

AN APPEAL TO THE EXPORT-IMPORT BANK OF KOREA

Genolier, Switzerland, 13 May 2021

To:

Mr. Moon-Kyu Bang, Chairman and President
Mr. Seung-Joong Kang, Deputy President
Mr. Woo-seog Kwon, Senior Executive Director

The Export-Import Bank of Korea (Korea Eximbank)
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We are writing to you with deep concern for the impacts of the Jalaur River Multi-Purpose Project Phase II on Indigenous peoples and their territories in Central Panay, Philippines, including recent threats, physical attacks, criminalisation and even murder of Indigenous leaders. We urge Korea Eximbank to immediately cease financing of this project as part of your commitment to Environmental, Social and Governance (ESG) investing¹, to OECD's guidelines on responsible business conduct as a member of OECD² and to international humanitarian and human rights standards and principles³.

We are writing to you on behalf of the ICCA Consortium, a non-profit, global membership-based association registered in Switzerland that currently has nearly 180 organisational Members and more than 420 Honorary members from 80 countries around the world. Within Southeast Asia specifically, the membership is composed of 22 organisational Members from 6 countries and 44 professionals and experts (Honorary members) who support Indigenous peoples and local communities. We support Indigenous peoples and communities worldwide who are the guardians and caretakers of a significant proportion of the planet's remaining biodiversity.

¹ For example, as evidenced by your 22 February 2021 announcement of plans to set up a global ESG-related fund worth at least \$200 billion won as part of South Korea's Green New Deal. The Korean Herald (23 February 2021): "Eximbank to create W200b global ESG fund", available online at: <http://www.koreaherald.com/view.php?ud=20210223000775>.

² Including OECD Guidelines for Multinational Enterprises and OECD Due Diligence Guidance for Responsible Business Conduct. Available online at: <http://mneguidelines.oecd.org/guidelines/>.

³ As stated in EDCF-Korea Eximbank's response to the Business and Human Rights Resource Centre on 22 February 2021. Available online at: https://media.business-humanrights.org/media/documents/210222_Response_to_BHRRC.pdf.

We draw on this strength to write to you, in response to a call for international solidarity and support from the Indigenous Tumandok peoples of Central Panay in the Philippines who strongly oppose the Jalaur River Multi-Purpose Project Phase II.

This project, which is co-financed by Korea Eximbank, has been the subject of strong resistance from Indigenous peoples who are asserting their rights to self-determination and self-governance in accordance with the UN Declaration on the Rights of Indigenous Peoples and other relevant domestic and international instruments. According to the TUMANDOK Organisation and Defend Panay Network, earlier attempts to secure free, prior and informed consent (FPIC) were coupled with bribery, cooptation, intimidation and use of force by the combined forces of the National Commission on Indigenous Peoples, NIA and AFP-PNP. This is not genuine FPIC in accordance with international human rights law, and raises serious concerns and doubts about the Korean Eximbank's due diligence process.

Much to our horror, on 30 December 2020, nine (9) Tumandok Indigenous leaders were killed and sixteen (16) more arrested in an operation conducted by the Philippine police and military in various Tumandok communities in Tapaz, Capiz, and Calinog, Iloilo. On 20 January 2021, Col. Enrique Ancheta, chief of the Philippine National Police (PNP) Crime Laboratory Office 6, was sacked from his post following his confirmation that seven (7) of the nine (9) Tumandok leaders tested negative for gunpowder residue through paraffin tests.⁴

On 28 February 2021, Tumandok village chief Julie Catamin was shot dead while driving home in Calinog town in Iloilo after receiving several threats. Three days later, Atty. Angelo Karlo Guillen, one of the legal counsels of the Tumandok tribe members who were arrested in December 2020, was stabbed in the head and his laptop and documents were stolen by the unidentified suspects. The suspects remain unidentified and at large. We understand that the families and colleagues of Atty. Guillen believed that the attack against him is related to the Tumandok massacre case as part of efforts to silence witnesses and counsel.

These grim killings and attacks followed a long struggle of Indigenous Tumandoks against the Jalaur River Multi-Purpose Project Phase II, which is financed by Korea Eximbank. The people who were killed and arrested are leaders and members of the TUMANDUK Organisation who have campaigned for 10 years against this project. Although you have attempted to distance the Bank from this situation in your aforementioned 22 February 2021 response to the Business and Human Rights Resource Centre, it is not difficult to see the direct connections between the attacks against the Tumandok people and their struggle to defend their land, lives and livelihoods against the construction of the Jalaur River Multi-Purpose Project Phase II, especially in the broader context in which these attacks happened.

