaminated areas” as “sacrifice zones”. Santa Cruz in Zambales can be considered to be such a “sacrifice zone”, while Brooke's Point in Palawan is at risk of becoming one if nickel mining operations continue and additional companies are given the green-light to push forward with proposals to extract more nickel in the area. As the Philippines exports most of its raw nickel for processing (which is where the value is added), beyond the mining companies themselves, the ultimate beneficiaries of these sacrifice zones are multinational EV makers and consumers in industrialized countries – amounting to environmental racism.

“SACRIFICE ZONES”

United Nations (UN) experts have described places “*where residents suffer devastating physical and mental health consequences and human rights violations as a result of living in pollution hotspots and heavily contaminated areas*” as “*sacrifice zones*”.

METHODOLOGY

The human rights impacts of the mining of battery metals have long been a focus of Amnesty International's work, which this report builds upon. This report is based on research investigating human rights abuses linked to the extraction of nickel in the Philippines that took place between September 2023 and October 2024. The research examines two nickel mining areas as case studies: Santa Cruz in Zambales province, and Brooke's Point in Palawan province. The research sought to ascertain whether communities impacted by nickel mining had been adequately informed and consulted, and in the case of Indigenous People in Brooke's Point, whether genuine FPIC had been obtained. It also sought to understand how communities are impacted by nickel mining operations and whether their concerns had been adequately considered as part of consultations.

Santa Cruz is a coastal region in the province of Zambales. There are currently four large-scale Philippine mining companies extracting nickel in the region: **BenguetCorp Resources Management Corporation (Benguet)**; **Eramen Minerals Inc. (Eramen)**; **LNL Archipelago Minerals, Inc. (LNL)**; and **Zambales Diversified Metals Corporation (ZDMC)**.

Brooke's Point is in the south of the island of Palawan and is the ancestral home to the Pala'wan Indigenous People. There is one company currently engaged in the commercial extraction of nickel in Brooke's Point: **Ipilan Nickel Corporation (INC)**. Two further companies - **MacroAsia Mining Corporation (MMC)** and **Lebach Mining Corporation (Lebach)** – have proposed nickel mining projects and possess mineral agreements to conduct mining operations in the region.

In total, Amnesty researchers carried out three research trips and interviewed 90 community members in Zambales and Palawan that are impacted by the actual and proposed operations of seven nickel mining companies. Interviews were also conducted with local government officials and expert stakeholders, including lawyers and civil society representatives in both provinces visited. Amnesty International collected photographic, video and drone footage, reviewed documentary evidence (including environmental impact statements and other mining project documents, court records, corporate policies and reports) and conducted extensive desk research. Amnesty International wrote to the seven mine operators twice during the research. Benguet, ZDMC, INC and MMC denied the allegations and their responses can be found in Annex 1. At the time of writing, Eramen, Lebach and LNL had not responded. Amnesty also wrote to the relevant Philippine government agencies, the companies sourcing nickel from the mines included in the report and their buyers in the EV supply chain, reviewed the responses (annexed to this report) and took appropriate account of the information that was provided.

KEY FINDINGS

LACK OF ACCESS TO INFORMATION

Community members and advocates in both Brooke's Point and Santa Cruz told Amnesty International they were unable to access vital project documents crucial to understanding the impacts of nickel mining on their communities, including the findings of environmental impact assessments. Amnesty International was only able to locate online relevant environmental impact studies for three (ZDMC, LNL and MMC) of the seven nickel mining projects featured in the report. The organization requested copies of the environmental impact studies from the other companies and the Department of Environment and Natural Resources (DENR), however this information was not provided.

Interviewees who had attended consultations for the mining projects said they had been able to obtain some information at these meetings, including on environmental impact studies. However, they said they did not always understand the information that was presented to them and felt the companies did not adequately share information on the potential adverse impacts on the environment and communities. Communities should have full copies of impact assessments and other relevant project documents made available to them and in advance of any consultation meetings, so they have sufficient time to consider the information and prepare accordingly.



In some cases, project documents had been denied to community members, even when they had been specifically requested. For example, in Brooke's Point, members of the Pala'wan Indigenous People and their advocates said they had specifically requested copies of INC's environmental impact statement and a map of the company's operations and boundary during the FPIC process but had not received them. Community member Romeo Melnocan said: "We want the map to show us exactly [the boundaries], as the map they showed was very blurry. We can't make a decision based on the information that was presented as we didn't understand the impact." Community members who participated in the FPIC processes in Brooke's Point also said they were not given sufficient time to fully understand the mining projects and decide. In line with international standards, to satisfy the 'informed' component of FPIC, there needs to be full, clear and objective disclosure of all the material aspects of the project, including impact assessments, and this information should be provided in advance of consultations.

Impact assessments should be developed with meaningful participation of people affected by the project, however many interviewees, including those from areas directly impacted by mining projects, do not recall being involved in environmental impact assessments. For example, in Santa Cruz, none of the community members Amnesty spoke to said they had knowledge of assessments taking place in their communities or what the processes entailed. This included people in communities impacted by more than one mining project, who have supposedly been involved in multiple impact assessments.

The fact that community members do not have access to vital information on the impacts of the nickel mining projects suggests that they have not been adequately informed. This would contradict the UN Guidelines for States on the Effective Implementation of the Right to Participate in Public Affairs, which state that information should be made available in accordance with the principle of maximum disclosure.

INADEQUATE CONSULTATIONS WITH AFFECTED COMMUNITIES IN SANTA CRUZ

States must identify everyone who is potentially affected by a proposed measure to determine who needs to be involved in the consultation process. Even though extractive projects often have adverse impacts beyond immediate project areas due to air and downstream water pollution, the research found that in Santa Cruz, lowland communities outside of these areas were largely excluded from nickel mining consultations. Further, many community members from immediate project areas were also excluded, particularly those known to be opposed to mining operations. This has led to the perception that only pro-mining residents, such as company employees and their families, are invited to participate in consultations.

Two of the mining companies, ZDMC and Benguet, denied that the participation processes for their mining projects were inadequate, however interviewees who had participated in consultations in Santa Cruz reported several flaws. For example, they said the mining companies and government representatives often dismissed their concerns and they felt powerless to challenge the outcome or oppose the mining projects. States and companies must enter consultations with the understanding that the project not going ahead is one possible outcome, however in practice, residents said they felt the outcome was a foregone conclusion.

FPIC IRREGULARITIES IN BROOKE'S POINT

In Brooke's Point, FPIC processes have been carried out in relation to INC and MMC's nickel mines, while public scoping has begun in relation to Lebach's nickel mine. The mining projects and flawed FPIC processes have divided members of the Pala'wan Indigenous People into those who are pro-mining and those who oppose nickel mining in the area. INC and MMC both claim the FPIC processes were carried out in accordance with requirements, but Amnesty International documented several irregularities with the FPIC processes for both mining projects.

Firstly, with regards to INC's nickel mine, when the company began commercial operations in September 2022, it did not have a Certification Precondition from the National Commission on Indigenous Peoples (NCIP) to attest that it had complied with the necessary FPIC requirements under the Philippine Indigenous Peoples Rights Act. Initially, INC claimed it was exempt from obtaining the certification. In August 2023, the NCIP issued INC with a cease-and-desist order in response to a series of complaints from members of the Pala'wan Indigenous People in Brooke's Point over the FPIC process and allegations that the company was illegally operating without a Certification Precondition. Despite this, the company continued operations. In September 2024 the NCIP issued INC with a Certification Precondition, two years after the company began operations. INC told Amnesty International that the NCIP's cease-and-desist order is "moot" because it now has a Certification Precondition. It can be argued that INC should not have begun commercial operations without the certification. In any case, the company should have respected the cease-and-desist order and completely halted all operations until the legal issue had been resolved.

Secondly, irregularities with the FPIC process and complaints by members of the Pala'wan Indigenous People has put into question whether genuine FPIC had been obtained for INC's mine. INC said it held a series of FPIC consultations in August 2022, concluding with Indigenous leaders providing their FPIC through a memorandum of agreement in September 2022. However, in July 2023, the NCIP received a resolution from Pala'wan leaders revoking the memorandum of agreement due to "alleged irregularities, particularly the extension of the provision of consent for both the ongoing operations and its renewal and a lack of provision for royalty payments for its ongoing operations..." Despite this, the

company continued operations. As FPIC is an iterative process, and consent can be withdrawn at any time, the company should have halted its operations once the memorandum of agreement was revoked. According to INC, a further memorandum of agreement was agreed on 1 June 2024, and validated by the NCIP.

Interviewees also complained about the process relating to the MMC operated mine. MMC said it obtained FPIC for its planned commercial mining operations in 2010, however its Certification Precondition was not issued until February 2023 after it settled a legal case with the NCIP and held FPIC processes with two additional communities in August 2022 that had previously been excluded.

Under FPIC, consent must be given freely, without manipulation, coercion, threat, fear of reprisal and corruption. However, interviewees said that they and other community members had been offered money by the mining companies to support their nickel mining projects, and some even described being subject to threats because of their opposition to mining activities. The Vice Mayor of Brooke's Point and two Municipal Councillors told Amnesty International that they had all received reports of members of the Pala'wan Indigenous People being offered bribes in exchange for supporting the mining projects. They and other interviewees also described how bribery is slowly quashing opposition to mining amongst the community. Interviewees also said only people known to be pro-mining were invited to the FPIC consultations, while those opposed to mining were largely excluded. Community member Beto Calman said: "People are pro-mining because of money, bribes. If there's a meeting, the pro-mining people will get an invitation immediately, but we who are impacted will never."

In June 2023, the NCIP temporarily suspended the FPIC process for INC's nickel mine, citing allegations that INC paid bribes to community members. In its response to Amnesty International, INC did not specifically address the allegations of bribery but stated that the Pala'wan Indigenous People had since withdrawn all cases against the company, including the NCIP complaint. In its reply, MMC said: "We categorically deny any allegations of bribery or coercion during the [FPIC] process, which was conducted transparently with the involvement of legitimate Indigenous leaders."

Those who did attend the FPIC meetings said their concerns were disregarded during the process. Community member Weliton Palite said: "The NCIP consultations have caused a lot of problems, they are very biased. They don't listen to the rights of [Indigenous Peoples]. When we raised our hands to say something, we were ignored."

One of the main allegations regarding the FPIC processes is that the members of the Pala'wan Indigenous People who were selected to participate were not customary Pala'wan representatives. Advocates and community members claim the NCIP appointed non-customary Indigenous leaders within the FPIC process, while the legitimate Panglima (who inherit their position by descent) were largely excluded. Further, interviewees said their traditional decision-making processes, made by consensus, were disregarded within the FPIC processes and instead the NCIP looked at the decision of the majority. The non-recognition of the community's customary representatives and decision-making within the FPIC processes constitute a violation of the right to self-determination and invalidate the FPIC process.

At the time of conducting research, Lebach had not yet begun consulting with the Pala'wan to obtain their consent to carry out nickel mining operations in the area. In March 2022, Pala'wan leaders wrote to the Mines and Geosciences Bureau to complain of proposed drilling activities by Lebach without their consent. Lebach did not respond to Amnesty International's request for information about its efforts to consult with and obtain consent from the Pala'wan Indigenous People.

IMPACTED COMMUNITY MEMBERS IN BOTH SANTA CRUZ AND PALAWAN



SAID THEY WERE CONCERNED ABOUT THE IMPACTS OF ENVIRONMENTAL POLLUTION FROM NICKEL MINING ON THEIR LIVELIHOODS

ADVERSE IMPACTS OF MINING ON LIVELIHOODS

Impacted community members in both Santa Cruz and Palawan said they were concerned about the impacts of environmental pollution from nickel mining on their livelihoods. The available environmental impact statements of the mining projects describe many harms to water, including siltation of water bodies and deterioration of water quality, aquatic species displacement and the occurrence of flash floods, although the companies mostly state these will be insignificant or otherwise mitigated.

In Santa Cruz, Eramen, Benguet, ZDMC and LNL have been subject to several enforcement actions for environmental violations over the past decade. For example, a 2014 report by the Mines and Geosciences Bureau found the four companies had caused siltation in waterways and farmland and recommended their operations be suspended until they employed corrective measures. In 2015, Benguet, Eramen and LNL were ordered by the DENR to pay 3.2 million pesos (approx. USD 55,356) in compensation to farmers whose land had been contaminated by nickel laterite. ZDMC said despite an investigation concluding its operations were not responsible for the damage to farmlands, it voluntarily provided financial assistance to affected farmers, while Benguet said it had compensated the affected farmers “even if there was no definitive findings of liability”. Both companies deny their operations have caused environmental pollution and outlined measures they had taken to mitigate adverse impacts. Benguet also referenced studies that it said proves the absence of adverse impacts in the area, but the company did not make these studies available.

In July 2016, the DENR again suspended ZDMC and Benguet due to “various alleged environmental crimes, violations of the mining and environmental laws, and complaints of various groups against the alleged impacts” of their mining operations. In 2017, the DENR cancelled the mineral agreements of the four mining companies which resulted in the closure of their operations. Despite the eventual reversals of these cancellations and suspension orders, interviewees claim the companies continue to violate environmental protections. Philip Camara, a former DENR Undersecretary, told Amnesty International: “In Santa Cruz the four mining companies have practically wiped out the watershed of the community. The biodiversity and trees have been removed, there are all kinds of violations, the same that were happening when the [former] DENR Secretary suspended and closed those mines...” Interviewees said several water sources that were previously clear have changed to a reddish-brown colour since mining operations began, indicative of nickel laterite contamination. They said the water pollution has had a knock-on impact on their livelihoods. For example, fisher people said the supply of fish along the coast and in local rivers had declined since the onset of mining operations and discoloration of the water. Marilyn Bacho, a river fisher, said “raising children has become harder. Sometimes we only eat once a day”. Farmers said the contamination of water sources they use for irrigating their farmland has decreased crop growth and yields. Community member Demetria Takio said: “Before nickel mining, the mountains were filled with trees. We earned a living purely through farming vegetables and root crops. Life was good back then.”

Several community members reported experiencing increased flooding since mining operations began; studies have shown that deforestation and erosion increase flood risk and severity. Farmers said floodwaters contaminated with nickel laterite has damaged their crops and left their farmlands unusable. They also reported that the large volumes of red-brown dust caused by trucks hauling nickel along roads that run alongside their farmlands damages their crops and adversely impacts growth and yield. During visits in both January and May 2024, Amnesty International researchers observed several hauling trucks generating large quantities of dust and red-brown dust on vegetation and crops along the road.

A study published in the peer-reviewed journal, *Nature Environment and Pollution Technology*, assessed the heavy metal content of rice and vegetable crops on soils from mining areas in Santa Cruz. It found agricultural soils in some areas are “no longer fit for agricultural use due to the high concentration of heavy metals, nickel and chromium, making them unproductive and incapable to sustain plant growth.” The study determined that the heavy metal concentration in the soils exceeded the limits established by the World Health Organization and European Union.

In Brooke’s Point, Indigenous Pala’wan farmers similarly reported their livelihoods being adversely impacted since nickel mining began in the area. Ronald Combang, a rice farmer, said prior to the mining operations each harvest would yield a minimum of 80 sacks of rice but now he struggles to fill 50 sacks. “It’s due to the effects of mining. The laterite from the mines pollutes the rivers which is a source of water for our farmland,” he said. The farmers said that flooding has left debris and nickel laterite covering their farmlands which damages crops, whereas prior to the mining, floods left farmlands unaffected once the waters had resided. Farmers also reported damage to their crops by dust generated from the nickel mining operations.

In 2022, INC constructed a jetty at Brooke’s Point, so the nickel ore could be loaded onto ships for export. Community members report there was no consultation to obtain FPIC prior to the jetty’s construction, despite it being built in an area used by the Pala’wan for lobster farming and collecting shellfish. Romeo Melnocan said: “We used to fish in the area where the barges of the company are. Now we can’t go close to the ships to fish. In shallow water, the laterite makes the water murky, and we cannot fish there.”

ACCESS TO WATER

The human right to water entitles everyone to sufficient, safe and physically accessible water for personal and domestic uses. However, community members in both Santa Cruz and Brooke’s Point report a decrease in the availability of water they use for irrigation, drinking and other daily use. In Santa Cruz, residents said the quality of the water they use for consumption and domestic use has deteriorated, while the amount available has also decreased. For example, some community members remarked that the colour of their drinking water sometimes resembles “coffee”, whereas prior to the mining operations it was always clear. In Brooke’s Point, community members expressed concern over contamination of water sources they have traditionally used for drinking water, while women said the decrease in the available water has impacted their ability to carry out domestic work. In both areas, planned expansion of mining operations has made community members fearful for the availability and quality of water in the future.



THE HUMAN RIGHT TO WATER

ENTITLES EVERYONE TO SUFFICIENT, SAFE AND PHYSICALLY ACCESSIBLE WATER FOR PERSONAL AND DOMESTIC USES

HEALTH

Pollutants produced by nickel mining are known to increase the risk of a range of adverse health impacts, including skin disease and respiratory issues. The available environmental impact statements for the mining projects also identify potential adverse health impacts, including increased incidence of respiratory diseases linked to air pollution, although the companies mostly state these will be insignificant or otherwise mitigated.

In a group interview with community members in Santa Cruz, all 14 participants indicated they had experienced an increase in adverse health impacts since the mining operations began. Commonly reported health impacts among all interviewees included asthma, coughs, breathing difficulties and other respiratory issues, in addition to skin diseases, and eye, throat and skin irritation. In Brooke's Point, interviewees also disclosed health concerns, including an increase in respiratory problems and skin diseases since mining activities began, particularly amongst children. Further, members of the Pala'wan Indigenous People reported being unable to access land they have traditionally used to gather herbal medicines because the companies have erected boundaries around their mining sites.

While Amnesty International was unable to substantiate the allegations made regarding the adverse impacts of the nickel mining operations on livelihoods, water and health, the available evidence and severity of the allegations suggests environmental pollution from nickel mining projects are a serious risk which the government should investigate as a matter of urgency.

DISPOSSESSION OF ANCESTRAL LANDS AND EROSION OF CULTURE

Existing and planned mining operations in Brooke's Point have had a profound impact on the culture and identity of the Pala'wan Indigenous People. Boundaries erected by the companies around their mining sites have prevented the Pala'wan from accessing parts of their ancestral territories that have great significance to them. Community members also said they are no longer able to access some trees they have traditionally used to harvest almaciga resin, which they rely on for their livelihoods, because the companies have cut trees to clear land for their operations and established boundaries. Community member Charlito Milasa said: "It's our culture that has been affected, because the environment is being destroyed. It is our belief that there are spirits in the mountains and the spirits are angry because of the destruction of their homes, the trees, the forest." The arrival of the mining companies has created divisions within the community that did not exist before, which have been exacerbated by the flawed FPIC processes and reports of bribery and bias. Some community members no longer acknowledge each other, and some community rituals and offerings are now conducted separately. Disregard for the community's customary decision making and traditional identification of Indigenous leaders to represent the community within the FPIC processes has further eroded the Pala'wan's identity and culture.

HARMS TO THE RIGHT TO A HEALTHY ENVIRONMENT

The evidence suggests that nickel mining is undermining several elements of the right to a healthy environment, including clean air, access to clean water, access to information, the right to participate in decision-making, and access to justice and effective remedies. This has negative implications, both direct and indirect, for the enjoyment of all other human rights. Environmental pollution stemming from nickel mining operations is adversely impacting the natural resources that impacted communities rely on for their livelihoods, and in the case of Indigenous Peoples, for their culture and customary practices. Romeo Melnocan, a member of the Indigenous Pala'wan in Brooke's Point said: "Nickel mining is a curse on our community. We depend a lot on the mountains for our lives, our water and traditional medicines. Now they are being destroyed."

LACK OF EFFECTIVE GRIEVANCE MECHANISMS AND REMEDIES

Community members interviewed by Amnesty International in both Santa Cruz and Brooke's Point were mostly unaware of grievance mechanisms to raise concerns about the nickel mining operations. Those who had tried to raise concerns felt they were disregarded by local authorities. In the absence of effective grievance mechanisms, community members have staged protests against the companies and civil society organizations have filed complaints on their behalf, but the issues remain ongoing. Community members have also filed environmental cases against the mining companies and government agencies; however, this strategy has yet to yield positive outcomes for most impacted community members.

The Philippines government should monitor adverse environmental impacts of nickel mining in Zambales and Palawan and where harms are identified, provide remedy. Further, the mining operators have a responsibility to ensure their activities do not harm human rights. In line with the polluter pays principle, the cost of remedying environmental harms – through restoration, rehabilitation and compensation – should be borne by the polluter.

FAILURE OF MINING COMPANIES TO RESPECT HUMAN RIGHTS

HUMAN RIGHTS IN THE CONTEXT OF BUSINESS ACTIVITIES

States have an obligation under international law to respect, protect and fulfil human rights. The UN Guiding Principles on Business and Human Rights (UN Guiding Principles) explicitly recognize that such duty applies in the context of corporate activities. The UN Guiding Principles provide that states should enforce laws requiring companies to respect human rights. When human rights abuses occur, international law requires that the perpetrator be held to account and the victim receive an effective remedy for harm suffered.

Companies also have a responsibility to respect all human rights wherever they operate and throughout their operations. This corporate responsibility to respect human rights is independent of a state's own human rights obligations and exists over and above compliance with national laws and regulations. The UN Guiding Principles establish that companies should have in place an ongoing and proactive human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on the rights of people affected by their activities.

Despite domestic legal protections of the right to be consulted and explicit protections for the principle of FPIC, communities in Zambales and Palawan have not been properly informed of the impacts of nickel mining, nor have they been adequately consulted. Where consultations did take place, concerns raised by community members were not sufficiently addressed, suggesting that consultations were not meaningful. Subsequently, nickel mining projects in both regions are undermining the right to a clean, healthy and sustainable environment and seriously risking communities' rights to health, access to water, and livelihoods. This amounts to a failure to respect human rights. If meaningful consultations had taken place, many of the adverse issues reported by community members could have been avoided or addressed from the outset.

The fact that there are four different mining companies operating in Santa Cruz makes it difficult to attribute environmental pollution to a particular company, however it is likely that all of them are contributing to the harms in this region. When operating in a context where there are multiple polluters and serious harms occurring, the burden of proof should be on the companies themselves to prove that their operations are safe and not harmful to human rights the environment.

In Brooke's Point, the FPIC processes for INC and MMC have harmed the Pala'wan's rights as Indigenous People, including their rights to FPIC and self-determination. In both cases, communities were not provided with sufficient information and consent was inappropriately acquired based on misrepresentations and coercion. As such, consent cannot be said to exist in the first place because of the circumstances under which it was given, violating the 'free' and 'informed' criteria of FPIC. Further, the FPIC processes for both mining projects failed to respect customary decision-making processes and self-designated representatives of the Pala'wan Indigenous People. While an FPIC process has not yet been carried out for Lebach's mine, the company is subject to a complaint by Pala'wan leaders for proposing drilling activities without their consent.

The adverse impacts linked to nickel mining reported by the Pala'wan are severe enough to warrant that mining projects in the region must not be approved without their consent. Amnesty International has concluded that INC's operations harm the Palawan Indigenous People's collective and individual right to a clean, healthy and sustainable environment by contributing to environmental pollution, while also undermining their rights to health, livelihoods and culture. The proposed operations of MMC and Lebach further risk undermining these rights.

NICKEL SUPPLY CHAIN

The Philippines is the world's largest exporter of nickel ore. China receives the highest share of exports, followed by Japan and South Korea. Once the nickel ore has reached its destination, it is then processed and incorporated into finished goods, such as stainless steel and EV batteries. Amnesty International's research into the buyers of nickel produced at mines included in this report suggests that it is highly likely that nickel originating in Zambales and Palawan is entering the supply chains of major EV companies. Until EV brands have greater supply chain transparency, it cannot be ruled out that their vehicles may contain nickel linked to human rights and environmental abuse in the Philippines. Amnesty International wrote to the companies importing nickel from the mines included in this report, and their buyers. In their responses, many of the car companies did not provide sufficient evidence to exclude entirely the possibility of nickel from the Philippines entering their supply chains. The responses can be found in Annex 2.



CONCLUSION AND KEY RECOMMENDATIONS

The cases of nickel mining in Santa Cruz and Brooke's Point demonstrate the importance of sufficiently informing all potentially impacted communities and conducting genuine consultations that effectively consider and address community members' concerns. They also serve as a warning of the human rights and environmental costs of unchecked extraction of raw materials needed for the energy transition.

The Philippines government is failing its duty to protect communities against human rights abuses by the nickel mining industry and hold the perpetrators accountable. The government must take urgent action to facilitate the enjoyment of human rights for impacted communities by immediately investigating the harms documented in this report. Where violations are found to have occurred, the government must take steps to put an end to the harms and suspend operations until genuine consultations have taken place, the perpetrators are held to account and remedy is provided to affected rights-holders. If scientific uncertainty exists with regards to the risks and possible impacts of mining activities on adjacent natural resources, and these impacts could lead to significant, irreversible environmental harm, then the government should apply the Precautionary Principle, a guiding norm in international environmental law, by suspending operations until the necessary information is obtained to resolve the uncertainty of possible irreversible harm.

For extractive projects impacting Indigenous Peoples, FPIC must be obtained and if consent is withheld, the project should not go ahead. In the case of Brooke's Point, the government should suspend all mining operations, and the suspension should only be lifted when and if genuine FPIC is obtained. If FPIC violations are found, the government should suspend the mining agreement(s).

Given the severity of risks posed by nickel mining operations, the companies included in this report should halt all operations until they can prove their operations are safe and not harmful to human rights and the environment. They must consult, communicate and continuously engage with both affected and potentially affected rights-holders, and respect Indigenous Peoples' rights, including mandatory conduct of FPIC. To meet their responsibility to respect human rights, nickel mining companies should be practicing ongoing human rights and environmental due diligence to identify whether any of their operations are having negative impacts, which should include ongoing and independent health and environmental monitoring. If they find harms linked to their operations, they must take necessary action to put an end to the harms and provide appropriate remedies.

Given the severity of risks posed by nickel mining operations, the companies included in this report should halt all operations until they can prove their operations are safe and not harmful to human rights and the environment.

KEY RECOMMENDATIONS TO THE PHILIPPINE GOVERNMENT

TO THE PRESIDENT

- Ensure that mining and all related activities do not lead to human rights and environmental abuses of affected communities.
- Issue an executive order for an interagency review of all nickel mining applications and operations approved by the Mines and Geosciences Bureau, with the effective participation of mining-impacted communities and civil society.

TO THE DENR

- Suspend operations of the mining operators identified in this report until an urgent investigation into the human rights and environmental abuses documented in this report has been conducted and effective remedy has been provided where adverse impacts have been identified. Remediation should involve the effective participation of impacted communities and include cleanup, ongoing health screenings and treatment, compensation, guarantees of non-repetition and other measures as appropriate.
- Urgently increase oversight of the mining industry through transparent and increased monitoring and inspections and hold companies to account for human rights and environmental harms. Suspend mining companies found in violation of environmental protection laws until corrected and cancel mineral agreements of companies in repeated non-compliance.
- Ensure mining-impacted communities have access to safe and sufficient water for consumption and domestic uses and ensure their right to a clean, healthy and sustainable environment. Conduct ongoing environmental and health monitoring in areas impacted by nickel mining and make the results publicly available.
- Ensure consultations are carried out with all potentially impacted communities, in line with international standards. Require that the project proponent(s) provide communities with access to meaningful information about the project, including environmental impact assessments and all other relevant project documentation, ahead of consultations.

TO THE NCIP

- Ensure that Indigenous Peoples are meaningfully consulted in order to obtain their FPIC before permits are issued and projects commence. Consultations should be with Indigenous Peoples' designated representative institutions/leaders, and conform to formats, processes and timelines determined by the Indigenous Peoples. If consent is withheld or later withdrawn, the project should not continue.

TO CONGRESS

- Review existing legislation to strengthen environmental protection and human rights safeguards. Ensure that the protection of human rights and the environment takes precedence over the business interests of companies.

KEY RECOMMENDATIONS TO COMPANIES

TO ALL NICKEL MINING COMPANIES IN THE PHILIPPINES

- Ensure operations do not harm human rights and the environment; conduct ongoing due diligence to identify, prevent, mitigate and account for negative human rights and environmental impacts in line with international standards.
- Prior to consultations, disclose in a timely and accessible manner all relevant information about the project, including relevant project documents and all potential impacts on human rights and the environment.
- Conduct genuine and meaningful consultations with all potentially affected rights-holders at critical phases of project planning, implementation, monitoring and rehabilitation. Ensure respect for Indigenous Peoples' rights, including their rights to FPIC, to define the process by which FPIC is achieved and to withhold consent.

TO NICKEL MINING COMPANIES IN THIS REPORT

- Immediately investigate and address human rights and environmental abuses documented in this report, in good faith, and in consultation with impacted communities, and provide effective remedy where adverse impacts are identified. Remedies should take into account and assess communities' demands for adequate compensation, health monitoring and treatment, and provide guarantees of non-repetition.
- Halt all operations until genuine consultations have taken place and proof is provided that operations are safe and not harmful to human rights and the environment. For companies operating in Brooke's Point, halt all operations until genuine FPIC has been obtained in line with international standards. If consent is withheld, operations must not continue.

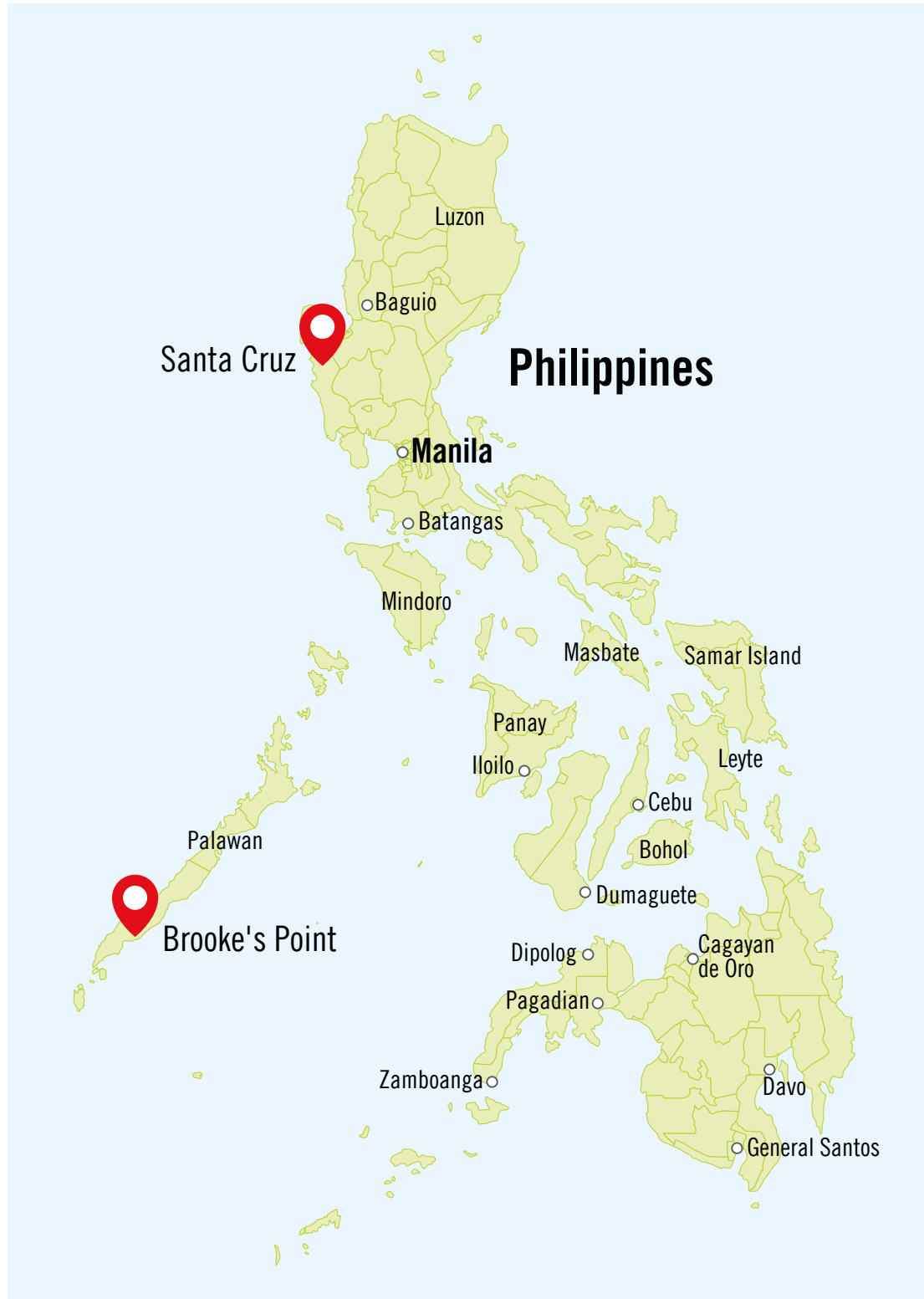
TO DOWNSTREAM COMPANIES

- As a matter of urgency, conduct transparent value chain human rights and environmental due diligence for nickel and other energy transition materials to understand any potential or actual human rights risks. This should include mapping and publicly disclosing supply chain information that covers each stage of the supply chain. Take remedial action if human rights abuses have occurred at any point in a supply chain relationship.

The full list of recommendations can be found in Chapter 11 of the report.



2. MAP OF MINING SITES





3. METHODOLOGY

This report is based on research undertaken by Amnesty International between September 2023 and October 2024 on nickel mining and the right to effective public participation in the Philippines. It builds on research Amnesty International published in 2021 on labour rights abuses in nickel mine sites in Dinagat Island, a province in the Caraga region of the Philippines.¹ It also builds on the organisation's work investigating human rights abuses linked to the extraction of energy transition minerals,² including copper and cobalt in the Democratic Republic of Congo.³ This research examines two nickel mining areas as case studies: Zambales, a province located in the Central Luzon region in the Philippines, and Palawan, a province in the region of MIMAROPA. Zambales and Palawan are amongst the provinces with the largest deposits of nickel in the country.⁴

In total, researchers interviewed 90 community members in Zambales and Palawan that are impacted by the actual and proposed operations of seven nickel mining companies. Researchers visited communities impacted by the four largest nickel mining projects in Santa Cruz, Zambales, on three occasions between October 2023 and May 2024 and interviewed 60 affected community members, including 32 men and 28 women. Researchers visited communities impacted by one operational and two proposed nickel mining projects in Brooke's Point, Palawan, in May 2024 and interviewed 30 impacted community members, including 21 men and nine women. In Palawan, 28 of the community members interviewed self-identified as members of the Pala'wan Indigenous People. Interviews in both regions were conducted in person through a combination of group and individual interviews. Researchers also interviewed 15 local government officials, as well as 11 expert stakeholders, including lawyers and civil society representatives in both provinces visited. Researchers conducted most interviews in Tagalog, working with interpreters who translated accounts into English where necessary.

All interviewees gave informed consent in advance of being interviewed. For those interviewees who requested anonymity, pseudonyms have been used in this report and all potentially identifying information has been omitted.⁵ Amnesty did not provide incentives in exchange for interviews but in recognition of their time and as advised by local civil society groups, offered light refreshments and to cover transportation costs as needed.

Amnesty International collected photographic, video and drone footage, and reviewed documentary evidence (including environmental impact statements and other mining project documents, court records, corporate policies and reports). During the research trips, Amnesty International researchers observed the nickel mining infrastructure and the environment more generally. The organisation also carried out extensive desk research and reviewed and analysed relevant national legal and regulatory frameworks against international human rights law and standards, news media, academic journals and UN and civil society organisation reports.

-
- 1 Amnesty International, *Philippines: Undermining Workers' Rights: Labour Rights Abuses in Nickel Supply Chains*, (Index: ASA 35/4389/2021), 26 August 2021, <https://www.amnesty.org/en/documents/asa35/4472/2021/en/>.
 - 2 See Amnesty International, "Energy Transition", <https://www.amnesty.org/en/what-we-do/climate-change/energy-transition/>.
 - 3 Amnesty International and Afrewatch, "This is What We Die For": Human rights abuses in the Democratic Republic of the Congo power the global trade in cobalt (Index: AFR 62/3183/2016), 19 January 2016, <https://www.amnesty.org/en/documents/afr62/3183/2016/en/>; Amnesty International, *Time to Recharge: Corporate action and inaction to tackle abuses in the cobalt supply chain* (Index: AFR 62/7395/2017), 15 November 2017, <https://www.amnesty.org/en/documents/afr62/7395/2017/en/>; Amnesty International and IGBDH, *Powering Change or Business as Usual? Forced Evictions at Industrial Cobalt and Copper Mines in the Democratic Republic of Congo* (Index: AFR 62/7009/2023), 11 September 2023, <https://www.amnesty.org/en/documents/afr62/7009/2023/en/>.
 - 4 Philippine News Agency, "DENR cites need to establish more mineral processing plants", 19 September 2023, <https://www.pna.gov.ph/articles/1210152>.
 - 5 Pseudonyms are used in quotation marks, with, on first mention, clarification in brackets that the name has been changed.

In June 2024, Amnesty International wrote research letters to each of the mine operators or their parent companies to request information regarding their operations, human rights and environmental due diligence practices, and engagement with local communities. Ipilan Nickel Corporation responded and its response can be found in Annex 1. The other companies did not respond to our research letters. Amnesty International wrote again to all the companies in September 2024 to provide them with the opportunity to respond to the relevant allegations and findings contained in the report. At the time of writing, Ipilan Nickel Corporation, MacroAsia Mining Corporation, BenguetCorp Resources Management Corporation and Zambales Diversified Metals Corporation had responded. Eramen Minerals Inc., LNL Archipelago Minerals, Inc. and Lebach Mining Corporation did not respond. Researchers reviewed the responses and took appropriate account of information provided in updating the findings. Copies of the companies' responses can be found in Annex 1.

In June 2024, Amnesty International wrote to the Philippines Department of Environment and Natural Resources (DENR) to request information on nickel mining operations, community participation procedures, and public health and environmental monitoring. The organisation also wrote to the National Commission on Indigenous Peoples (NCIP) to request information on procedures relating to the right of Indigenous People to free, prior and informed consent. Amnesty International wrote again to the DENR and NCIP in September 2024 to provide them with the opportunity to respond to the findings. While the DENR and NCIP acknowledged receipt and confirmed their intention to respond on both occasions, at the time of writing they had not provided substantive responses.

In November 2023, Amnesty International commissioned Data Desk, a specialist group that conducts investigations and analysis related to climate and the commodities industry,⁶ to conduct an analysis of Philippine nickel exports. In September 2024, Amnesty International wrote to companies that source nickel from the Philippines and their potential buyers in the electric vehicle supply chain, to provide them with the opportunity to respond to the research findings and request information on how they evaluate potential human rights and environmental risks in their nickel supply chain from the Philippines. The responses can be found in Annex 2.

3.1 ACKNOWLEDGEMENTS

Amnesty International would like to offer special thanks to those community members who spoke to the organization as part of this research and generously shared their experiences and expertise. This report would not have been possible without them.

Amnesty International would also like to acknowledge and value the important work of Philippines-based civil society organizations that have advocated for redress for many of the harms documented in this report for several years and whose work this report builds on. Amnesty International would also like to thank all organizations who provided us with their expert inputs and guidance and connected Amnesty International to communities impacted by nickel mining. These organizations, who gave consent to be named in the report, include: Brooke's Point Defenders; Concerned Citizens of Sta. Cruz; Environmental Legal Assistance Center; Non-Timber Forest Products Exchange Programme Philippines; Philippine Movement for Climate Justice; Sta. Cruz Farming, Agriculture, Handicraft and Livelihood Association; and Zambales North Payao Association.

This report is dedicated to **Butch Olano, Section Director of Amnesty International Philippines**, who sadly passed away during the production of this report and dedicated his life to defending human rights and advocating for a just energy transition.

⁶ Data Desk, "Refined data on raw materials", <https://datadesk.eco/> [accessed on 18 July 2024].



