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Excellency,

The Committee on the Elimination of Racial Discrimination would like to refer to its letter of 15 August 2008, and notes with regret that the Committee has received no reply, as to date, addressing the situation of the community of the Subanon of Mount Canatuan, Siocon, Zambonga Del Norte, and their land claims. I write to inform you that, during its 77th session, held from 2 to 27 August, the Committee considered further the situation of the Subanon of Mount Canatuan, under its early warning and urgent action procedure.

The Committee would like to remind the State party that, during the consideration of the 15th-20th reports submitted by the State party, at its 75th session, in August 2009, the Committee addressed this situation and adopted the following recommendation:

“The State party’s statements to respect the customary practices and rights of the Subanon people of Canatuan within their ancestral territory and to address the community divisions associated with the *Subanon Mt Canatuan case*, which concerns mining operations at Mount Canatuan, a sacred site of the Subanon people, undertaken without prior consent by the Subanon people. The case was considered by the Committee under its early warning and urgent action procedure. The Committee remains concerned that contradictory information continues to be presented to it with regard to the status of actions taken to address the violations of the Subanon people’s rights and destruction of their sacred mountain.

The Committee urges the State party to consult with all concerned parties in order to address the issues over Mount Canatuan in a manner that respects customary laws and practices of the Subanon people and welcomes information from the State party in relation to further developments” (CERD/C/PHL/CO/20, para. 25).

The Committee also requested the State party to provide the Committee with information on measures taken to implement this recommendation, under its follow-up procedure (CERD/C/PHL/CO/20, para. 33)

According to updated information received by the Committee, mining activities continued to be carried out within the ancestral lands of the Subanon indigenous people without their free, prior and informed consent, and not in conformity with their traditional forms of decision-making. These mining activities reportedly cause irreparable destruction to their sacred site, as well as to their farms and homes. In addition, the State party allegedly has not yet implemented the recommendation made by the Committee regarding the consultation of Subanon people.

In light of the information received, the Committee expresses its continued concern that mining activities continue to be carried out without the consultation of the Subanon people and destroy their sacred site. The Committee urges the State party to implement its previous recommendation

regarding the prior consultation of Subanon people for all mining activities carried out in their traditional lands, while respecting their traditional system of consultation and customary law. It urges the State party to take appropriate measures to ensure that the National Commission of Indigenous Peoples (NCIP) formally recognize the traditional indigenous leadership's role.

The Committee urges the State party to provide the Committee with information on the measures taken to implement the recommendation adopted in its concluding observation, according to its follow-up procedure, **before 31 January 2011**.

Allow me, Excellency, to reiterate the wish of the Committee to pursue a constructive dialogue with your Government, and to underline that the Committee's observations and request are made with a view to assisting your Government in the effective implementation of the Convention.

Yours sincerely,



Anwar Kemal

Chairperson of the Committee on the Elimination
of Racial Discrimination

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