⁴ Inquirer.net (21 January 2021): "Western Visayas PNP crime lab chief sacked after saying 7 of 9 IPs killed in CIDG raid negative in paraffin tests", available online at: <https://newsinfo.inquirer.net/1386614/western-visayas-pnp-crime-lab-chief-sacked-after-saying-9-ips-killed-in-cidg-raid-negative-in-paraffin-tests>.

These killings and attacks are part of an appalling global trend of threats, harassment, criminalisation and murder of people who stand up for Indigenous rights and the environment, with the Philippines in particular as a hotspot under the current administration. The government of the Philippines is known to use a range of tactics to intimidate, harass, threaten and harm Indigenous peoples and human rights defenders, including surveillance, trumped up search warrants, raids, arbitrary detentions and red-tagging (labelling individuals and groups as communists or terrorists) before killing them.

According to a June 2020 report of the UN High Commissioner for Human rights, red-tagging in particular has been a persistent and powerful threat to civil society and freedom of expression for decades in the Philippines.⁵ These tactics are well-known and widespread and have been used for many years; they were presumably identified and taken into consideration as part of the most basic due diligence and risk assessments before engaging with the government of the Philippines and on a continuing basis in the interest of your investments.

By failing to halt financing for this project and by continuing to echo the Philippine government's line that the police and military raids were part of efforts to combat communist and terrorist groups, Korea Eximbank is arguably demonstrating its tacit support for and acceptance of red-tagging and these attacks and killings and disregard for the lives, rights and cultures of the Tumandok Indigenous peoples.

As stated in EDCF-Korea Exim Bank's response to the Business and Human Rights Resource Centre (dated 22 February 2021)⁶, "the Bank ensures that the overseas cooperation projects it finances are in compliance with international humanitarian and human rights standards and principles." We request a detailed self-assessment from the Bank of the current situation and the Bank's involvement in it and of the Bank's perceived compliance with the stated international humanitarian and human rights standards and principles, including FPIC.

The Tumandok victims are among 17,000 men, women, and children who are expected to be displaced without security of relocation, if the dam becomes operational. The displacement would cause irreparable damage to the Tumandok, who are not only in danger of losing their homes, but also longstanding cultural traditions that are essential to their Indigenous identity and existence such as the epic *Suguidanon of Panay*, *Binanog* dancing, and *Panubok* (Indigenous embroidery), all of which are rooted in the land as a sacred celebration of life and heirlooms more prized than earthly goods. They face the loss of the irreplaceable "*maaram*" (learned culture-bearer) and the respected "*magurang*" (elders who are keepers of Indigenous tradition), who make Panay a rich repository of traditional culture that is entirely unique to this part of the world.

⁵ Report of the United Nations High Commissioner for Human Rights on the situation of human rights in the Philippines (A/HRC/44/22). Submitted to the 44th Session of the UN Human Rights Council. Available online at: <https://www.ohchr.org/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>.

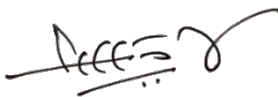
⁶ Available online at: https://media.business-humanrights.org/media/documents/210222_Response_to_BHRRRC.pdf.

Moreover, five (5) Tumandok burial grounds and one (1) sacred site would be destroyed, as found by a research⁷ team of the prestigious University of the Philippines – Visayas. It is these very cultures and practices that have enabled forests, watersheds, and rivers to thrive and flow freely, and are considered sacred and intended to be passed on intact to future generations.

Once again, we urge the Export-Import Bank of South Korea to respect the lives, rights, culture and self-determined priorities and futures of Indigenous peoples and their communities by immediately ceasing funding for the Jalaur River Multi-Purpose Project Phase II.

Thank you in advance for reading this letter and taking swift action. We look forward to receiving a written response as soon as possible, sent by email to the Global Coordinator of the ICCA Consortium, Ms. Holly Jonas (holly@iccaconsortium.org). We also request a video conference meeting with your relevant executives in Seoul and/or an in-person meeting in Manila with legitimate representatives of the Tumandok peoples and their organisations, with our presence and support for the community representatives as required.


Sincerely,



Mr. Peter KALLANG
Chair of the Southeast Asia Council, ICCA Consortium



Mr. Pooven MOODLEY
Co-chair of Defending Territories of Life, ICCA Consortium Council



Prof. José AYLWIN
Co-chair of Defending Territories of Life, ICCA Consortium Council



Ms. Holly JONAS
Global Coordinator, ICCA Consortium Secretariat

⁷ “Necropolitics: Panay’s Tumandok Burial Grounds and the Jalaur Multipurpose Project Phase II (JRMP II).”