4. BACKGROUND

4.1 NICKEL MINING IN THE PHILIPPINES

The Philippines is home to abundant mineral and metal reserves, including laterite nickel ore. After Indonesia, the Philippines is the world's second largest producer of nickel,⁷ and is the world's largest exporter of nickel ore.⁸ The largest deposits of nickel in the country are found in the provinces of Zambales and Palawan, and the region of Caraga.⁹ As of 2023, the country had 34 nickel mines,¹⁰ producing 35.14 million dry metric tons of nickel ore.¹¹ The DENR's Mines and Geosciences Bureau predicts the country could have as many as 190 new mining projects by 2026, with nickel accounting for one third of the new mines.¹²

There are two types of nickel ore: laterite and sulphide; in recent years, there has been an increase in laterite mining, a trend which is expected to continue.¹³ Laterite deposits, such as those found in the Philippines, are mostly mined through open-pit mining, a process of digging the earth's surface to extract ores or minerals present in a shallow layer. This involves clearing the land of trees, vegetation, and topsoil to expose the ore before it is extracted using heavy machinery, such as bulldozers and excavation equipment. After extraction, the ore is loaded onto trucks and transported to the mine yard for sampling, crushing and waste removal. As the Philippines only has two operational nickel processing plants, most nickel ore produced in the country is not processed there but is exported to China and other countries for smelting and refining into nickel metal.¹⁴

Mining projects in the Philippines have long been met with opposition from environmental groups and communities adversely impacted by mining operations.¹⁵ In 2017, the then DENR Secretary Gina Lopez¹⁶ ordered the closure of 23 metallic mines and the suspension of five others for environmental violations.¹⁷ The DENR also imposed a ban on open-pit mining for copper, gold, silver and nickel ores

-
- 7 S&P Global, "Philippines – Mining by the numbers, 2023", 2023, <https://www.spglobal.com/marketintelligence/en/news-insights/research/philippines-mining-by-the-numbers-23#:~:text=The%20Philippines%20remains%20a%20significant,second%20spot%20next%20to%20Indonesia>.
 - 8 Observatory of Economic Complexity, "Nickel Ore in Philippines", <https://oec.world/en/profile/bilateral-product/nickel-ore/reporter/ph> [accessed on 26 April 2024].
 - 9 Philippine News Agency, "DENR cites need to establish more mineral processing plants", 19 September 2023, <https://www.pna.gov.ph/articles/1210152>.
 - 10 Philippine News Agency, "PH nickel sector sees further increase in global demand", 18 July 2023, <https://www.pna.gov.ph/articles/1205867>.
 - 11 Philippine Star, "Philippines mineral output to sustain growth", 12 May 2024, <https://www.philstar.com/business/2024/05/12/2354362/philippines-mineral-output-sustain-growth>.
 - 12 Mine, "No sacrifices: inside nickel mining in the Philippines", July 2022, https://mine.nridigital.com/mine_jul22/philippines_nickel_mining.
 - 13 International Energy Agency, *Global Critical Minerals Outlook 2024*, May 2024, <https://iea.blob.core.windows.net/assets/ee01701d-1d5c-4ba8-9df6-abeeac9de99a/GlobalCriticalMineralsOutlook2024.pdf>.
 - 14 S&P Global, "Philippines seeks to follow in Indonesia's footsteps with nickel export ban", 7 February 2023, <https://www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines/philippines-seeks-to-follow-in-indonesia-s-footsteps-with-nickel-export-ban-74109353>; Philippine News Agency, "BOI sees 3 more nickel processing plants in PH by 2028", 10 May 2024, <https://www.pna.gov.ph/articles/1224483#>.
 - 15 IUCN, "The human rights impact of mining transition minerals in the Philippines", 31 October 2023, <https://www.iucn.nl/en/story/the-human-rights-impact-of-mining-transition-minerals-in-the-philippines/>.
 - 16 The appointment of DENR Secretary Gina Lopez was later rejected by the Commission of Appointments. She was thus never officially confirmed as the DENR Secretary.
 - 17 DENR, "Lopez Orders Closure of 23 Metallic Mines", 2021, <https://denr.gov.ph/news-events/lopez-orders-closure-of-23-metallic-mines/#>.



An open pit nickel mine in Palawan, Philippines. © 2024 Amnesty International

due to environmental concerns, which was overturned four years later in December 2021.¹⁸ In April 2021, then President Rodrigo Duterte lifted a nine-year moratorium on the granting of new mining agreements imposed in 2012, in an attempt to boost government revenue, provide raw materials for construction and other industries and increase employment opportunities in remote rural areas.¹⁹

4.2 PHILIPPINES' ROLE IN THE GLOBAL ENERGY TRANSITION

Nickel has an increasingly important role in the global energy transition away from fossil fuels. The climate crisis threatens the enjoyment of civil, political, economic, social and cultural rights of present and future generations, and ultimately, the future of humanity. Efforts to decarbonize the global economy and reduce fossil fuel dependency are leading to an increase in the demand, and supply of, minerals required for the energy transition. Nickel ore is processed to create stainless steel, which is used in renewable energy technology such as wind turbines and solar panels.²⁰ It is also a key component in lithium-ion batteries used to power electric vehicles (EVs) and renewable energy storage units. According to the International Energy Agency, while the use of nickel in clean energy technologies is increasing overall growth in demand, the primary driver in nickel's demand growth is EV batteries; the demand for EV batteries is set to increase by approximately ninefold between 2024 and 2050.²¹

18 Reuters, "Philippines ends open pit mining ban to reinvigorate industry", 28 December 2021, <https://www.reuters.com/business/environment/philippines-lifts-four-year-old-ban-open-pit-mining-2021-12-28/>.

19 Executive Order No 130 Amending Section 4 of Executive Order No 79, S. 2012, Institutionalizing and Implementing Reforms in the Philippines Mining Sector, providing policies and guidelines to ensure environmental protection and responsible mining in the utilization of mineral resources, 2021, officialgazette.gov.ph/downloads/2021/04apr/20210414-EO-130-RRD.pdf.

20 International Energy Forum, "Nickel – a mineral with a challenging role in clean tech", 9 January 2024, <https://www.ief.org/news/nickel-a-mineral-with-a-challenging-role-in-clean-tech#>.

21 International Energy Agency, *Global Critical Minerals Outlook 2024*, May 2024, <https://iea.blob.core.windows.net/assets/ee01701d-1d5c-4ba8-9df6-abeaac9de99a/GlobalCriticalMineralsOutlook2024.pdf>.

ENERGY TRANSITION MINERALS AND INDIGENOUS PEOPLES' TERRITORIES

Globally, more than half of the minerals required for the energy transition are located on or near the lands of Indigenous and peasant peoples.²² According to the Legal Rights and Natural Resources Center, 60% of mineral deposits and 49% of mining projects in the Philippines are found in Indigenous Peoples' ancestral domains.²³ As a result, increased mining for energy transition minerals threatens Indigenous Peoples' territories and rights in particular.²⁴

In April 2024, Indigenous Peoples' representatives from 35 countries – including the Philippines – issued a declaration raising concerns about the lack of respect of Indigenous Peoples' rights, including the right to Free Prior and Informed Consent (FPIC), in the energy transition, including mining of transition minerals, that “exacerbates land and resource dispossession, displacement, destruction of our livelihoods, disintegration of our communities, and disempowerment of Indigenous women and youth”.²⁵

“We recognize and support the need to end fossil fuel reliance and shift to renewable energy as critical in addressing the climate crisis. However, the current trajectory of the energy transition fails to meet the criteria of justice, social equity and environmental sustainability, particularly from the perspectives of Indigenous Peoples rights and well-being.”²⁶

Declaration of Indigenous Peoples' Participants in the Conference on Indigenous Peoples and the Just Transition, April 2024

In the context of rising demand for mining of transitional minerals and metals and the inherent risks for wide-scale pollution, biodiversity, and adverse impacts on communities, the Declaration raises concerns about the attempts by mining companies and other stakeholders, “not to commit to the minimum standard for respecting Indigenous Peoples' rights through the proper conduct and implementation of FPIC...”²⁷ The Declaration calls on states, companies and their investors to respect the right to FPIC and for companies not to cause adverse environmental impacts.²⁸

22 John R. Owen, Deanna Kemp et al, “Energy transition minerals and their intersection with land-connected peoples”, 1 December 2022, Nature Sustainability, Volume 6, <https://www.nature.com/articles/s41893-022-00994-6>.

23 Legal Rights and Natural Resources Center, *Toward a Just Minerals Transition in the Philippines: Discussion Paper*, January 2023, [on file with Amnesty International].

24 Sirge Coalition, “Securing Indigenous Peoples' Rights in the Green Economy”, <https://www.sirgecoalition.org/> [accessed on 11 July 2024].

25 Declaration of Indigenous Peoples' Participants in the Conference on Indigenous Peoples and the Just Transition, 12-14 April 2024, P.1, https://media.business-humanrights.org/media/documents/Declaration_-_Indigenous_Peoples_and_the_Just_Transition_-_Final_OPaa5T2.pdf.

26 Declaration of Indigenous Peoples' Participants (previously cited), P.2.

27 Declaration of Indigenous Peoples' Participants (previously cited), P.2.

28 Declaration of Indigenous Peoples' Participants (previously cited), P.3.

The different stages of the EV supply chain



A 2023 report by the Mines and Geosciences Bureau anticipated an increased demand for nickel from the Philippines given “the clear shift towards renewable technologies” internationally, and the need for “essential or critical metals for the advancement of said technologies...”²⁹ While the Philippines has yet to develop substantial refining capacity for nickel ores, the government has been pushing miners to invest in the downstream sector so the country can become a bigger player in the EV supply chain.³⁰ In September 2023, a DENR undersecretary signalled the need for three additional nickel processing facilities in Zambales, Palawan and Caraga.³¹ The government is also considering taxes on nickel exports to encourage investment in domestic processing plants.³² In its 2023 roadmap for the EV industry, the Department of Energy states the country’s “upstream mining resources (such as Nickel and Cobalt) can be tapped for the local development and manufacturing of EVs and their parts and components, that will serve not only the domestic market, but also the export market.”³³ The USA, China, Japan and Vietnam are among the countries that have expressed interest in investing in EV battery production in the Philippines,³⁴ indicating that the Philippines will increasingly play a role in the EV supply chain in coming years.

4.3 ENVIRONMENTAL IMPACTS OF NICKEL MINING

The extraction of nickel, like other energy transition minerals has been linked to human rights and environmental abuses around the world.³⁵ The most immediate environmental impact of open-pit mining is deforestation – as vast swathes of land are cleared for excavation pits, infrastructure such as access roads, and workers’ settlements – which also risks loss of biodiversity.

Environmental pollution is another risk, as nickel laterite mining can lead to large amounts of mining waste that can contaminate the air, soil and water. Amnesty International reviewed the available environmental impact statements of nickel mining projects included in this report, which identify potential direct and indirect impacts of the extraction and hauling of nickel ore. Potential impacts identified include

29 Mines and Geosciences Bureau, *Metallic Production Value Remains Robust in 2023*, 2023, <https://mgb.gov.ph/attachments/article/1513/Metallic-Production-Value-Remains-Robust-in-2023.pdf>.

30 Bloomberg, “Philippine tycoon says bigger mining areas key to riding EV boom”, 20 February 2024, <https://www.bloomberg.com/news/articles/2024-02-20/philippine-tycoon-says-bigger-mining-areas-key-to-riding-ev-boom>.

31 Manila Standard, “Gov’t asks miners to build 3 nickel processing plants”, 19 September 2023, <https://manilastandard.net/business/314371907/govt-asks-miners-to-build-3-nickel-processing-plants.html>.

32 Bloomberg, “Nickel Gets Fresh Supply Risk as Philippines Mulls Export Tax”, 30 January 2023, <https://www.bloomberg.com/news/articles/2023-01-30/philippines-may-tax-nickel-exports-to-follow-indonesia-s-success>.

33 Department of Energy, *Comprehensive Roadmap for the Electric Vehicle Industry*, 2023, pp.18-19, https://www.doe.gov.ph/sites/default/files/pdf/energy_efficiency/CREVI%20as%20of%2005-04-2023.pdf.

34 SunStar, “Vietnam-based company to invest in PH’s EV battery production industry”, 30 January 2024, <https://www.sunstar.com.ph/manila/vietnam-based-company-to-invest-in-phs-ev-battery-production-industry>; Argus Media, “US, Japan, Philippines ponder nickel supply chain”, 9 April 2024, <https://www.argusmedia.com/en/news-and-insights/latest-market-news/2555703-us-japan-philippines-ponder-nickel-supply-chain>; Reuters, “Philippines says China’s Yadea to invest \$1 bln in EV battery plant”, 15 June 2023, <https://www.reuters.com/business/autos-transportation/philippines-says-chinas-yadea-invest-1-bln-ev-battery-plant-2023-06-15/#:>

35 See Business & Human Rights Resource Centre, “Transition Minerals Tracker”, <https://www.business-humanrights.org/en/from-us/transition-minerals-tracker/>.

dust generation, air pollution and noise generation from heavy equipment, contamination of water, including drinking water resources, damage to aquatic ecosystems and displacement of aquatic species, contamination of land, soil erosion, risk of landslides due to construction activities on high angle slopes, and disturbance and displacement of wildlife and their habitat.³⁶

Many of the environmental impacts associated with nickel mining operations adversely impact local communities who rely on the natural environment for subsistence and their livelihoods. Environmental pollution can also have devastating impacts on human health. Water containing high levels of heavy metals such as cadmium, chromium, copper, iron and nickel – contaminants associated with nickel mining – can cause several adverse health impacts, including liver damage and failure, kidney damage, gastric and skin cancer, developmental and neurobehavioral disorders, elevated blood pressure, and harmful effects on the reproductive system.³⁷ An accumulation of heavy metals at high levels in water sources can be toxic to humans and pose a risk if those water sources are used for drinking water, fish consumption and irrigation of crops used for consumption. Heavy metal contamination in the air can also enter the food chain. According to the World Health Organization, “even low atmospheric levels contribute to build-up in soils, where they persist in the environment and accumulate in the food chain both on land and in water.”³⁸

Air pollution is also a risk that can be caused by nickel mining, as the extraction and transportation of nickel can generate large volumes of dust. Air pollutants from nickel mining include sulphur oxides, nitrogen oxides, and particulate matter, which can cause eye, nose, throat and lung irritation, coughs, breathing difficulties, tiredness, nausea, increased risk of lung disease and cardiovascular disease.³⁹ Exposure to air pollution can be particularly harmful for people who are pregnant and those with pre-existing health conditions, such as cardiovascular disease, diabetes, lung disease and other respiratory issues. Further, people who work outdoors, children, older people, and women may face higher likelihood of harm for physiological reasons.⁴⁰

Heavy metal contamination of the soil and water is exacerbated by heavy rains and flash floods, due to run off and the overflow of mine siltation ponds (constructed to collect surface runoffs). The Philippines is prone to heavy rainfall, flooding and hurricanes and typhoons, particularly from June to November during rainy season.⁴¹ The climate crisis leads to an increased intensity and frequency of dangerous rapid-onset weather events, such as extreme heat, wildfires and extreme rainfall from tropical storms.⁴²

36 Environmental impact assessments of the mining projects are on file with Amnesty International.

37 World Health Organization, *Health risks of heavy metals from long-range transboundary air pollution*, 2007, <https://iris.who.int/handle/10665/107872>; P. Zhang et al, “Water Quality Degradation Due to Heavy Metal Contamination: Health Impacts and Eco-Friendly Approaches for Heavy Metal Remediation”, October 2023, *Toxics*, Volume 11(10), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10611083/>.

38 World Health Organization, *Health risks of heavy metals*, (previously cited).

39 Agency for Toxic Substances and Disease Registry, “ToxFAQs™ for Nitrogen Oxides”, <https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=396&toxid=69> (accessed on 1 May 2024); Center for Disease Control and Prevention (CDC), “Particle Pollution”, https://www.cdc.gov/air/particulate_matter.html (accessed on 1 May 2024); World Health Organization, Exposure to Air Pollution: A Major Public Health Concern, <https://www.who.int/teams/environment-climate-change-and-health/air-quality-energy-and-health/health-impacts/exposure-air-pollution#:~:text=The%20combined%20or%20joint%20effects,cancer%20and%20acute%20respiratory%20infections> [accessed on 18 July 2024].

40 American Lung Association, “Who is at risk? Some groups of people face greater risk from air pollution”, <https://www.lung.org/clean-air/outdoors/who-is-at-risk#> (accessed on 22 July 2024).

41 The Philippine Atmospheric, Geophysical and Astronomical Services Administration (PAGASA), “Tropical Cyclone Information”, <https://www.pagasa.dost.gov.ph/climate/tropical-cyclone-information> [accessed 1 May 2024].

42 The International Panel on Climate Change (IPCC) has recognized that “[a] changing climate leads to changes in the frequency, intensity, spatial extent, duration, and timing of extreme weather and climate events, and can result in unprecedented extreme weather and climate events”. See IPCC, Special Report on Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation, Summary for Policymakers, 2012, https://www.ipcc.ch/site/assets/uploads/2018/03/SREX_FD_SPM_final-2.pdf, p. 5. See also Union of Concerned Scientists, The Science Connecting Extreme Weather to Climate Change, 4 June 2018, <https://www.ucsusa.org/resources/science-connecting-extreme-weather-climate-change>.

The Philippines is among the countries most vulnerable to the climate crisis, and, according to the 2023 World Risk Index, is the most disaster-prone country in the world⁴³ – further exacerbating the risk of mining waste contamination.

Increased siltation in streams and rivers can result in harm to habitat areas for fish and other aquatic life.⁴⁴ It can also increase the risk of waterborne disease outbreaks.⁴⁵

In addition to affecting water quality, nickel mining can also impact water availability as it requires significant volumes of water, including to grind and separate metals, to wash and transport materials, to control dust, and to cool drilling machinery.⁴⁶ Stresses on water availability are further exacerbated by mining companies operating in arid and semi-arid regions; the Philippines is increasingly experiencing seasonal aridity linked to climate change.⁴⁷

Environmental damage caused by nickel mining in the Philippines takes place in a context where it is extremely dangerous for people to speak out against corporate human rights and environmental harms. Global Witness has consistently ranked the Philippines as the “worst place in Asia for land and environmental defenders”, with 281 killed since 2012.⁴⁸ A third of these killings were related to defenders speaking out against company operations linked to the mining sector. In its 2024 State of the World’s Human Rights report, Amnesty International noted that in the Philippines, restrictions on freedom of expression and enforced disappearances of environmental activists and Indigenous Peoples are ongoing.⁴⁹ The practice of “red-tagging” – or accusations of links to banned communist groups – by government agencies and pro-government groups against human rights defenders and activists is widespread and makes individuals vulnerable to unlawful killing and other serious human rights violations.⁵⁰



43 Bündnis Entwicklung Hilft and Ruhr Universität Bochum, *World Risk Report 2023: Diversity*, 2023, https://weltrisikobericht.de/wp-content/uploads/2023/10/WRR_2023_english_online161023.pdf

44 U.S. Geological Survey, “Turbidity and Water”, 6 June 2018, <https://www.usgs.gov/special-topics/water-science-school/science/turbidity-and-water>.

45 U.S. Geological Survey, “Turbidity and Water”, (previously cited).

46 World Resources Institute, “Mine the Gap: Connecting Water Risks and Disclosure in the Mining Sector”, September 2010, http://pdf.wri.org/working_papers/mine_the_gap.pdf.

47 DENR, The Updated Philippine National Action Plan to Combat Desertification, Land Degradation and Drought, FY 2010-2020, 2010, <https://faolex.fao.org/docs/pdf/phi152609.pdf>

48 Global Witness, “Standing firm: The Land and Environmental Defenders on the frontlines of the climate crisis”, 15 September 2023, <https://www.globalwitness.org/en/campaigns/environmental-activists/standing-firm/>.

49 Amnesty International, *The State of the World’s Human Rights: April 2024* (Index: POL 10/7200/2024), 23 April 2024, <https://www.amnesty.org/en/documents/pol10/7200/2024/en/>.

50 Amnesty International, *Philippines: Deadly practice of ‘red-tagging’ continues under Marcos administration*, 22 March 2023, ASA: 35/6582/2023, <https://www.amnesty.org/en/wp-content/uploads/2023/03/ASA3565822023ENGLISH.pdf>.



5. LEGAL FRAMEWORK

5.1 STATE OBLIGATIONS REGARDING INFORMATION, PARTICIPATION AND CONSULTATION

5.1.1 OBLIGATIONS UNDER INTERNATIONAL LAW

The right to participation enables the advancement of all human rights.⁵¹ The Philippines is party to most of the core human rights treaties,⁵² including the International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights and other treaties that include specific provisions related to the right to public participation, including the right of communities to be consulted about projects that may impact them.⁵³ Under the right to participate, states must ensure that rights-holders are able to participate and exercise a meaningful influence in decision-making that may affect them.⁵⁴ The UN Guidelines for States on the Effective Implementation of the Right to Participate in Public Affairs (UN Guidelines on the right to participate) states that this includes meaningful participation before, during and after decision-making and “rights holders should be able to access adequate, accessible and necessary information... to allow them to prepare to participate effectively, in accordance with the principle of maximum disclosure.”⁵⁵ Participation structures “should be accessible to and inclusive of individuals and groups that are marginalized or discriminated against, in particular women and girls” and states should develop “specific permanent mechanisms for the participation of groups that have been historically excluded, or whose views have and needs have been inadequately addressed in decision-making processes, such as indigenous peoples, and persons with disabilities”.⁵⁶

The right to participation cannot be enjoyed without the right to access information. The provision of adequate information about a proposed measure with sufficient advance notice allows rights-holders to decide how to respond, including by demanding to be consulted, or otherwise lobbying decision-makers, filing legal challenges and engaging in protest.

The level of participation in the decision-making process depends on the profile of the rights-holders and the measure proposed. Merely informing will not be sufficient if there are significant human rights concerns at stake. The greater the potential impact on rights-holders, the greater the need for comprehensive, robust and effective engagement and participation throughout the process. Considering the level of harm that has been linked to nickel mining operations and the known risks, there is a need for rigorous participation processes for communities impacted by nickel mining projects. This means

51 OHCHR, *Guidelines for States on the Effective Implementation of the Right to Participate* (Guidelines for States on the right to participate), October 2018, <https://www.ohchr.org/en/documents/tools-and-resources/guidelines-effective-implementation-right-participate-public-affairs>, para. 1.

52 UN High Commissioner for Human Rights, “Status of Ratification, Interactive Dashboard”, indicators.ohchr.org [accessed on 29 April 2024].

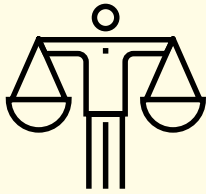
53 These include the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of Discrimination Against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, and the Declaration on the Rights of Indigenous Peoples.

54 OHCHR, *Guidelines for States on the right to participate* (previously cited), para. 55.

55 OHCHR, *Guidelines for States on the right to participate* (previously cited), paras 64-68.

56 OHCHR, *Guidelines for States on the right to participate* (previously cited), paras 56.

INTERNATIONAL HUMAN RIGHTS STANDARDS



Indigenous Peoples have the right to use and benefit from their traditional or customary lands and to be full participants in all decisions concerning how these lands, territories and resources are developed. As a default, extractive activities should not take place within the territories of Indigenous Peoples without their free, prior and informed consent (FPIC)

a) informing all affected rights-holders of the proposed measure by providing adequate information about the proposed measure and sufficient advance notice to decide how to respond; and b) consulting with rights-holders through a process of dialogue, in good faith, where rights-holders are invited to give feedback and there is a reasonable expectation that the decision-maker will make all efforts to address concerns raised. Consultations should be held at various stages of a proposed project, and when a project is significantly amended.

In cases where projects may have an impact on Indigenous Peoples' lives and livelihoods, international human rights standards require an even more rigorous standard of protection for human rights, to take account of the cultural and spiritual attachment that Indigenous Peoples have to their lands, and also the cumulative history of loss of sovereignty and disenfranchisement that Indigenous Peoples have experienced all over the world. Under international human rights standards, Indigenous Peoples have the right to use and benefit from their traditional or customary lands and to be full participants in all decisions concerning how these lands, territories and resources are developed. As a default, extractive activities should not take place within the territories of Indigenous Peoples without their free, prior and informed consent (FPIC)⁵⁷. FPIC is formalised in a series of standards, including the UN Declaration on Indigenous Peoples (UNDRIP), and has been applied by the UN Committee on the Elimination of Racial Discrimination, the UN Human Rights Committee, as well as the Inter-American Court of Human Rights and the African Commission on Human and Peoples' Rights.⁵⁸ Article 32 of UNDRIP establishes that "States shall consult and cooperate in good faith" with Indigenous Peoples to "obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources."⁵⁹

To obtain FPIC, certain core requirements must be met: i) Consent must be freely given without manipulation, coercion, threat, fear of reprisal, corruption or inequality of bargaining power; ii) Indigenous Peoples must be given sufficient time to give their free consent to a proposed activity according to their values, tradition and circumstances; iii) There must be full, clear, objective and culturally-appropriate disclosure of a proposed activity; Indigenous peoples must be informed of their rights and have the right to obtain independent advice. The greater the impact on the Indigenous

57 Human Rights Council, *Report of the Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, Extractive Industries and Indigenous Peoples*, 1 July 2013, UN Doc: A/HRC/24/41, [paras 27, available at <http://unsr.jamesanaya.org/docs/annual/2013-hrc-annual-report-en.pdf> [accessed 23 April 2024].

58 Inter-American Court of Human Rights, *Saramaka People v. Suriname (Preliminary Objections, Merits, Reparations, and Costs)*, Series C No. 172, adopted on 28 November 2007, corteidh.or.cr/docs/casos/articulos/seriec_172_ing.pdf, paras 133, 137; UN Human Rights Committee, *Views: Ángela Poma Poma v. Peru*, adopted on 24 April 2009, UN Doc CCPR/C/95/D/1457/2006, para 7.6.; African Commission on Human and Peoples' Rights, *Endorois Welfare Council v. Kenya*, Case no. 276/2003, 4 February 2010, para 291.

59 UNDRIP, 2007, UN Doc: A/61/L.67, Article 32.2.

Peoples, e.g., extractive activities on traditional lands, the greater the onus on those proposing the activity to show that the process was robust; iv) It should be clear from the outset that not proceeding with the project is an option and Indigenous Peoples have the right to withhold consent; and v) consent is required through Indigenous Peoples' chosen representative structures and decision-making processes and must be inclusive of women and other community members who may be marginalised within the community.⁶⁰

A critical aspect of FPIC is the process leading to consent, especially the need for robust mechanisms of consultation to facilitate mutually acceptable agreements, and monitoring, enforcement and grievance mechanisms. Consent is also an iterative process throughout the lifecycle of a mine, from the beginning through to expansion, closure, post-closure and decommissioning and remediation processes.

Indigenous Peoples have the right to challenge, reject or withdraw from a process in which their consent has been inappropriately acquired – for example, under duress, or on the basis of misrepresentations; in such cases in fact, consent cannot be said to exist in the first place, because of the fraudulent circumstances under which it was given, violating both the 'free' and the 'informed' criteria of FPIC. Indigenous Peoples have the right to redress or, when that is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their FPIC.⁶¹

5.1.2 OBLIGATIONS UNDER DOMESTIC LAW

The Philippines Constitution “guarantees full respect for human rights”, including “the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.”⁶² The Constitution also protects the right to public participation and states: “The rights of the people and their organizations to effective and reasonable participation at all levels of social, political and economic decision-making shall not be abridged” and the State shall “facilitate the establishment of adequate consultation mechanisms.”⁶³

The Philippine Mining Act of 1995 (Mining Act) governs all mining operations in the Philippines. While the Mining Act contains incentives to support the mining industry, it does provide for the protection of the environment and rights of affected communities.⁶⁴ The Mining Act also contains provisions for public participation throughout the mining lifecycle and it is the role of local government units “to ensure that relevant laws on public notice, public consultation and public participation are complied with.”⁶⁵ Before a project is implemented, the State requires all national agencies and offices to “conduct periodic consultations with appropriate local government units, nongovernmental and people’s organizations, and other concerned sections of the community”.⁶⁶

60 UN, *Free, prior and informed consent: a human rights-based approach – Study of the Expert Mechanism on the Rights of Indigenous Peoples*, 10 August 2018, UN Doc: A/HRC/39/62, <https://www.ohchr.org/en/documents/thematic-reports/free-prior-and-informed-consent-human-rights-based-approach-study-expert>.

61 UNDRIP, Article 28.

62 1987 Constitution of the Republic of the Philippines (Philippines Constitution), 1987, Article 2, Sections 11 and 16.

63 Philippines Constitution, Article XIII, Section 16.

64 Philippine Mining Act, 3 March 1995, Section 2, https://lawphil.net/statutes/repacts/ra1995/ra_7942_1995.html.

65 DENR Administrative Order No. 96-40-S, Revised Implementing Rules and Regulations (IRR) of Republic Act No. 7942, otherwise known as the Philippine Mining Act of 1995, 3 March 1995, 1996, Section 8, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/10/42417>

66 Republic Act No. 7160, An Act Providing for a Local Government Code of 1991, October 1991, Section 2(c).

THE INDIGENOUS PEOPLES' RIGHTS ACT (IPRA) DEFINES FPIC AS:

“the consensus of all members [of the Indigenous Peoples’ community] to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community.”

Section 70 of the Mining Act provides that an environmental compliance certificate⁶⁷ is required based on an environmental impact assessment, procedures under the Philippine Environmental Impact Assessment System, and requirements of public consultations under Sections 26 and 27 of the Local Government Code. Although there is no explicit requirement that environmental impact statements (EIS) be made public or shared with potentially impacted communities, the Mining Act states that “people’s organizations and NGOs shall be allowed and encouraged to participate in ensuring that contractors/ permittees shall observe the requirements of environmental protection.”⁶⁸ The Implementing Rules and Regulations of the Philippine Environmental Impact Statement System state the review of the EIS by the DENR’s Environment Management Bureau shall be guided by three criteria, including “social acceptability... based on informed public participation.”⁶⁹ The Implementing Rules define public participation as “open, transparent, gender-sensitive, and community-based process aimed at ensuring the social acceptability of a project or undertaking, involving the broadest range of stakeholders, commencing at the earliest possible stage of project design and development and continuing until post-assessment monitoring.”⁷⁰ For projects with “significant potential to cause negative environmental impacts”, the conduct of public hearings as part of the EIS review is mandatory and “proponents should initiate public consultations early in order to ensure that environmentally relevant concerns of stakeholders are taken into consideration in the [environmental impact assessment] study and the formulation of the management plan”.⁷¹

The law establishes the role of a Multipartite Monitoring Team to monitor environmental compliance “every quarter, or more frequently as may be deemed necessary”.⁷² The composition of the monitoring teams should include representatives from the affected communities and environmental NGOs, which provides another avenue for public participation.⁷³

Finally, mining operators are required to submit a Social Development and Management Plan to the Mines and Geosciences Bureau every five years to “meet the changing needs and demands of the communities.”⁷⁴ The Social Development and Management Plan should be prepared “in consultation and in partnership with the host and neighbouring communities, actively promote and shall cover and include all plans, projects and activities of the Contractor... towards enhancing the development of the

67 Section 70 of the Philippine Mining Act used the term “environmental clearance certificate.” However, under other relevant laws such as the Implementing Rules and Regulations (IRR) of the Mining Act and the IRR for the Philippine Environmental Impact Statement, and in practice, the required document is an environmental compliance certificate.

68 Philippine Mining Act, Section 70.

69 DENR Administrative Order No. 2003-30, Implementing Rules and Regulations (IRR) for the Philippine Environmental Impact Statement (EIS) System, Section 1(d), <https://emb.gov.ph/wp-content/uploads/2016/06/DAO-2003-30.pdf>.

70 IRR for the EIS System, Section 3(aa).

71 IRR for the EIS System, Section 5.3.

72 IRR for the Mining Act, Section 174.

73 IRR for the Mining Act, Section 185.

74 DENR Administrative Order No. 2000-99, 21 December 2000, Section 136-A.



Reddish-brown coastal water in Santa Cruz, indicative of heavy metal contamination. January 2024. © Amnesty International

host and neighbouring communities.”⁷⁵ Representatives of the host and neighbouring communities should be involved in monitoring the implementation of the plan.⁷⁶

The Indigenous Peoples’ Rights Act (IPRA) of 1997 gives effect to the constitutional recognition of Indigenous Peoples’ rights. The IPRA recognises Indigenous Peoples’ inherent rights, including their right to self-determination, to ancestral domains and the applicability of customary laws governing property rights, to self-determined development and to the requirement that FPIC be obtained in relation to any developments that have impact on them. The IPRA defines FPIC as “the consensus of all members [of the Indigenous Peoples’ community] to be determined in accordance with their respective customary laws and practices, free from any external manipulation, interference and coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community.”⁷⁷ Section 59 of the IPRA states that governmental departments are required to obtain prior certification from the National Commission on Indigenous Peoples (NCIP) before issuing, renewing or granting any concession, license or lease or permit for the exploitation of natural resources affecting the interests of Indigenous Peoples.⁷⁸ Prior certification, also known as ‘certification precondition’ “shall only be issued after a field-based investigation is conducted... and no certification shall be issued... without the free and prior informed and written consent of [the Indigenous Peoples] concerned”.⁷⁹ Further, Indigenous Peoples “have the right to stop or suspend... any project that has not satisfied the requirement of this consultation process.”⁸⁰

75 DENR Administrative Order No. 2000-99, 21 December 2000, Section 136-A.

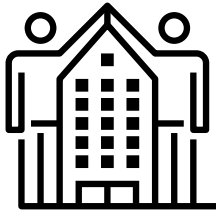
76 DENR Administrative Order No. 2000-99, 21 December 2000, Section 136-F.

77 The Indigenous Peoples’ Rights Act (IPRA), 29 October 1997, Section 3 (g), <https://www.officialgazette.gov.ph/1997/10/29/republic-act-no-8371/>.

78 IPRA, 1997, Section 59.

79 IPRA, Section 59.

80 IPRA, Section 59 ; While the IPRA grants the right to stop/suspend to the Indigenous Cultural Communities/Indigenous Peoples, Rule VIII Part II Section 10 of the IRR of the IPRA lodges this right to the NCIP, which may exercise it motu proprio or upon the instance of the Indigenous Cultural Communities/Indigenous Peoples, upon finding of irregularities in the obtainment of the consent or violations in the implementation of the Memorandum of Agreement.



THE RESPONSIBILITY TO RESPECT HUMAN RIGHTS

REQUIRES COMPANIES NOT TO CAUSE OR CONTRIBUTE TO HUMAN RIGHTS ABUSES THROUGH THEIR OWN BUSINESS ACTIVITIES, AND TO ADDRESS NEGATIVE IMPACTS IN WHICH THEY ARE INVOLVED, INCLUDING BY REMEDIATING ANY ACTUAL IMPACTS.

5.2 RESPONSIBILITY OF CORPORATE ACTORS TO RESPECT HUMAN RIGHTS

All companies have a responsibility to respect all human rights, wherever they operate in the world and throughout their operations, regardless of their nationality or size. This is a widely recognized standard of expected conduct as set out in international business and human rights standards including the UN Guiding Principles and the OECD Guidelines for Multinational Enterprises.⁸¹ This corporate responsibility to respect human rights is independent of a state's own human rights obligations and exists over and above compliance with national laws and regulations protecting human rights.⁸²

The responsibility to respect human rights requires companies not to cause or contribute to human rights abuses through their own business activities, and to address negative impacts in which they are involved, including by remediating any actual impacts. It also requires companies to seek to prevent or mitigate adverse human rights impacts directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts.⁸³

An enterprise "contributes to" an impact if "its activities, in combination with the activities of other entities, cause the impact, or if the activities of the enterprise cause, facilitate or incentivize another entity to cause an adverse impact."⁸⁴ The following factor may be taken into consideration: "the extent to which an enterprise could or should have known about the adverse impact or potential for adverse impact, i.e. the degree of foreseeability".⁸⁵

To meet its corporate responsibility to respect, a company should take proactive and ongoing steps to identify and respond to its potential or actual human rights impacts. Importantly, businesses should implement a due diligence process to identify, prevent, mitigate and account for how they address negative human rights impacts that the enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships.⁸⁶

81 This responsibility was expressly recognized by the UN Human Rights Council on 16 June 2011, when it endorsed the UN Guiding Principles on Business and Human Rights, and on 25 May 2011, when the 42 governments that had then adhered to the Declaration on International Investment and Multinational Enterprises of the OECD unanimously endorsed a revised version of the OECD Guidelines for Multinational Enterprises. See *Human Rights and Transnational Corporations and other Business Enterprises*, Human Rights Council, Resolution 17/4, 6 July 2011, UN Doc. A/HRC/RES/17/4; *OECD Guidelines for Multinational Enterprises*, OECD, 2011, <https://www.oecd.org/corporate/mne>.

82 UN Guiding Principles, Principles 11 and 13 including Commentary.

83 UN Guiding Principles, Principle 11 including Commentary.

84 OECD, "OECD Due Diligence Guidance for Responsible Business Conduct", 2018, Question 29.

85 OECD, "OECD Due Diligence Guidance for Responsible Business Conduct", 2018, Question 29.

86 UN Guiding Principles, Principle 17.

Consultations can be carried out by both the State and companies implementing the proposed project, although the State ultimately has a duty to ensure adequate consultations are carried out. To assess their human rights impacts accurately, a business enterprise's due diligence should "involve meaningful consultation with potentially affected groups and other relevant stakeholders, as appropriate to the size of the business enterprise and the nature and context of the operation."⁸⁷ Consultation should be undertaken in a manner that takes into account language and other potential barriers to effective engagement.⁸⁸ With regard to business decisions that will have a "substantial impact on indigenous peoples, including large "community footprint" projects such as mining", the UN Working Group on the issue of human rights and transnational corporations and other business enterprises states that to avoid adverse impacts, businesses need to ensure that the state-led FPIC process is adequate; "In the absence of an adequate State-led process, a business enterprise needs to consider carefully whether it can proceed with the project without the risk of causing or contributing to adverse impacts on the right of indigenous peoples."⁸⁹ Failure to inform, engage and consult with Indigenous Peoples undermines the ability of a business enterprise to respect rights.⁹⁰

When conducting human rights due diligence, a company may identify that it may cause or contribute to – or already be causing or contributing to – a human rights abuse. In these cases, the business enterprise should cease or prevent the impact, and where applicable, use its leverage to mitigate any remaining impact.⁹¹ The UN Guiding Principles explain that where impacts are outside of the business enterprise's control but are directly linked to their operations, products or services through their business relationships, - for example, downstream customers of mining companies that cause or contribute to harms – the company should seek to mitigate the human rights impact by exercising leverage, or seek to improve leverage where leverage is limited, including through collaboration if appropriate.

The UN Guiding Principles indicate that companies should remediate any human rights abuse to which they have caused or contributed.⁹² Remedy should include guarantees of non-repetition as well as satisfaction,⁹³ compensation and other measures of reparation as appropriate.⁹⁴ The actual reparation that should be provided in each case will depend on the nature of the right violated, the harm suffered and the wishes of those affected. The touchstone of reparation, however, is that it must seek to remove the consequences of the violation and, as far as possible, restore those who have been affected to the situation they would have been in had the violation not occurred.

Under domestic law, to uphold the terms and conditions of its mineral agreement, the Mining Act states that "the Contractor shall recognize and respect the rights, customs and traditions of local communities, particularly Indigenous Cultural Communities."⁹⁵

87 UN Guiding Principles, Principle 18(b).

88 UN Guiding Principles, Principle 18(b) including Commentary.

89 UN General Assembly, Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, 7 August 2013, UN Doc: A/68/279, Para 21.

90 UN General Assembly, Report of the Working Group on the issue of human rights, (previously cited), Para 21.

91 UN Guiding Principles, Principle 17.

92 UN Guiding Principles, Principle 15.

93 Satisfaction covers a broad range of measure which will be applicable as appropriate to the circumstances and includes: measures aimed at the cessation of the violations; verification of the facts and full and public disclosure of the truth; a public apology, including acknowledgment of the facts and acceptance of responsibility; and judicial and administrative sanctions against those responsible for the violations. See Principle 22, UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (UN Basic Principles on reparations), 21 March 2006, UN Doc. A/RES/60/147.

