



Philippine Misereor Partnership

17th Session of the UN Human Rights Council - Geneva, 30 May- 17 June 2011

Item 3: Report of the Special Representative to the Secretary General
on Human Rights and Transnational Corporations

Oral statement submitted by the following organisations in special consultative status with the Economic and Social Council: Bischöfliches Hilfswerk Misereor e.V, Franciscans International and the Swiss Catholic Lenten Fund, and by the Philippine Misereor Partnership Inc.

Thank you, Mr. President

I will speak in the name of MISEREOR, Franciscans International, Fastenopfer, and the Philippine Misereor Partnership. While I speak, at least seven anti-mining activists have reportedly been killed in the Philippines since the start of 2011. In January 2011, the Philippine Commission on Human Rights recommended to the Philippine Government to cancel the mining contract issued to Oceana Gold, a Canadian mining company, because of strong evidence that their presence in Nueva Vizcaya, a major mining site in the Philippines, has caused human rights violations. Yet, accessing remedy remains difficult

In another case, the Philippine company TVI Resource Development, Inc., an affiliate of the Canadian TVI Pacific Inc., operating within the Zamboanga Peninsula, belatedly acknowledged in a Subanen ritual that it has desecrated Mount Canatuan, a holy mountain of the Subanen community. It accepted the penalty under customary laws, but only after the mountain was destroyed, lives and properties were lost, communities uprooted and after the tribal leaders succumbed to the business proposition of the mining company. Consider the penalty which the Subanen may impose compared to a state-sanctioned regime of penalties.

We place strong support to the UN "Protect, Respect, Remedy Framework" and the Guiding Principles. However we are burdened with questions. In our and our partners' situation and context, the Guiding Principles presented by the Special Representative to the Human Rights Council will be challenged on their relevance, not because of their content but on their application in practice.

Building on what has been achieved so far should therefore start with the victims. The Framework and the Guiding Principles will only be effective, if the ability to access remedy, whether judicial or non-judicial, has been realized. In addition to addressing the governance gap on the part of the state, ensuring and protecting access to information by the victims should be a prerequisite to enable them to choose which remedy to access.

We believe that the victims' experience will enrich the work of operationalizing the Guiding Principles, to ensure access to remedy for the victims and accountability for the abusers. The follow-up to the mandate of the SRSG must therefore have the power to investigate country-specific cases to inform how judicial and non-judicial remedies in various levels and contexts could be applied.

Thank you.

Bischöfliches Hilfswerk Misereor e.V is the German Catholic Bishops' Organisation for Development Cooperation. For over 50 years MISEREOR has been committed to fighting poverty in Africa, Asia and Latin America. Please see <http://www.misereor.org>. Contact: Elisabeth Strohscheidt (Elisabeth.Strohcheidt@misereor.de).

Franciscans International serves all Franciscans and the global community by bringing spiritual, ethical, and Franciscan values to the United Nations and international organisations. Please see: <http://www.franciscansinternational.org>. Contact: Francesca Restifo (f.restifo@fiop.org).

The Philippine Misereor Partnership is a network of more than 300 non-governmental and peoples' organizations, as well as church and faith-based organizations. Members are present in the most marginalized communities of the Philippines and active in the promotion human rights, peace, justice and development. <http://pmpipartnership.com/>. Contact: Mario Ebite Maderazo (pmpsecretariat@yahoo.com)

The Swiss Catholic Lenten Fund is the development NGO of Swiss Catholics. It supports people who take responsibility for their future in 16 countries in the global South. Please see <http://www.fastenopfer.org>. Contact: Daniel Hostettler (Hostettler@fastenopfer.ch).