94 UN Basic Principles on Reparations.

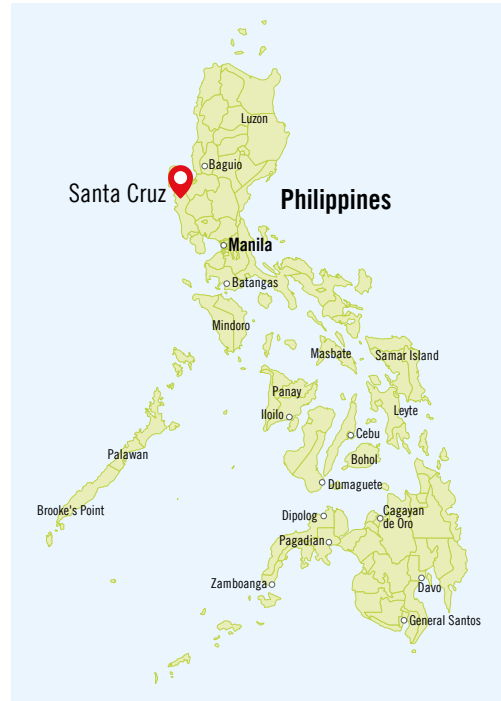
95 Mining Act, Section 39(s).



6. MINE PROFILES

6.1 SANTA CRUZ, ZAMBALES

Santa Cruz is a coastal municipality in the province of Zambales, located in the Central Luzon region. Zambales has rich mineral resources, including nickel, chromite and copper. According to the 2020 census, the population of Santa Cruz was 63,839 people.⁹⁶ Much of the population relies on fishing, farming and the forests for their livelihoods, although many residents are now employed by the mining industry. The region is home to several large-scale and smaller-scale mining operations and has seen an increase in mining activities in recent years.⁹⁷ There are currently four large-scale nickel mining companies operating in the area.



BENGUETCORP RESOURCES MANAGEMENT CORPORATION

BenguetCorp Resources Management Corporation operates the Sta. Cruz Nickel Laterite Mining Project in Barangay Guisguis in Santa Cruz. The project involves the extraction and shipment of lateritic nickel ore from a 1,406.7362-hectare area covered by Mineral Production Sharing Agreement (MPSA) No. 226-2005-III, granted to Benguet Corporation by the DENR on 16 December 2007. The MPSA expires in December 2030.⁹⁸ The rights over the MPSA were transferred to Benguet Corporation's subsidiary, BenguetCorp Resources Management Corporation (Benguet), by virtue of a Deed of Assignment, approved by the DENR on 16 January 2012.⁹⁹ Benguet Corporation is a publicly listed company and according to its website, is the “first and oldest mining company in the Philippines”.¹⁰⁰

96 PhilAtlas, “Santa Cruz, Province of Zambales”, <https://www.philatlas.com/luzon/r03/zambales/santa-cruz.html> [accessed on 12 July 2024].

97 P. Camara & P. Edike, “Evaluating Environmental and Heavy Metal Health Impacts of Mining: A Holistic Approach to Heavy Metal Contamination Assessment and the Development of a Rationality-Based Mining Decision Support through Cost-Benefit Analysis in Santa Cruz, Philippines”, 2024, Instabright e-Gazette, Vol. 5(4), https://www.researchgate.net/publication/381008633_EVALUATING_ENVIRONMENTAL_AND_HUMAN_HEALTH_IMPACTS_OF_MINING_A_Holistic_Approach_to_Heavy_Metal_Contamination_Assessment_and_the_Development_of_a_Rationality-Based_Mining_Decision_Support_through_Cost-

98 Zambales Chromite Mining Company, *Executive Summary: Proposed ZCMI Nickel-Chromite Mining Project*, 2022, p.2, <https://eia.emb.gov.ph/wp-content/uploads/2022/04/ZCMC-ESP-English.pdf>.

99 Mines and Geosciences Bureau, *Report on the Assessment of the Mining Operations of BenguetCorp Nickel Mines, Inc., Eramen Minerals, Inc., Filipinas Mining Corporation/LNL Archipelago Minerals, Inc., and Zambales Diversified Metals Corporation in Sta. Cruz and Candelaria, Zambales*, May 2014 [copy on file with Amnesty International].

100 Benguet Corporation, “About Us”, <http://benguetcorp.com/home/about-us/> [accessed on 13 June 2024].

ERAMEN MINERALS INC.

Eramen Minerals Inc. (Eramen) operates the Nickel Silicate and Associated Metal Ore Open Mining Project in Barangays Lucapon South, Tubo-tubo South and Guisguis in Santa Cruz and Barangay Guinabon in Candelaria. The project involves the extraction of nickel laterite and associated minerals from a 4,619.6869-hectare area covered by MPSA No. 209-2005-III, granted to Eramen by the DENR on 19 April 2005.¹⁰¹ The MPSA expires in April 2030.¹⁰² Eramen is a privately-owned Philippine mining company, specialising in nickel laterite mining.¹⁰³ Mine development and production began in 2011 and, in 2012, the first shipment of nickel ore was made. Average annual production of the project ranges between 600,000 and 1.5 million wet metric tons.¹⁰⁴

LNL ARCHIPELAGO MINERALS, INC.

LNL Archipelago Minerals, Inc. (LNL) operates the Nickel and Associated Minerals Surface Mining Project located in Barangays Guinabon and Guisguis. The project involves surface mining of nickel laterite and associated metallic ores from a 951.5734-hectare area covered by MPSA No. 268-2008-III, which was granted by the DENR to Filipinas Mining Corporation on 26 August 2008.¹⁰⁵ The MPSA expires in August 2033.¹⁰⁶ On 5 June 2007, Filipinas Mining Corporation granted the exclusive right to operate and undertake mining operations within the MPSA to LNL.¹⁰⁷ LNL is part of LNL Resources Inc., which is the holding company for the mining ventures of the privately-owned Philippine conglomerate Leonio Group.¹⁰⁸

ZAMBALES DIVERSIFIED METALS CORPORATION

Zambales Diversified Metals Corporation (ZDMC) operates the Sta. Cruz-Candelaria Mining Project in Barangay Lucapon South in Santa Cruz and Barangay Uacon in Candelaria. The project involves the extraction of nickel laterite and associated metallic ores from a 3,765.3853-hectare area covered by MPSA No. 191-2004-III, granted on 22 May 2004 to Crau Minerals Resources Corporation. The MPSA expires in May 2029.¹⁰⁹ The rights over the MPSA were transferred by Crau Minerals Resources Corporation to ZDMC by Deed of Assignment which was approved by the DENR on 5 March 2010.¹¹⁰ ZDMC is a subsidiary of DMCI Mining Corp., owned by DMCI Holdings – a publicly listed Philippine infrastructure conglomerate.¹¹¹

101 Eramen Minerals Inc., “About Us”, <https://eramenminerals.com/about-us/> [accessed on 13 June 2024]; DENR EMB, Notice of Public Scoping, CO-2023-001580, 2023, [copy on file with Amnesty International].

102 Zambales Chromite Mining Company, *Executive Summary: Proposed ZCMI Nickel-Chromite Mining Project*, 2022, p.2, <https://eia.emb.gov.ph/wp-content/uploads/2022/04/ZCMC-ESP-English.pdf>.

103 Eramen Minerals Inc., “About Us”, <https://eramenminerals.com/about-us/> [accessed on 13 June 2024].

104 Eramen Minerals Inc., “About Us”, <https://eramenminerals.com/about-us/> [accessed on 13 June 2024].

105 Mines and Geosciences Bureau, *Report on the Assessment of the Mining Operations of BenguetCorp Nickel Mines, Inc., Eramen Minerals, Inc., Filipinas Mining Corporation/LNL Archipelago Minerals, Inc., and Zambales Diversified Metals Corporation in Sta. Cruz and Candelaria, Zambales*, May 2014 [copy on file with Amnesty International].

106 Zambales Chromite Mining Company, *Executive Summary: Proposed ZCMI Nickel-Chromite Mining Project*, 2022, p.2, <https://eia.emb.gov.ph/wp-content/uploads/2022/04/ZCMC-ESP-English.pdf>.

107 LNL, Environmental Impact Assessment for the proposed Nickel and Associated Minerals Surface Mining Project, March 2008, p.1 [copy on file with Amnesty International]; *LNL Archipelago Minerals, Inc, Petitioner, vs. Agham Party List, Respondent*, Supreme Court Baguio, G.R. No. 209165, Decision, 12 April 2016, https://lawphil.net/judjuris/juri2016/apr2016/gr_209165_2016.html

108 <https://www.leonioland.com/who-we-are/>.

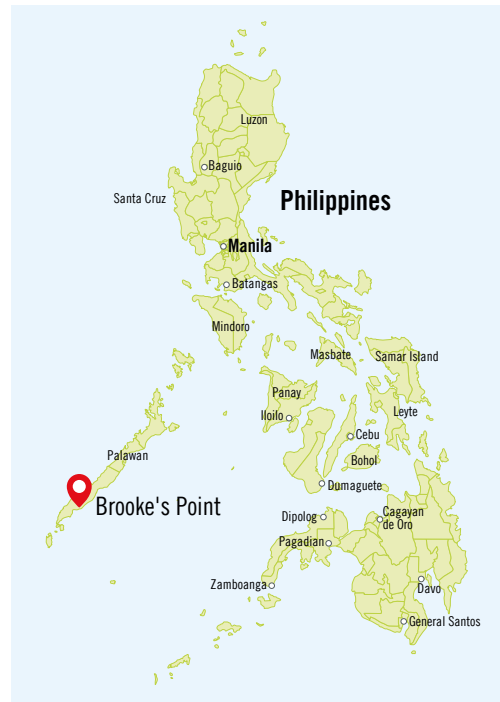
109 Zambales Chromite Mining Company, *Executive Summary: Proposed ZCMI Nickel-Chromite Mining Project*, 2022, p.2, <https://eia.emb.gov.ph/wp-content/uploads/2022/04/ZCMC-ESP-English.pdf>.

110 Mines and Geosciences Bureau, *Report on the Assessment of the Mining Operations in Sta. Cruz and Candelaria, Zambales*, (previously cited).

111 DMCI Holdings, “Nickel Mining”, <https://www.dmciholdings.com/investments/nickel-mining> [accessed on 13 June 2024].

6.2 BROOKE'S POINT, PALAWAN

The Municipality of Brooke's Point is in the south of the island of Palawan in the region of MIMAROPA. Palawan is one of the most biodiverse regions in the country. According to the UN Educational, Scientific and Cultural Organization, Palawan is known as the Philippines' "last ecological frontier".¹¹² It is home to the Mount Mantalingahan Protected Landscape, a protected area by virtue of a 2009 Presidential Proclamation covering a total area of 120,457 hectares spanning the municipalities of Bataraza, Brooke's Point, Quezon, Rizal and Sofronio Espanola.¹¹³ Based on the International Union for Conservation of Nature classification, Palawan has 105 out of the 475 threatened plant and animal species in the Philippines.¹¹⁴



Palawan is also the ancestral home to several Indigenous Peoples, including more than 12,000 people belonging to the Pala'wan Indigenous People who reside in and adjacent to the Mount Mantalingahan Protected Landscape.¹¹⁵ The Pala'wan rely on their ancestral lands, including forests and water that flows from the mountains, to sustain their livelihoods, traditions, beliefs and cultural practices, connection to their ancestors and spirits, and for food and traditional medicines.¹¹⁶ Their livelihoods are based on swidden cultivation and farming, hunting and gathering, fishing, and commercial collection of non-timber forest products.¹¹⁷

Nickel extraction is relatively recent to Brooke's Point, although drilling and other exploration activities have taken place in the region since the 1970s.¹¹⁸ In April 2024, community leaders called for a moratorium on new permits for mining operations in Palawan; at the time there were 84 pending mining applications.¹¹⁹ There is one operational nickel mine in Brooke's Point, while there are at least two further MPSAs for nickel mining in the area that further threaten local communities and the environment.

112 UNESCO, "Man and the Biosphere Programme: Palawan", <https://www.unesco.org/en/mab/palawan> [accessed on 12 June 2024].

113 Presidential Proclamation 1815 signed on 23 June 2009.

114 UNESCO, "Man and the Biosphere Programme: Palawan", <https://www.unesco.org/en/mab/palawan> [accessed on 12 June 2024].

115 UNESCO, "Mount Mangalingahan Protected Landscape", <https://whc.unesco.org/en/tentativelists/6006/#>. [accessed on 12 June 2024].

116 Interviews with community members, May 2024, Brooke's Point.

117 Interviews with community members, May 2024, Brooke's Point. See also: Forest Peoples Programme, "Save Palawan: The Philippine's Last Frontier", 2011, <https://www.forestpeoples.org/sites/fpp/files/news/2011/03/Palawan%20petition%20alert.pdf>.

118 Electronics Watch, "Human Rights and Environmental Impact of Nickel Mining at Rio Tuba", May 2022, https://electronicswatch.org/human-rights-and-environmental-impact-of-nickel-mining-in-the-philippines-may-2022_2610464.pdf.

119 Inquirer, "Palawan leaders' call: No new mine permits", 29 April 2024, <https://newsinfo.inquirer.net/1934608/palawan-leaders-call-no-new-mine-permits>.

IPILAN NICKEL CORPORATION

Ipilan Nickel Corporation (INC) operates the Ipilan Nickel Project in Barangay Mambalot. The project involves the extraction and shipment of lateritic nickel ore from a 2,835.06-hectare area covered by MPSA No. 017-93-IV, granted to Celestial Nickel Mining and Exploration Corporation in 1993 for 25 years. Part of the MPSA falls within the Mount Mantalingahan Protected Landscape. Celestial Nickel Mining and Exploration Corporation transferred usage rights of its MPSA to INC by way of an Operating Agreement with INC in August 2005.¹²⁰ In 2000, the DENR issued an order amending the MPSA – the order stated: “[T]he Effective Date... shall be reckoned from the date of execution thereof and that the same amended MPSA shall expire on April 10, 2025.”¹²¹

INC is a subsidiary of Global Ferronickel Holdings, Inc. (FNI), a publicly listed company in the Philippines engaged in mining and exporting of nickel ores.¹²² According to its website, FNI is the second largest nickel ore exporter in the Philippines.¹²³

MACROASIA MINING CORPORATION

MacroAsia Mining Corporation (MMC) is the mine operator for the Infanta Nickel Project in Barangays Ipilan, Mambalot and Maasin. The project spans a 1,113.9836-hectare area covered by MPSA No. 220-2005-IBV, granted in 2005 to MacroAsia Corporation, a publicly listed aviation support services provider in the Philippines that has more recently ventured into natural resources development.¹²⁴ Part of the MPSA, which is valid until 1 December 2030, falls within the Mount Mantalingahan Protected Landscape.¹²⁵ In June 2019, MacroAsia Corporation assigned rights to its MPSA to its subsidiary, MMC.¹²⁶ Once operational, the project will have an annual extraction rate of 1,000,000 metric tons, according to MMC.¹²⁷ The company is currently in the process of obtaining the necessary permits and licenses to commence commercial mining operations.¹²⁸

LEBACH MINING CORPORATION

Lebach Mining Corporation (Lebach) is the mine operator for the Brooke’s Point Project, located in Barangays Ipilan, Aribungos, Mambalot and Barong-barong. The project will involve the extraction of nickel and associated metals from a 2,573.33-hectare area covered by MPSA No. 285-2009-IVB, granted to Lebach in November 2009.¹²⁹ It is proposed that 3,000,000 wet metric tons of nickel ore will be extracted each year from 200-hectare portions at a time, over a period of 12 years.¹³⁰ The extracted nickel ore will be exported. According to the company’s project description, mining operations were due to commence in December 2022,¹³¹ but at the time of conducting this research, the mine was not yet operational. Lebach is a privately-owned company in the Philippines.

120 Operating Agreement between Celestial and INC, 25 August 2005 [copy on file with Amnesty International].

121 Indigenous Cultural Communities of BICAMM Ancestral Domain, Brooke’s Point, Palawan, Petitioners, vs Office of the Secretary of the Department of Environment and Natural Resources, Secretary MA. Antonia Yulo-Loyzaga, Atty. Ernesto D. Adobo Jr. and MGB Director Danilo Uykieng, MGB Region IV B Mimaropa Feliizardo Gacad, Celestial Nickel Mining and Exploration Corporation, Ipilan Nickel Corporation, Respondents (Palwan IPs Petition for Writ of Kalikasan), G.R. No. 268140, August 2023, Para 16(2).

122 FNI “About Us”, <https://gfni.com.ph/about-us/>. [accessed on 11 June 2024].

123 FNI, “Our Company”, <https://gfni.com.ph/about-us/our-company/>. [accessed on 11 June 2024].

124 MacroAsia Corporation, “About Us”, <https://macroasiacorp.com/about> [accessed on 12 June 2024]

125 MacroAsia Corporation, *Updated Environmental Impact Statement*, p.11.

126 *NCIP, Zenaida Brigida Hamadapawid, Dionesia O. Banua, Conchita C. Calzado, Percy Brawner, Cosme Lambayon, Santos Unsad, and Basilio Wandag, PETITIONERS, v. MacroAsia Corporation, RESPONDENT*, Decision. G.R. No. 226176, 9 August 2023. https://lawlibrary.chanrobles.com/index.php?option=com_content&view=article&id=94355:69052&catid=1703&Itemid=566.

127 MacroAsia Corporation, *Infanta Nickel Project, Updated Environmental Impact Statement, 2022*, pp.1-6.

128 MMC letter to Amnesty International, 19 September 2024.

129 Lebach Mining Corporation, *Project Description for Public Scoping, 2023* [copy on file with Amnesty International].

130 Lebach Mining Corporation, *Project Description for Public Scoping*.

131 Lebach Mining Corporation, *Project Description for Public Scoping*.



7. PUBLIC PARTICIPATION

“We should be made to understand the pros and cons of mining. Before the mine we lived peacefully and well. People lived simply and we were content, we would plant and harvest. Why is it now the mine is here, we’re suffering?”¹³²

Nelson Esambid, community member, Brooke’s Point, Palawan

7.1 LACK OF INFORMATION

Amnesty International interviewed 60 community members impacted by nickel mining in Santa Cruz, including 32 men and 28 women. Interviewees were from communities in the immediate areas of the mining projects, in addition to lowland communities who experience the downstream impacts of the mining operations. In Palawan, the organization interviewed 30 people – 28 of whom self-identified as members of the Pala’wan Indigenous People – who are or will be impacted by operational and proposed nickel mining projects. Amnesty International also interviewed local government officials and expert stakeholders, including lawyers and civil society representatives, in both areas. Amnesty International wrote to the seven mining companies twice: once to ask them questions about their efforts to inform and consult with impacted communities and, in Brooke’s Point, obtain their FPIC, and again ahead of publication to give them the opportunity to respond to the findings. At the time of writing, Benguet, INC, MMC and ZDMC had responded. Eramen, LNL and Lebach had not responded.

7.1.1 SANTA CRUZ

Social, environmental and human rights impact assessments are a crucial part of providing comprehensive information to rights-holders impacted by extractive projects. Environmental impact assessments are also required under Philippine law for mining projects. However, Amnesty International was only able to locate two relevant studies on the DENR’s online Environmental Impact Assessment System for the nickel mining projects in Santa Cruz.¹³³ These were the EIS for LNL and the executive summary of ZDMC’s EIS in relation to a proposed expansion to its nickel mine. Relevant documents for the other two projects were not available on this site. Amnesty International wrote to the four nickel mining companies to ask them for information about their operations, including copies of their EISs. At the time of writing, only two had responded. ZDMC provided Amnesty International with details of its public consultations and public hearing documentation. Benguet said its EIS had been presented to affected communities and other stakeholders but did not provide a copy. Amnesty International also requested this information from the DENR, however this information was not provided.

¹³² Interview with Nelson Esambid, community member, 24 May 2024, Brooke’s Point.

¹³³ Search conducted on 27 May 2024.



*Satellite image showing deforested areas where nickel is being mined in Santa Cruz, Zambales, the Philippines. 19 February 2024.
© EU, Copernicus Sentinel*

The two available documents indicate that some information was provided to some potentially impacted communities and consultations did take place as part of the environmental impact assessment process. However, they mostly focus on barangays (communities and villages) in the immediate project area, to the exclusion of lowland communities that experience downstream impacts. LNL's EIS states that public scoping for the assessment took place in August 2007 and "invitations were personally delivered",¹³⁴ but does not provide information on the criteria for selecting invitees. Forty-nine participants were registered, including officials of Barangay Guisguis (the host barangay) and Guinabon (adjacent to the project site), farmers, landowners and NGOs, in addition to LNL and DENR officials.¹³⁵ A public hearing to share the results of the EIA and other project information took place on 13 November 2007 – invitations were sent by the Environment Management Bureau and the event was publicised in a newspaper.¹³⁶ Among the concerns raised in the hearing were potential environmental damage, impacts on agriculture, and the difficulty in identifying responsibility for harms because of numerous companies already mining in the area.¹³⁷ One participant requested separate public hearings for Barangays Guisguis and Guinabon, but this was rejected by LNL.¹³⁸ The EIS also states that a Community Relations Unit is "tasked to liaise with the communities, principally Barangays Guisguis and Guinabon, and conduct regular campaign for Information and Education."¹³⁹

The EIS executive summary for ZDMC is based on an assessment undertaken between March and June 2021 in relation to a proposal to increase its MPSA by 81-hectares (to 3,846.39 hectares) and identifies six impacted barangays: Lucapon South, Bayto, Biay, Bolitoc, Lucapon North and Naulo.¹⁴⁰

134 LNL, Environmental Impact Assessment, p.4-7, (previously cited).

135 LNL, Environmental Impact Assessment, p.15, (previously cited).

136 LNL, Environmental Impact Assessment, p.27-28, (previously cited).

137 LNL, Environmental Impact Assessment, pp. 39-41, (previously cited).

138 LNL, Environmental Impact Assessment, pp. 39-41, (previously cited).

139 LNL, Environmental Impact Assessment, p.6 (previously cited).

140 ZDMC, Project Description for Scoping, [copy on file with Amnesty International]. Amnesty International was unable to locate online the EIS for ZDMC's original mining project.

The document states that public participation in the EIA process was achieved “through the conduct of public scoping, household and perception survey, Information, Education and Communication... activities, Key Informant Interview... and Focus Group Discussions... with the various stakeholders”.¹⁴¹ It summarises key impacts identified during the process and how these will be mitigated. The draft Environmental Performance Report and Management Plan is available online.¹⁴² ZDMC later clarified that over 300 residents from 15 “immediate and secondary” affected barangays participated in public consultations for the project expansion, between March and December 2021.¹⁴³ Before conducting public participation activities, it made “thorough efforts to inform the relevant communities about the scheduled public hearings”, for example, by posting notices at key locations and in a national newspaper. According to documentation from a public hearing held on 14 December 2021, concerns were raised by participants about the basis for conclusions made in the EIS report that impacts will be insignificant, in addition to the lack of availability of the EIS for the original project.¹⁴⁴ In response to the concerns raised over the basis for conclusions in the EIS, company representatives directed participants to contact the DENR’s Environmental Management Bureau.¹⁴⁵

Amnesty was able to locate a notice of a “public scoping” meeting held in April 2023 in Barangay Guisguis as part of an assessment in relation to the proposed expansion of Eramen’s mining project. The notice, which encouraged “all interested parties” to provide inputs, stated that the aim of the meeting was to provide an overview of the proposed project and “gather issues and concerns and other relevant information to provide the scope of work and terms of reference for the preparation of Environmental Impact Statement.”¹⁴⁶ According to the Project Description Report for Scoping, made available alongside the notice for the public scoping, the direct impact areas “are those directly affected by the extraction and hauling of ore” from the project site, while indirect impact areas “are those affected by siltation or turbidity in creek waters and include the downstream segments of all streams emanating from the extraction areas.”¹⁴⁷ Barangays that are directly and indirectly impacted are not explicitly named in the document. Amnesty International was unable to locate Eramen’s EIS online and the company did not respond to the organisation’s request for this information.

Impact assessments should be developed with meaningful participation of people affected by the project. However, many of the community members, including those from areas directly impacted by the project, do not recall being involved in environmental impact assessments. None of the community members Amnesty International spoke to said they had knowledge of environmental impact assessments taking place in their communities nor what the processes entailed. Further, none of them said that they had received copies of the documents from assessments carried out in their barangays. This included people in the barangays of Guisguis, Guinabon and Lucapon South, in communities that LNL, ZDMC and Eramen said they had consulted. In fact, these communities have supposedly been involved in multiple environmental impact assessments, as some are in the immediate impact area of more than one mining project, and the companies have carried out additional assessments for project expansions. If adequate information sharing and consultations had taken place, these communities should not only be familiar with environmental impact assessments but also well versed in what the process entails.

141 ZDMC, EIS Executive Summary, p.7 [copy on file with Amnesty International].

142 ZDMC, Draft EPRMP Report, November 2021, <https://eia.emb.gov.ph/wp-content/uploads/2021/11/EIS-ZDMC.pdf>.

143 ZDMC letter to Amnesty International, 20 September 2024.

144 ZDMC, Public Hearing Document, 14 December 2021, <https://eia.emb.gov.ph/wp-content/uploads/2022/01/Public-Hearing-Documentation.pdf>

145 ZDMC, Public Hearing Document, 14 December 2021, <https://eia.emb.gov.ph/wp-content/uploads/2022/01/Public-Hearing-Documentation.pdf>

146 DENR EMB, Notice of Public Scoping, CO-2023-001580, 2023, [copy on file with Amnesty International].

147 Eramen, Project Description for Scoping, March 2023, [copy on file with Amnesty International].

Further, Amnesty understands the potential impacts identified by the impact assessments have not been adequately shared with the communities through physical copies or information sharing meetings. Amnesty International interviewed community members who had attended consultation meetings not specific to impact assessments. They said the companies only emphasised the potential benefits, such as employment opportunities, and never explained the adverse impacts of mining operations and potential risks.¹⁴⁸ Herman Malong is chairperson of the Municipal Fisheries and Agricultural Council and an organizer with local civil society organization Concerned Citizens of Sta. Cruz that advocates on behalf of communities adversely impacted by nickel mining operations in Santa Cruz. He said: “The companies will give a little information about the impacts but won’t discuss in detail the long-lasting effects. They mostly say only the good impacts. [The EIS] is the one thing they do not talk to people about because that’s how people will know how they’ll really be impacted.”¹⁴⁹

Amnesty International interviewed Philip Camara, who served as the DENR Undersecretary of Field Operations from 2016 to 2017 and is a Zambales resident who has attended public hearings for nickel mining. Camara said: “There is very little meaningful information shared with the community. What they should share is precisely the impacts of the mining activities, but they don’t. When you ask questions and put them in writing, you don’t get a reply from the [Environment Management Bureau].”¹⁵⁰

Impacted communities should have full copies of impact assessments made available to them in advance of any consultation meetings, so they have sufficient time to consider the information. They should also have access to independent technical and legal advice to sufficiently understand the findings. The fact that community members do not have access to vital information on the impacts of the nickel mining projects, including the EISs, suggests that they have not been adequately informed. This would contradict the UN Guidelines on the right to participate, which state that information should be made available in accordance with the principle of maximum disclosure.

Community members reported lacking knowledge of the mining operations, relevant laws and participation processes, demonstrating the importance of communities having access to information and independent technical and legal advice to sufficiently understand the proposed project and its implications. For example, Demetria Takio from Barangay Lucapon South said: “When a company tells us their plans to mine, they say they have an MPSA, it’s the law. We have no knowledge of the law, so what can we do?”¹⁵¹

To fully inform rights-holders, all planned aspects of the proposed project need to be disclosed, including assessments of all rights that are likely to be affected. Information must be timely, in a format accessible and understandable to all affected rights-holders and communicated in an appropriate manner. Informing stakeholders allows them to identify potential human rights harms that the state may not have considered and to demand to be consulted. In Santa Cruz, communities in areas beyond the immediate project areas said they never receive any information from the companies about the mining projects and receive limited information from the local government, although they acutely experience the downstream impacts of nickel mining. If these communities had been sufficiently informed of the mining projects, they would have had the opportunity to demand to be included in the consultation process.

148 Interviews with community members, 18 May 2024, Santa Cruz.

149 Interview with Herman Malong, advocate and organizer with Concerned Citizens of Sta. Cruz, 18 May 2024, Santa Cruz.

150 Interview by video call with Philip Camara, former DENR Undersecretary of Field Operations and Zambales resident, 4 July 2024.

151 Interview with Demetria Takio, community member, 18 May 2024, Santa Cruz.

7.1.2 BROOKE'S POINT

Community members in Brooke's Point said they have received very little information about the mining projects, which are generally not well understood amongst the Palawan Indigenous People. Interviewees said that members of the Pala'wan Indigenous People who are known to be anti-mining find it particularly difficult to access information as they are deliberately excluded from information campaigns and consultation meetings.¹⁵² If these individuals had been sufficiently informed of the mining projects, they would have had the opportunity to demand to be included in the FPIC processes.

A key concern among community members and advocates is the lack of access to vital project documents, including the findings of environmental impact assessments. In order to satisfy the 'informed' component of FPIC, there needs to be full, clear and objective disclosure of all the material aspects of the project, including impact assessments. This information should be provided in advance of consultations, so rights-holders have time to prepare accordingly.

In response to Amnesty International, INC stated that "environmental impact assessments and mitigating measures... and other documents/compliances were discussed during the 2nd [FPIC meeting]."¹⁵³ Community members said they had specifically requested a copy of the EIS and a map of the company's operations and boundary during the FPIC process but had not received them.¹⁵⁴ Community member Nomma Mablon said: "they showed us maps at the meeting but they didn't help us to understand. The [EIS] was never given to us, even when we asked."¹⁵⁵ Romeo Melnocan, another community member, said, "we want the map to show us exactly [the boundaries], as the map they showed was very blurry. We can't make a decision based on the information that was presented as we didn't understand the impact."¹⁵⁶ Local advocates, the Vice-mayor of Brooke's Point, and two Municipal Councillors told Amnesty International they had also requested a copy of the EIS, but INC had not provided it to them.¹⁵⁷ INC did not provide a copy of its EIS in response to Amnesty International's request and the organization was unable to locate the EIS online.¹⁵⁸

During the FPIC process for INC's mine, community members also requested a copy of the NCIP's field-based investigation, which forms part of the FPIC process, but never received a copy.¹⁵⁹ Community members said that their consent without key documents and needing to understand the impacts of the project were downplayed by the NCIP and companies during the FPIC process.¹⁶⁰ For example, community member Charlito Milasa recalled that the NCIP representative responded that due to time constraints, they had to "push through" regardless.¹⁶¹

Community members remarked that the timeframe in which the FPIC process was conducted, in combination with the lack of information received, was insufficient for them to arrive at a decision. Nelson Esambid is from Barangay Maasin and participated in the FPIC process for INC's mine, which took place in his barangay from 14 July to 4 August 2024 over three sessions.¹⁶² He said: "The impacts were included in the presentation, but they didn't explain or give specific information on how people will be affected. And they didn't give it enough time. It was a very fast process. We don't understand mining, it's not part of our culture, we can't make a decision that fast."¹⁶³ In its response to Amnesty

152 Interviews with community members and advocates, May 2024, Brooke's Point.

153 INC letter to Amnesty International, 23 June 2024.

154 Interviews with Nomma Mablon and Charlito Milasa, community members, 23 May 2024, Brooke's Point.

155 Interview with Nomma Mablon, community member, 23 May 2024, Brooke's Point.

156 Interview with Romeo Melnocan, community member, 23 May 2024, Brooke's Point.

157 Interviews with Mary Jean Feliciano, Vice-mayor of Brooke's Point, Municipal Councillor Victor Colili, Municipal Councillor Jonathan Lagrada, 23 May 2024, Brooke's Point; Interview with Grizelda Mayo-Anda, Executive Director of ELAC, 25 May 2024, Brooke's Point

158 Search conducted on 27 May 2024.

159 Interviews with Charlito Milasa and Nelson Esambid, community members, May 2024, Brooke's Point; Interview with Grizelda Mayo-Anda, Executive Director of ELAC, 25 May 2024, Brooke's Point.

160 Interviews with community members, May 2024, Brooke's Point.

161 Interview with Charlito Milasa, community member, 23 May 2024, Brooke's Point.

162 INC letter to Amnesty International, 23 June 2024.

163 Interview with Nelson Esambid, community member, 24 May 2024, Brooke's Point.

International, INC said that during the FPIC process members of the Pala'wan Indigenous People had “ample opportunities to express their concerns and seek clarification regarding the project.”¹⁶⁴ INC did not address the allegations by community members that key documents, such as the project EIS, were not provided to them when requested.

The FPIC process must allow for Indigenous Peoples’ own deliberation processes. This may mean that participants take time to discuss the information provided to them, possibly in open meetings with all members present. There may then be an iterative process, with requests for further information, which must again be considered through internal processes.

MMC said its “exploration has been undertaken with due regard for transparency” as evidenced by its publicly available EIS,¹⁶⁵ which Amnesty International was able to access online. According to MMC’s EIS, barangays Ipilan, Mambalot and Maasin are direct impact areas, while barangays Aribungos and Barong-barong are also included as indirect impact areas.¹⁶⁶ It states that between May and July 2019 a team of environmental impact assessment specialists carried out scoping and public participation activities in Brooke’s Point, including meetings held in all five impacted Barangays.¹⁶⁷ The company said it had ensured the participation of various community representatives during the consultations and public scoping activities.¹⁶⁸

However, community members said that other important information has been withheld from them. Moharen Tambiling is a Panglima from Barangay Maasin. He explained that he was initially in support of nickel mining in the area, as the companies had told community members that their fisheries and ancestral lands would not be adversely impacted. He said that the companies only explained the positive and not the negative impacts of mining. But once he started to notice the adverse impacts on his community and their livelihoods, his position changed – he said: “I’d prefer if the companies weren’t here. I do not consent [to the mining].”¹⁶⁹ Moharen and other members of the Pala’wan interviewed by Amnesty International said they were not aware of, and had not participated in, any environmental impact assessment processes related to nickel mining in Brooke’s Point.

Nolsita Siyang is from Barangay Aribungos and participated in the FPIC process held in August 2022 for MMC’s nickel mine. During one of the consultations, she asked to see a map of the mine boundaries and proof that her community would not be affected by the impacts.¹⁷⁰ She recalled that the company’s community relations officer told her that the map was unavailable as it had not been finalized. Remarking on the response, she said: “How can they ask for consent and how can we understand the impact if they don’t even know?”¹⁷¹

THE FPIC PROCESS



MUST ALLOW FOR INDIGENOUS PEOPLES’ OWN DELIBERATION PROCESSES. THIS MAY MEAN THAT PARTICIPANTS TAKE TIME TO DISCUSS THE INFORMATION PROVIDED TO THEM, POSSIBLY IN OPEN MEETINGS WITH ALL MEMBERS PRESENT.

164 INC letter to Amnesty International, 19 September 2024.

165 MMC letter to Amnesty International, 19 September 2024.

166 MacroAsia Corporation, *Updated Environmental Impact Statement*, p.6.

167 MacroAsia Corporation, *Updated Environmental Impact Statement*, pp. 7-8.

168 MMC letter to Amnesty International, 19 September 2024.

169 Interview with Moharen Tambiling, community member, 24 May 2024, Brooke’s Point.

170 Interview with Nolsita Siyang, community member, 23 May 2024, Brooke’s Point.

171 Interview with Nolsita Siyang, community member, 23 May 2024, Brooke’s Point



Community members from directly impacted barangays in Santa Cruz report being adversely impacted by nickel mining operations in the area. © 2024 Amnesty International

7.2 INADEQUATE CONSULTATION IN SANTA CRUZ

States must identify everyone who is potentially affected by a proposed measure to determine who needs to be involved in the consultation process. In Santa Cruz, our research found that many community members that reside within the immediate area of nickel mining projects were excluded from consultations. Further, lowland communities outside of the ‘direct impact’ areas of the mining companies were largely excluded from the participation processes. Because extractive industry projects often have adverse impacts outside of the immediate project area, due to air and downstream water pollution,¹⁷² these communities, which are not considered as ‘direct impact’ areas, should have been included as part of the consultations.

In its response to Amnesty International, ZDMC said it “consistently ensures that communities are well-informed about the impacts of its nickel mining operations” and has held “multiple public hearings”, including with downstream communities, to discuss the project’s potential impacts.¹⁷³ Benguet said public consultations have taken place and all identified impacts were addressed during the project presentations to the communities.¹⁷⁴

Residents of Barangay Lucapon South, a barangay directly impacted by the operations of both Eramen and ZDMC, said that they had attended several public hearings and consultations related to the mining operations. Typically, they were informed of the meetings by local government officials; however, they were not always informed of the reason for the meetings.¹⁷⁵

Some residents from directly impacted barangays said that they had never been invited to, or informed of, public hearings regarding mining activities. This had led to the perception that only pro-mining community members, such as company employees and their families, are invited to participate in consultations.¹⁷⁶ Herman Malong, an organiser with Concerned Citizens of Sta. Cruz, explained that consultations are typically not genuine and are only held to maintain the perception

172 G. Genchi et al, “Nickel: Human Health and Environmental Toxicology”, January 2020, International Journal of Environmental Research and Public Health, 17(3), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7037090/>.

173 Letter from ZDMC, 10 September 2024.

174 Letter from Benguet, 30 September 2024.

175 Interviews with community members, January and May 2024, Santa Cruz.

176 Interviews with community members, January and May 2024, Santa Cruz.

of compliance. He said: “The public hearings are largely inaccessible. They’re not taking the right people. They should be talking to those who are very concerned by the environmental impact and those who are affected, not just those who stand to benefit.”¹⁷⁷

Community members who had attended public hearings said the mining companies and government representatives often dismissed their concerns, for example by stating that the company has legal rights to mine the land and therefore mining operations will go ahead regardless.¹⁷⁸ The dismissal of their concerns during public consultations has led many community members to believe that local officials favour the interests of the mining companies over the concerns and interests of residents.¹⁷⁹ States and companies must enter into consultations with the understanding that the project not going ahead is one possible outcome, however residents said in practice they typically felt the outcome was a foregone conclusion. Community members said they often felt powerless to challenge the outcome of the consultations and oppose the mining operations. Demetria, from Barangay Lucapon South, said: “We don’t feel the intention of the meetings are to listen to our concerns.”¹⁸⁰

Community members allege that many local government officials had financial links to the companies through business dealings or receiving financial incentives.¹⁸¹ Inequality of bargaining power is one of the most significant barriers to a human rights-compliant consultation process. In cases where the company proposing the project is able to use its resources to access and influence decision-makers or the state is amenable to the company due to a close relationship, the balance of power is very much in favour of the company.

While participation processes have taken place in Santa Cruz in relation to the nickel mining projects, community members interviewed by Amnesty International complained that effective participation had not taken place, demonstrating a lack of implementation of domestic law and violations of international standards on public participation. Those outside of the immediate project areas, in addition to residents opposed to mining operations, were largely excluded. Further, the concerns of those who were included were not sufficiently considered as part of the decision-making process.

For a process of consultation to constitute effective participation in decision-making, a dialogue between rights-holders and the state, in good faith and eliminating as far as possible all power imbalances, needs to be established early in the process. Communities must be informed of the objective of the meeting in advance, so they are able to sufficiently prepare to participate. Consultations are distinct from meetings where pre-prepared information describing the benefits of the proposed initiative is shared, as genuine interaction needs to take place. All affected people must have the opportunity to raise their concerns, based on fair and clear information, and these concerns must be given due consideration as part of a decision-making process. If concerns and suggestions raised are not addressed and implemented, the project proponent should be able to clearly explain why not. Those excluded from consultation meetings, whether by design or unintentionally, have not had the opportunity to have their concerns considered. In all cases, the intent of good faith consultation is to arrive at a mutually acceptable agreement; depending on the potential severity of impacts, the proposed activity may need to be cancelled if there is no consent from rights-holders.

177 Interviews with Herman Malong, 1 February and 18 May 2024, Santa Cruz.

178 Interviews with community members, 18 May 2024, Santa Cruz.

179 Interviews with community members from Barangay Lucapon South, 31 January 2024, Santa Cruz.

180 Interview with Demetria Takio, community member, 18 May 2024, Santa Cruz.

181 Interviews with community members, 18 May 2024, Santa Cruz.



Members of the Pala'wan Indigenous People, whose lives have been impacted by nickel mining operations in Brooke's Point.
© 2024 Amnesty International

7.3 FPIC IRREGULARITIES IN BROOKE'S POINT

"I didn't like the FPIC process. The anti-mining [Indigenous People] were not given the same opportunities to speak and were not listened to. In our culture, if one person disagrees, we have to settle it amongst ourselves. But the NCIP pushes the voting system. We need to do it our own way."¹⁸²

Weliton Palite, community member, Brookes Point

Under national law, the NCIP facilitates the FPIC process. This is supposed to involve a field-based investigation to determine the extent of the affected area and the Indigenous Peoples whose FPIC is to be obtained, in addition to community assemblies with "all members" of the concerned Indigenous People, a consensus-building period, and drafting of a community resolution.¹⁸³ If FPIC is obtained, the NCIP issues a Certification Precondition, which attests that the applicant has complied with the requirements of the FPIC Guidelines.¹⁸⁴ Under Philippine law, Indigenous Peoples have the right to stop or suspend any project that has not satisfied the requirement of the FPIC consultation process.

FPIC processes, involving the NCIP, have been carried out in relation to INC and MMC's nickel mines, while public scoping has begun in relation to Lebach's nickel mine. But the mining projects and FPIC processes have divided members of the Pala'wan Indigenous People into those who are pro-mining and those who oppose nickel mining in the area. Further, community members allege several irregularities with the FPIC processes and a lack of information and consultation in relation to the two mining projects,¹⁸⁵ described in detail in the following sections.

¹⁸² Interview with Weliton Palite, community member, 23 May 2024.

¹⁸³ NCIP, The Revised Guidelines of Free and Prior Informed Consent (FPIC) and Related Processes of 2012, NCIP Administrative Order No. 3, 2012, <https://ncip.gov.ph/wp-content/uploads/2020/09/ncip-ao-no-3-s-2012-fpic.pdf>.

¹⁸⁴ NCIP, The Revised Guidelines of Free and Prior Informed Consent (FPIC) and Related Processes of 2012, NCIP Administrative Order No. 3, 2012, <https://ncip.gov.ph/wp-content/uploads/2020/09/ncip-ao-no-3-s-2012-fpic.pdf>.

¹⁸⁵ Interviews with community members, May 2024, Brooke's Point.

FPIC CONSULTATIONS AND CERTIFICATION PRECONDITION

Amnesty International documented several irregularities with the FPIC process with regards to INC's nickel mine. Firstly, when INC began commercial operations in September 2022,¹⁸⁶ it did not have a Certification Precondition from the NCIP to attest that it had complied with FPIC requirements. This issue arose frequently as a major point of contention amongst interviewees. Beto Calman, a member of the Pala'wan Indigenous People from Barangay Aribungos said:

“Even if we have rights, they're disregarded. Why can a company operate here without [a] Certification Precondition?”¹⁸⁷

Initially, the company had claimed it was exempt from the requirement of obtaining a Certification Precondition, because its MPSA was granted in 1993 before the Indigenous Peoples Rights Act (IPRA) was enacted in 1997, which it says was confirmed to the company in a letter dated 31 March 2006 from the NCIP.¹⁸⁸ However, in a petition for a writ of kalikasan (a legal remedy for the protection of the right to a healthy environment) against the company, Indigenous community members argued that INC was “engaged in illegal mining operations” for operating without the certification.¹⁸⁹ As the company's MPSA was amended in 2000 to extend its duration, the petitioners argued that the IPRA, which was in effect then, did apply and therefore “it is clear” the company needed a Certification Precondition.¹⁹⁰ In its response to the petition, INC reaffirmed the exemption given by the NCIP and further stated: “Respondents nonetheless already secured the Free and Prior Informed Consent of the [Indigenous People] community members through a memorandum of agreement dated 18 December 2008.”¹⁹¹ The petitioners claimed the memorandum had since been retracted.¹⁹² In August 2023, the NCIP stated that the “consent provided” and memorandum “was not perfected” and therefore a Certification Precondition was not issued.¹⁹³ On 20 June 2023, the NCIP Regional Director issued a temporary suspension of the FPIC process of INC pending an investigation into alleged violations within the FPIC process.¹⁹⁴ In August 2023, the NCIP issued INC with a cease-and-desist order in response to a series of complaints from members of the Pala'wan Indigenous People in Brooke's Point over the FPIC process and the company's lack of required documentation, including a Certification Precondition.¹⁹⁵ Despite receiving cease-and-desist orders from the NCIP and also local government, the company continued operations according to media reports and community members and advocates interviewed by Amnesty International.¹⁹⁶ In May 2024, Amnesty International researchers observed the company operating at its mining site; at the time, it did not have a Certification Precondition.

186 FNI, “About Us”, <https://gfni.com.ph/about-us/> [accessed on 18 July 2024]

187 Interview with Beto Calman, 23 May 2024, Brooke's Point

188 Verified Return of Celestial and INC, *ICCs of BICAMM Ancestral Domain v. Secretary, et al.*, para. 25 (previously cited)

189 Supreme Court Republic of the Philippines, “Supreme Court Issues Writ of Kalikasan Against DENR and Mining Operators in Mt. Mantalingahan, Palawan”, 16 August 2023, <https://sc.judiciary.gov.ph/supreme-court-issues-writ-of-kalikasan-against-denr-and-mining-operators-in-mt-mantalingahan-palawan/>.

190 Palwan IPs Petition for Writ of Kalikasan, Paras 16-17.

191 Verified Return of Celestial and INC, *ICCs of BICAMM Ancestral Domain v. Secretary, et al.*, para. 34 (previously cited)

192 Palwan IPs Petition for Writ of Kalikasan, Para 19.

193 NCIP, Cease and Desist Order against MPSA No. 017-93-IBV, 11 August 2023, [copy on file with Amnesty International]

194 NCIP, Memorandum Order No. 204-2023, 20 June 2023 [copy on file with Amnesty International].

195 NCIP, Cease and Desist Order, 14 August 2023 [copy on file with Amnesty International].

196 Interviews with community members and advocates, May 2024, Brooke's Point. Palawan News, “Brooke's Point to issue another CDO against Iplan Mining”, 20 October 2023, <https://palawan-news.com/brookes-point-to-issue-another-cdo-against-ipilan-mining/>.

INC later told Amnesty International that it filed an application for a Certification Precondition with the NCIP in 2022 in preparation for the renewal of its MPSA in 2025.¹⁹⁷ It said that after a “thorough review” and deliberation in August 2024, the NCIP issued INC with a Certification Precondition on 11 September 2024 - two years after the company began commercial operations. INC also said that the NCIP’s cease-and-desist order “is moot” as it was based on “allegations that INC was operating without the corresponding [Certification Precondition]”, and this issue is resolved as the company now has the certification. However, it can be argued that INC should not have begun commercial operations without the certification, especially since its operations began well after the passage of the IPRA. In any case, the company should have respected the cease-and-desist order and completely halted all operations until the legal issue had been resolved.

Secondly, irregularities with the FPIC process and complaints by members of the Pala’wan Indigenous People has put into question whether genuine FPIC had been obtained for INC’s operations. INC said it held a series of FPIC consultations with each of the six barangays where ancestral domains of the Pala’wan Indigenous People are impacted by its MPSA between 29 June and 5 August 2022.¹⁹⁸ The company said the consultations were “marked by strong engagement, with significant attendance and active participation” from the Indigenous community members and other stakeholders. The company said Indigenous leaders from the six barangays gave their FPIC through a memorandum of agreement signed on 1 September 2022”.¹⁹⁹ In July 2023, the NCIP received a resolution from Pala’wan leaders revoking the memorandum of agreement due to “alleged irregularities, particularly the extension of the provision of consent for both the ongoing operations and its renewal and a lack of provision for royalty payments for its ongoing operations...”²⁰⁰ Despite this, the company continued operations. As FPIC is an iterative process, and consent can be withdrawn at any time, the company should have halted its operations as soon as the memorandum of agreement was revoked.

According to INC, a further memorandum of agreement was agreed on 1 June 2024, and validated by the NCIP.²⁰¹ In the memorandum, INC committed to pay a one percent royalty to the Pala’wan Indigenous People, based on INC’s gross output for minerals sold from the time it commenced commercial operations in September 2022 until 2025.²⁰² Interviewees also complained about the process relating to the MMC operated mine. MMC said it obtained FPIC of the Indigenous People before it commenced exploration activities through a memorandum of agreement in October 2005.²⁰³ A second FPIC process was conducted for the planned commercial mining operations in April 2010, which resulted in FPIC being obtained through a joint resolution by members of the Pala’wan from Barangays Ipilán, Mambalot and Maasin.²⁰⁴ Initially, the FPIC team recommended the issuance of a Certification Precondition in favour of MacroAsia Corporation.²⁰⁵ However, upon review, the NCIP issued a resolution denying the issuance of the certification mainly on the ground that a separate field-based study was required for two additional indirectly affected barangays (Aribungos and Barong-barong). After MacroAsia Corporation transferred its MPSA rights to MMC, MMC held FPIC processes in the two additional barangays in August 2022 and obtained consent through a memorandum of

197 INC letter to Amnesty International, 19 September 2024. The full response is in Annex 1.

198 INC letter to Amnesty International, 23 June 2024.

199 Verified Return of Celestial and INC, *ICCs of BICAMM Ancestral Domain v. Secretary, et al.*, para. 21 (previously cited).

200 NCIP, Cease and Desist Order against MPSA No. 017-93-IBV, 11 August 2023, [copy on file with Amnesty International]

201 INC letter to Amnesty International, 19 September 2024. The letter is in Annex 1.

202 Daily Tribune, “Pala’wan IP group, Ipilán Nickel strengthen partnership with execution Supplemental MOA for royalty payment”, 7 June 2024, <https://tribune.net.ph/2024/06/07/palawan-ip-group-ipilan-nickel-strengthen-partnership-with-execution-supplemental-moa-for-royalty-payment>

203 MMC letter to Amnesty International, 19 September 2024.

204 MMC letter to Amnesty International, 19 September 2024.

205 *NCIP, Zenaida Brigida Hamadapawid, Dionesia O. Banua, Conchita C. Calzado, Percy Brawner, Cosme Lambayon, Santos Unsad, and Basilio Wandag, PETITIONERS, v. MacroAsia Corporation, RESPONDENT*, Decision. G.R. No. 226176, 9 August 2023. https://lawlibrary.chanrobles.com/index.php?option=com_content&view=article&id=94355:69052&catid=1703&Itemid=566

agreement with the Pala'wan leaders that was affirmed again in November 2022.²⁰⁶ The case was then settled between MMC and the NCIP by way of a Compromise Agreement and the NCIP issued a Certification Precondition to MMC on 1 February 2023.²⁰⁷ MMC said: "While we acknowledge the concerns raised about the FPIC process, we emphasize that all required protocols were followed... All steps taken in the process were under the strict supervision and guidance of NCIP officials."²⁰⁸

FPIC processes for both MMC and INC were conducted in close succession in 2022 in barangays Aribungos and Barong-barong, which community members and advocates said was confusing.²⁰⁹ Jonas Vertudez is an advocate with Non-Timber Forest Products – Exchange Programme, a civil society organisation that works with the Pala'wan Indigenous People. As the FPIC processes of both companies ran concurrently, there was a lot of confusion over which meetings were for which company, he said.²¹⁰ Having the two FPIC processes run at the same time would have also made it even more difficult for impacted communities to fully understand each proposed project and its implications.

At the time of conducting research, Lebach had not yet begun consulting with the Pala'wan to obtain their consent to carry out nickel mining operations in the area. In March 2022, Pala'wan leaders from Barangay Ipilan wrote to the Mines and Geosciences Bureau to complain of proposed drilling activities by Lebach without their consent.²¹¹ Lebach did not respond to Amnesty International's request for information about its efforts to consult with and obtain consent from the impacted Pala'wan Indigenous People.

BRIBES AND COERCION

Interviewees said they and other community members had been offered money by the mining companies to support the nickel mining projects,²¹² and some also described being subject to threats because of their opposition to mining activities.²¹³ The Vice-mayor of Brooke's Point, Mary Jean Feliciano, and Municipal Councillors Victor Colili and Jonathan Lagrada, told Amnesty International that they have all received reports of members of the Pala'wan Indigenous People being offered bribes in exchange for supporting the mining projects and said bribery is slowly quashing opposition to mining amongst the community.²¹⁴ Interviewees alleged that community members and Pala'wan leaders had been "brainwashed for money" by both MMC and INC.²¹⁵ The petition for the aforementioned writ of kalikasan claimed that on 8 June 2023, the INC Resident Manager summoned five Indigenous leaders and offered them a 3,000 peso monthly allowance "in exchange of supporting the operations of the mining company."²¹⁶ The petition went on to state: "The said leaders were also being asked to recruit more [Indigenous] leaders to agree and support INC in exchange for additional monetary considerations and to organize a new set of [Indigenous] leadership which INC would transact with."²¹⁷ In June 2023, the NCIP temporarily suspended the FPIC process for INC's nickel mine, citing allegations that INC paid 300-peso bribes to community members to

206 NCIP v MacroAsia Corporation (previously cited)

207 NCIP, Certification Precondition, Control No. CP-R4B-2022-452, 1 February 2023, https://www.macroasiacorp.com/admin/uploadedDisclosures/MacroAsia%20Corporation_SEC%2017%20-%20C%20Receipt%20of%20Certification%20Precondition.pdf

208 MMC letter to Amnesty International, 19 September 2024.

209 Interview with Charlito Milasa, community member, 23 May 2024, Brooke's Point.

210 Interview with Jonas Vertudez, Advocacy Officer (Palawan) at Non-Timber Forest Products – Exchange Programme Philippines, 25 May, Brooke's Point.

211 Mines and Geosciences Bureau letter to Lebach, 1 April 2022 [copy on file with Amnesty International]

212 Interviews with Weliton Palite, Charlito Milasa and Beto Calman, community members, May 2024, Brooke's Point

213 Interviews with Weliton Palite, Ailma Tambiling and Rudy Cataline, community members, May 2024, Brooke's Point

214 Interviews with Vice-mayor Mary Jean Feliciano, Municipal Councillor Victor Colili and Municipal Councillor Jonathan Lagrada, 23 May 2024, Brooke's Point.

215 Interviews with community members, May 2024, Brooke's Point

216 Palwan IPs Petition for Writ of Kalikasan.

217 Palwan IPs Petition for Writ of Kalikasan.

INTERVIEWEES SAID THEY AND OTHER COMMUNITY MEMBERS

HAD BEEN OFFERED MONEY

BY THE MINING COMPANIES TO SUPPORT THE NICKEL MINING PROJECTS



SOME ALSO DESCRIBED BEING

SUBJECT TO THREATS

BECAUSE OF THEIR OPPOSITION TO MINING ACTIVITIES



sign a resolution.²¹⁸ In its response to Amnesty International, INC did not specifically address the allegations of bribery but stated that the Pala'wan Indigenous People have since withdrawn all cases against the company, including the NCIP complaint and the petition for a writ of kalikasan. It said the "decision was made freely, without coercion or under influence" as affirmed by a notarized affidavit.²¹⁹ In its reply, MMC said: "We categorically deny any allegations of bribery or coercion during the [FPIC] process, which was conducted transparently with the involvement of legitimate Indigenous leaders."²²⁰

Interviewees explained that when consultation meetings were held, local officials instructed pro-mining Indigenous leaders to gather as many pro-mining community members as possible to attend the hearings. During the 2022 FPIC meetings, community members recounted that some Indigenous leaders were offered money to support the mining projects and influence other community members to vote in favour of mining.²²¹ Community member Charlito explained that pro-mining community leaders approached community members a few days prior to each assembly and offered them money for transportation. He said: "The transportation allowance is just a front" because community members took the transport provided by the company. He explained, "the money is [for them to] agree to give their consent and follow whatever the community leader instructs."²²²

Another complaint amongst some of the Pala'wan Indigenous People is the issue of who was included in the FPIC processes. Interviewees reported that people known to be pro-mining were invited to consultations, while individuals known to be anti-mining were largely excluded, in addition to Indigenous Pala'wan that live in the mountains.²²³ Community member Beto said: "People are pro-mining because of money, bribes. If there's a meeting, the pro-mining people will get an invitation immediately, but we who are impacted will never."²²⁴ Even when those opposed to mining did attend the consultations, they felt their concerns were disregarded. Weliton said: "The NCIP consultations have caused a lot of problems, they are very biased. They don't listen to the rights of [Indigenous Peoples (IPs)]. When we raised our hands to say something, we were ignored."²²⁵ According to Municipal Councilor Colili, it was also difficult for community members to consider and "discuss freely" the proposals internally due to the presence of the company during the consultation sessions.²²⁶

218 NCIP, Memorandum Order No. 204-2023, 20 June 2023 [copy on file with Amnesty International]

219 INC letter to Amnesty International, 19 September 2024.

220 MMC letter to Amnesty International, 19 September 2024.

221 Interviews with Weliton Palite, Charlito Milasa and Beto Calman, community members, May 2024, Brooke's Point.

222 Interview with Charlito Milasa, community member, 23 May 2024, Brooke's Point.

223 Interviews with community members, May 2024, Brooke's Point.

224 Interview with Beto Calman, community member, 23 May 2024, Brooke's Point.

225 Interview with Weliton Palite, community member, 23 May 2024, Brooke's Point.

226 Interview with Municipal Councillor Victor Colili, 23 May 2024, Brooke's Point.

THE RIGHT TO SELF-DETERMINATION

One of the main allegations regarding the FPIC processes is that the members of the Pala'wan Indigenous People selected to participate were not legitimate representatives. The Pala'wan have traditional leaders whose position is inherited by genealogical line of descent, known as Panglima. However, advocates and community members claim the NCIP appointed Indigenous leaders within the FPIC process, while the legitimate Panglima were largely excluded.²²⁷ They said that the NCIP appointed leaders were validated by a show of hands during the FPIC meetings because attendees were mostly pro-mining.²²⁸ Remarking on the complaints she has received from the community, Grizelda Mayo-Anda, an attorney and Executive Director of the Environmental Legal Assistance Center, said: "The FPIC process in Brooke's Point has been marred by irregularities... the NCIP has determined who are native leaders and now anyone can become one without the bloodline, so it's confusing to the community."²²⁹ Vice-mayor Feliciano observed: "Now if you are pro-mining, you can be validated [as a leader]".²³⁰



Members of the Pala'wan say the FPIC processes carried out in Brooke's Point have harmed their right to self-determination as Indigenous People. © 2024 Amnesty International

Effective participation with Indigenous Peoples requires consultation to be carried out with the community's own designated representatives. The non-recognition of representatives recognised by the community within the FPIC process constitutes a violation of the right to self-determination and invalidates the FPIC process. It also contributes to the erosion of customary representative institutions, which are an integral part of Indigenous Peoples' cultures.²³¹

²²⁷ Interviews with community members, May 2024, Palawan; Interview with Arvee Salazar, Community Paralegal at Environmental Legal Assistance Center, 22 May 2024, Puerto Princesa; Interview with Grizelda Mayo-Anda, Executive Director of Environmental Legal Assistance Center, 25 May 2024, Brooke's Point.

²²⁸ Interview with Charlito Milasa, community member, 23 May 2024, Brooke's Point, Palawan.

²²⁹ Interview with Grizelda Mayo-Anda, Executive Director of Environmental Legal Assistance Center, 25 May 2024, Brooke's Point.

²³⁰ Interview with Mary Jean Feliciano, Vice-mayor of Brooke's Point, 23 May 2024, Brooke's Point.

²³¹ UN, *Free, prior and informed consent: a human rights-based approach – Study of the Expert Mechanism on the Rights of Indigenous Peoples*, paras 20(c) and 40.

The concerns detailed in this section suggest that genuine FPIC has not been obtained in relation to the two mining projects, to the extent that the precautionary principle should be applied. This means the companies must halt all operations until genuine FPIC has been obtained.

The Pala'wan traditionally make decisions collectively, via consensus, however community members told Amnesty International their decision-making processes had been disregarded within the FPIC processes. Romeo explained: "When they put [decision-making] to a vote, they did it by raising hands but in our culture that's not how we make decisions. Decisions are always made by consensus."²³² Nolsita said: "Even if one Pala'wan says no, there's no approval because we make decisions by consensus, that's our tradition, but our traditions are not being followed."²³³ A review of FPIC processes in relation to six development and extractive projects in the Philippines found that in determining the presence or absence of consensus, the NCIP "looks at the decision of the majority",²³⁴ despite the IPRA explicitly defining FPIC as "the consensus of all members" of the Indigenous People, "to be determined in accordance with their respective customary laws and practices..."²³⁵ This suggests that the NCIP is violating both domestic law and international standards in relation to the principle of FPIC. The concerns detailed in this section suggest that genuine FPIC has not been obtained in relation to the two mining projects, to the extent that the precautionary principle should be applied. This means the companies must halt all operations until genuine FPIC has been obtained. If consent is withheld, operations must not continue and the companies should disclose their plans to responsibly disengage, including sharing a timeline and plans for disengagement. INC and MMC deny the allegations about the FPIC processes for their mining projects. MMC said: "While we acknowledge the concerns raised about the FPIC process, we emphasize that all required protocols were followed" as mandated by the IPRA and under the guidance of the NCIP.²³⁶ INC said that the issuance of its Certification Precondition "affirms the legitimacy of INC's mining operations and challenges the unfounded allegations of a small, disgruntled minority group..."²³⁷

232 Interview with Romeo Melnocan, community member, 23 May 2024, Brooke's Point.

233 Interview with Nolsita Siyang, community member, 23 May 2024, Brooke's Point.

234 xC. L. Daytec- Yañgot, "FPIC: A Shield or Threat to Indigenous People's Rights?" 2021, <https://www.un-redd.org/sites/default/files/2021-09/Indigenous%20Peoples%20Experiences%20on%20Free%2C%20Prior%20and%20Informed%20Consent%3A%20A%20Collection%20of%20Case%20Studies%28Philippines%29.pdf>, P.21

235 IPRA, 1997, Section 3(g)

236 MMC letter to Amnesty International, 19 September 2024.

237 INC letter to Amnesty International, 19 September 2024. INC also said it adheres to all applicable laws and environmental regulations. It said: "The interview conducted to support your research seems to represent only a small minority of individuals, and the status of these individuals as genuine IPs is uncertain." The full response is in Annex 1.



8. ADVERSE IMPACTS OF MINING

“You can see the rivers have turned orange, you can see the overlay of heavy metal contamination on the soil, you can see the leaves on the plants covered in orange dust. The impacts [of nickel mining] are so obvious.”²³⁸

Philip Camara, former DENR Undersecretary and Zambales resident

Community members in Santa Cruz and Brooke’s Point reported several concerns regarding the impacts of environmental pollution linked to nickel mining, including on their livelihoods, access to water and health. While Amnesty International is unable to corroborate all the concerns raised, they are serious enough to warrant that both the state and companies investigate further and address any adverse impacts. Further, the ongoing adverse impacts experienced by community members in Santa Cruz and Brooke’s Point suggests a lack of adequate public participation: if community members had been sufficiently consulted and their concerns acted upon, then these impacts could have been addressed at the outset.

8.1 LIVELIHOODS

8.1.1 SANTA CRUZ

“Before nickel mining, the mountains were filled with trees. We earned a living purely through farming vegetables and root crops. Life was good back then.”²³⁹

Demetria Takio, community member, Santa Cruz

The contamination of water sources in Santa Cruz was a concern shared by most interviewees. Nickel laterite has a distinctive reddish brown colour because of the high iron oxide content, and water sources heavily silted with laterite sediment take on this colour.²⁴⁰ Since large-scale nickel mining operations began, community members have observed a change in the colour of water – from clear to a “chocolate” or “coffee” reddish-brown – in local springs, rivers and even the sea, which they say has had a knock-on impact on their livelihoods.²⁴¹ For example, farmers said the contamination of water

238 Interview by video call with Philip Camara, former DENR Undersecretary of Field Operations and Zambales resident, 4 July 2024.

239 Interview with Demetria Takio, community member, 18 May 2024, Santa Cruz.

240 Sta. Cruz-Candelaria Mining Project, Draft EPRMP Report, November 2021, p.2; 4D Ventures and Development Inc., Proposed Nickel Laterite Mining Project MPSA 322-2010-XIII SM, https://eia.emb.gov.ph/wp-content/uploads/2022/03/4DVDI_EIS_March2022_4D-VENTURES-AND-DEVT-INC.pdf.

241 Interviews with community members, January and May 2024, Santa Cruz.



*A river in Santa Cruz. The water is a distinctive reddish-brown colour, indicative of nickel laterite contamination.
© 2024 Amnesty International*

sources they use for irrigation has decreased crop growth and yields.²⁴² Marissa Dizon, who lives on the coast, said: “The water in the sea where we live used to be very clear, we used to swim regularly. But since mining started and the barges have arrived, the water quality has changed drastically. The water turned brown.”²⁴³ The changes to water are more pronounced during the rainy season. Almar Ferrer, a fish vendor, explained, “when the rain is strong, the seawater looks like coffee. It’s very brown, as far as the eye can see.”²⁴⁴

Mining operations ceased during the height of the Covid-19 pandemic, during which time residents said the colour and quality of the water improved. However, they noted the water quality deteriorated again once mining resumed when restrictions were lifted. Local barangay officials interviewed by Amnesty International agreed that the coastal water quality had worsened since mining operations started.²⁴⁵ During visits to Santa Cruz, Amnesty International researchers observed rivers and parts of the sea that were visibly brown.

The two available EIS documents for the mining projects in Santa Cruz acknowledge such impacts on water because of nickel mining. LNL’s EIS states the impact of the project on drinking water sources is “considered insignificant”, while drainage canals and siltation ponds will “address erosion and siltation problem in nearby water bodies” and “water bodies downstream” that may impact irrigation water.²⁴⁶

242 Interviews with community members, January and May 2024, Santa Cruz.
243 Interview with Marissa Dizon, community member, 30 January 2024, Santa Cruz.
244 Interview with Almar Ferrer, community member, 30 January 2024, Santa Cruz.
245 Interview with eight barangay officials, 30 January 2024, Sta. Cruz.
246 LNL, Environmental Impact Assessment, p.5-20 (previously cited)

Categorised as “long term”, “unavoidable” and “highly significant”, ZDMC’s EIS identifies impacts of its mining operations on water that include: “deterioration of water quality” in local rivers, “physiological stress to aquatic organisms”, and “species displacement”.²⁴⁷ The “occurrence of flash floods” is identified as a long-term impact, although it is noted that the likelihood of occurrence is “avoidable.”²⁴⁸ Despite identifying such risks in their EIS reports, both companies stated to Amnesty International that their operations had in fact not caused environmental damage such as water contamination.²⁴⁹

But interviewees told a different story. For example, community members from lowland areas, reported experiencing increased flooding since mining operations began, which they attributed to the deforestation and erosion that has taken place due to the nickel mining operations. Camil Dios, a community member from the lowland Barangay Malabago, said: “The companies really dig up the mountain and the trees that protect us from flooding. Now when it rains, it floods. The water is reddish and muddy... Fishponds are flooded out during heavy rain because the flow of the water from the mountains is uncontrollable now.”²⁵⁰ Studies show that deforestation and erosion can indeed increase flood risk and severity,²⁵¹ in addition to landslide frequency due to the fact that forest roots are critical to slope stability.²⁵² Soil erosion also decreases soil fertility, which can negatively affect crop yields, create heavy layers of sediment in streams and rivers, and lead to flooding.²⁵³ In turn, flooding can exacerbate contamination in polluted areas which adversely impacts agricultural and fish farms.

Farmers from lowland communities complained that floodwaters contaminated with nickel laterite has damaged their crops and left their farmlands unusable.²⁵⁴ Berto Merced is a 71-year-old farmer from the lowland Barangay Tubo-Tubo South. He said during floods his farmland has been “inundated with laterite-filled mud.”²⁵⁵ The farmers’ claims are supported by a 2014 report by the Mines and Geosciences Bureau, which found nickel laterite that was “scraped” by Benguet and placed along the irrigation canal/river was eroded during Typhoon Labuyo in August 2013, “aggravating the siltation problem in the river systems and fishpond areas.”²⁵⁶ The report, which assessed the mining operations of Eramen, Benguet, ZDMC and LNL, found the companies had caused siltation in waterways and farmland and recommended their operations be suspended until they employed corrective measures, removed all stockpiles in the mining area and equipped designated stockpiles with proper drainage systems.²⁵⁷ In 2015, Benguet, Eramen and LNL were ordered by the DENR to pay 3.2 million pesos in compensation to farmers whose land had been contaminated by nickel laterite.²⁵⁸

247 ZDMC, Project Description for Scoping, p.32 (previously cited).

248 ZDMC, Project Description for Scoping, p.32.

249 ZDMC said Amnesty International’s “assertion of water contamination is vague and lacks specifics... that would link it to ZDMC’s operations” and said water sampling confirms “no environmental damage from its operations”. Benguet said the change in colour to the river systems occurred “even before the advent of mining” because of “changes in the environment brought about by the increasing effects of climate change” and the type and conditions of the soil in the area. Benguet also referenced studies that it said proves the absence of adverse impacts in the area, but the company did not make these studies available. The letters are in Annex 1.

250 Interview with Camil Dios, community member, 30 January 2024, Santa Cruz.

251 Corey Bradshaw et al, ‘Global evidence that deforestation amplifies flood risk and severity in the developing world’, 21 August 2007, *Global Change Biology*, Vol. 13(11), <https://onlinelibrary.wiley.com/doi/10.1111/j.1365-2486.2007.01446.x>

252 C. Runyan, “Bistable dynamics between forest removal and landslide occurrence”, February 2014, *Water Resources Research*, Vol. 50(2), <https://doi.org/10.1002/2013WR014819>.

253 World Resources Institute, “The Cause and Effects of Soil Erosion, and How to Prevent It”, 7 February 2020, <https://www.wri.org/insights/causes-and-effects-soil-erosion-and-how-prevent-it#:~:text=Soil%20erosion%20decreases%20soil%20fertility,can%20eventually%20lead%20to%20flooding>.

254 Interviews with community members, January and May 2024, Santa Cruz.

255 Interview with Berto Merced, community member, 29 January 2024, Santa Cruz.

256 Mines and Geosciences Bureau, *Report on the Assessment of the Mining Operations of BenguetCorp Nickel Mines, Inc., Eramen Minerals, Inc., Filipinas Mining Corporation/LNL Archipelago Minerals, Inc., and Zambales Diversified Metals Corporation in Sta. Cruz and Candelaria, Zambales*, May 2014 [copy on file with Amnesty International], p.19.

257 Mines and Geosciences Bureau, *Report on the Assessment of the Mining Operations*, (previously cited).

258 PhilStar, “3 mining firms in Zambales told to pay P2.3M”, 23 January 2015, <https://www.philstar.com/business/2015/01/23/1415669/3-mining-firms-zambales-told-pay-p32m>.



Vegetation adjacent to the road used by the mining companies to haul nickel ore is covered in a reddish-brown dust. © 2024 Amnesty International

In its reply to Amnesty however, Benguet said “it cannot be denied” that there is silt in the river systems but said this was due to “the natural effect of weathering and erosion” of nickel deposits in the area. It said the mining companies had introduced measures such as “settling ponds, silt traps and drainage canals for run-off and siltation mitigation” and had “desilted and scraped claimed silted farmlands and fishpond areas and river systems”.²⁵⁹ It said “the mining companies have compensated the affected farmers in the amount to Php 3.2 million, even if there was no definitive findings of liability...” Similarly, ZDMC said an investigation concluded that its operations were not responsible for the damage to farmlands and fishponds reported in 2014/2015 and despite the absence of liability, the company voluntarily provided financial assistance amounting to 246,818 pesos (approx. USD 4,269) to the affected farm owners.²⁶⁰

Regardless, in July 2016, the DENR again suspended ZDMC and Benguet due to “various alleged environmental crimes, violations of the mining and environmental laws, and complaints of various groups against the alleged impacts” of their mining operations.²⁶¹ The DENR ordered the rehabilitation and compensation of all owners of farmlands, fishponds and water bodies adversely affected by the mining operations, and the repair of all damaged portions of roads as a result of hauling operations. An audit by the DENR in 2016 found the four mining companies (ZDMC, Benguet, Eramen and LNL) had violated several mining and environmental laws.²⁶² In 2017, the DENR issued separate orders cancelling the MPSAs of the four mining companies – among a wider crackdown on mining companies – resulting in the closure of their mining operations.²⁶³ Despite the eventual reversal of MPSA cancellations and lifting of the suspension orders, advocates and some community members claim the companies continue to violate environmental protections.²⁶⁴

²⁵⁹ Benguet letter to Amnesty International, 30 September 2024.

²⁶⁰ ZDMC letter to Amnesty International, 10 September 2024.

²⁶¹ DENR, “DENR suspends two mining firms in Zambales”, 9 July 2016, <https://www.denr.gov.ph/index.php/news-events/press-releases/360-denr-suspends-two-mining-firms-in-zambales>.

²⁶² PhilStar, “DENR spares 11 firms in massive mining audit”, 27 September 2016, <https://www.philstar.com/business/2016/09/27/1627967/denr-spares-11-firms-massive-mining-audit>.

²⁶³ Supreme Court Resolution, G.R. No. 236269, 22 March 2022, https://lawphil.net/judjuris/juri2022/mar2022/gr_236269_2022.html

²⁶⁴ Interviews with community members and advocates, January and May 2024, Santa Cruz.

Farmers also reported being harmed by the large volumes of red-brown dust caused by trucks hauling nickel along roads that run alongside their farmlands, which they say damages their crops and adversely impacts growth and yield.²⁶⁵ Jaime, a farmer, said: “the dust affects our crops as the vegetables do not grow because of the dust.”²⁶⁶ During visits in both January and May 2024, Amnesty International researchers observed several hauling trucks generating large quantities of dust and red-brown dust on vegetation and crops along the road.

A study published in the peer-reviewed journal, *Nature Environment and Pollution Technology*, assessed the heavy metal content of rice and vegetable crops on soils from mining areas in Santa Cruz. It found agricultural soils in barangays Tubo-Tubo North, Lomboy and Guinabon are “no longer fit for agricultural use due to the high concentration of heavy metals, nickel and chromium, making them unproductive and incapable to sustain plant growth.”²⁶⁷ The study determined that the heavy metal concentration in the soils exceeded the limits established by the World Health Organization and European Union.²⁶⁸

According to community members and local government officials interviewed by Amnesty International, when the companies load nickel onto the barges for shipment, nickel laterite often spills into the sea.²⁶⁹ Jerwin Galicia, a municipal official, said: “fishers are affected because laterite spills over to the sea when they transfer the nickel”.²⁷⁰ “Benjie” (not his real name), works at the pier, checking and grading samples for ZDMC. He said when the nickel is being loaded onto the barges, there “are always spillages. There’s no clean up, it goes straight into the water. There’s a lot, I observe the spillages almost every day.”²⁷¹ ZDMC said the DENR closely supervises its barge loading activities “and no environmental violations have been recorded.”²⁷²

Several community members said the supply of fish along the coast has declined since the onset of mining operations. While there could be many reasons for declining fish stocks in the area, community members noted the decline coincided with the changes to the colour of the water which indicate the presence of nickel laterite. Salvador Cortez, a fisherman, said: “The fish no longer come here. The catch is significantly less. Before the mining I could catch 7kg a day, now it’s just 1-3kg a day. I find it very difficult.”²⁷³ Fisher people who traditionally caught fish close to the shore also reported having to travel farther out to sea to catch fish. Salvador explained: “Before you could fish near the shore [within 10 miles], now I have to go between 30 and 70 nautical miles to catch fish.”²⁷⁴ According to impacted community members, decreased fish yields – in both the sea and rivers – have had a detrimental impact on them as they rely on fishing for their livelihoods and a source of food. Marilyn Bacho, a river fisher, said “raising children has become harder. Sometimes we only eat once a day.”²⁷⁵ Philip Camara, a former DENR Undersecretary and Zambales resident said: “Most households are embedded in debt and the natural assets that would have helped their household economy, such as the fishing grounds, the rivers, agricultural grounds, that has all been wiped out because of the mining in Santa Cruz...”²⁷⁶

265 Interviews with community members, January and May 2024, Santa Cruz.

266 Interview with Jaime Takio, community member, 31 January 2024, Santa Cruz.

267 M. Bacani & A. Farin, “Assessment of heavy metals in agricultural crops near mining areas in Zambales, Philippines”, September 2018, *Nature Environment and Pollution Technology*, Vol. 17(3).

268 M. Bacani & A. Farin, “Assessment of heavy metals”, (previously cited).

269 Interviews with community members, 31 January 2024, Santa Cruz; Interviews with two local government officials, 31 January 2024, Santa Cruz.

270 Interview with Jerwin Galicia, municipal councilor, 31 January 2024, Santa Cruz.

271 Interview with “Benjie” (not his real name), worker for ZDMC, 19 May 2024, Santa Cruz.

272 ZDMC letter to Amnesty International, 20 September 2024.

273 Interview with Salvador Cortez, community member, 19 May 2024, Santa Cruz.

274 Interview with Salvador Cortez, community member, 19 May 2024, Santa Cruz.

275 Interview with Marilyn Bacho, community member, 29 January 2024, Santa Cruz.

276 Interview by video call with Philip Camara, former DENR Undersecretary for Field Operations and Zambales resident, 4 July 2024.

Amnesty International also spoke to fishers who use spearguns to hunt fish while freediving, who described observing red-brown mud covering the seabed since the mining began.²⁷⁷ People who gather shellfish from the shore also described observing red-brown mud and said they are concerned about contamination of their catch. Many fisher people remarked on the changes they had observed to the quality of their catch. For example, Salvador said he is “scared to eat” the blue swimming crabs he catches because the meat inside increasingly has a reddish-brown appearance, rather than being white.²⁷⁸ Impacted community members have raised these concerns with the companies, as noted by the available EIS documentation, and through barangay officials and the advocacy group Concerned Citizens of Sta. Cruz which has filed complaints at the provincial and national levels on behalf of community members. However, the fact that the concerns are ongoing suggest they have not been adequately addressed or acted upon. ZDMC and Benguet denied that their operations have caused environmental harms.²⁷⁹ At the time of writing, the other two companies in Santa Cruz had not responded.

8.1.2 BROOKE’S POINT

Many members of the Pala’wan Indigenous People say their livelihoods have been adversely affected since mining operations began in Brooke’s Point. Ronald Combang is a rice farmer from Barangay Mambalot. Prior to the mining operations, he said that each harvest would yield a minimum of 80 sacks of rice but now he struggles to fill 50 sacks. “It’s due to the effects of mining. The laterite from the mines pollutes the rivers which is a source of water for our farmland,” he said.²⁸⁰

MMC’s EIS describes many harms to water. It states the Filantropia River, “could be receiving wastes from the small northern portion of the project site” and the “Mambalot River watershed covers most of the Project site... [and] may be the recipient of wastes from the mining activities.”²⁸¹

Flooding has left debris and nickel laterite covering farmlands which damages crops, whereas prior to the mining, farmlands were unaffected once floodwater had resided.²⁸² In January 2023, flash flooding caused by heavy rains affected 2,713 families from 16 of the 18 barangays in Brooke’s Point.²⁸³ Community members could not recall the occurrence of flooding on a similar scale in Brooke’s Point and believe the floods were worsened due to deforestation because of the mining.²⁸⁴ The floods left large swathes of farmland contaminated with nickel laterite. Moharen Tambiling, from Barangay Maasin, described how nickel laterite and equipment from INC’s nearby stockyard washed up on his farmland, leaving a red layer of mud once the water had subsided. He said: “I want financial compensation for the damage, because it’s my livelihood. After the flood, it was destroyed.”²⁸⁵

277 Interviews with community members, 30 January 2024, Santa Cruz.

278 Interview with Salvador Cortez, community member, 19 May 2024, Santa Cruz.

279 Benguet letter to Amnesty International, 30 September 2024; ZDMC letter to Amnesty International, 10 September 2024. ZDMC emphasized that its mining operations “are nowhere near coastal areas or fishing communities, discrediting any assertion that ZDMC’s activities are linked to the depletion of fish supplies.” As described earlier, extractive industry projects often have adverse impacts outside of the immediate project area, due to air and downstream water pollution.

280 Interview with Ronald Combang, community member, 23 May 2024, Brooke’s Point.

281 MacroAsia Corporation, *Updated Environmental Impact Statement*, p.12. To mitigate water pollution, the EIS states the company will enact control measures including settling ponds, surface runoff diversion and stream protection. In its response to Amnesty International, MMC did not respond to the organisation’s specific request for information about mitigation measures and monitoring.

282 Interview with Jonas Vertudez, Advocacy Officer (Palawan) at Non-Timber Forest Products – Exchange Programme Philippines, 25 May, Brooke’s Point; Interview with Moharen Tambiling, 24 May 2024, Brooke’s Point.

283 Rappler, “Floods destroy bridge, block feeder roads in southern Palawan”, 5 January 2023, <https://www.rappler.com/philippines/luzon/floods-destroy-bridge-block-feeder-roads-palawan-january-2023/>.

284 Interviews with community members, May 2024, Brooke’s Point.

285 Interview with Moharen Tambiling, community member, 24 May 2024, Brooke’s Point.



The road where nickel is transported from INC's mine and the company's stockpiles are adjacent to land and water sources traditionally used by the Pala'wan Indigenous People. © 2024 Amnesty International

Farmers also reported damage to their crops by dust generated from the nickel mining operations. As a result of the dust, Weliton Palite, from Barangay Ipilan, remarked: “The farmlands are almost useless now, not like before.”²⁸⁶ Amnesty International researchers observed dust on crops and farmland surrounding the road where nickel is transported from INC's mine.²⁸⁷

In 2022, INC constructed a jetty at Brooke's Point, so the nickel ore could be loaded onto ships for export. Community members report there was no consultation to obtain FPIC prior to the jetty's construction, despite it being built in an area used by the Pala'wan for lobster farming and collecting shellfish.²⁸⁸ Residents of Barangay Maasin complained that the jetty had made it more difficult for them to fish and catch lobsters. INC was said to have paid some lobster farmers 120,000 pesos (approx. USD 2,076) as ‘financial assistance’ to remove their lobster traps and leave the area.²⁸⁹ But other impacted lobster farmers, such as Moharen, were never offered money from INC, which they believe was an inadequate amount in any case.²⁹⁰ Before his lobster farm was cleared to make way for the pier, Moharen could earn 10,000 pesos for his lobster catch every 15-days, sometimes more, he said.²⁹¹ Alima Tambiling's lobster farm was also impacted by the pier. Alima said: “Before the mining operations, our livelihoods were good, it was just enough for my six children. I relied solely on the sea for my livelihood, now I have no money for food.”²⁹²

286 Interview with Weliton Palite, community member, 23 May 2024, Brooke's Point.

287 INC said that to “address dust generation from its operations, [it] deploys 10 water trucks along the mine site's main haul road... and conducts monthly ambient air sampling to ensure dust control measures remain effective.” It said its results fall within the standards established by the DENR.

288 Interviews with Charlito Milasa, Moharen Tambiling, Alima Taimbiling, Romeo Melnocan, community members, May 2024, Brooke's Point.

289 Interview with community members, 23 May 2024; Interview with Mary Jean Feliciano, Vice-mayor of Brooke's Point.

290 Interview with Moharen Tambiling, community member, 24 May 2024, Brooke's Point.

291 Interview with Moharen Tambiling, community member, 24 May 2024, Brooke's Point.

292 Interview with Alima Tambiling, community member, 24 May 2024, Brooke's Point.

Interviewees have observed local rivers and parts of the sea take on a reddish-brown colour, indicative of the presence of nickel laterite sediments. They said this has made it difficult for community members to catch fish.²⁹³ Romeo Melnocan said: “We used to fish in the area where the barges of the company are. Now we can’t go close to the ships to fish. In shallow water, the laterite makes the water murky, and we cannot fish there.”²⁹⁴ During May 2024, Amnesty International researchers observed nickel laterite in some rivers in Brooke’s Point and reviewed photographs supplied by community members that showed red-brown water along the coastline. Jimoal Catalon, a member of the Pala’wan Indigenous People from Barangay Maasin who relies on lobster farming said: “The lobster traps become filled with laterite and the noise and light from the causeway disturbs the mother lobsters, so they do not reproduce as much.”²⁹⁵ Weliton Palite’s son, who also relies on fishing, has similarly been impacted. Weliton said: “Before he could catch 10 kilos in one evening, but now he’s lucky to get one kilo. It’s his main source of income so he’s really affected. The laterite caused the fish to go farther away, and he’s also noticed the fish he does catch are not healthy.”²⁹⁶

Despite all this, INC maintains there is no evidence to support claims that the lobster catch has been reduced, and that it conducts regular monitoring assess environmental health and ensure sustainability.²⁹⁷



Moharen Tambiling, a member of the Pala’wan Indigenous People, has struggled to make an income from his lobster farm since nickel mining operations began. © 2024 Amnesty International

293 Interviews with community members, May 2024, Brooke’s Point.

294 Interview with Romeo Melnocan, community member, 23 May 2024, Brooke’s Point.

295 Interview with Jimoal Catalon, community member, 25 May 2024, Brooke’s Point.

296 Interview with Weliton Palite, community member, 26 May 2024, Brooke’s Point.

297 INC also provided a record of collected fish at its causeway between May and September 2024 but provided no comparative data prior to the construction of the jetty to prove that its operations had not had a negative impact on the quantity of fish in the area. See Annex 1 for the full response.

8.2 ACCESS TO WATER

Community members in both Santa Cruz and Brooke's Point report a decrease in the availability of water they use for drinking and other daily use, in addition to irrigation.²⁹⁸ As noted by the UN Committee on Economic, Social and Cultural Rights: "Water is a limited natural resource and a public good fundamental for life and health. The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights... The human right to water entitles everyone to sufficient, safe, acceptable, physically accessible and affordable water for personal and domestic uses".²⁹⁹ Water is also an underlying determinant of health, necessary for the enjoyment of the right to health.³⁰⁰ States must ensure access to an adequate supply of safe and potable water, and ensure equal access for all to the underlying determinants of health, including potable drinking water and basic sanitation.³⁰¹ While the right to water applies to all, States should give special attention to groups who have traditionally faced difficulties in exercising this right, such as Indigenous Peoples, and take steps to ensure that Indigenous Peoples' access to water resources on their ancestral lands is protected from unlawful pollution.³⁰²

8.2.1 SANTA CRUZ

Residents of Barangay Lucapon South, a barangay directly impacted by the operations of both Eramen and ZDMC, said the water sources they rely on for consumption and domestic uses have been depleted since mining operations began, while the quality has also deteriorated. The community obtains this water from a spring in the mountain, which is distributed via rubber tubes, but said the supply had diminished to the point that "there's not enough water now" and "sometimes there's none at all."³⁰³ Several of the community members remarked on the colour of the water, which sometimes resembles "coffee". "We drink it", Demetria explained, "but we have to wait for the dust to settle".³⁰⁴ ZDMC's EIS identifies a "decrease in aquifer recharge and competition for water resources" as a long term and unavoidable impact, although notes the impact will be "insignificant".³⁰⁵ Planned expansion of mining operations in the area has made community members fearful for the quality and availability of water in the future.

8.2.2 BROOKE'S POINT

"The water sources are dried up. Before, regardless of the heat, we could always get water from the deep wells. Now giant companies are operating here and suddenly the water is affected."³⁰⁶

Romeo Melnocan, community member, Brooke's Point

298 Interviews with community members, May 2024, Santa Cruz.

299 UN Committee on Economic, Social and Cultural Rights, General Comment No. 15: The Right to Water (Arts. 11 and 12 of the Covenant), 20 January 2003, UN Doc: E/C.12/2002/11, paras 1. and 2.

300 UN Committee on Economic, Social and Cultural Rights, General Comment No. 14: The Right to the Highest Attainable Standard of Health (Art. 12), 11 August 2000/4, para. 4.

301 UN Committee on Economic, Social and Cultural Rights, General Comment No. 14, paras 36 and 43(c).

302 UN Committee on Economic, Social and Cultural Rights, General Comment No. 15: The right to water, 20 January 2003, UN Doc: E/C.12/2002/11, para. 16(d).

303 Interview with Arlene Capillan, community member, 18 May 2024, Santa Cruz.

304 Interview with Demetria Takio, 18 May 2024, Santa Cruz.

305 ZDMC, *Project Description for Scoping*, p.32.

306 Interview with Romeo Melnocan, community member, 23 May 2024, Brooke's Point.

INC said it had mapped and identified key water sources within its mining area as part of its environmental impact assessment. The company said: “The survey also confirmed that INC’s mining activities have no direct and significant impact on the water supply in the surrounding areas.” It also said it conducts “proactive water quality monitoring... to ensure that the water quality consistently meets the stringent parameters established by [the] DENR...”³⁰⁷

But in Brooke’s Point, interviewees reported a decrease in the availability of water that they use for drinking and other daily use, in addition to irrigation, since mining operations began. In some areas, the water has “suddenly disappeared” from wells, which “causes daily issues for drinking water”, as community members must travel further from their homes to access water sources.³⁰⁸ Community members were also concerned over contamination of water sources they have traditionally used for drinking water. Community member Weliton said: “The water coming from the mountain used to be very clear, but now it’s cloudy.”³⁰⁹ Amnesty International visited a water source in Barangay Mambalot which community members previously used for drinking water but said they were now too fearful to drink the water due to the presence of laterite at the bottom of the stream.

Women said the lack of water has impacted their ability to carry out household chores such as cleaning, cooking and laundry, while some children are no longer able to bathe in the morning before attending school.³¹⁰



*A stream previously used by the Pala’wan Indigenous People for drinking water, which they are now too afraid to drink from due to discolouration indicative of nickel laterite deposits in the water.
© 2024 Amnesty International*

307 INC letter to Amnesty International, 19 September 2024.

308 Interview with Weliton Palite, community member, 23 May 2024, Brooke’s Point.

309 Interview with Weliton Palite, community member, 23 May 2024, Brooke’s Point.

310 Interviews with Putita Mandod and Ellen Palite, community members, 26 May 2024, Brooke’s Point.

8.3 HEALTH

Concerns over adverse health impacts linked to environmental pollution from nickel mining operations arose frequently during interviews with impacted community members in both Santa Cruz and Brooke's Point. Pollutants produced by nickel mining are known to increase the risk of a range of adverse health impacts, as described earlier. The right to the enjoyment of the highest attainable standard of physical and mental health, also known as the right to health, is a fundamental human right.³¹¹ As a State party to the ICESCR, the Philippines must guarantee the right to health, including its underlying determinants, and prevent exposure to harmful substances and other detrimental environmental conditions that directly or indirectly impact upon human health.³¹² The Philippines must adopt measures against environmental health hazards and for this purpose, should formulate and implement national policies aimed at reducing and eliminating pollution of air, water and soil, including pollution by heavy metals.³¹³ States have a heightened obligation to protect the right to health of Indigenous Peoples; the Committee on Economic, Social and Cultural Rights also notes that "displacement of indigenous peoples against their will from their traditional territories and environment, denying them their sources of nutrition and breaking their symbiotic relationship with their lands, has a deleterious effect on their health."³¹⁴

8.3.1 SANTA CRUZ

Concerns over adverse health impacts linked to environmental pollution from nickel mining operations arose frequently during interviews with impacted community members. In a group interview with community members in Santa Cruz, all 14 participants indicated they had experienced an increase in adverse health impacts since the mining operations began.³¹⁵ Commonly reported health impacts among those in the focus group and other interviewees included asthma, coughs, breathing difficulties and other respiratory issues, in addition to skin diseases, and eye, throat and skin irritation.³¹⁶

The two available EIS documents show that the ZDMC and LNL have identified potential adverse health impacts, and these concerns were also raised by community members and local government officials during consultations. For example, ZDMC identified "increased incidence of respiratory diseases" in its environmental impact assessment as a "long-term" and "significant" to "highly significant" impact in mining areas as well as haul and access roads to port facilities. But the company notes that the "residual impact" is likely to be "insignificant; reversible".³¹⁷ In its response to Amnesty International, ZDMC said "claims that nickel ore mining directly causes respiratory and skin problems are unsupported by scientific evidence".³¹⁸ The company said it "adheres to strict guidelines set by the DENR, including dust suppression methods and monitoring of air quality". It said the air quality levels around its mining operations "consistently meet regulatory standards, and no significant health risks... have been identified in the surrounding communities."³¹⁹ As noted by neighbouring mining firm LNL in its environmental health impact assessment report, "the absence of existing information or correlation between nickel mining and health" makes it "not possible to draw any conclusions... on the health conditions of the affected area vis-à-vis potential health impacts."³²⁰ In its EIS, LNL also identified "potential health hazards" for communities along the haulage road from vehicle emissions and fugitive dusts, which it said will be mitigated by traffic control measures.³²¹

311 International Covenant on Economic, Social and Cultural Rights, Article 12(1).

312 UN Committee on Economic, Social and Cultural Rights, General Comment No. 14, paras 4 and 15.

313 UN Committee on Economic, Social and Cultural Rights, General Comment No. 14, para 36.

314 UN Committee on Economic, Social and Cultural Rights, General Comment No. 14, para 27.

315 Interviews with community members, 18 May 2024, Santa Cruz.

316 Interviews with community members, May 2024, Santa Cruz.

317 ZDMC, *Project Description for Scoping*, p.32.

318 ZDMC letter to Amnesty International, 20 September 2024.

319 ZDMC letter to Amnesty International, 20 September 2024.

320 LNL, Environmental Impact Assessment, Annex.

321 LNL, Environmental Impact Assessment, p.5.

COMMONLY REPORTED HEALTH IMPACTS AMONG THOSE IN THE FOCUS GROUP AND OTHER INTERVIEWEES INCLUDED

ASTHMA COUGHS BREATHING DIFFICULTIES

OTHER RESPIRATORY ISSUES SKIN DISEASES

EYE, THROAT AND SKIN IRRITATION



ZDMC's EIS also identified "contamination of drinking water resources" as a long term and significant impact in Cabaluan, Malabon and Luis rivers, but again noted the residual impact will be insignificant/reversible.³²² Meeting minutes from a ZDMC information presentation in Barangay Bolitoc in March 2021 state that barangay officials noted their barangay is "most affected by Hauling and Shipment Operations of ZDMC. Most of this is due to air pollution caused by equipment and dust from stockpile, land pollution due to silt contamination in roads, water pollution during shipment of nickel laterite and noise pollution caused by equipment".³²³ Despite this, ZDMC told Amnesty International that its operations have in fact no impact on the water sources of nearby communities.³²⁴

The impact of dust generated by trucks hauling nickel ore along roads from mines to ports is a major health concern among impacted community members, with many reporting that children have been the worst impacted. Marilyn Bacho, from the lowland Barangay Lipay, explained how her youngest child has asthma and skin problems which are triggered by the dust.³²⁵ Arelene, a mother of three, from Lucapon South, a directly impacted barangay, said, "all my children have asthma. They cough a lot as dust enters my home."³²⁶

The incidence of skin disease is also a phenomenon experienced by the communities since mining began, community members said. One mother, Marissa Dizon, said: "When the children try to swim, they experience skin irritation."³²⁷ Another mother, Jessabel Dizon, said she has stopped her children from swimming after they began to experience skin rashes.³²⁸ Both women live and raise their families in a community along the coast. Gender-based caregiving has in turn had an impact on mothers, who are tasked with caring for children experiencing increased and chronic illnesses.³²⁹

Amnesty International interviewed medical doctor Benito Molino, a former Zambales resident and chair of Concerned Citizens of Sta. Cruz, who confirmed many of these symptoms as common effects of exposure to environmental pollution.³³⁰ Molino obtained and compared health data collected by the local government in Santa Cruz on the causes of morbidity before and after nickel mining operations began and said the differences are concerning. Remarking on the data between 2002 and 2011 he said: "There's an alarming rise in respiratory illnesses, skin diseases and urinary tract infections."³³¹ His analysis found that respiratory illnesses have tripled since the mining companies began operations.³³²

322 ZDMC, *Project Description for Scoping*, p.34.

323 ZDMC, *Project Description for Scoping*, p.29

324 ZDMC letter to Amnesty International, 20 September 2024.

325 Interview with Marilyn Bacho, community member, 29 January 2024, Santa Cruz.

326 Interview with Arlene Capillan, community member, 18 May 2024, Santa Cruz.

327 Interview with Marissa Dizon, community member, 30 January 2024, Santa Cruz.

328 Interview with Jessabel Dizon, community member, 30 January 2024, Santa Cruz.

329 Interviews with community members, 18 May 2024, Santa Cruz.

330 Interview by voice call with Benito Molino, advocate and medical doctor, 24 June 2024.

331 Interview by voice call with Benito Molino, advocate and medical doctor, 24 June 2024.

332 Judicial Affidavit, Benito Molino, November 2023, Q63 [copy on file with Amnesty International].

Research conducted in Santa Cruz into heavy metal contamination suspected to originate from mining activities, analysed samples from farm soil, surface water from the major river systems, rice grains and deposited dust particles. The dust samples contained “high levels” of chromium, cobalt, iron and nickel, indicating that these metals are present in the air as particulate matter.³³³ According to the U.S. Center for Disease Control and Prevention, particulate nickel can cause dermatitis and lung inflammation, chromium is a known carcinogen and can cause respiratory problems, and cobalt can cause skin irritation and allergic reactions.³³⁴ The rice farm soil samples from Santa Cruz contained “moderate to high levels” of the same metals, indicating that “these metals are present in the soil and can affect the soil quality and fertility.”³³⁵ The water samples contained “low to high levels” of the pollutants, indicating “that these metals are present in the water and can affect the water quality and aquatic life”.³³⁶ The study found the concentration in the dust samples followed the direction of the mining companies’ operations and trucking routes to the ports.³³⁷ The authors conclude that their findings “indicate a significant health risk for the local population due to chronic exposure through multiple pathways” and that nickel and chromium mining activities in Santa Cruz show “strong positive correlations” with heavy metal concentrations.³³⁸ Philip Camara, a former DENR Undersecretary and one of the authors of the study, said: “There are four companies operating at the same time... and the study shows multiple costs of nickel mining. Why would a country approve projects where the costs [to the environment and communities] are so much higher than the benefits?”³³⁹

Another study analysed data from 146 respondents in barangays affected by mining activities in Santa Cruz and data on the incidence of diseases obtained from the Rural Health Unit of Santa Cruz between 2002 and 2015 to assess the health problems of people impacted by mining operations. The study found that the most prevalent illnesses were acute upper respiratory infection, diarrhoea, skin rashes, hypertension, urinary tract infections and headaches.³⁴⁰ Before mining in 2005, the study found the number of individuals suffering with acute respiratory disease, bronchial asthma, acute bronchitis, pneumonia and tuberculosis was “relatively low” but had increased since mining operations began.³⁴¹

It is likely that community members in Santa Cruz are being exposed to heavy metal contamination through multiple pathways, including from the air, water and food chain. While Amnesty International did not ask interviewees to show health records, nor did we undertake or have access to an adequately statistically powered study that compared health before and after mining or between areas that are affected and unaffected by the mining, the available evidence and severity of the allegations suggests that adverse health impacts are a serious risk in the area which the government and companies should investigate as a matter of urgency. Community members have raised these concerns during consultations, which are also documented in the available company’s EIS statements as described earlier. Continued adverse impacts that residents attribute to nickel mining suggest that where consultations did take place, they were not meaningful as the concerns were not sufficiently addressed. This demonstrates the need for more effective public participation, because if community members had been sufficiently consulted and their concerns acted upon, then these impacts could have been addressed at the outset.

333 P. Camara & P. Edike, “Evaluating Environmental and Heavy Metal Health Impacts of Mining”, (previously cited).

334 Center for Disease Control and Prevention (CDC), “Nickel”, <https://www.cdc.gov/niosh/topics/nickel/default.html#>. [accessed on 12 July 2024]; CDC, “What are the Physiologic Effects of Chromium Exposure?”, https://www.atsdr.cdc.gov/csem/chromium/physiologic_effects_of_chromium_exposure.html [accessed on 12 July 2024].

335 P. Camara & P. Edike, “Evaluating Environmental and Heavy Metal Health Impacts of Mining”, (previously cited).

336 P. Camara & P. Edike, “Evaluating Environmental and Heavy Metal Health Impacts of Mining”, (previously cited).

337 P. Camara & P. Edike, “Evaluating Environmental and Heavy Metal Health Impacts of Mining”, (previously cited).

338 P. Camara & P. Edike, “Evaluating Environmental and Heavy Metal Health Impacts of Mining”, (previously cited).

339 Interview by video call with Philip Camara, former DENR Undersecretary of Field Operations and Zambales resident, 4 July 2024.

340 A. Farin, “The Health Problems of the Residents in the Mining Affected Areas in Santa Cruz, Zambales, Philippines”, November 2018, *International Journal of Humanities and Social Sciences*, Vol. 7(6).

341 A. Farin, “The Health Problems of the Residents in the Mining Affected Areas in Santa Cruz” (previously cited).

8.3.2 BROOKE'S POINT

Several interviewees disclosed health concerns linked to the nickel mining operations, including an increase in respiratory issues and skin diseases since mining activities began, particularly amongst children.³⁴² Nelson Esambid explained: "Before the mining we had our usual sickness. Now we get so many coughs, skin irritation, fever. I suspect it's from the dust coming from the mountain."³⁴³ For example, Ronald lives near the road where the trucks transport the nickel and said he has experienced an increase in coughs and colds that he suspects is linked to the dust.³⁴⁴ Fisher people who spend a lot of time in the sea also complained of skin rashes and irritation.³⁴⁵

Members of the Pala'wan reported not being able to access land they have traditionally used to gather herbal medicines because the companies have erected boundaries around their mining sites.³⁴⁶ Charlito Milasa explained: "There's an overlap with the mining and our ancestral domain. Now we cannot access some areas that are guarded by the company. Before, we used that land for gathering herbal medicines and food... and for our rituals."³⁴⁷ As noted by the Special Rapporteur on the right to health, undermining traditional knowledge systems and medicine has "wide-ranging health impacts."³⁴⁸

While Amnesty International was unable to substantiate the allegations made regarding the adverse impacts of the nickel mining operations on livelihoods, water and health, the available evidence and severity of the allegations suggests environmental pollution linked to the nickel mining projects are a serious risk which the government should investigate as a matter of urgency.

8.4 DISPOSSESSION OF ANCESTRAL LANDS AND EROSION OF CULTURE

"It's our culture that has been affected, because the environment is being destroyed. It is our belief that there are spirits in the mountains and the spirits are angry because of the destruction of their homes, the trees, the forest."³⁴⁹

Charlito Milasa, community member, Brooke's Point

Existing and planned mining operations in Brooke's Point have had a profound impact on the culture and identity of the Pala'wan Indigenous People. Boundaries erected by the companies around their mining sites, have prevented the Pala'wan Indigenous People from accessing parts of their ancestral territories that have great significance to them. Many community members lamented the loss of access to these lands, as Nolsita described: "Mining has a big effect on us as [Indigenous People]. Before we could freely move in the mountains. It's where our livelihoods and traditions are anchored."³⁵⁰

342 Interviews with community members, May 2024, Brooke's Point.

343 Interview with Nelson Esambid, community member, 24 May 2024, Brooke's Point.

344 Interview with Ronald Combang, community member, 23 May 2024, Brooke's Point.

345 Interview with Charlito Milasa, community member, 23 May 2024, Brooke's Point.

346 Interviews with Charlito Milasa, Romeo Melnocan, Putita Mandod and Alima Tabiling, May 2024, Brooke's Point

347 Interview with Charlito Milasa, community member, 23 May 2024, Brooke's Point.

348 Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Racism and the right to health, 20 July 2022, UN Doc: A/77/197, Para 58

349 Interview with Charlito Milasa, community member, 23 May 2024, Brooke's Point.

350 Interview with Nolsita Siyang, community member, 23 May 2024, Brooke's Point.

Community members also said they are no longer able to access some trees they had traditionally used to harvest almaciga resin, which they relied on for their livelihoods, because the companies have cut trees to clear land for their operations and established boundaries.³⁵¹

Mining has divided some of the Pala'wan Indigenous People between those who support mining and those who are opposed to mining operations. This division, exacerbated by the flawed FPIC processes and reports of bribery and bias, has created tensions within the community that did not exist before. Weliton said: "Before the mining, infighting was limited. Now families are infighting, even between mothers, fathers and children. The companies do like cockfighting and pit one against another. We need help on how to resolve this problem."³⁵² Some community members no longer acknowledge each other, and some community rituals and offerings are now conducted separately.³⁵³ According to Arvee Salazar, a member of an Indigenous community from Palawan and a paralegal at the Environmental Legal Assistance Center, divisions within the community have fundamentally altered the identity of most of its members. She said: "Now, our [Indigenous People] don't describe their ethnicity; they describe themselves as pro-mining or anti-mining. This division goes to the core of our communities. Relationships and traditional practices are disregarded."³⁵⁴ As described earlier, disregard for the community's customary decision-making and traditional identification of Indigenous leaders to represent the community within the FPIC processes has further eroded the community's identity and culture.

8.5 THE RIGHT TO A HEALTHY ENVIRONMENT

***"Nickel mining is a curse on our community. We depend a lot on the mountains for our lives, our water and traditional medicines. Now they are being destroyed."*³⁵⁵**

Romeo Melnocan, community member, Brooke's Point

Years of sustained international advocacy by civil society organisations, Indigenous Peoples and frontline communities led to the adoption of resolutions from the UN Human Rights Council in 2021, and the UN General Assembly in 2022, recognizing the human right to a clean, healthy and sustainable environment.³⁵⁶ Over 100 countries also have this right enshrined in their national constitutions, including the Philippines. The right to a clean, healthy and sustainable environment is essential to the full enjoyment of all other rights, particularly the right to health.³⁵⁷ It includes clean air, a safe climate, safe and sufficient water, adequate sanitation, healthy and sustainably produced food, non-toxic environments and healthy biodiversity and ecosystems. The right also includes access to information, public participation and access to justice and is supported by the rights of freedom of assembly, freedom of expression, and freedom of association.³⁵⁸

351 Interview with Pedro Lagarde, community member, 25 May 2024, Brooke's Point; Interview with Jonas Vertudez, Advocacy Officer (Palawan) at Non-Timber Forest Products – Exchange Programme Philippines, 25 May, Brooke's Point.

352 Interview with Weliton Palite, community member, 23 May 2024, Brooke's Point.

353 Interviews with Nolsita Siyang, Weliton Palite, Moharen Tambiling, Charlito Milasa and Rudy Calman, community members, May 2024, Brooke's Point.

354 Interview with Arvee Salazar, Community Paralegal at Environmental Legal Assistance Center, 22 May 2024, Puerto Princesa.

355 Interview with Romeo Melnocan, community member, 23 May 2024, Brooke's Point.

356 UN Human Rights Council (HRC), "Resolution on the right to a clean, healthy and sustainable environment", 5 October 2021, UN Doc. A/HRC/48/L.23/Rev.1; UN General Assembly, "Resolution on the right to a clean, healthy and sustainable environment", 26 July 2022, UN Doc. A/76/L.75.

357 UN General Assembly, Resolution on the Human Right to a Clean, Healthy and Sustainable Environment, 26 July 2022, UN Doc. A/76/L.75.

358 Special Rapporteur on the right to a clean, healthy and sustainable environment, David R. Boyd, *The Right to a Healthy Environment: A User's Guide*, 2024, <https://www.ohchr.org/sites/default/files/documents/issues/environment/srenvironment/activities/2024-04-22-stm-earth-day-sr-env.pdf>.

Places where residents suffer “devastating physical and mental health consequences and human rights violations as a result of living in pollution hotspots and contaminated areas” are considered “sacrifice zones”.

Several elements of the right to a clean, healthy and sustainable environment have been undermined by the adverse environmental impacts and lack of information and participation of rights-holders in relation to nickel mining activities in Santa Cruz and Brooke’s Point. Air, water and soil pollution stemming from nickel mining operations has harmed the right to a clean, healthy and sustainable environment. This right is further harmed by the lack of information and effective participation afforded to rights-holders. In turn, this has had an adverse impact on their livelihoods, access to water and health, as described in this chapter. Noise pollution from nickel mining operations, reported by interviewees in both Santa Cruz and Brooke’s Point, reduces residents’ quality of life and further undermines the right to a healthy environment.³⁵⁹

In Santa Cruz, multiple nickel mining projects have been underway for several years. Impacted communities therefore experience the cumulative result of environmental pollution from multiple nickel mining sites over many years. In contrast, communities in Brooke’s Point are only beginning to experience the adverse impacts of nickel mining in their region. While less pronounced than in Zambales, the impacts reported by community members in Brooke’s Point are nonetheless severe and risk being exacerbated by the increased mining activities planned for the region. Further, impacted Indigenous People are experiencing dispossession from parts of their ancestral lands and being cut off from resources and traditions that are vital to their identity, wellbeing and survival.

According to the UN Special Rapporteur on human rights and the environment, places where residents suffer “devastating physical and mental health consequences and human rights violations as a result of living in pollution hotspots and contaminated areas” are considered “sacrifice zones”.³⁶⁰ Santa Cruz can be considered to be such a “sacrifice zone”, while Brooke’s Point is at risk of becoming one if nickel mining operations continue as they have been and additional companies begin to extract nickel. Often sacrifice zones are more accurately described as “racial sacrifice zones”, when they are disproportionately concentrated in regions and countries populated by racialized people. As noted by the former Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, “the primary beneficiaries of these racial sacrifice zones are transnational corporations that funnel wealth towards the global North and privileged national and local elites globally.”³⁶¹ The Philippines government should monitor adverse environmental impacts of nickel mining in Zambales and Palawan and where harms are identified, provide remedy. Further, the mining operators have a responsibility to ensure their activities do not harm human rights. In line with the polluter pays principle, the cost of remedying environmental harms – through restoration, rehabilitation and compensation – should be borne by the polluter.³⁶²

359 Interviews with community members, May 2024, Santa Cruz and Brooke’s Point.

360 Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, Supplementary information to the Report of the Special Rapporteur: *Additional sacrifice zones*, 2 March 2022, UN Doc. A/HRC/49/53, para. 3.

361 Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance (Special Rapporteur on racism), Report: *Ecological Crisis, Climate Justice and Racial Justice*, 25 October 2022, UN Doc. A/77/549, para. 2.

362 Special Rapporteur on the right to a clean, healthy and sustainable environment, *The Right to a Healthy Environment: A User’s Guide*, p.14.

8.6 MONITORING, GRIEVANCE MECHANISMS AND REMEDIES

8.6.1 SANTA CRUZ

For effective participation to take place, rights-holders must be able to participate in independent monitoring, evaluation and accountability processes regarding the nickel mining operations. These processes should be accessible, transparent and effective, however community members Amnesty International spoke to in Santa Cruz had little or no knowledge of these processes or how to engage with them.³⁶³

Amnesty International wrote to the four mining companies and asked them about how they engage communities in their monitoring and grievance processes. Only two companies, ZDMC and Benguet, responded. Both referred to the multipartite monitoring team, which is tasked with monitoring environmental compliance of the mining projects in Santa Cruz.³⁶⁴ For example, Benguet said concerns raised by the community and stakeholders, as well as the outcomes of any mitigation measures, are discussed regularly by the multipartite monitoring team.³⁶⁵ However, according to local advocacy group Concerned Citizens of Sta. Cruz, the monitoring team and NGOs selected to participate do not represent the communities' interests.³⁶⁶ Between 2014 and 2015, the group was a member of the of the monitoring team, however it was eventually removed and replaced with another organisation. Concerned Citizens of Sta. Cruz believe it was removed because its members frequently observed and raised concerns about non-compliance which were not acted on.³⁶⁷

Community members interviewed by Amnesty International were mostly unaware of grievance mechanisms to raise concerns about the mining operations that impact them. Those who had tried to raise concerns with local authorities felt their concerns were largely ignored.³⁶⁸ Concerned Citizens of Sta. Cruz began submitting written complaints and documents outlining the communities' concerns to relevant authorities at the municipal, provincial and national levels in 2012, but the complaints have yet to be addressed, the organisation stated.³⁶⁹

Some community members said they have interacted with the companies' community relations officers but reported the ineffectiveness of raising concerns in this way.³⁷⁰ One community member from Barangay Lucapon South said: "When we asked them to fix the road, nothing happened... When we complain about the dust, the [companies will] hose [the road] down once, but that's it."³⁷¹ Many community members have taken to barricading the road used by the companies to transport nickel ore from the mines as a form of protest as they feel their concerns have not been addressed, such as the poor quality of the road and dust generated by the hauling trucks.³⁷² In some cases, this has led to the companies communicating with residents and temporarily alleviating their concerns, for example by spraying water on the roads. However, community members say this occurs too infrequently and so the

363 Interviews with community members, January and May 2024, Santa Cruz.

364 ZDMC letter to Amnesty International, 10 September 2024; Benguet letter to Amnesty International, 30 September 2024.

365 Benguet letter to Amnesty International, 30 September 2024.

366 Interview with Herman Malong, advocate, 18 May 2024, Santa Cruz.

367 Interview with Herman Malong, advocate, 18 May 2024, Santa Cruz; Interview by video call with Benito Molino, advocate and medical doctor, 24 May 2024. In its response to Amnesty International, ZDMC said the DENR is responsible for appointing members of the multipartite monitoring team but in cases where Concerned Citizens of Sta. Cruz were not included, it was due to the organisation's own decision not to participate.

368 Interviews with community members, January and May 2024, Santa Cruz.

369 Interview with Herman Malong, advocate, 1 February 2024, Santa Cruz.

370 Interview with Maribel Endraca, community member, 31 January 2024, Santa Cruz; Interview with Jaime Takio, 31 January 2024, Santa Cruz; Interview with community members, 18 May 2024, Santa Cruz.

371 Interview with Ronnie Laruan, community member, 18 May 2024, Santa Cruz.

372 Interviews with community members, January and May 2024, Santa Cruz.



Trucks in Santa Cruz transporting nickel ore

problem persists. Moreover, some residents who have participated in protests have had charges filed against them, while advocates who have raised concerns about the mining industry said they have been subject to death threats, harassment and charges.³⁷³ Strategic Litigation Against Public Participation (SLAPP) suits are often used to silence people who oppose a mining project or who have raised human rights or environmental concerns. In 2010, the Philippines introduced anti-SLAPP legal protections in cases related to environmental protection.³⁷⁴

Concerned Citizens of Sta. Cruz filed a petition for the issuance of a writ of kalikasan (a legal remedy for the protection of the right to a healthy environment) and a temporary environmental protection order in May 2016 against provincial government officials and ZDMC, Benguet, LNL and Eramen. The petition claims the mining operations in Santa Cruz have caused “persistent water, air and soil pollution”, as well as “heavy laterite siltation of river systems, coasts, farmlands, fishponds and residential areas.”³⁷⁵ It further states that mining operations have exacerbated flooding during typhoons and heavy rains, destroyed the irrigation system in Santa Cruz and “shattered the livelihoods of its residents.”³⁷⁶ In 2017 the petition was dismissed as moot because the then DENR Secretary had issued closure orders against the four companies named in the petition.³⁷⁷ In August 2022, the Supreme Court set aside the 2017 ruling and ordered the continuation of proceedings,

373 Interviews with community members, May 2024, Santa Cruz; Interview by voice call with Benito Molino, advocate and medical doctor, 24 June 2024; See also: Rappler, “Mining firm files charges vs 10 Zambales residents”, 10 February 2016, <https://www.rappler.com/philippines/121982-zdmc-mining-charges-zambales-residents/>; ATM, “Green group condemns harassment case against environmental defender”, 17 August 2017, <https://www.alyansatigilmina.net/single-post/2017/08/17/green-group-condemns-harassment-case-against-environment-defender>.

374 Philippines Supreme Court, Rules of Procedure for Environmental Cases, 13 April 2010, Rule 6, https://lawphil.net/courts/supreme/am/am_09-6-8-sc_2010.html

375 Petition (Writ of Kalikasan and Continuing Mandamus), Benito E. Molino et al. V Hon. Ramon J. P. Paje, May 2016, G.R. No. 224375, pp.4-5.

376 Petition (Writ of Kalikasan and Continuing Mandamus), Benito E. Molino et al. V Hon. Ramon J. P. Paje, May 2016, G.R. No. 224375, pp.4-5.

377 Manila Bulletin, “SC orders CA to tackle anew petition against mining operations in Zambales”, 9 August 2022, <https://mb.com.ph/2022/08/09/sc-orders-ca-to-tackle-anew-petition-against-mining-operations-in-zambales>.

noting the closure orders have been lifted and the companies have resumed operations.³⁷⁸ ZDMC said further petitions filed by Concerned Citizens of Sta. Cruz have been dismissed by the Court of Appeals.³⁷⁹ At the time of writing, the case is still pending.

SOCIAL DEVELOPMENT AND MANAGEMENT PROGRAMS

The mining companies provide various benefits to communities through their social development and management programs, which are required by law but are only made available to those in the immediate project areas (“host” and neighbouring barangays).³⁸⁰ The four mining operators that responded to Amnesty International - Benguet, ZDMC, MMC and INC – all described the benefits they provide to communities in Santa Cruz and Brooke’s Point through their social development programs, while INC also said it pays mining royalties to communities as per its memorandum of agreement.³⁸¹

According to Philippine law, communities should be consulted about proposals for social projects that form part of the companies’ social development and management programs. However, community members in both Santa Cruz and Brooke’s Point said they had not been consulted.³⁸² Recipients of these programs also said the social benefits they receive from companies – such as bags of rice provided at Christmas, scholarships, tricycles, and intermittent health consultations – do not make up for the ongoing harms caused by nickel mining operations.³⁸³ Tito, a community member in Santa Cruz, said: “These items are just a cover up for the companies’ wrongdoings. They are nothing compared to the damage caused by mining. They depreciate over time but the land we farm on is something that could sustain my family and my children’s families for generations.”³⁸⁴

While companies trying to gain communities’ acceptance of their mining projects through the provision of social development initiatives is an industry-wide phenomenon, this should not come at the expense of FPIC and other public participation requirements. Nor should such initiatives be seen as a form of remedy to human rights abuses. Further, companies should be aware that social development initiatives have the possibility of creating long-lasting divisions within communities.

378 Manila Bulletin, “SC orders CA to tackle anew petition against mining operations in Zambales”, 9 August 2022.

379 ZDMC letter to Amnesty International, 20 September 2024.

380 DENR Administrative Order No. 2000-99, Rules and Regulations on the Implementation of the Social Development and Management Programs (SDMP) for Mining Projects, 21 December 2000, <https://elibrary.judiciary.gov.ph/thebookshelf/showdocs/10/39419>.

381 For example, ZDMC said its social development and management program is “a comprehensive approach to mitigate the social and environmental impacts of [its] mining activities” and said, “while it may not solve every issue, its impact is undeniable...” Benguet said its social development programs are regularly monitored and evaluated. MMC said its various community development projects include scholarships, distribution of school supplies and construction of school infrastructure, tree planting activities, livelihood programmes and the provision of medical and dental services. INC said as set out by its June 2024 memorandum of agreement with the communities, it provides “benefits such as royalties and community initiatives. See Annex 1 for the full responses.

382 Interviews with community members, January and May 2024, Santa Cruz; Interviews with community members, May 2024, Brooke’s Point.

383 Interviews with community members, January and May 2024, Santa Cruz; Interviews with community members, May 2024, Brooke’s Point.

384 Interview with Tito Calixto, community member, 31 January 2024, Santa Cruz.

ONGOING AND UNRESOLVED CONCERNS AMONG THE COMMUNITY HAVE LED THE COMMUNITY TO STAGE

PROTESTS OUTSIDE THE INC OFFICE AND BLOCK TRUCKS HAULING NICKEL FROM INC'S MINE



8.6.2 BROOKE'S POINT

INC provided Amnesty International with a copy of its Community Grievance Mechanism Guidelines, which states community grievances can be received verbally or in writing by phone, email, community relations personnel and at the corporate level.³⁸⁵ The guidelines state that INC's approach to managing community grievances "follows the precautionary principle... by identifying and resolving the issues of concern to the local community early on." Despite this assertion, community members have not received key information they have requested regarding INC's operations that will help them understand the project's impacts, including a copy of the EIS. INC also said that while "differing opinions are natural in any community... what truly matters is that everyone has the opportunity for redress" and indicated that community members had had this opportunity throughout the FPIC process.³⁸⁶ The company did not provide details of the opportunities available for community members to obtain redress.

Community members and advocates said they have written to and filed complaints with the NCIP over its handling of the FPIC processes, however, said they have yet to receive a satisfactory outcome. For example, community members wrote to the national office of the NCIP in February 2023 to complain about the regional NCIP and FPIC process, which they said was followed up by the regional NCIP office, despite this office being subject of the complaint.³⁸⁷ Amnesty International wrote to the NCIP twice to request information about the FPIC processes in Brooke's Point and to respond to the allegations. At the time of writing, it had not provided a substantive response.

Community members reported that complaints made to local government about the nickel mining companies and FPIC processes were largely not followed up on; many felt there was little utility in making complaints at this level due to the widespread perception of bias among government officials in favour of the mining companies.³⁸⁸ Further, several of the community members expressed reservations about speaking out against the mining companies, many referencing the criminal and administrative charges filed by INC in 2018 against the then Mayor of Brooke's Point, Mary Jean Feliciano, after she suspended INC's operations and ordered the demolition of several of its mining structures due to a lack of relevant permits.³⁸⁹ In 2021, the Office of the Ombudsman found Feliciano guilty of "grave abuse of authority" and ordered her suspension for one year without pay, but overturned its decision in May 2023, citing a lack of evidence and clearing her from allegations of wrongdoing.³⁹⁰

385 INC, "Community Grievance Mechanism Guidelines", January 2024 [on file with Amnesty International].

386 INC letter to Amnesty International, 19 September 2024.

387 Interview with Nolsita Siyang, community member, 23 May 2024, Brooke's Point.

388 Interviews with community members, May 2024, Brooke's Point.

389 Philippine News Agency, "Mining firm files criminal, admin charge vs. Palawan town mayor", 27 April 2018, <https://www.pna.gov.ph/articles/1033380#>.

390 Palawan News, "Ombudsman clears Feliciano from abuse of authority against INC, reverses suspension order", 31 May 2023, <https://palawan-news.com/ombudsman-clears-feliciano-from-abuse-of-authority-against-inc-reverses-suspension-order/>.

Municipal Councillors Colili and Lagrada are part of the Multipartite Monitoring Team tasked with monitoring compliance of the mining operations in Brooke's Point but said the body did not effectively address concerns of impacted community members.³⁹¹ They felt the companies wield too much influence over the monitoring team and stressed the importance of having an independent monitoring team distinct from the Mines and Geosciences Bureau.³⁹²

Ongoing and unresolved concerns among the community have led the community to stage protests outside the INC office and block trucks hauling nickel from INC's mine. In October 2023, a community protest led to violent clashes between protestors and INC security guards after cease-and-desist orders by the local government and the NCIP had been ignored by the company.³⁹³ Nomma Mambalon, a member of the Pala'wan Indigenous People from Barangay Ipilan, said she was one of the protestors injured by security guards, who hit her as she fled the escalating violence.³⁹⁴ Community members were charged with coercion against the company for blocking the road and stopping their operations, but the charges were later dismissed.³⁹⁵

In August 2023, the Supreme Court made the decision to issue a preliminary writ of kalikasan, following a petition filed by impacted Indigenous community members against the DENR, Mines and Geosciences Bureau and INC. The petition accused INC of "illegally operating" without all necessary permits and FPIC, and "causing damage to the environment, violating environmental laws and the rights of the indigenous people of Brooke's Point, Palawan."³⁹⁶ The petitioners argued INC illegally cut trees and caused deforestation in the Mount Mantalingahan protected landscape, and caused contamination of local water bodies.³⁹⁷ In its decision to issue the preliminary writ, the court said the mining operations in the Mount Mantalingahan Mountain Range lead "to environmental damage... as exhibited by extreme flooding and contamination of fishing areas, which continually prejudice the life, health and property of the residents."³⁹⁸ The court stated the DENR and Mines and Geosciences Bureau's "inaction over the strong pleas of the residents of Brooke's Point show their indifference to the rights of the [Indigenous community] to a balanced and healthful ecology".³⁹⁹ In its response to the court, INC denied the allegations. In its response to Amnesty International, INC stated that all legal cases against INC filed by Indigenous community members have been withdrawn including the petition for a writ of kalikasan, which was formalised in August 2024.⁴⁰⁰ According to the Save Palawan Movement – a coalition of civil society organisations in Palawan – although the case was settled with the petitioners, they do not represent the majority of the Pala'wan tribe who remain concerned about the impacts of INC's operations.⁴⁰¹ At the time of writing, the case is still pending and awaiting resolution by the Court of Appeals.

391 Interviews with Municipal Councillors Victor Colili and Jonathan Lagrada, 23 May 2024, Brooke's Point.

392 Interviews with Municipal Councillors Victor Colili and Jonathan Lagrada, 23 May 2024, Brooke's Point.

393 Interviews with community members, May 2024, Brooke's Point.

394 Interview with Nomma Mablon, community member, 23 May 2024, Brooke's Point.

395 Interview with Mamerto Melnocan, community member, 23 May 2024, Brooke's Point.

396 Palawan IPs Petition for Writ of Kalikasan, Para 1.

397 Palwan IPs Petition for Writ of Kalikasan.

398 Supreme Court Republic of the Philippines, "Supreme Court Issues Writ of Kalikasan Against DENR and Mining Operators in Mt. Mantalingahan, Palawan", 16 August 2023, <https://sc.judiciary.gov.ph/supreme-court-issues-writ-of-kalikasan-against-denr-and-mining-operators-in-mt-mantalingahan-palawan/>.

399 Supreme Court Republic of the Philippines, "Supreme Court Issues Writ of Kalikasan Against DENR and Mining Operators in Mt. Mantalingahan, Palawan", 16 August 2023, <https://sc.judiciary.gov.ph/supreme-court-issues-writ-of-kalikasan-against-denr-and-mining-operators-in-mt-mantalingahan-palawan/>.

400 INC letter to Amnesty International, 19 September 2024. According to the company, a notarized Affidavit affirms that this decision was made by the community members "freely, without coercion or under influence."

401 Palawan News, "IP withdrawal from Writ of Kalikasan worries envi group", 11 January 2024, <https://palawan-news.com/ip-withdrawal-from-writ-of-kalikasan-worries-envi-group/>.



9. FAILURE OF MINING COMPANIES TO RESPECT HUMAN RIGHTS

“In Santa Cruz the four mining companies have practically wiped out the watershed of the community. The biodiversity and trees have been removed, there are all kinds of violations, the same that were happening when the [former] DENR Secretary suspended and closed those mines...”⁴⁰²

Philip Camara, former DENR Undersecretary for Field Operations

While it is the obligation of the state to ensure communities can effectively participate in decision-making in relation to mining projects, the companies also have a responsibility to consult with and make information available to communities impacted by their operations. Amnesty International wrote to the seven mining companies twice during the research to give them the opportunity to respond to the findings and ask them questions about their operations, efforts to consult with communities, due diligence and actions taken to address and remedy adverse impacts resulting from their operations. At the time of writing, Benguet, INC, ZDMC and MMC had responded.

9.1 POLICIES VS PRACTICE

In line with the UN Guiding Principles, all companies should have in place, and make publicly available, human rights policy commitments to meet their responsibility to respect human rights, and these should be embedded into all relevant functions.⁴⁰³ While having a human rights policy alone is insufficient to meet the responsibility to respect human rights, it is a crucial first step. Amnesty International was unable to locate a human rights policy online for any of the seven mining companies.

While not specific to human rights, Amnesty International was able to find policies committing some of the companies to responsible mining practices and environmental protection. For example, Benguet Corporation’s Code of Ethics commits the company to “do its best to ensure that the way resources are deployed also benefits society in general and does not conflict with the needs and reasonable aspirations of the communities in the areas where it operates.”⁴⁰⁴

402 Interview by video call with Philip Camara, former DENR Undersecretary for Field Operations and Zambales resident, 4 July 2024.

403 UN Guiding Principles, Principle 15.

404 Benguet Corporation, “Code of Ethics”, <http://benguetcorp.com/wp-content/uploads/2020/06/E.-Code-of-Conduct-of-Business-and-Ethics.pdf> [accessed on 1 July 2024]. In its response to Amnesty International, Benguet said it is committed to “practice responsible mining and protect the environment...”

UN GUIDING PRINCIPLES

All companies should have in place, and make publicly available, human rights policy commitments to meet their responsibility to respect human rights, and these should be embedded into all relevant functions

Eramen has an environmental policy, which states it is “committed to responsible environmental management... to prevent land, water, noise and air pollution in all aspects of our operation.”⁴⁰⁵ In addition to compliance with all legal requirements, the policy commits Eramen to “regularly assess and monitor environmental impacts in all levels of activities and processes... to prevent pollution to environment.” No information on the results of this monitoring could be found.⁴⁰⁶

LNL's parent company, Leonio Group, lists out its environmental, social and governance principles on its website, which state the company, “evaluates, plans and develops its projects by being mindful of their overall impact on the environment”.⁴⁰⁷ The principles also affirm the company's commitment “to the welfare of its host communities” which is institutionalised in its health, education and livelihood corporate social responsibility programs, which are developed “in close coordination” with community leaders and civil society organisations.⁴⁰⁸

MacroAsia Corporation, MMC's parent company, has a Code of Business Conduct and Ethics which states the company complies with all laws and regulations but does not explicitly mention human rights or the environment.⁴⁰⁹

ZDMC told Amnesty International it is committed to “environmental stewardship and sustainable mining practices”, in addition to “transparency, environmental responsibility, and community engagement.”⁴¹⁰

INC told Amnesty International that it does have a human rights policy “which demonstrates its commitment to respecting human rights in all stages of its operations”,⁴¹¹ but did not share the policy as requested.

The formal commitments of the mining companies that Amnesty International has seen fall far short of international human rights standards. Even where the companies do have limited commitments to responsible mining and environmental protection, the information compiled in this report suggests the mining companies are failing to meet them.

Despite domestic legal protections of the right to be consulted and explicit protections for the principle of FPIC, communities in Zambales and Palawan have not been properly informed of the impacts of nickel mining, nor have they been adequately consulted. Where consultations did take place, concerns

405 Eramen Minerals Inc, “Environmental Policy”, <https://eramenminerals.com/environmental-policy/> [accessed on 1 July 2024].

406 Eramen Minerals Inc, “Developing of Host and neighbouring communities”, <https://eramenminerals.com/dhnc/> [accessed on 1 July 2024].

407 LeonioLand, “What We Envision”, <https://www.leonioland.com/what-we-envision/> [accessed on 1 July 2024].

408 LeonioLand, “What We Envision”, <https://www.leonioland.com/what-we-envision/> [accessed on 1 July 2024].

409 MacroAsia Corporation, Code of Business Conduct and Ethics, <https://macroasiacorp.com/codeofbusiness> [accessed on 2 July 2024]. In its response to Amnesty International, MMC said it is “committed to conducting responsible and ethical mining operations that respect and protect the rights of Indigenous Peoples, uphold environmental standards, and foster positive relationships with all stakeholders.” MMC letter to Amnesty International, 19 September 2024.

410 ZDMC letter to Amnesty International, 10 September 2024.

411 INC letter to Amnesty International, 23 June 2024.

raised by community members were not sufficiently addressed, suggesting that the consultations were not meaningful. Subsequently, nickel mining projects in both regions are harming the right to a clean, healthy and sustainable environment and seriously risking communities' rights to health, access to water, and livelihoods. This amounts to a failure to respect human rights. If meaningful consultations had taken place, many of the adverse issues reported by community members could have been avoided or addressed from the outset.

In Santa Cruz, the four mining companies have been subject to enforcement actions by the DENR after being found in non-compliance with environmental regulations and are subject to a petition for the issuance of a writ of kaliksan filed on behalf of impacted community members. The fact that there are four different mining companies operating in Santa Cruz makes it difficult to attribute environmental pollution to a particular company, however it is likely that all of them are contributing to the harms in this region. When operating in a context where there are multiple polluters and serious harms occurring, the burden of proof should be on the companies themselves to prove that their operations are safe and not harmful to human rights the environment.

In their responses to Amnesty International, ZDMC and Benguet deny the allegations.⁴¹² Benguet said the research "was carried out without prior notification" which "raises questions about its validity", and concludes the findings are "baseless and flawed".⁴¹³ As outlined in the methodology, Amnesty International wrote to all the mining operators twice during the research period. LNL and Eramen had not responded at the time of writing.

In Brooke's Point, the FPIC processes for INC and MMC have harmed the Pala'wan's rights as Indigenous People, including their rights to FPIC and self-determination. In both cases, the companies did not provide communities with sufficient information and consent was inappropriately acquired based on misrepresentations and coercion.⁴¹⁴ As such, consent cannot be said to exist in the first place because of the circumstances under which it was given, violating the 'free' and 'informed' criteria of FPIC. Further, the FPIC processes for both mining projects failed to respect customary decision-making processes and self-designated representatives of the Pala'wan Indigenous People. While an FPIC process has not yet been carried out for Lebach's mine, the company has been subject to a complaint by Pala'wan leaders for proposing drilling activities without their consent.⁴¹⁵

The available evidence also suggests the impacts reported by the Pala'wan are severe enough to warrant that mining projects in the region must not be approved without their consent. Further, INC began operations two years before it had a Certification Precondition issued by the NCIP, and did not halt operations when issued with cease-and-desist orders or when the Pala'wan community withdrew consent for the project. Amnesty International has concluded that INC's operations harm the Palawan Indigenous People's collective and individual right to a clean, healthy and sustainable environment by contributing to environmental pollution, while also undermining their rights to health, livelihoods and culture. The proposed operations of MMC and Lebach further risk undermining these rights.

412 ZDMC letter to Amnesty International, 10 September 2024; Benguet letter to Amnesty International, 30 September 2024.

413 Benguet letter to Amnesty International, 30 September 2024.

414 As noted above, both INC and MMC disagreed with the findings. MMC said: "While we acknowledge the concerns raised about the FPIC process, we emphasize that all required protocols were followed." INC said the issuance of its Certification Precondition "affirms the legitimacy of INC's mining operations and challenges the unfounded allegations of a small, disgruntled minority group..." It also said it adheres to all applicable laws, including environmental regulations. See Annex 1 for the full responses.

415 Mines and Geosciences Bureau letter to Lebach, 1 April 2022 [copy on file with Amnesty International]

9.2 DUE DILIGENCE

The serious impacts on communities' livelihoods, access to water and health suggest the mining companies operating in the area should be conducting environmental and health monitoring as part of their ongoing human rights due diligence. If this monitoring finds that the companies' operations have contributed to adverse health impacts of residents, the companies should provide remedy including compensation and treatment and provide guarantees of non-repetition.

In relation to its human rights due diligence, INC said it conducts "weekly and monthly monitoring/ inspection of siltation ponds" and the Multipartite Monitoring Team conducts "quarterly inspections and meetings pertaining to compliance, issues, and concerns."⁴¹⁶ INC also stated that it conducts periodic testing of the air, soil and water sources that impacted communities rely on. It said results of its air and water testing fall within the standard established by the DENR.⁴¹⁷ It said it "strictly adheres to all actions/ measures" contained in its Environmental Protection and Enhancement Program "to help safeguard the environment and the local community" and has installed a series of silt traps along the provincial road to "capture and contain silt, preventing it from flowing downstream and affecting the water quality."⁴¹⁸

No information could be obtained in relation to whether the other companies carry out human rights due diligence and if so, what this entails. The information contained in this report suggests the seven companies have failed to adequately consult with impacted communities and therefore sufficiently engage them as part of their human rights and environmental due diligence processes.

416 INC letter to Amnesty International, 23 June 2024.

417 INC letter to Amnesty International, 19 September 2024.

418 INC letter to Amnesty International, 23 June 2024.



10. NICKEL SUPPLY CHAIN

“Just like blood diamonds, with nickel you are enjoying your electric vehicle but destroying so much [for communities]. Is it worth it? The corporate buyers of nickel should know if it came from... a [mine] causing enormous damage.”⁴¹⁹

Philip Camara, former DENR Undersecretary of Field Operations

While Indonesia is by far the largest producer of nickel, it processes the ore domestically. This leaves the Philippines as the world’s largest exporter of nickel ore. China receives the highest share of exports, followed by Japan and South Korea.⁴²⁰ Once the nickel ore has reached its destination, it is then processed and incorporated into finished goods, such as stainless steel and EV batteries⁴²¹



419 Interview by video call with Philip Camara, former DENR Undersecretary of Field Operations and Zambales resident, 4 July 2024.

420 Observatory of Economic Complexity, “Nickel Ore in Philippines”, <https://oec.world/en/profile/bilateral-product/nickel-ore/reporter/philippines> [accessed on 18 July 2024].

421 DataDesk, Analysis of Philippine Nickel Exports, 30 November 2023 [on file with Amnesty International].

Amnesty International reviewed data on Philippine exports of nickel ore between January 2022 and November 2023 for the operational mining companies included in this research and found that the nickel is being exported to China and South Korea.⁴²²

Trade data shows that China-based trading company Ningbo Lygend Wisdom Co., Ltd., receives nickel ore from three of the four mining operators in Santa Cruz: Eramen, LNL and Benguet.⁴²³ Its parent company is Lygend Resources & Technology Co., Ltd. (Lygend Resources), which bills itself as a “leading nickel whole industry chain service provider”.⁴²⁴ The world’s largest electric vehicle battery producer, Contemporary Amperex Technology Co., Limited (CATL), owns a 21% stake in Lygend Resources. Hubei Ronbay Battery Triangle No.1 Equity Investment Fund Partnership LP (the investment arm of Ningbo Ronbay New Energy Technology Co. Ltd.) also has a stake.⁴²⁵ CATL has battery supply deals with several major carmakers, including Tesla, Volkswagen, BMW and Renault.⁴²⁶ Ningbo Ronbay New Energy Technology Co. Ltd’s 2023 annual report states that the company, which produces lithium battery cathode material products, has partnerships “with many of the world’s top battery manufacturers and automakers” and in 2023 sent “large-scale shipments to mainstream automakers in Europe and America.”⁴²⁷

Eramen and ZDMC export nickel ore to Société de Nickel de Nouvelle Calédonie et Coré (SNNC), a ferronickel smelting plant in Gwangyang, South Korea. SNNC, which is co-owned by South Korean steelmaking giant POSCO HOLDINGS (POSCO) and New Caledonia’s Société Minière du Sud Pacifique (SMSP), supplies ferronickel to POSCO in Gwangyang.⁴²⁸ POSCO’s Gwangyang steelworks includes a POSCO Future M Co. plant producing EV battery materials, and a plant that produces electrical steel sheets used in the manufacture of EVs.⁴²⁹ POSCO has supply agreements with Samsung SDI and LG Energy Solution, two of the world’s largest EV battery producers.⁴³⁰ In turn, Samsung SDI supplies EV batteries to BMW, Volkswagen, Volvo and Ford,⁴³¹ while LG Energy Solution counts Tesla, General Motors, Volkswagen, and Hyundai and Honda among its customers.⁴³²

Nickel ore from INC’s mine in Brooke’s Point is transported to China. Guandong Century Tsingshan Nickel Industry Co., Ltd (Guandong Century) is one of INC’s main buyers. In 2021, INC’s parent company, FNI, acquired a 22% stake in GHGC Holdings Ltd – a British Virgin Islands holding company

422 Sinoimex export data on file with Amnesty International.

423 Sinoimex export data on file with Amnesty International.

424 Lygend, “Introduction”, <https://www.lygend.com/> [accessed on 18 July 2024].

425 Lygend Resources Shareholders Report, 2023, [on file with Amnesty International].

426 CATL, “CATL and BMW Group reach framework agreement on cylindrical battery supply”, 9 September 2022, <https://www.catl.com/en/news/1016.html>; Reuters, “Volkswagen to switch EV battery type, leaving supply deals in doubt – sources”, 15 March 2021, <https://www.reuters.com/business/autos-transportation/volkswagen-switch-ev-battery-type-leaving-supply-deals-doubt-sources-2021-03-15/>; Electrive, “CATL signs battery supply deal with Tesla until 2025”, 29 June 2021, <https://www.electrive.com/2021/06/29/catl-signs-battery-supply-deal-with-tesla-until-2025/>; Reuters, “Renault’s EV unit Ampere teams up with LGES, CATL on battery technology”, 2 July 2024, <https://www.reuters.com/business/autos-transportation/renaults-ev-unit-ampere-bet-lfp-technology-ev-batteries-2024-07-01/>.

427 Ningbo Ronbay New Energy Technology Co., Ltd., *Annual Report 2023*.

428 POSCO SNNC, “Overview”, <https://www.snnco.kr/eng/pages/01overview/overview.php> [accessed on 18 July 2024].

429 POSCO Future M, “POSCO FUTURE M Breaks Ground on High-Value-Added High-Nickel NCA Cathode Material Plant in Gwangyang”, 22 February 2024, <https://www.poscofuturem.com/en/pr/view.do?num=784>; <https://newsroom.posco.com/en/posco-begins-construction-of-eco-friendly-and-high-efficiency-electrical-steel-sheet-in-gwangyang-with-an-investment-of-krw-1-trillion/>.

430 Just Auto, “Posco inks 10 year cathode supply deal with Samsung SDI”, 31 January 2023, <https://www.just-auto.com/news/posco-inks-10-year-cathode-supply-deal-with-samsung-sdi/>.

431 The Korea Economic Daily, “Samsung SDI in talks with global automaker for battery joint venture”, 28 January 2022, <https://www.kedglobal.com/ev-batteries/newsView/ked202201280005>.

432 Tech Crunch, “EV battery maker LG Energy Solutions becomes South Korea’s second most valuable firm in IPO debut”, 27 January 2022, <https://techcrunch.com/2022/01/27/ev-battery-maker-lg-energy-solution-becomes-south-koreas-second-most-valuable-firm-in-ipo-debut/>; CNBC, “Toyota, LG Energy Solution sign \$3 billion battery supply deal in U.S. EV push”, 5 October 2023, <https://www.cnbc.com/2023/10/05/lg-energy-solution-to-supply-ev-batteries-to-toyota.html>.



Nickel from INC's mine is loaded onto barges in Brooke's Point before being transported to China. © 2024 Amnesty International

owning a 90% shareholding in Guandong Century.⁴³³ Guandong Century, a nickel processing plant, is exploring turning ferronickel into battery grade nickel material to enter the battery sector.⁴³⁴

All this makes it highly likely that nickel produced at mines included in this report is entering the supply chains of major EV companies. These companies all need to be conducting due diligence. As per the UN Guiding Principles, if a company finds it is linked to adverse human rights impacts through a business partnership, it should exercise its leverage to mitigate the negative impact to the greatest extent possible and in certain circumstances, responsibly disengage from the business partnership. In October 2024, Amnesty International published an assessment of the due diligence policies and self-reported practices of the world's 13 leading global electric car makers. Troublingly, despite the severity of human rights and environmental harms linked to Philippine mined nickel ore, none of them identified the Philippines as a risk in their human rights due diligence reporting.⁴³⁵ Overall, Amnesty's assessment found that the EV industry's response to human rights abuses in its supply chain is falling short, demonstrating the need for mandatory human rights due diligence.

In September 2024, Amnesty International wrote to the companies importing nickel from the mines included in this report and their buyers. In response to Amnesty International, SMSP confirmed that SNNC had purchased nickel ore from Eramen and ZDMC in 2015 and between 2021 and 2023 but

433 FNI, *Security and Exchange Commission Sec Form 17-C*, 3 October 2022, https://edge.pse.com.ph/openDiscViewer.do?edge_no=a58fd5f4aefd948a3470cea4b051ca8f.

434 PhilStar, "Palawan folk fight for future as world scrambles for critical minerals", 3 December 2023, <https://www.philstar.com/headlines/climate-and-environment/2023/12/03/2316144/palawan-folk-fight-future-world-scrambles-critical-minerals>. Batteries are not the only end product. In December 2023, FNI announced that its subsidiaries, including INC, had signed an annual sale and purchase agreement with Chinese steelmaker Baosteel Resources International Co., Ltd., a wholly owned subsidiary of China Baowu Steel Group Corporation Limited. Under the agreement, Baosteel is set to purchase up to 1.5 million wet metric tons of nickel ore in 2024. China Baowu Steel Group Corporation Limited is the largest steelmaker in the world. GFNI, "FNI mining units sign annual sale and purchase agreement with Baosteel", 29 December 2023, <https://gfni.com.ph/news/fni-mining-units-sign-annual-sale-and-purchase-agreement-with-baosteel/>.

435 Amnesty International, *Recharge for Rights: Ranking the Human Rights Due Diligence Reporting of Leading Electric Vehicle Makers*, (Index: ACT 30/8544/2024), 16 November 2024, <https://www.amnesty.org/en/documents/ACT30/8544/2024/en/>.

said the purchases “were limited in quantity over time”.⁴³⁶ It said the Philippines environmental and mining authorities had found no violations with Eramen and ZDMC since their suspensions were lifted in 2019. LG Energy Solution said it does not source any nickel product from the Philippines.⁴³⁷ It said that SNNC is “reportedly part of POSCO’s supply chains pertinent to stainless steel production and not related to batteries at all.”⁴³⁸

BMW said it has no direct supply relationships with nickel suppliers in the Philippines and its suppliers “source their raw materials independently.”⁴³⁹ In accordance with its purchasing conditions, BMW requires direct suppliers to “comply with legal requirements and extensive environmental and social standards” which must also be passed on to sub-suppliers. It said, “full disclosure of specific supply chains is not possible due to both competition laws and contractual agreements.”⁴⁴⁰

Renault said it had not identified nickel sourced from the Philippines in its supply chain and is in the process of working with a consulting firm to “draw up a Risk Mapping” study on 18 ores used in batteries, including nickel.⁴⁴¹ Similarly, Ford said it has been mapping and auditing its EV battery supply chain and so far, “the Philippines was not identified as a mine site source”.⁴⁴²

Honda said it receives parts from LG Energy Solution for its motorcycle and power products, but not its automotive products. It said the nickel in the parts it receives from LG Energy Solution are not from the Philippines and the automotive parts it will receive in the future will contain nickel from Indonesia.⁴⁴³ Hyundai said, “all of POSCO cathode material nickel for Hyundai Motor battery cells of LG Energy Solution is supplied from NON-Philippines region.”⁴⁴⁴

General Motors did not confirm or deny whether nickel sourced from the Philippines enters its supply chain but said it will review the information provided by Amnesty International and, “if necessary, take appropriate action.”⁴⁴⁵ Volkswagen said, “based on the current data and information available to us, there is no sourcing of nickel from [the Philippines] in our supply chain. However, we cannot entirely rule out the possibility of future changes.”⁴⁴⁶ Tesla referred to its Impact Report and said, “the sites in your report are not part of those sources”.⁴⁴⁷ However, the Impact Report states that in 2023, only 50% of nickel was sourced directly from mines and refiners.⁴⁴⁸

In their responses, many of the car companies did not provide sufficient evidence to exclude entirely the possibility of nickel from the Philippines entering their supply chains. Until EV brands have greater supply chain transparency, it cannot be ruled out that their vehicles may contain nickel linked to human rights and environmental abuse in the Philippines. EV makers should map out and disclose information that covers each stage of their supply chain, including indirect and raw material suppliers. Supply chain mapping enables companies to identify human rights and environmental risks, which in turn informs the depth and breadth of their human rights due diligence.

The full responses can be found in Annex 2. At the time of writing the following companies had not responded: CATL, Guandong Century, Lygend Resources, Ningbo Ronbay New Energy Technology Co. Ltd., POSCO, Samsung SDI and Volvo.

436 SMS letter to Amnesty International, 7 October 2024.

437 LG Energy Solution email to Amnesty International, 14 October 2024.

438 LG Energy Solution email to Amnesty International, 14 October 2024.

439 BMW email to Amnesty International, 7 October 2024.

440 BMW email to Amnesty International, 7 October 2024.

441 Renault Group email to Amnesty International, 1 October 2024.

442 Ford letter to Amnesty International, 7 October 2024.

443 Honda email to Amnesty International, 7 October 2024.

444 Hyundai email to Amnesty International, 14 October 2024.

445 General Motors email to Amnesty International, 7 October 2024.

446 Volkswagen email to Amnesty International, 8 October 2024.

447 Tesla email to Amnesty International, 1 October 2024.

448 Tesla, Impact Report 2023, 2023, p.122, https://www.tesla.com/ns_videos/2023-tesla-impact-report.pdf



11. CONCLUSION AND RECOMMENDATIONS

“The energy transition is so unjust... the mining framework caters to foreign interests and the narrative is we need nickel for electric vehicles and clean energy, yet what do we get in return? The pollution, destroyed forests and abandoned mines. And who uses electric cars? It’s not the people from Palawan, the farmers. It’s the industrialized countries, the main emitters of greenhouse gas emissions.”⁴⁴⁹

Grizelda Mayo-Anda, Attorney and Executive Director of ELAC

It is critical that the world transitions away from the use and production of fossil fuels to renewable energy sources to address the climate crisis. However, the energy transition relies on a massive increase in the extraction of metals and minerals, including nickel, that risks causing harm to human rights and the environment. In the Philippines and beyond, extraction of these raw materials is leading to serious harm to communities, including Indigenous Peoples, in addition to widespread deforestation and environmental damage. In Zambales and Palawan, communities have not been properly informed of the impacts of nickel mining, nor have they been adequately consulted. Where consultations did take place, concerns raised by community members were not sufficiently addressed, suggesting that the consultations were not meaningful. In Brooke’s Point, nickel mining has been occurring despite indications that genuine FPIC has not been obtained. Subsequently, nickel mining projects in both regions are harming the right to a clean, healthy and sustainable environment and seriously risking impacted communities’ rights to health, access to water, and livelihoods. If meaningful consultations had taken place, many of the adverse issues reported by community members could have been avoided or addressed from the outset. The two case studies demonstrate the importance of sufficiently informing all potentially impacted communities and conducting genuine consultations that effectively consider and address community members’ concerns. The Philippines government is failing its duty to protect communities against human rights abuses by the nickel mining industry and hold the perpetrators accountable. The government must take urgent action to facilitate the enjoyment of human rights for impacted communities by immediately investigating the harms documented in this report. Where violations are found to have occurred, the government must take steps to put an end to the harms and suspend operations until genuine consultations have taken place, the perpetrators are held to account and remedy is provided to affected rights-holders.

The Philippines must guarantee the right to health, including its underlying determinants, and prevent exposure to harmful substances and other detrimental environmental conditions that directly or indirectly impact upon human health. The government should conduct ongoing environmental health monitoring to assess contamination of the air, water and soil, and health impacts linked to nickel mining operations. Data should be collected to assess the health impacts of nickel mining on impacted communities, and this should include an Indigenous Peoples rights lens to assess the harms on

449 Interview with Grizelda Mayo-Anda, Executive Director of Environmental Legal Assistance Center, 25 May 2024, Brooke’s Point.

Indigenous Peoples.⁴⁵⁰ If scientific uncertainty exists with regards to the risks and possible impacts of mining activities on adjacent natural resources, and these impacts could lead to significant, irreversible environmental harm, then the government should apply the Precautionary Principle, a guiding norm in international environmental law,⁴⁵¹ by suspending operations until the necessary information is obtained to resolve the uncertainty of possible irreversible harm.

The government must ensure that communities are adequately informed and meaningfully consulted about mining projects before mineral agreements and permits are granted and throughout the mining lifecycle once operations have begun. For extractive projects impacting Indigenous Peoples, FPIC must be obtained and if consent is withheld, the project should not go ahead. In the case of Brooke's Point, the government should suspend all mining operations, and the suspension should only be lifted when and if genuine FPIC is obtained. If FPIC violations are found, the government should suspend the mining agreement(s). The Philippine legislature should also review the operationalization of the right of Indigenous Peoples provided in the IPRA to stop or suspend such projects. Currently, under certain circumstances the "right" to do so is lodged with the NCIP which may or may not choose to exercise such "right", instead of the Indigenous Peoples directly.⁴⁵²

The government must also take steps to enforce existing legislation and effectively regulate the nickel mining industry to put an end to the harms, for example by passing the pending Alternative Minerals Management Bill. The proposed legislation, which has been widely endorsed by civil society groups, provides greater protections for people and the environment and prohibits mining in specific areas including those used for food production, watersheds, small island ecosystems and sacred sites of Indigenous Peoples.⁴⁵³ It also requires mandatory consultations with affected communities and mandatory FPIC of Indigenous Peoples at each phase of mining operations.⁴⁵⁴

If the seven nickel mining companies subject to this research had conducted due diligence in accordance with the UN Guiding Principles, they would have identified the risks their operations pose to human health, livelihoods and the environment. Having identified these risks, the companies should have taken immediate steps to address the high-risk areas of their business, for example by making the necessary infrastructure investments and business decisions to make their operations safer and increasing transparency to and consultation with impacted communities.

Given the severity of risks posed by nickel mining operations, the companies included in this report should halt all operations until they can prove their operations are safe and not harmful to human rights and the environment. They must consult, communicate and continuously engage with both affected and potentially affected rights-holders, and respect Indigenous Peoples' rights, including mandatory conduct of FPIC. To meet their responsibility to respect human rights, nickel mining companies should be practicing ongoing human rights and environmental due diligence to identify whether any of their operations are having negative impacts, which should include ongoing and independent health and environmental monitoring. Assessments and monitoring should be made publicly available. Due diligence should also include meaningful and ongoing engagement with impacted communities and other relevant stakeholders, such as local civil society organizations. If they find harms linked to their operations, they must take necessary action to put an end to the harms and provide appropriate remedies.

450 Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume, Report: Ecological crisis, climate justice and racial justice, 25 October 2022, UN Doc: A/77/549, para. 80.

451 UN, Rio Declaration on Environment and Development, 1992, Principle 15, cbd.int/doc/ref/rio-declaration.shtml "In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation." See also: UN, UN Framework Convention on Climate Change, 1992, unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/conveg.pdf; and United Nations, Convention on Biological Diversity, 1992, cbd.int/doc/legal/cbd-en.pdf.

452 IRR of the IPRA Rule VIII Part II Section 10.

453 Alternative Minerals Management Act of 2022, July 2022, https://legacy.senate.gov/ph/lis/bill_res.aspx?congress=19&q=SBN-376.

454 Alternative Minerals Management Act of 2022.

Communities harmed by nickel mining in the Philippines lack access to justice and effective remedies for the harms they are experiencing, while the sector's expansion, being driven in part by demand associated with the energy transition, further risks harming human rights and the environment. The current energy transition narrative prioritizes the replacement of all fossil fuel powered vehicles with electric ones, and many states provide subsidies and other financial incentives to accelerate the transition. The Philippines exports most of its raw nickel ore for processing, which is where the value is added, and therefore sees very little benefit from the extraction of nickel ore for the energy transition. Instead, Indigenous People and rural communities pay the price, for the benefit of multinational EV makers and consumers in industrialized countries, amounting to environmental racism.⁴⁵⁵ This approach only serves an ongoing cycle of dependency, power imbalances, historical inequalities and colonial extractivism. A just energy transition, therefore, must move away from excess private car ownership and the paradigm of growth at all costs, instead centring respect for and protection of human rights and the world's vulnerable climate assets such as forests, watersheds, biodiversity, and Indigenous knowledges.

RECOMMENDATIONS TO THE PHILIPPINE GOVERNMENT

TO THE PRESIDENT

- Ensure that mining and all related activities do not lead to human rights and environmental abuses of affected communities.
- Issue an executive order for an interagency review of all nickel mining applications and operations approved by the MGB. The review should include a cost-benefit analysis and with the effective participation of mining-impacted communities and civil society.
- Ensure the full implementation of Executive Order No. 2, s. 2016 operationalizing the right to freedom of information, or issue a new executive order to ensure stronger enforcement of the right to freedom of information.
- Ensure that mining and all related activities do not cause and aggravate deforestation, especially old-growth and natural forest areas which are protected under existing environmental laws.
- Urge the government to implement recommendations outlined in this report.

TO THE DENR

- Suspend operations of the mining operators identified in this report until an urgent investigation into the human rights and environmental abuses documented in this report has been conducted and effective remedy has been provided to impacted communities where adverse impacts have been identified. Remediation should involve the effective participation of impacted communities and civil society and include cleanup, ongoing health screenings and treatment, compensation, guarantees of non-repetition and other measures as appropriate.

⁴⁵⁵ Environmental racism describes any environmental policy, practice, law or regulation that differentially affects or disadvantages (whether intended or unintended) individuals, groups, or communities based on race, colour, descent and national and ethnic origin. See: Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, *Ecological Crisis, Climate Justice and Racial Justice*, para. 45.

- Urgently increase oversight of the mining industry through transparent and increased monitoring and inspections and hold companies to account for human rights and environmental harms. Establish requirements to minimise air pollution, maintain clean and sufficient water resources and healthy soil, and protect biodiversity; ensure requirements are monitored and swiftly enforced when there are violations. Suspend mining companies found in violation of environmental protection laws until corrected and cancel mineral agreements of companies in repeated non-compliance. If scientific uncertainty exists with regards to the risks and possible irreversible impacts of mining activities on adjacent natural resources, and these impacts could lead to significant, irreversible environmental harm, suspend mining activities until the necessary information is obtained to resolve the uncertainty.
- Ensure mining-impacted communities have access to safe and sufficient water for consumption and domestic uses and ensure their right to a clean, healthy and sustainable environment. Conduct studies and ongoing monitoring to track and evaluate contamination levels in areas impacted by nickel mining, in addition to health impacts in immediate project areas and downstream communities. This should include regular sampling and analysis of air, soil, water and food sources, which should also form the basis for risk assessments and early intervention. All results of environmental and health monitoring should be made publicly available. Data collection should also assess gender specific harms and harms on Indigenous Peoples.⁴⁵⁶ Require mining companies to develop and implement remediation plans where contamination is found to have occurred.
- Ensure meaningful and sufficiently resourced consultations are carried out with all potentially impacted communities, including communities downstream of the mining project. Ensure that members of the impacted communities are not precluded from taking part in the process due to perceived or actual opposition to mining operations, gender, distance, literacy in a language, or any other circumstance. Ensure the project proponent(s) provide communities with access to meaningful information about the potential risks as well as potential benefits of a project ahead of consultations, so that people are able to make informed decisions. Require that environmental impact assessments and all other relevant project documentation are made available to the public ahead of consultations. All information should be provided in accessible formats and made available in the language(s) understood by the community.
- Require mining companies to provide full, independently verifiable financial sureties for clean-up and reclamation before operations begin and enact measurable and enforceable reclamation criteria that meet or exceed international standards. Ensure impacted communities are meaningfully consulted in relation to mine rehabilitation.
- Perform a comprehensive forest inventory to assess and quantify the damage caused by mining activities, in order to evaluate impacts on the environment and human rights, providing a basis for more accurate damage assessment and remediation planning.

⁴⁵⁶ The UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has called on states and other stakeholders to “ensure human rights-complaint data collection on environmental and climate impacts, disaggregated on the basis of race, ethnicity and national origin.” See: UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, *Ecological Crisis, climate justice and racial justice*, para 80.

TO THE NCIP

- In all cases where Indigenous Peoples are potentially affected, ensure that communities are meaningfully consulted in order to obtain their FPIC before permits are issued and the project commences. Consultations should be with Indigenous Peoples' designated representative institutions/leaders, and conform to formats, processes and timelines determined by the Indigenous Peoples. Where the Indigenous Peoples group has an FPIC protocol, this should be used. Customary decision-making, such as consensus building, should be respected. If consent is withheld or later withdrawn, the project should not continue.
- Uphold the rights of Indigenous Peoples by ensuring that any planned or actual activities do not cause damage to their culture, livelihood, and traditional ways and practices. Ensure that ancestral domains are protected, and that no projects with adverse impacts are allowed within these areas. Projects should align with the recognition and protection of ancestral domains as outlined in relevant laws and regulations.

TO LOCAL GOVERNMENT UNITS

- Continuously review compliance of nickel mining projects and withhold issuance, or revoke business permits, of mining companies that are found to be causing or contributing to human rights and environmental abuse.
- Ensure meaningful and effective consultations are carried out with all potentially impacted communities in the development and implementation of nickel mining projects. Ensure that members of the impacted communities are not precluded from taking part in the process due to perceived or actual opposition to mining operations, gender, distance, literacy in a language, or any other circumstance.
- Conduct a thorough review of existing nickel mining projects to determine whether such projects are in compliance with existing environmental and local governance laws.
- Protect remaining natural forests to maintain ecological balance and resilience and ensure livelihoods of surrounding communities, the health of watersheds, and protection against natural disasters and climate change. Ensure that conservation efforts are robust and prioritise the long-term sustainability of natural forests.

TO CONGRESS

- Adopt the Alternative Minerals Management Bill and legislation to establish accountability mechanisms that cover mining companies and other enterprises across the value chain, including mandatory human rights and environmental due diligence regulation. Review the mechanisms on FPIC under IPRA and their operationalization to ensure compliance with both the legislative intent of protecting Indigenous Peoples' rights over their ancestral domains, and international law.
- Enact an enabling law to the constitutional right to freedom of information so that communities impacted by mining projects and other stakeholders can access relevant documents and information, such as environmental impact statements.
- Review existing legislation to strengthen environmental protection and human rights safeguards. Ensure that the protection of human rights and the environment takes precedence over the business interests of companies.

RECOMMENDATIONS TO COMPANIES

TO ALL NICKEL MINING COMPANIES IN PHILIPPINES

- Ensure operations do not harm human rights and the environment by assessing the salient risks, proactively taking preventative measures, restoring areas where environmental impacts have occurred and sustainably rehabilitating sites once mining operations have ceased. Work in equal partnership with affected communities to prepare social, environmental and biodiversity impact assessments, avoid any impacts on critical, endangered or irreplaceable ecosystems, and remediate or mitigate to the fullest extent possible any other adverse impacts, whilst respecting and maintaining affected communities' place within and relationship to the living environment.
- Adopt and implement human rights policies that commit to respecting human rights in line with international standards. Make these policies publicly available and communicate them to all potentially affected stakeholders and suppliers in its supply chains.
- Conduct ongoing due diligence to identify, prevent, mitigate and account for negative human rights and environmental impacts resulting from their operations or as a result of their business relationships with other actors. Due diligence should include the incorporation of UNDRIP, in addition to ongoing monitoring to assess contamination of the air, water and soil, and health impacts linked to operations. Companies should be transparent about their due diligence processes and findings.
- Disclose in a timely manner all relevant information about the project, including relevant project documents and all potential impacts on human rights and the environment. Ensure information is accessible and made available in the language(s) of the impacted community prior to consultations.
- Conduct genuine and meaningful consultations with all potentially affected rights-holders, including women, at critical phases of project planning, implementation, monitoring and rehabilitation. Ensure respect for Indigenous Peoples' rights, including their rights to FPIC, to define the process by which FPIC is achieved and to withhold consent. Mining operations that affect Indigenous Peoples should not go ahead if FPIC has not been obtained in line with international standards.

TO MINING OPERATORS NAMED IN THIS REPORT

- Immediately investigate and address human rights and environmental abuses documented in this report, in good faith, and in consultation with impacted communities, and provide effective remedy where adverse impacts are identified. Remedies should take into account and assess communities' demands for adequate compensation, health monitoring and treatment, and provide guarantees of non-repetition.
- Halt all operations until genuine consultations have taken place and proof is provided that their operations are safe and not harmful to human rights and the environment.
- Companies operating in Brooke's Point must halt all operations until genuine FPIC has been obtained. If consent is withheld, operations must not continue and the company should disclose its plans to responsibly disengage, including sharing a timeline and plans for disengagement

TO DOWNSTREAM COMPANIES

- As a matter of urgency, conduct transparent value chain human rights and environmental due diligence for nickel and other energy transition materials to understand any potential or actual human rights risks. This should include mapping and publicly disclosing supply chain information that covers each stage of the supply chain, including raw material suppliers. Take remedial action, in cooperation with other relevant actors, if human rights abuses have occurred at any point in a supply chain relationship.
- Publicly disclose corrective measures taken to mitigate and address human rights and environmental abuses in the battery mineral supply chain, including results of such actions. Disclose engagement with relevant stakeholders, the effectiveness of company grievance mechanisms and any efforts to influence suppliers to uphold human rights standards.
- Publicly disclose due diligence policies and practices in accordance with international standards, including how human rights, environmental and climate risks are identified, prevented and addressed in global operations. Review human rights due diligence policies and practices and take action to address gaps. Close attention should be given to gender responsive due diligence as well as Indigenous Peoples' rights.
- Adopt human rights policies that commit to respect of human rights, in line with international standards, throughout the value chain. Policies should include requirements to inform all potentially impacted of the potential risks and benefits of a project and engage all potentially impacted communities through culturally appropriate consultations, prior to and throughout the lifecycle of a project. Policies should include explicit commitments to respect Indigenous Peoples' rights, including the right to self-determination and adherence to FPIC requirements.
- Publicly support legislative reforms aimed at adopting national human rights and environmental due diligence and refrain from lobbying against such reforms.

TO INVESTORS

- Undertake an investigation of adverse human rights and environmental impacts of nickel mining supply chain companies within your holdings to ensure investments do not contribute towards human rights and environmental abuses. As a matter of urgency, prioritize an investigation into holdings with operations in the Philippines. Report publicly on the findings, all steps being taken to address the issues, and a timeline for completion.
- Raise concerns with the companies included in this report and use or seek to increase leverage as required by the UN Guiding Principles, to demand action to address the abuses. File shareholder resolutions oriented towards exposing and remedying unaddressed human rights abuses where appropriate, and end relationships with investees if they fail to take meaningful action within a reasonable period.

ANNEX 1: MINE OPERATOR RESPONSES



RESPONSE OF IPILAN NICKEL CORPORATION

1. Please provide details of the process of obtaining Free, Prior and Informed Consent (FPIC) from Indigenous Peoples (IPs) in relation to the Ipilán Nickel Project. Please include details of timelines of engagement, barangays included, information provided to concerned communities, copies of meeting notices, records of meetings and meeting minutes, memorandums of agreement and written consent (if given), the Certification Precondition (if issued) and all other relevant documentation.

Below is the schedule of the series of consultations conducted by the Palawan Provincial Office of the National Commission on Indigenous Peoples (NCIP Palawan) leading to the signing of FPIC MOA's with the six (6) barangays covered by the ancestral domain of INC's MPSA (see attached IP Affairs file for more details).

Item	Barangay	1st Community Consultative Assembly (CCA)	2nd Community Consultative Assembly (CCA)	Consensus Building	Decision Meeting
1	Calasaguen	July 14, 2022	July 20, 2022	Aug 4, 2022	Decision making happened during Consensus building
2	Maasin	July 13, 2022	July 18, 2022	Aug 2, 2022	Aug 16, 2022
3	Mambalot	July 12, 2022	July 17, 2022	Aug 3, 2022	Aug 17, 2022
4	Ipilán	July 11, 2022	July 16, 2022	July 29, 2022	Aug 15, 2022
5	Barong Barong	June 30, 2022	July 9, 2022	Aug 5, 2022	Aug 19, 2022
6	Aribungos	June 29, 2022	July 15, 2022	July 28, 2022	Decision making happened during Consensus building

2. As part of the FPIC process for the Ipilán Nickel Project: a. Was it made clear to the concerned IPs that not proceeding with the mining project was an option and they could withhold consent? b. Were all concerned IPs engaged, or a group of people who supposedly represent the concerned IP communities? If a representative group, please explain how individuals of this group were selected and how this aligns with IP community political

Response from Ipilán Nickel Corporation



structures. c. Were environmental impact statements, environmental compliance certificates and other relevant project documentation provided to the IP community(ies) in advance? Please provide a copy of the project's environmental impact statement. d. How was customary decision making incorporated into the process?

a. **Yes.**

b. **Yes.**

c. **Environmental impact assessments and mitigating measures, ECC and other documents/compliances were discussed during the 2nd CCA.**

d. **The participants were asked by the facilitators (FPIC Palawan personnel) to raise their hands for voting with regards their consent for INC's project. During consensus building, the participants (IPs) were asked if they opt to proceed with the decision making or if they wish to have another meeting for that purpose.**

3. Does INC undertake ongoing due diligence to evaluate any potential human rights and environmental risks linked to its operations in Brooke's Point? If yes, please provide details, including what steps INC has taken to: i) mitigate potential human rights and environmental risks identified as part of its due diligence; and ii) remedy adverse impacts. If not, why?

Yes. Weekly and monthly monitoring/inspection of siltation ponds are religiously done by INC staff. Additionally, the Multi-partite Monitoring Team (MMT) composed of various stakeholders in INC's area of operations conducts quarterly inspections and meetings pertaining to compliance, issues, and concerns.

4. Is INC conducting any ongoing or periodic testing of the air, soil and water sources that impacted (direct and indirect) communities rely on? If so, please provide details and the results. If not, why?

Yes. These activities form part of INC's Environmental Protection and Enhancement Program (EPEP) as approved and regularly monitored by the MGB-DENR.

5. Is INC monitoring communities' access to water? If so, please provide details. If not, why?

NO as INC does not use abstracted water in its operations. INC only uses recycled water from the run-off that accumulates in the Siltation Ponds (SPs). The recycled water is then used for dust suppression activities through road watering.

Response from Ipilan Nickel Corporation



But INC constantly monitors adjacent surface waters and ground waters to test if its quality state (physico chemical characteristics and heavy metals) is within the required parameters based on PSIC Code 7294 under DAO 2016-08.

6. What actions has INC taken to prevent contamination of local water sources, fisheries, farmland and communities stemming from its operations?

INC strictly adheres to all actions/measures contained in its EPEP to help safeguard the environment and the local community.

It has established a robust system for close monitoring of rivers and tributaries in the vicinity of its activities. This includes:

Close Monitoring: INC conducts regular and meticulous monitoring of the rivers and tributaries to track water quality and detect any signs of contamination promptly.

Installation of Silt Traps: For instance, along the provincial road, INC has installed a series of silt traps. These traps are designed to capture and contain silt, preventing it from flowing downstream and affecting the water quality and aquatic life. By strategically placing these silt traps along key points, especially where runoff from operations is most likely to occur, INC ensures that sediment is effectively managed.

Use of Geotextiles: Similarly, INC has installed geotextiles in the tributary of Bucay River. These geotextile barriers act as filters, ensuring that any silt or sediment is effectively removed from the water before it can spread and cause harm to the environment or local communities. The geotextiles in the Bucay River are part of an extensive effort to protect this vital waterway.

7. What current projects, programs and activities is INC implementing in host and neighbouring communities in Brooke's Point under the Social Development and Management Program? Please provide details, including a copy of the approved programs. a. Were communities and local government units consulted on the SDMP projects? If so, please provide details. If not, why? b. How does INC involve communities, local government units and other stakeholders in the implementation, monitoring and evaluation of SDMP projects? Please provide details, including how INC ensures participation from women, youth and older people within the community.
- a. Yes (See attached IEC presentation). Annual SDMP Planning/Consultation is conducted every 3rd or 4th quarter and attended by the Barangay LGUs of our host and neighboring communities as well as representatives from LGU-MPDO, education, religious, farmers, fisherfolks, Senior Citizen and PWD sectors.**

Response from Ipilan Nickel Corporation



b. LGU, BLGU and sectoral representatives were part of the Annual SDMP Planning and who plotted the projects, programs and activities (PPAs), subject for MGBs final approval. BLGUs are invited during the turnover of projects to the beneficiaries, and they are also part of the Project MOAs. During the regular audit conducted by the MGB, BLGU and beneficiaries are interviewed as part of the monitoring and evaluation process.

8. How are host and neighboring communities engaged and consulted as part of INC's Mine Rehabilitation Fund Committee? Please provide details, including how issues raised by the multipartite monitoring team are responded to and addressed.

The host and neighboring communities are represented by the LGU in the MRFC. Issues and concerns are raised and acted upon during the regular meetings with the MMT.

9. Does INC have grievance mechanisms available to communities affected by its operations? If yes, please provide details, including how these mechanisms are communicated to communities and how complaints are handled and responded to. If not, why?

Yes. Attached is a copy of the INC Grievance Mechanism Procedure

10. Amnesty International was unable to find a human rights policy for INC. Does INC have a human rights policy? If yes, please provide details.

Yes, INC has a Human Rights Policy which demonstrates its commitment to respecting human rights in all stages of its operations, guided by its core value of *malasakit*. The Company strives to create a safe and supportive environment for our employees, engage responsibly with our stakeholders, and contribute to the well-being of the communities where we operate.

11. What type of employment opportunities has INC provided or plans to provide to host and neighboring communities?

INC is the single largest employer in Brooke's Point. As of April 19, 2024, 1,725 residents of Brooke's Point make up 85% of INC's workforce. See attached IEC presentation for the manpower breakdown.

Response from Ipilan Nickel Corporation



ZDMC *Zambales Diversified Metals Corporation*

September 10, 2024

██████████
Head of Business and Human Rights
Amnesty International
1 Easton Street, London WC1X 0DW
United Kingdom

██████████
This is in response to your Letter dated September 6, 2024, regarding our company's human rights responsibilities. Your letter, initially addressed to our Vice President of Operations, Mr. Ramon Manuel R. Briones, was referred to me for further action.

In your Letter, you mentioned evidence showing that communities in Sta. Cruz have not been properly informed about the effects of nickel mining or adequately consulted on the matter.

Zambales Diversified Metals Corporation (ZDMC) has consistently ensured that communities are well-informed about the impacts of its nickel mining operations. Multiple public hearings were conducted, including with downstream communities, to openly discuss the project's potential impacts. Feedback from these discussions was integrated into the final Environmental Performance Report and Management Plan (EPRMP). Additionally, all relevant documents, including the EPRMP, are publicly accessible online for review.

In fact, over 300 residents from 15 affected barangays participated in public consultations for our Sta. Cruz and Candelaria Mining Expansion Project, which took place between March 8 and December 14, 2021.

Notably, Mr. Benito E. Molino, Chairperson of the Concerned Citizens of Sta. Cruz, Zambales (CCOS), attended the public hearing and actively voiced his concerns. For specific details on these public consultations, you may visit this link: https://eia.emb.gov.ph/wp-content/uploads/2021/11/ESP-English_ZDMC.pdf.

Before conducting our public participation activities, we made thorough efforts to inform the relevant communities about the scheduled public hearings.

Notices of Public Hearing were posted at key locations, including the Zambales Provincial Capitol, Candelaria Municipal Office, Punong Barangay Offices, the Community and Provincial Environment and Natural Resources Offices, the Human Resource Management Office at Iba Provincial Capitol, as well as local associations like Acoje Community Development Association (ACDA) and Acoje Sta. Cruz Residents Association Incorporation (ASCRAI).

The same notices were also placed at public areas like the Plaza Tricycle Operators and Drivers Association (TODA), Sta. Cruz Public Market and Sta. Cruz Hospital. Additionally, we published the notices on two separate days (November 29 and December 7, 2021) in a widely circulated national newspaper. For more details on our community transparency

3rd Floor DMCI Homes Corporate Center
1321 Apolinario Street, Bangkal, Makati City, Philippines 1233
Tel. Nos. 831-2309/0833 or 823-7963/8175 Fax Nos. 831-6241/6242

Response from Zambales Diversified Metals Corporation

efforts, please refer to this link: <https://eia.emb.gov.ph/wp-content/uploads/2022/01/Public-Hearing-Documentation.pdf>.

You also expressed concerns that ZDMC mining operations in Sta. Cruz are adversely impacting the community's right to a clean, healthy, and sustainable environment, as well as their health and livelihoods.

We have carefully reviewed the serious allegations outlined in the 10-page Annex you provided and would like to provide the following information to address and correct any misunderstandings or misinformation regarding our operations.

Water Contamination

The assertion of water contamination is vague and lacks specifics regarding the source or parameters that would link it to ZDMC's operations. However, we assure you that water sampling is conducted by the Multipartite Monitoring Team (MMT), which includes the Department of Environment and Natural Resources - Mines and Geosciences Bureau (DENR-MGB), DENR - Environmental Management Bureau (EMB), non-governmental organizations (NGOs), and local government units.

The samples are analyzed by a DENR-accredited third-party laboratory. Results consistently show that samples from ZDMC's discharge points are within DENR standards, confirming no environmental damage from its operations.

Farmland Contamination and Damage

ZDMC upholds a zero-discharge policy, with settling ponds designed to contain all runoff from areas impacted by mining.

A Regional Investigation Assessment Team (RIAT) concluded that ZDMC's operations were not responsible for the damage to farmlands and fishponds reported in 2014/2015. Despite the absence of liability, ZDMC voluntarily provided financial assistance amounting to ₱246,818.00 to the affected farm owners.

Flooding Due to Deforestation

ZDMC adheres to the Environmental Protection and Enhancement Programs (EPEP) and Annual EPEP of the DENR. This includes a 1:100 seedling replacement for every tree cut, participation in the Enhanced National Greening Project (eNGP), and compliance with the Mining Forest Program (MFP). Our efforts have led to notable recognition, including:

- 3rd runner-up in the 2021 Best Mining Forest (Philippine Mine Safety and Environment Association)
- Presidential Mineral Industry Environmental Award (PMIEA) - Platinum Award in 2021
- Presidential Mineral Industry Environmental Award (PMIEA) in 2023
- Presidential Mineral Industry Environmental Award (PMIEA) in 2023
- 2024 Greening Excellence Award (DENR-MGB Region 3)

These awards underscore our commitment to environmental stewardship and sustainable mining practices.

3rd Floor DMCI Homes Corporate Center
1321 Apolinario Street, Bangkal, Makati City, Philippines 1233
Tel. Nos. 831-2309/0833 or 823-7963/8175 Fax Nos. 831-6241/6242

Nickel Ore Spillage During Barge Loading

DENR-MGB representatives closely supervise ZDMC's barge loading activities, and no environmental violations have been recorded. Additionally, our port operations are monitored quarterly by the MMT to ensure adherence to the stringent environmental standards set by the Philippine government.

Water and Fish Supply Depletion

The allegation that ZDMC's operations are depleting fish and water supplies is entirely unsupported by scientific evidence. In fact, a comprehensive sediment flux study conducted by the University of the Philippines National Institute for Geological Sciences (UP NIGS) clearly demonstrates that ZDMC's mining activities have no impact on the water sources of nearby communities.

We would also like to emphasize that our mining operations are nowhere near coastal areas or fishing communities, discrediting any assertion that ZDMC's activities are linked to the depletion of fish supplies.

Respiratory and Skin Problems

Claims that nickel ore mining directly causes respiratory and skin problems are unsupported by scientific evidence when proper safety and environmental standards are followed.

ZDMC adheres to strict guidelines set by the DENR, including dust suppression methods and monitoring of air quality. Based on our regular health and safety assessments, air quality levels around our mining operations consistently meet regulatory standards, and no significant health risks related to respiratory or skin issues have been identified in the surrounding communities.

MMT Representation and Writ of Kalikasan Case by CCOSZ

The DENR-MGB is responsible for appointing members of the MMT. In cases where the CCOSZ was not included, it was due to the organization's own decision not to participate.

After the Supreme Court reinstated the Writ of Kalikasan case and remanded it to the Court of Appeals, the Court of Appeals dismissed the petition filed by CCOSZ in its Resolutions dated November 15, 2023 and April 22, 2024. CCOSZ subsequently appealed the dismissal to the Supreme Court, where the case remains pending.

SDMP as an Insufficient Remedy for Mining-Related Harm

Our Social Development and Management Program (SDMP) is designed to be more than just a compliance mechanism—it is a comprehensive approach to mitigate the social and environmental impacts of our mining activities.

Far from being an inadequate remedy, it drives meaningful change and development in affected areas. While it may not solve every issue, its impact is undeniable, fostering shared prosperity and long-term benefits for our host communities.

3rd Floor DMCI Homes Corporate Center
1321 Apolinario Street, Bangkal, Makati City, Philippines 1233
Tel. Nos. 831-2309/0833 or 823-7963/8175 Fax Nos. 831-6241/6242

Availability of ZDMC's Environmental Impact Statement (EIS)

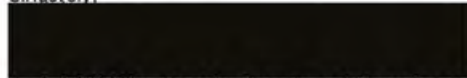
The EPRMP not the EIS, is the correct document for ZDMC's ECC expansion project and is lodged with DENR-EMB. Before finalizing the EPRMP, public hearings and consultations were conducted with both immediate and secondary communities, ensuring that all stakeholders were informed about the project's potential impacts before and during its operations. The discussions, reports, and feedback from these consultations formed the basis of the final EPRMP, making the process comprehensive and inclusive of community concerns.

Additionally, the draft EPRMP is readily accessible online and can be found using this link: <https://eia.emb.gov.ph/wp-content/uploads/2021/11/EIS-ZDMC.pdf>. This version is identical to the final approved EPRMP, ensuring full transparency and public availability of the document.

We hope the information provided helps clarify any misconceptions and demonstrates ZDMC's commitment to transparency, environmental responsibility, and community engagement.

We trust that Amnesty International will report this matter with fairness, taking into account the steps we have taken to address concerns and fulfill our obligations to both the environment and the communities we serve. Nonetheless, we welcome an opportunity to personally meet with you in our mine site to exchange meaningful ideas for the continued improvement of our operations.

Sincerely,



Asst. Vice President for Permits and Compliance

3rd Floor DMCI Homes Corporate Center
1321 Apolinario Street, Bangkal, Makati City, Philippines 1233
Tel. Nos. 831-2309/0833 or 823-7963/8175 Fax Nos. 831-6241/6242

Response from Zambales Diversified Metals Corporation



Ipilan Nickel Corporation

Penthouse, Platinum Tower, Aseana Avenue corner Fuentes St.,
Aseana, Paranaque City
Office: (632) 519 7888 Fax: (632) 519 7999

September 18, 2024

[REDACTED]
Deputy Director and Head of Business and Human Rights
Amnesty International Limited
1 Easton Street
London, WC1X 0DW
United Kingdom
[REDACTED]
[REDACTED]

Reply to Amnesty International letter dated September 5, 2024

We write in response to your letter dated September 5, 2024, requesting Ipilan Nickel Corporation (“INC” or the “Company”) to comment on Amnesty International’s research concerning the human rights and environmental impacts of our nickel mining activities in Brooke’s Point, Palawan.

In the letter, you assert that the operations of INC, along with other mining companies, have adversely affected the right to a clean, healthy, and sustainable environment, as well as the health and livelihoods of impacted communities.

NCIP Certification Precondition for the ongoing operations and renewal of the MPSA held by INC

In preparation for the renewal of its Mineral Production Sharing Agreement (MPSA) in 2025, INC filed an application for a Certification Precondition (CP) with the National Commission on Indigenous Peoples (NCIP) in 2022. Responding to the Company’s request, the NCIP engaged with the recognized Indigenous Peoples (IP) group in Brooke’s Point from June to September 2022, facilitating the Free and Prior Informed Consent (FPIC) process in accordance with NCIP guidelines.

Under NCIP MIMAROPA Work Order No. 05-22-13, a Pre-FPIC Conference was conducted to outline the FPIC process with both INC and IP representatives. This conference defined INC’s role as the project proponent and established a comprehensive schedule for FPIC-related activities, including a detailed Work and Financial Plan.

Following this conference, NCIP MIMAROPA approved a series of consultative assemblies across six IP barangays impacted by INC’s operations. In July 2022, the FPIC team facilitated these assemblies, allowing INC to present its mining project to the communities of Barangays Calasaguen, Maasin, Mambalot, Ipilan, Aribungos, and Barong-Barong. The assemblies were marked by strong engagement, with significant attendance and active participation from the IPs and other stakeholders. Following FPIC guidelines, the IPs had ample opportunities to express their concerns and seek clarification regarding the project. Representatives from the Sangguniang Bayan of Brooke’s Point and legal representatives from Palawan-based NGOs also contributed, fostering open dialogue on the project’s benefits and the Company’s strategies to mitigate any potential adverse effects on the community.

Response from Ipilan Nickel Corporation

The collaborative efforts between INC and the IP community culminated in the issuance of the FPIC and the execution of a Memorandum of Agreement on September 1, 2022. This agreement signified the IP community's free and prior informed consent to INC's operations and the renewal of the MPSA previously issued to its predecessor, CNMEC.

After a thorough review, NCIP issued Certification Precondition No. CP-R4B-2024-506 on September 11, 2024, confirming that INC met all procedural requirements under NCIP Administrative Order No. 03, Series of 2012. The issuance of this CP, following extensive consultation, representation, validation, and review, affirms the legitimacy of INC's mining operations and challenges the unfounded allegations of a small, disgruntled minority that your group may have consulted.

The NCIP's CP also confirms that the interests of the IPs have been well-protected since INC began its commercial operations. It states that the relationship between the Pala'wan IPs of Brooke's Point and Ipilan Nickel Corporation—including benefits such as royalties and community initiatives—will be comprehensively governed by the provisions of the Supplemental Memorandum of Agreement executed on June 1, 2024, and validated by the NCIP.

During the NCIP En Banc deliberation on INC's CP application in August 2024, a significant number of IP leaders and community members expressed strong support for INC's mining operations. They noted that while a few individuals oppose the project, they are a small minority, often influenced by external organizations or political entities fundamentally opposed to mining. This external influence can skew their perspectives and does not reflect the broader community's consensus.

It is important to recognize that the grant of consent is a democratic process, and differing opinions are natural in any community. However, what truly matters is that everyone has the opportunity for redress, a principle firmly upheld in the FPIC process. This process is not just a formality; it has been meticulously supervised and confirmed by the NCIP, with the active participation of the Department of Environment and Natural Resources (DENR), local government units, especially the barangays led by barangay captains, and various non-government organizations.

By supporting INC's operations, the majority of the IP community is not only endorsing responsible mining but also advocating for sustainable development that benefits all stakeholders. This collective voice is a powerful testament to the potential for progress that respects both the environment and the rights of IPs.

IP withdrawal of the Petition for the issuance of a Writ of Kalikasan and other cases against INC

We would like to address the recent concerns raised regarding the cases filed by IP members against INC and provide an update on their current status, along with clarifications on certain points.

The issuance of the CP rendered the Cease and Desist Order (CDO) issued by NCIP MIMAROPA in August 2023 moot and academic. The CDO was based on allegations that INC was operating without the corresponding CP from NCIP. However, this issue has been resolved, as the approved CP confirms that "*the Supplemental MOA, as validated by NCIP, governs the relations of the parties, including the distribution and enjoyment of benefits legally accorded to the host communities from the operation of CNMEC/INC for the years 2022 to 2025.*"

Regarding the Writ of Kalikasan filed by representatives of the IP group against the INC, the case is still pending and awaiting resolution by the Court of Appeals. Your assertion that the Supreme Court has already issued a decision on this case is incorrect. The Supreme Court's most recent order, dated March 14, 2024, simply referred the case to the Court of Appeals for the reception of evidence and trial.

There appears to be a misunderstanding in your attribution of a ruling by the Supreme Court in relation to the allegations made in the Petition for a Writ of Kalikasan. The Supreme Court has not yet addressed the substantive merits of the petition; it only issued a preliminary writ, which requires the respondents to submit their Verified Return or answer under oath. Notably, the Supreme Court denied the petitioner's request for a temporary protection order, indicating that the petition does not demonstrate an urgent or clear danger to the environment or to the legal rights of the IPs.

Importantly, the IP community has since withdrawn all cases against the INC, including the NCIP complaint and the Petition for a Writ of Kalikasan, as confirmed in a notarized General Resolution dated December 11, 2023. Additionally, in a separate notarized Affidavit, the IP group affirmed that this decision was made freely, without coercion or undue influence. This withdrawal was later formalized during the NCIP En Banc deliberation in August 2024, alongside a motion to dismiss the Petition for a Writ of Kalikasan.

Furthermore, contrary to your findings, INC has fostered and continues to strengthen its harmonious relationship with all stakeholders, including the impacted, neighboring, and IP communities.

Mitigating measures and regular monitoring activities

Highlighting INC's commitment to environmental compliance and sustainable development, the Company has employed and implemented various mitigating measures to minimize any adverse effects of its operations on the community. To address dust generation from its operations, INC deploys 10 water trucks along the mine site's main haul road (Figure Nos.1 and 2) and conducts monthly ambient air sampling to ensure dust control measures remain effective. All of the parameters passed the allowable standard (Refer to Figure No. 3).



Figure Nos. 1 & 2: Road Watering



Figure No. 3: Laboratory result of Ambient Air Sampling

As part of its Environmental Impact Assessment conducted for the issuance of the Environmental Compliance Certificate (ECC) in 2010, INC also mapped and identified key water sources within its tenement area.

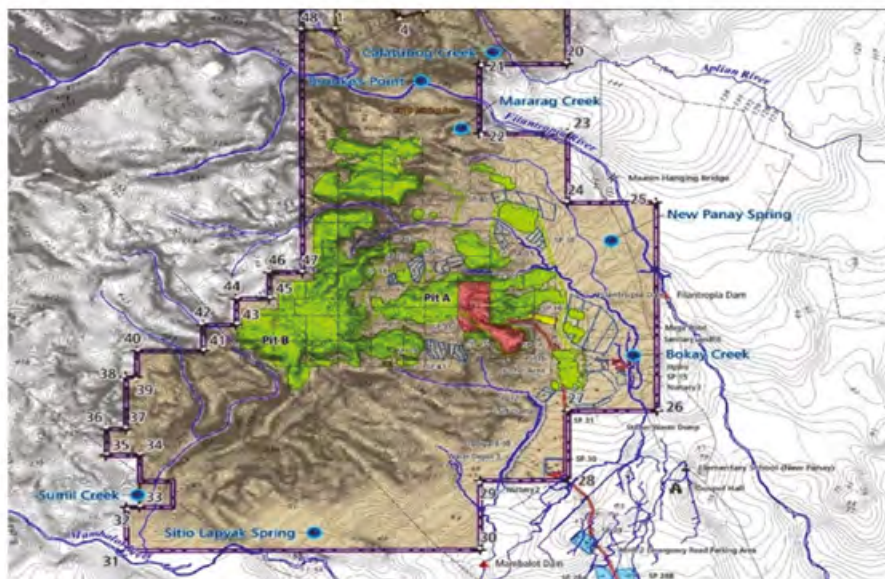


Figure No. 4: Showing Location of the different water sources within the INC Tenement area

Following the survey, mitigating measures were identified to minimize any potential adverse effects of INC's operations on the community. The survey also confirmed that INC's mining activities have no direct and significant impact on the water supply in the surrounding areas. In alignment with industry standards, INC has implemented proactive water quality monitoring, overseen by a multi-partite monitoring team, to ensure that the water quality consistently meets the stringent parameters established by

DENR DAO 2016-08 for Class C and Class SC classification. Likewise, INC conducts in-house monitoring of water sources, analyzing critical parameters such as pH levels, temperature, turbidity, and more, further demonstrating INC's unwavering commitment to environmental responsibility and the well-being of the surrounding community.

Contrary to unsubstantiated claims, there is also no concrete evidence supporting allegations that INC's mining operations have reduced lobster fry population in fish caught in Brooke's Point. As part of its bio-indicator project, INC regularly monitors and collects lobster fry from the coastal area to assess environmental health and ensure sustainability.



Figure No. 5: Collected Lobster fry for the Bio-indicator

Date	Species	Weight, Kg
May 3, 2024	Bisugo	4.2
May 10, 2024	Lapu-lapu, Pacol, Banak	2.1
May 17, 2024	Tulingan, Matambaka	2
June 1, 2024	Bisugo	1.25
June 14, 2024	Tulingan, Matambaka, Bisugo	6.2
June 28, 2024	Lapu-lapu, Bisugo	3.7
July 5, 2024	Bilaw-bilaw, Pacol, Lapu-lapu, Canopping	10
August 16, 2024	Banak	.5
September 13, 2024	Torsilyo, Banak, Matambaka	2

Figure No. 6: Record of Collected Fish at Causeway

The interview conducted to support your research seems to represent only a small minority of individuals, and the status of these individuals as genuine IPs is uncertain. In contrast, over 5,000 IPs, as validated by the NCIP, have endorsed the mineral project. These IPs affirm the legitimacy of our operations and our adherence to all applicable laws, including environmental regulations.

Let us not create unnecessary fear or chaos. Instead, we should foster a climate of positive change that promotes enduring peace, sustainable growth, and environmental protection for all stakeholders. The IPs have expressed their support through their FPIC, the NCIP has issued a CP for the Company's mineral project, and the municipality has granted INC a business permit. The Company is committed to meeting its obligations both within and beyond the required standards. Responsible mining is indeed achievable.

We hope these clarifications help ensure a balanced and objective representation in your research and related publications.

Thank you very much.

Very truly yours,

A black rectangular redaction box covering the signature of the President.

President



September 18, 2024

[REDACTED]
Deputy Director and Head of Business and Human Rights
Amnesty International, International Secretariat

RE: REPLY TO UPCOMING AMNESTY INTERNATIONAL PUBLICATION

Dear Deputy Director and Head of Business and Human Rights [REDACTED]

We acknowledge receipt of your communication dated September 5, 2024, regarding the forthcoming publication by Amnesty International, which discusses the human rights and environmental impacts of nickel mining operations, including those of MacroAsia Mining Corporation (MacroAsia) in Brooke's Point, Palawan. We appreciate the opportunity to provide a response and clarify the concerns highlighted.

MacroAsia is currently in the process of obtaining the approval of the Declaration of Mining Project Feasibility (DMPF) and the Notice to Proceed from the Mines and Geosciences Bureau (MGB), along with other necessary permits and licenses to commence the commercial mining operation of the Infanta Nickel Project.

MacroAsia's Regulatory Compliance

MacroAsia has consistently adhered to the required procedures and existing regulations regarding the social acceptability of its Infanta Nickel Project. Before commencing its exploration activities, MacroAsia obtained the consent of the Indigenous Peoples through a Memorandum of Agreement dated October 29, 2005, signifying their endorsement of the mineral exploration project and granting Free, Prior, and Informed Consent (FPIC).

Since the resumption of exploration in 2006, MacroAsia has undertaken various community development projects, with expenditures exceeding the requirements set by the Philippine Mining Act of 1995. Although still in the exploration phase and prior to commercial mining operations, MacroAsia has implemented numerous programs, projects, and activities as part of our Community Development Program (CDP) and Corporate Social Responsibility initiatives. These include scholarships, distribution of school supplies, construction of daycare centers and classroom extensions, donation of a library building, tree planting activities, livelihood programs, and medical and dental missions. These efforts reflect our commitment to social responsibility, sustainable development, and the protection of the rights of affected communities.

Free, Prior and Informed Consent (FPIC) Process

MacroAsia is steadfast in its commitment to complying with all legal and regulatory frameworks, especially those concerning Indigenous Peoples. We have diligently

7th Floor, Ricogen Building, 112 Aguirre Street, Legazpi Village, Makati City • Tel. No. (632) 8840 2001 • Fax No. (632) 8840 1892

Response from MacroAsia Mining Corporation



followed the FPIC process as mandated by the Indigenous Peoples Rights Act of 1997 (IPRA) and under the guidance of the National Commission on Indigenous Peoples (NCIP).

Our exploration project has been undertaken with due regard for transparency, as evidenced by the publicly available Environmental Impact Statement (EIS) and ongoing consultations with community representatives and local authorities. As mentioned above, MacroAsia obtained the consent of the Indigenous Peoples through a Memorandum of Agreement dated October 29, 2005, manifesting the endorsement of the mineral exploration project of MacroAsia and giving their free, prior and informed consent. Second FPIC process was conducted for the planned commercial mining operations of the company. A series of consultations with the IPs were conducted in April 2010. In April 2010, the Ancestral Domain of Pala'wan Tribal Community in Barangay's Ipilan, Mambalot, and Maasin, Brooke's Point issued a Joint Resolution of FPIC.

A series of Information, Education, Communication (IEC) campaigns and public consultations were also carried out prior to the issuance of Barangay and Municipal Resolutions which endorses full support to all projects of MacroAsia. Consultations and public scoping activities were carried out as part of the EIS process, ensuring the participation of various community representatives. Public hearing, attended by the communities, Environmental Management Bureau (EMB), and other stakeholders were conducted in compliance with Presidential Decree No. 1586 or the Philippine Environmental Impact Statement System (PEISS). Social Impact Assessment (SIA) was also conducted for the EIA and the formulation of the Social Development and Management Program (SDMP) of the company.

On February 1, 2023, the NCIP granted the Certification Precondition to MacroAsia. On December 1, 2023, the Department of Environment and Natural Resources (DENR) granted the Environmental Compliance Certificate (ECC), which was officially released on December 15, 2023.

While we acknowledge the concerns raised about the FPIC process, we emphasize that all required protocols were followed. We categorically deny any allegations of bribery or coercion during the process, which was conducted transparently with the involvement of legitimate Indigenous leaders. All steps taken in the process were under the strict supervision and guidance of the NCIP officials.

MacroAsia is committed to conducting responsible and ethical mining operations that respect and protect the rights of Indigenous Peoples, uphold environmental standards, and foster positive relationships with all stakeholders.

We hope this response provides clarity. Thank you.

Sincerely,

A black rectangular box redacting the signature of the President and Chief Executive Officer.

President and Chief Executive Officer
MacroAsia Mining Corporation

7th Floor, Ricogen Building, 112 Aguirre Street, Legazpi Village, Makati City • Tel. No. (632) 8840 2001 • Fax No. (632) 8840 1892

Response from MacroAsia Mining Corporation



September 30, 2024

[REDACTED]
Deputy Director and Head of Business and Human Rights
Diosdado Macapagal Center
Maimpis, San Fernando, Pampanga

Subject: Response to the Letter dated September 6, 2024

Dear Deputy Director [REDACTED]

We respectfully reply to the Letter of Amnesty International dated September 6, 2024 with regard to various observations made and results of research conducted about Nickel Mining in Sta. Cruz, Zambales. BRMC response is as follows:

1. A thorough examination of the Letter and the presented results of the conducted research on Nickel Mining in Sta. Cruz, Zambales reveals a persistent critique of the mining companies in Sta. Cruz, Zambales. Through emotive language, it is unfortunate, the letter will instigate distrust and confusion among communities concerned, who maintain varied perspectives on the mining practices within the region. At the receiving end of the community distrust and anger as falsely instigated will be the mining companies and DENR officials. Referencing studies conducted by Amnesty International highlights the said deviations from human rights and environmental impacts caused by the operations of BRMC and other concerned mining companies in Sta. Cruz, Zambales. adverse impacts of mining operations. The letter consistently attributes the adverse impact of mining, lack of information and consultations with concerned stakeholders prior to project operations to purported lapses and misconduct by the mining companies.
2. The conducted research/ study by Amnesty International was carried out without prior notification to regulatory agencies or the mining companies concerned. Lack of transparency regarding the study's nature, objectives, and discussions on its results with affected stakeholders raises questions about its validity. The study wrongly assumes and concludes that the mining companies are solely responsible for the alleged environmental degradation merely because of their presence and operations in Zambales. This overlooks the fundamental principle of due process. In the absence of such transparency and adherence to due process, the conclusions drawn in the Letter and the study's results, while rich in speculation, appear deficient in factual basis. Hence, they should be deemed baseless and flawed.
3. **Lack of Information and Inadequate Consultations:** The study indicates that many community members, including those in areas affected by the project, do not recall being involved in the Environmental Impact Assessment (EIA) process or receiving copies of the Environmental Impact Statement (EIS) document. Benguet Nickel Mines Inc., now Benguetcorp Resources Management Corporation (BRMC), followed the standard procedure in its application for an Environmental Compliance Certificate (ECC), as required under DAO 96-37 and the Environmental Management Bureau (EMB). The EIS document was presented to the concerned communities, local government units (LGUs), and stakeholders, and public consultations and hearings were conducted before the ECC was approved by the EMB. The documentation of the

Page 1 of 6

Response from BenguetCorp Resources Management Corporation



process and consultations was submitted to the Environmental Management Bureau (EMB) as part of the EIS document. Additionally, the various concerns raised by stakeholders during the consultation process were thoroughly documented. All identified impacts were addressed during the project presentations to the communities. The transcription of the minutes from these meetings serves as a credible indicator of the discussions held. The documentation of the process and consultations was submitted to the Environmental Management Bureau (EMB) as part of the EIS document. Additionally, the various concerns raised by stakeholders during the consultation process were thoroughly documented. All identified impacts were addressed during the project presentations to the communities. The transcription of the minutes from these meetings serves as unassailable proof of the discussions held.

4. Adverse Impacts of Mining. For its part, BRMC submits and maintains that it is fully compliant with regulatory standards on mining and environmental protection. It continuously implements Environmental Protection and Enhancement Program (EPEP) in the mine site. It did not only perform the necessary remediation works required by the MGB and EMB inside and outside its tenements (which does not equate to admission of liability for siltation of the river system, farmlands and fishponds), but it has undertaken the following measures of land and water resources protection and management, as follows:

- a. Recently, the MGB has recognized the company's effort to green the open areas / slopes, but evidence of these are deliberately not part of Amnesty International's snapshot collection. BRMC continuously carries out its ecological responsibilities through the active support of the Mining Forest Program of MGB, the National Greening Program, and the River Rehabilitation Program of the Department of Environment and Natural Resources (DENR). BRMC conducted Progressive Rehabilitation and Temporary Re-vegetation Programs (PRP/TRP) within its tenement and outside tenement for soil protection and management against soil erosion and siltation of adjacent river tributaries and water systems. The PRP/TRP areas were already validated by PENRO and CENRO wherein findings indicated that objectives were fully fulfilled and passed DENR Criteria.
- b. Moreover, the lateritic nature of the soil in Sta. Cruz due to weathering of nickel deposit means the river systems always and naturally turn red whenever there are strong rains based on the memories of old-time residents and this was before the advent of mining in the locality. A UP-NIGS study on sediment flux (2015-2016) monitoring in Sta. Cruz found that the increase in the sediment load of rivers / creeks during the wet season is due to natural erosion, upland kaingin, farming and other agricultural activities which are contributory causes.
- c. Recent water quality analysis conducted by Greentek Laboratory on June 3 to 4, 2024 (2nd Quarter of 2024), TSS, pH and other deleterious substances as above-mentioned were also within DENR Standards. The results are regularly submitted for quarterly review by the MULTI-PARTITE MONITORING TEAM (MMT) and the MINE REHABILITATION FUND COMMITTEE (MRFC) of the nickel project. The MMT is composed of representatives of MGB Region 3, EMB Region 3, DENR Region 3, Barangays Guisguis, Tubo-Tubo North, Tubo-Tubo South and Binabalian, Provincial Environmental Office (ENRO) and Farmer Association and other NGOs. All water quality monitoring results are within DENR-set standards.

Page 2 of 6

Response from BenguetCorp Resources Management Corporation



- d. BRMC previously engaged third parties to conduct research and studies on the impact of its mining operation on the environment. BRMC has technical and scientific evidence to prove that its mining operation abides by the rules and regulations set forth by the concerned government agencies and institutions. Independent studies and monitoring by third-party experts show that the effect of siltation from mining activities is minimal. Regular water sampling and testing supervised by the regulatory bodies have indicated that water discharge / overflow from the mines are consistently within DENR standards.

The independent study on the impact of BRMC's mine operation on the ambient water quality in the areas within / adjacent to its tenement which was conducted on September 03, 2017, by GAIA SOUTH INC. (GAIA), an independent environmental Consultant, the results of the sampling / testing as submitted to CRL Laboratory showed that observed values for color, TSS and pH were all within DENR standards, while the concentration values for toxic and other deleterious substances (arsenic, cadmium, lead, manganese, nickel) were below detection limit prescribed in DENR Administrative Order (DAO) No. 2016-08 (re: Water Quality Guidelines and Water Effluent Standards). GAIA studied the environmental impact by using parameters for analysis based on DAO 2016-08 for nickel operating mines and surface water quality assessment including color, pH, Total Suspended Solids (TSS) and presence of heavy metals. Turbidity was also analyzed for the determination of siltation along surface water in the area.

- e. The Bureau of Fisheries and Aquatic Resources (BFAR) conducted a Participatory Coastal Resource Assessment (PCRA Reports on the Municipality of Sta. Cruz, Zambales) in 2009 on eleven (11) coastal barangays, it mentioned mangroves, fish visual, seagrass beds, beach forest, and corals. Below is a snapshot of their finding:

"Based on the data gathered from the actual habitat assessment of the 11 coastal barangays of Sta. Cruz, Zambales, the habitats are threatened by the illegal activities as pointed out by the respondents. Of the 11 barangays, only 4 barangays were able to display the presence of coral reefs with satisfactory results. Even though the rating of the coral reef habitat is in the fair condition (26% live hard coral cover), it is still in the borderline and is more subjected to rapid degradation. Not to mention that the other 7 barangays have no existing coral reefs to which the cause of these absence of coral reefs were pointed out also as the product of illegal activities done. Dynamite fishing, cyanide fishing, posted grave threats to the coral reefs habitats and the diversification of fish species in the municipal waters. The results also show that there is high diversification of fish species, with a total of 19 fish species identified."

These scientific findings made by the appropriate government agency clearly belies the negative allegations against the mining companies operating in Sta. Cruz, Zambales about the coastal situation in Sta. Cruz. The malicious statements blaming altogether the operation of the mining companies as the cause of the coastal water degradation is an outright affront to the sensibilities of the good citizens of Sta. Cruz who depend on mining for their livelihood.

Page 3 of 6



In relation, another Report on coastal resource assessment by the BUREAU OF FISHERY AND AQUATIC RESOURCES (BFAR) presented on October 26, 2015 by BFAR Regional Director Wilfredo Cruz to MGB Region 3 showed that water parameters in the Sta. Cruz area remain within safe optimum levels for fish and other aquatic products to thrive. There was a slight increase in silt depth possibly contributed by domestic activities, river run-offs and natural erosions particularly from geo-hazard areas brought about by natural calamities.

- f. It cannot be denied that there are silt in the river systems. Sta. Cruz is laden with nickel deposits which have been in existence ever since - this too cannot be denied. Through the years and due to the natural effect of weathering and erosion, the silt from the mountains of Sta Cruz found their way into the lowlands, farmlands, coastal areas, and river systems. In the focus to identify as well as the desire to seize opportunities to help protect and lessen the impact to the environment, the mining companies constructed and enhanced the capacities of its engineering structures (settling ponds, silt traps, drainage canals) for run-off and siltation mitigation; desilted and scraped claimed silted farmlands and fishpond areas and river systems.

The mining companies have compensated the affected farmers in the amount to Php 3.2 Million even if there was no definitive findings of liability has conveniently been left out in the allegations of NGOs like CCOSC the fact that mining companies, even in the absence of scientific evidence, continuously implement precautionary measures and takes immediate action to prevent any occurrence of environmental risk even when operations were suspended.

Also, a lot of old residents of Sta Cruz have already belied the claims about the river systems. They openly declare that the "color" of the water in the river system turns red on every occasion of strong rains - even before the advent of mining. The changes in the environment brought about by the increasing effects of climate change, types and conditions of soil morphological structures in Sta. Cruz, Zambales and rampant kaingin - slash and burn agriculture in the mountains also contribute to aggravate soil erosion. This has been going on for decades and through time.

- 6. Monitoring, Grievance Mechanisms and Remedies.** BRMC's operations have been regularly subjected to quarterly monitoring by the Multipartite Monitoring Team (MMT) and the Mine Rehabilitation Fund Committee (MRFC). These inspections and evaluations involve the Mines and Geosciences Bureau (MGB), Environmental Management Bureau (EMB), relevant government agencies, PENRO, CENRO, local government units (LGUs), and non-governmental organizations (NGOs). Findings and recommendations from both the MMT and MRFC, along with action plans, are regularly reported.

Presently, the evaluation of mining operations is carried out on a routine basis by various concerned agencies, such as MGB R3, EMB R3, MGB Central, and DENR Region 3, Biodiversity Management Bureau (BMB). These evaluations include the Multi-Partite Monitoring Team (MMT) and Mine Rehabilitation Fund Committee (MRFC), which engage with stakeholders to ensure transparency in operations and assess their impact.

Page 4 of 6

Response from BenguetCorp Resources Management Corporation



MGB R3 has mandated the updating of the Sediment Flux Studies (2023 and ongoing) to determine the effects of mining operations on the sustainability of water quality in adjacent river systems and associated bodies of water within the mine site. Regular monitoring of water quality is conducted, with results consistently meeting DENR standards for both ambient water quality and base metal contents. It is therefore strange that Amnesty International's research contradicts these consistent findings and the results of third-party monitoring and assessment.

The MGB has revised the MMT Guidelines and Manual of Operations to include Grievance Mechanism Guidelines, which address concerns raised by the community and stakeholders regarding the mining company's operations. These action plans, as well as the outcomes of any mitigation or enhancement measures implemented, are discussed regularly. MMT Compliance Reports are also submitted to the MGB and EMB and are reviewed and approved by the MRFC during its regular meetings.

Each year, programs covering safety, health, environment, and social development are prepared, and submitted for approval by the relevant communities and members of the MRFC. The progress and accomplishments of these programs are regularly monitored and reported to the MMT and MRFC for evaluation and feedback. Compliance with policies, laws, rules, and regulations is also regularly audited by the MGB and EMB through SHES (Safety, Health, Environment, and Social Development) audits conducted by the government agencies' respective central and regional offices.

The mining companies, pursuant to their sustainable policy have made the commitment to preserve and restore the natural environment throughout the life cycle of the mining operations. They have included Coastal Environment Enhancement Projects (CEEP) in its Annual Environmental Protection and Enhancement Program (AEPEP) and continuously conduct coastal clean-up and mangrove planting activities along the coastal areas of Sta. Cruz, Zambales. BRMC entered into a Memorandum of Agreement with the government on the conduct of River Rehabilitation Programs and Activities on the adjacent river systems where the Company's MPSA is located. The obligations have been embraced by BRMC regardless of who is at fault and responsible for the siltation.

7. **Failure of Mining Companies to Respect Human Rights.** On April 10, 2015, the Commission of Human Rights (CHR) accompanied the Mongolian Human Rights Commission on a study trip to Iba and Sta. Cruz, Zambales. The Anti Mining Groups were given the opportunity to speak and again lambasted all stakeholders of the mining industry in Zambales. ██████████ presented a scenario wherein Sta. Cruz had become a God-forsaken town because of mining. The field trip from Iba to Sta Cruz with the CHR visitors from Mongolia was done in the afternoon. It would have been an excellent opportunity for him to show to the CHR and the foreign visitors how mining disregards human rights and how it wreaked havoc in Sta. Cruz - as what the Anti Mining Groups represented by ██████████ claims. However, ██████████ declined to accompany and attend the field trip for doing so would have exposed his lies and deceptions. Sta. Cruz turned out not to be what ██████████ pictured it to be to the CHR delegates. *CHR visitors even commented that the Mining Companies are doing "Good Mining Practices"*- the CHR and the foreign visitors can attest to it.

In the CHR presentation, the Anti-Mining Groups claimed that coastal devastation reached as far as 30 nautical miles from the shorelines of Sta. Cruz. The 2013 study

Page 5 of 6



of BFAR as commissioned by the Philippine Navy states no such devastation. We quote from the report:

"2. Location: Mouth of Sta. Cruz River, Sta. Cruz, Zambales

...The site was characterized with sandy bottom, lower salinity and an observed murky patch north side of station 5 situated at the center of the river mouth. Little amount of silt was measured only in Station 4 and no silt on other stations."

*"3. Water Quality Parameters at Brgy. Bolitok and Sta. Cruz River, Sta Cruz, Zambales. Water parameters in the area were found to be in safe optimum levels for fishery ... Salinity at parts per thousand (ppt) of salt per liter of water ranges 31 to 33 and is normal for marine water. Water samples were collected for laboratory analysis where ammonia (unionized) mg/l NH₃-N, nitrite, phosphate and alkalinity were obtained. **Parameters were found to be within safe optimum levels.**"*

The commitment of BRMC to practice responsible mining and protect the environment is indisputable. It has received awards and recognition for conducting its business in a responsible and sustainable manner.

BRMC operates in an environmentally sustainable manner in partnership with its stakeholders to create lasting benefits to the communities and to the country. The majority of the citizens of Sta. Cruz have already spoken. We and the other mining companies will abide in the conduct of "RESPONSIBLE MINING" because we nurture the communities and environment where we operate.
We remain.

Very truly yours,
BENGUETCORP RESOURCES MANAGEMENT CORPORATION
By:


VP-Resident Manager

Page 6 of 6

Response from BenguetCorp Resources Management Corporation

ANNEX 2: OTHER COMPANY RESPONSES

Outlook

RG answer to Amnesty questions on due diligence Nickel Philippines CATL

From [REDACTED]@renault.com>
Date Tue 01/10/2024 08:06
To [REDACTED]@amnesty.org>
Cc [REDACTED]@renault.com>

CAUTION External Sender Exercise caution opening links or attachments. Do not provide login details.

Dear Amnesty team, [REDACTED]

As requested, please find answer to the questions of your letter.

1. Does nickel in Renault's products originate in the Philippines? **NO : we have not identified Nickel sourced from Philippines in our supply chain.**
2. Does Ningbo Lygend Wisdom Co., Ltd. process nickel within Renault's supply chain? **Not identified.**
3. What steps are you taking to map your nickel supply chain in the Philippines?
 - a. Sustainable procurement department has proceeded to the documentation of your questions with CATL mentioned in your letter.
 - b. **CATL confirmed to Renault Group that the nickel for Renault batteries is not coming from Philippines (written report)**
 - c. Renault Group is actively working to complete its battery supplier chain due diligence for EUBR (08-2025)
4. Has Renault conducted any due diligence to evaluate any potential human rights and environmental risks in its nickel supply chain from the Philippines?
 - a. Renault Group launched a study with a consulting firm in order to draw up a Risk Mapping "Raw material/Country" on 18 ores, including cobalt, lithium, nickel, manganese and natural graphite, which are used in batteries. This mapping will be finalised in 2024. It will be based on an ESG risk assessment methodology using public and transparent indicators and will support a better identification and prioritisation on Environment / Health – Safety / Human Rights and Governance risks according to ore and country.
 - b. A 1st study has been conducted by the coalition RECORD in 2023. The public release of a this [study \(report in French only\)](#) with a shared presentation [here](#)
 - c. Philippines had been identified in this study. Amnesty International research on nickel mining in the Philippines (letter 24 sept 2024) had been shared with supplier and consulting firm.


Thank you for alerting us. We acknowledge the precise and transparent work carried out as part of this study. Renault Group always need to improve its due diligence. Renault Group has increased its number of audit and will pursue efforts.

Regards

[REDACTED]
Sustainability performance & dialog GM
Renault Group

Confidential C

Response from Renault

 Outlook

RE: Right of reply ahead of upcoming Amnesty International publication

From [REDACTED]@tesla.com>

Date Tue 01/10/2024 19:16

To [REDACTED]@tesla.com>

Cc [REDACTED]@amnesty.org>

 **CAUTION External Sender** Exercise caution opening links or attachments. Do not provide login details.

Dear [REDACTED]

As per our Impact Report, we map our nickel supply chains up to the mine. In our Impact Report, we disclose our nickel refiners, smelters and mines on p. 122. As you can see, the sites in your report are not part of those sources.

Thank you,

Best,

[REDACTED]

Response from Tesla



VIA ELECTRONIC TRANSMISSION

██████████
Deputy Director and Head of Business and Human Rights
Amnesty International, International Secretariat
1 Easton Street
London, WC1X 0DW
United Kingdom

October 7, 2024

Dear ██████████

Thank you for your letter to Ford Motor Company (Ford) regarding the summary of findings in the upcoming publication on the environmental and community impacts of the nickel industry in the Philippines. At Ford, we are committed to protecting the environment and respecting human rights everywhere we operate and throughout our entire value chain.

We are making breakthrough electric vehicles (EVs) with unprecedented value for our customers. They are powerful, quiet, connected, and, of course, Built Ford Tough. The benefits go beyond mobility—the fully-electric F-150 Lightning can export electricity to power a jobsite, a campsite, or even your entire home when the power goes out. As we take leadership of the EV revolution, we are committed to responsibly sourcing our raw materials.

Ford has a long history and commitment to respecting human rights and the environment, as demonstrated by our global leadership on this topic. This commitment stems from our purpose of helping to build a better world and continues to guide our decision-making and actions both today and in the future. We are shaping the future of mobility – one that’s inclusive, equitable and sustainable. And we are transforming our company keenly focused on people and the planet. We recognize we have a long way to go, but we are definitively on **the road to better**.

We adopted our first Human Rights Policy in 2003, applying it to not only our business but also extending it to our suppliers. Today, our policy, [We Are Committed to Protecting Human Rights and the Environment \(“Corporate Policy”\)](#) reinforces our commitment to human rights and the environment and explicitly requires our suppliers to adopt and enforce similar policies and extend them to their own supply chain.

Ford World Headquarters
1 American Drive
Dearborn, MI 48126

Response from Ford

We also require that our suppliers follow our [Supplier Code of Conduct](#) (“Supplier Code”), which is aligned with our Corporate Policy. To verify supplier compliance, we conduct due diligence by first assessing risk of our supply chain, then conducting environmental and social responsibility audits, requiring compliance reporting, training of our employees and suppliers, and conducting third-party validation of policies.

We are proud to be recognized for our longstanding commitment and leadership in Human Rights. In 2022, the [Corporate Human Rights Benchmark](#) named Ford the top automotive company for the second time in a row, ranking Ford number 6 out of the 127 companies assessed. Additionally, [Lead the Charge](#) recognized Ford in 2023 as the leading automotive manufacturer for Human Rights & Responsible Sourcing and second overall for the entire benchmark of automotive companies.

Our response below provides additional details on the actions we take to assess our risk and conduct due diligence to identify and prevent human rights and environment issues in our business. Due to contractual responsibilities, we are unable to share our suppliers or their value chain information.

FORD MAPPING AND AUDITING EV BATTERY SUPPLY CHAIN

We have been mapping and auditing our EV battery supply chain since 2021 with RCS Global and expanded the scope to include plug-in hybrid electric (PHEV) supply chains. We focus on the raw material supply chains for nickel, lithium, cobalt, graphite and electrolyte. As of end of 2023, we conducted 43 supplier audits along five select battery supply chains at all tiers through to the mine sites. These initial audits identified and mapped 151 suppliers, including mine sites in Australia, Chile, China, the Democratic Republic of the Congo, Finland, Indonesia, Russia, and Turkey. No critical risks were identified during the audits. **The Philippines was not identified as a mine site source.**

Also, in early 2023, along with our suppliers, we also underwent a responsible sourcing audit of our nickel, lithium and cobalt OECD due diligence management systems. We continue to work to close gaps identified. We will publicly provide an update for 2024 results of our supply chain auditing program with the release of our 2025 Integrated Sustainability and Financial Report.

We are also proud to be the first U.S. automaker to join the Initiative for Responsible Mining Assurance (IRMA), which works to advance responsible mining practices, including third-party verification and community engagement. As part of the process to source IRMA certified mined material, suppliers must substantially meet 40 critical requirements and have corrective action plans to indicate how they will fully meet the requirements within a specific time period to claim an IRMA achievement level. These critical requirements relate to the areas of business integrity, planning and managing for positive legacies, social responsibility, and environmental responsibility.

ESG EXPECTATIONS WITH DIRECT SOURCING OF CRITICAL RAW MATERIALS

Ford is taking an important first step to secure raw materials directly from mining companies, and we are building a new EV supply chain that is geographically diverse. We are working to ensure that these battery materials meet our ESG standards and expectations that are aligned with our Corporate Policy and our Supplier Code.

We conduct ESG due diligence throughout the sourcing process. Prior to any contracts, we are conducting due diligence with, initial ESG risk assessments based on location and materials, third-party validated Sustainability Self-Assessment Questionnaire, and reviewing company specific ESG performance to understand their public commitments to respecting human rights, protecting the environment and being a good community partner.

In our agreements with suppliers, we require alignment with and performance that reflects Ford's ESG expectations and meets the expectations of our Supplier Code of Conduct. We request our suppliers to source raw mined materials from supply chain companies that commit to and/or are certified by IRMA or equivalent. We also request processing facilities to apply similar independent or third-party standards from RMI that demonstrate their actions toward responsible sourcing. Finally, we require supply chain transparency to the raw materials as we work toward compliance with various current and upcoming global due diligence laws. This includes information related to the source of raw materials, due diligence conducted during the mining/processing of raw materials, and carbon footprint.

After we complete sourcing from a supplier, our due diligence work continues. We will work with them to ensure their actions meet our ESG requirements, which may include review of their alignment with our policies, insight into their management and risk assessment processes, independent audits, and transparency into their supply chain.

CONCLUSION

We appreciate the opportunity to respond with information on Ford's commitment to responsibly source raw materials. We are working in a way that puts Ford in a position to help make EVs more accessible for millions and to do it in a way that helps better protect people and the planet. For more information about the Road to Better and Ford's commitment to building a more sustainable, inclusive and equitable transportation future please see our [2024 Integrated Sustainability and Financial Report](#) or visit sustainability.ford.com. Should you have any questions or comments regarding our response, please contact me at rking25@ford.com.

Sincerely,



Director of ESG EV Battery Materials
Ford Motor Company

AW: Right of reply ahead of upcoming Amnesty International publication

From [REDACTED]@bmw.de>

Date Mon 07/10/2024 16:26

To [REDACTED]@amnesty.org>

Cc [REDACTED]

 **CAUTION External Sender** Exercise caution opening links or attachments. Do not provide login details.

Dear [REDACTED]

I hope this email finds you well!

Please find attached the BMW Group's statement in response to your questions.

The BMW Group does not have any direct supply relationships or cooperations with nickel suppliers from the Philippines. Our suppliers source their raw material independently. In accordance with our purchasing conditions, as direct suppliers they are obligated to comply with legal requirements and extensive environmental and social standards and must also pass these requirements and standards on to their sub-suppliers. If there are indications of possible violations in the supply chain, we clarify them and take action. However, we kindly ask you for your understanding that a full disclosure of specific supply chains is not possible due to both competition laws and contractual agreements.

The specific requirements of our suppliers are stated in our "supplier code of conduct", including responsible business practices. The supplier shall comply with all legal requirements that apply to its product and business operations, including those of antitrust and competition law, corruption prevention, money laundering prevention, export control, and data protection. Please find our current "supplier code of conduct" here: https://www.bmwgroup.com/content/dam/grpw/websites/bmwgroup_com/responsibility/downloads/en/2022/BMW-Group-Supplier-Code-of-Conduct-V.3.0_englisch_20221206.pdf

Concerning raw materials such as nickel, the BMW Group systematically analyses globally known and typical risks in connection with the extraction and processing of raw materials and derives appropriate measures. As part of our due diligence for our supply chain, the BMW Group continuously monitors compliance with requirements through procedures such as risk filters, media analyses and with supply chain mapping, among others. Please find detailed information on our general due diligence approach in the supply chain here: <https://www.bmwgroup.com/en/sustainability/supply-chain.html#ace-1476230647>

In addition, we have been active members for years in initiatives that develop standards for responsible raw material extraction and processing (smelting or refining), thus promoting compliance with environmental and social standards in raw material mining and processing facilities (e.g. IRMA and RMI).

Kind regards from Munich,

[REDACTED]

BMW Group

[REDACTED]
Corporate and Governmental Affairs
Purchasing and Supplier Network Communications

Response from BMW

 Outlook

RE: [EXTERNAL] Re: Right of reply ahead of upcoming Amnesty International publication

From [REDACTED]@gm.com>

Date Mon 07/10/2024 20:04

To [REDACTED]@amnesty.org>

Cc [REDACTED]

 **CAUTION External Sender** Exercise caution opening links or attachments. Do not provide login details.

Hi [REDACTED]

Thank you for the information you provided and for the opportunity to respond. We appreciate the efforts of Amnesty International to identify, investigate, and communicate concerns relating to nickel mining and automotive supply chains.

GM is committed to complying with the laws and regulations that apply to our business worldwide, and we have been public and steadfast in our commitment to sustainable and responsible sourcing of goods and services. GM's human rights-related policies—which are guided by the principles of the United Nations Global Compact, align with guidance from the ILO, OECD, and the UN, as well as industry guidance from, e.g., the Automotive Industry Action Group—offer detailed information on our approach to supplier due diligence, supply chain tracing, and supply chain management measures. We expect our suppliers to make similar commitments to the responsible sourcing of all minerals and materials in line with our [Conflict Minerals Policy](#), [Supplier Code of Conduct](#), and [Responsible Minerals Sourcing Policy](#). If we become aware of allegations of violations of applicable laws, our agreements, our Supplier Code of Conduct, or our policies, we act diligently to review and substantiate the allegations and we take appropriate action to remedy any issues, up to and including termination of supplier relationships. In this respect, we intend to review the information provided by Amnesty International and, if necessary, will take appropriate action.

Thank you again for your efforts on these critical issues.

[REDACTED]

Response from GM

 Outlook

RE: Right of reply ahead of upcoming Amnesty International publication

From [REDACTED]@jp.honda>

Date Mon 07/10/2024 01:26

To [REDACTED]@amnesty.org>;

Cc [REDACTED]

[REDACTED]

 **CAUTION External Sender** Exercise caution opening links or attachments. Do not provide login details.

Dear [REDACTED]

Thank you so much for your email.

And sorry for the inconvenient situation due to the late respond from our side, even though you sent us the kind reminder.

Could you please confirm the following our reply regarding your inquiries?

Note : [The original question is the text in blue.](#)

[Answer]

Honda does not purchase nickel. Its suppliers manufacture the parts that contain nickel, and Honda procures these parts.

In response to your question, the answers regarding the parts supplied by LG Energy Solution are as follows.

[1. Does nickel in Honda's products originate in the Philippines?](#)

For our automotive products, we are currently not receiving any parts from LGES.

We have confirmed that the nickel in the parts we plan to use in the future are sourced from Indonesia.

For our motorcycle products and power-product products, we are receiving the parts from LGES.

However, we have confirmed that the nickel in the parts from LGES are sourced from Indonesia and Australia.

[2. Does Société de Nickel de Nouvelle Calédonie et Corée process nickel within Honda's supply chain?](#)

The parts supplied by LG Energy Solution do not contain nickel produced by the Societe de Nickel de Nuouvelle Caledonie et Coree.

Response from Honda



AMNESTY INTERNATIONAL
INTERNATIONAL SECRETARIAT

1 EASTON STREET
LONDON WC1X 0DW
UNITED KINGDOM

Noumea, October 7th, 2024,

Réf. : SMSP/DG/SJ 2024-149

Dear Deputy Director,

We are following up on your letter dated 23 September 2024 in which you invite us to respond to the allegations set out in that letter and to inform you of the steps taken by SMSP to manage the issues identified and to assess the human and environmental risk involved in our supply chain in the Philippines.

First of all, you should know that an internal investigation has been requested from the subsidiary concerned, i.e. SNNC, which is jointly owned with the Korean company POSCO.

SNNC has confirmed that it has purchased ore shipments from the Philippines from the two companies mentioned in your letter, ERAMEN and ZDMC, via the trader GLENCORE.

First, we want to underline that, if SNNC called on these sources of supply in the Philippines, it is on an exceptional basis.

Indeed, SMSP, a company owned by the Northern Province of New Caledonia (<https://www.province-nord.nc>), is extremely concerned to ensure that its mining and metallurgical activities and those of its subsidiaries are operated in conditions that respect the applicable regulations in terms of social and environmental law.

Its business model is based precisely on this principle, since the nickel ore purchased by SNNC is supplied in its entirety by another SMSP and POSCO subsidiary, NICKEL MINING COMPANY ("NMC"), which is a New Caledonian company that operates mines in New Caledonia.

A long-term supply agreement has been entered into between NMC and SNNC (and approved by the New Caledonian Government) in 2008, under which NMC shall deliver more than 3 million tons of nickel ore per year to SNNC, corresponding to the latter's entire needs to produce ferronickel (which is then sold to POSCO).

Société Minière du Sud Pacifique (SMSP)

SA au capital de 394 863 200 F CFP - RCS 79 B 070 854 - RIDET n° 070 854

Siège social : Ouaco - 98817 Kaala Gomen - Nouvelle-Calédonie

Siège administratif : 9 rue d'Austerlitz - Immeuble SAM3

BP 66 - 98845 Nouméa Cedex

Tél. (+687) 28.13.53 - Fax. (+687) 28.15.67 - www.smssp.nc

Groupe SMSP

Koniambo Nickel SAS
Caledonian Chinese Mining Company SAS
SNNC CO LTD
Nickel Mining Company SAS
Cotransmine SAS
Société de Ouaco SARL

Response from SMSP

This economic model thus guarantees the traceability of ore supplies and compliance with the rules applicable in New Caledonia which are strict and efficient.

Indeed, New Caledonia is a French territory whose mining and environmental regulations are based on those applicable in France.

Compliance with these regulations by mining operators is strictly monitored by the administration, in particular by DIMENC (<https://gouv.nc/direction/industrie-mines-et-energie>) and the environmental departments of the relevant authorities (DDEE in the North Province <https://www.province-nord.nc/administration-provinciale> and DDDT in the South Province <https://www.province-sud.nc/page-votre-province/direction-developpement-durable-territoires-dddt>).

In addition to the applicable regulations, environmental protection associations ensure that mining activity is conducted in accordance with the applicable standards and which are of a high standard as indicated above.

The ore purchases made by SNNC to ERAMEN and ZDMC happened in specific contexts:

- In 2015, it was within the framework of the extension of SNNC production capacity that was effective as early as 2013. Whereas SNNC was able to produce 54,000 tons of ferronickel and therefore consume 3.2 million tons of ore, NMC's capacity expansion was delayed and did not allow it to supply the ore required by SNNC, hence the supply from Philippines producers. In 2015, purchases of nickel ore by SNNC, via GLENCORE, and DAELIM CORPORATION to ERAMEN and ZDMC were limited to 104,000 tons;

- From 2021 to 2023, SNNC bought, via GLENCORE, 330,000 tons of nickel ore to those companies. These purchases of ore from third-party companies were due to the fact that New Caledonia and New Caledonian producers, including NMC, the exclusive supplier of SNNC, which is also a subsidiary of SMSP and POSCO, were severely affected by the meteorological phenomenon known as La Nina. As NMC was unable to produce and therefore deliver sufficient quantities of ore to SNNC, the latter purchased ore from the companies concerned. These purchases were limited in quantity and over time.

Following an internal investigation of SNNC and then of trader Glencore which recently visited and met representatives of the two miners in question, it seems that those two companies are allowed to operate by the relevant environmental and mining authorities in the Philippines (i.e. Mines and Geosciences Bureau "MGB" and DENR) since their suspensions were lifted in late 2019. Glencore mentions that it had not hear of any violations since then.

Glencore also indicates that MGB also conducts regular monitoring of the mine operations to ensure they conform with the relevant local mining and environmental regulations. Therefore, if the miners had been deemed to be in violation, they would have been asked to stop operations or rectify it.

Société Minière du Sud Pacifique (SMSP)

SA au capital de 394 863 200 F CFP - RCS 79 B 070 854 - RIDET n° 070 854

Siège social : Ouaco - 98817 Kaala Gomen - Nouvelle-Calédonie

Siège administratif : 9 rue d'Austerlitz - Immeuble SAM3

BP 66 - 98845 Nouméa Cedex

Tél. (+687) 28.13.53 - Fax. (+687) 28.15.67 - www.smssp.nc

Groupe SMSP

Koniambo Nickel SAS
Caledonian Chinese Mining Company SAS
SNNC CO LTD
Nickel Mining Company SAS
Cotransmine SAS
Société de Ouaco SARL

Response from SMSP

In addition, Glencore mentions that both miners were actually recipients of the most recent Presidential Mining Awards in 2023, an award that is handed out every year to mining companies in the Philippines in recognition of their sustainability practices.

We hope that the description of our activities has convinced you that SMSP is a well-known group which ensures that its operations are carried out in a sustainable development perspective.

Because its major shareholder is the Northern Province, the SMSP group works transparently with the administration and identified other stakeholders who are its employees, customary authorities, local residents, mayors and representatives of its partners GLENCORE and POSCO.

We remain at your disposal for any question you may have on the preceding.

Looking forward to hearing from you.

Yours sincerely,



Chairman and CEO of SMSP



Société Minière du Sud Pacifique (SMSP)

SA au capital de 394 863 200 F CFP - RCS 79 B 070 854 - RIDET n° 070 854

Siège social : Ouaco - 98817 Kaala Gomen - Nouvelle-Calédonie

Siège administratif : 9 rue d'Austerlitz - Immeuble SAM3


BP 66 - 98845 Nouméa Cedex

Tél. (+687) 28.13.53 - Fax. (+687) 28.15.67 - www.smsp.nc

Groupe SMSP

Koniambo Nickel SAS
Caledonian Chinese Mining Company SAS
SNNC CO LTD
Nickel Mining Company SAS
Cotransmine SAS
Société de Ouaco SARL

Response from SMSP

 Outlook

RE: Right of reply ahead of upcoming Amnesty International publication

From [REDACTED]@kia.com>
Date Mon 14/10/2024 01:59
To [REDACTED]@amnesty.org>
Cc [REDACTED]@amnesty.org>


⚠ CAUTION External Sender Exercise caution opening links or attachments. Do not provide login details.

Dear [REDACTED]

I'm [REDACTED] in charge of NGO communication.

First of all, please understand that the answer is later than the requested deadline due to the continuous holiday in Korea.

At Amnesty International's request, we checked the nickel supply chain of 'LG Energy Solution' to check whether nickel produced in the Philippines with human rights violations and environmental problems is supplied to our company.

As a result, it was confirmed that 'All of POSCO cathode material nickel for Hyundai Motor battery cells of LG Energy Solution is supplied from NON-Philippines region'.

Hyundai Motor will continue to make efforts to prevent human rights risks in its supply chain to meet high external expectations.

Kind regards,

		Together for a better future
137-938 서울특별시 서초구 양재동 231 Tel: +82-2-3464-0302 Fax : 02-3464-1114 231, Yangjae-dong, Seocho-gu, Seoul, 137 938, Korea Tel : +82-2-3464-0302 Fax : 02-3464-1114		

Response from Hyundai

 Outlook

RE: Right of reply ahead of upcoming Amnesty International publication

From [REDACTED]@lgensol.com>

Date Mon 14/10/2024 13:21

To [REDACTED]@amnesty.org>

Cc [REDACTED]

 **CAUTION External Sender** Exercise caution opening links or attachments. Do not provide login details.

Dear [REDACTED]

Please find below our answers to the proposed questions. If needed, I'd be happy to provide the answers in the form of an official letter. Please let me know if that is the case.

1. Does nickel in LG Energy Solution's products originate in the Philippines? No. LG Energy Solution does not source any nickel product originated in the Philippines.
2. Does Société de Nickel de Nouvelle Calédonie et Corée process nickel within LG Energy Solution's supply chain? No. The alleged company, Société de Nickel de Nouvelle Calédonie et Corée (SNNC), does not exist in LG Energy Solution's supply chains. The company is reportedly part of POSCO's supply chains pertinent to stainless steel production and not related to batteries at all.
3. What steps are you taking to map your nickel supply chain in the Philippines?
4. Has LG Energy Solution conducted any due diligence to evaluate any potential human rights and environmental risks in its nickel supply chain from the Philippines? If yes, please provide details.

(Answers to both questions)

Since nickel supply chain in the Philippines is of no relevance to LG Energy Solution, we would like to take this chance to explain our approach to responsible sourcing.


LGES is committed to ensuring its suppliers respect human rights and protect the environment. We hold our suppliers to highest standards through our *Responsible Sourcing Policy*, *Supplier Code of Conduct*, and corporate policies in relevant areas including human rights and labor, environmental sustainability, occupational health and safety, business ethics.

We use a combination of LGES and third-party audits to ensure suppliers maintain business practices and records to verify compliance with our Policies and Code of Conduct. We map and trace our upstream supply chains, using a risk-based approach. We collect and investigate supply chain risk data and implement risk mitigation measures that are context specific, in accordance with the OECD Due Diligence Guidance for Responsible Mineral Supply Chains and the UN Guiding Principles on Business and Human Rights. Further, we constantly monitor our supply chains for ESG and compliance risks using sources from governments, regulatory authorities, NGOs, and media screening.

Kindly confirm the receipt of this email. Should you have any further question, do not hesitate to contact me.

With best regards,
[REDACTED]

Response from LG Energy Solution

 Outlook

AW: Right of reply ahead of upcoming Amnesty International publication

From [REDACTED]@volkswagen.de>

Date Tue 08/10/2024 10:04

To [REDACTED]@amnesty.org>

Cc [REDACTED]

You don't often get email from [REDACTED]@volkswagen.de. [Learn why this is important](#)

⚠ CAUTION External Sender Exercise caution opening links or attachments. Do not provide login details.

Dear [REDACTED]

Thank you for your inquiry regarding the sourcing of nickel from the Philippines and apologies for the delayed response.

We have thoroughly reviewed our EV battery supply chains and can confirm that, based on the current data and information available to us, there is no sourcing of nickel from the mentioned region in our supply chain. However, we cannot entirely rule out the possibility of future changes.

We appreciate your valuable input and will incorporate this consideration into our future risk assessments.

Please feel free to reach out if you have any further questions.

Kind regards,


[REDACTED]


Response from Volkswagen



**AMNESTY INTERNATIONAL
IS A GLOBAL MOVEMENT
FOR HUMAN RIGHTS.
WHEN INJUSTICE HAPPENS
TO ONE PERSON, IT
MATTERS TO US ALL.**

CONTACT US

 info@amnesty.org

 +44 (0)20 7413 5500

JOIN THE CONVERSATION

 www.facebook.com/AmnestyGlobal

 [@AmnestyOnline](https://twitter.com/AmnestyOnline)

WHAT DO WE GET IN RETURN?

HOW THE PHILIPPINES NICKEL BOOM HARMS HUMAN RIGHTS

The Philippines is the world's largest exporter of nickel ore, which is a key component in lithium-ion batteries used to power electric vehicles and renewable storage units. In the provinces of Zambales and Palawan – home to some of the largest nickel deposits in the Philippines – deforestation and environmental damage linked to nickel mining operations is undermining the right to a clean, healthy and sustainable environment of Indigenous People and rural communities. As a result, communities report adverse harms to their livelihoods, access to water and health. Affected communities have not been properly informed of the adverse impacts of nickel mining, nor have they been adequately consulted – as required by domestic and international law. In Palawan, the rights of the Pala'wan Indigenous People to Free, Prior and Informed Consent and self-determination have been harmed. The cases of nickel mining in Zambales and Palawan demonstrate the importance of sufficiently informing all potentially impacted communities and conducting genuine consultations that effectively consider and address community members' concerns. They also serve as a warning of the human rights and environmental costs of unchecked extraction of raw materials needed for the energy transition.

Index: ASA 35/8607/2024

October 2024

[amnesty.org](https://www.amnesty.org)

AMNESTY
INTERNATIONAL 