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# LETTER OF CONCERN

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## New Manila International Airport violates human rights and threatens a wetland of international importance

Utrecht, 15<sup>th</sup> July 2021

Dear Ms Kaag,

With this letter we express our concern on the development of a new airport off the coast in Manila Bay, Philippines, where the Dutch company Royal Boskalis Westminster has been contracted for the land development. We call upon the Netherlands Ministry of Foreign Affairs to take the situation described in this letter to heart and advocate that the recommendations in the MBSDMP are followed.

### **About the New Manila International Airport and the project site**

The New Manila International Airport (NMIA) is an unsolicited proposal from the Philippine conglomerate San Miguel Corporation (SMC), and is planned to be constructed on the coast of Bulakan municipality on newly reclaimed land. Dutch international dredging company Royal Boskalis Westminster N.V. has been contracted for the land development for the NMIA. The contract has been awarded by San Miguel Aerocity Inc (SMAI), a subsidiary of SMC, with an estimated value of €1.5 billion. The land development is expected to be finalised by 2024.

The proposed land reclamation completely falls within the *Coastal Buffer Zone* that is recommended by the Manila Bay Sustainable Development Master Plan (MBSDMP)<sup>1</sup>. This report specifically states that the NMIA does not follow the recommendations from the MBSDMP and recommends that proponents of the NMIA should either change the location of the project or provide additional safeguards to address potential adverse effect of the project<sup>2</sup>. In the MBSDMP, the proposed location of the NMIA is designated as a zone 1 *Strict Protection Zone* consisting of natural areas with high biodiversity value. The NMIA project site lies in an area prone to land subsidence which is expected to be worsened by the economic activity resulting in additional groundwater extraction on the NMIA site. The area is also highly prone to flooding because of its location on and near the outlet of several rivers.

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<sup>1</sup> Manila Bay Sustainable Development Master Plan Final Action Plan and Investment Report <http://www.mbsdmp.com/reports>

<sup>2</sup> Manila Bay Sustainable Development Master Plan Final Action Plan and Investment Report, annex policy notes

## **Human rights violations**

The residents of Barangay Taliptip and Obando in the municipality of Bulakan mainly consist of fishermen and are living in the direct project area. At the time of writing this letter all residents that lived in the direct project area have all been displaced. Residents were offered compensation by SMC if they would self-demolish their homes. However, there is no official relocation plan and a large portion of the residents that voluntarily relocated have been pressured by the military to self-destruct their homes and move out. At the latest, only 6 families remained in the area that refused to leave but have eventually been pressured out as well. They have been barred from entering the area and denied access to their homes by the military. A counter EIA focusing on the perspective of the local population states that 'displacement and loss of Bulakan fishers' livelihoods can negatively affect their capacity to secure good housing, healthcare, education, and fulfilling social life. Thus, policies and any action that will lead to massive displacement of people must fully grasp the implication of displacement to people's overall well-being, dignity, and development'<sup>3</sup>. As recorded, the displacement of people has been under force without safeguards for their social welfare, which is in direct conflict with international human rights conventions and the Philippine constitution.

## **Wetland of international importance**

The proposed site for the NMIA lies within an area with high waterbird congregations. Manila Bay is part of the East Asian Australasian Flyway and of high importance to migratory birds. A recent census showed an alarming 20% decline in waterbirds since an earlier survey in 2017<sup>4</sup>. The Waterbird Census of 2021 tallied 117,000 waterbirds. Of the 62 species observed, over two-thirds are migratory and are from as far away as Siberia and Alaska. All are dependent on wetlands for their survival. Among the declining waterbirds were no less than 15 species present in numbers of more than 1% of the East Asian–Australasian Flyway population, a criteria used to determine wetland sites of international importance. Other species observed were 8 species threatened with extinction and 6 near threatened species. Of the 30 species of shorebirds observed, the majority are listed in the Convention of Migratory Species as in need of conservation management action plans. This underlines that the critical importance of Manila Bay for the East Asian Australasian Flyway cannot be overestimated. The parties - including Philippines - to the UN Convention on the Conservation of Migratory Species of Wild Animals (CMS), recognize that its member states "are and must be the protectors of the migratory species of wild animals that live within or pass through their national jurisdictional boundaries".

The project area hosted 17 hectares of mangrove forest. Mangroves are among the most threatened habitats worldwide, and they are crucial for coastal ecology, fisheries as well as the integrity of coastlines, especially in view of rising sealevels. As of today, a large portion of the mangroves has already been cleared from the project area in preparation for the planned land reclamation. No environmental clearance certificate has been given out for the cutting of the mangroves, which is mandatory in the

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<sup>3</sup> The Counter-Environmental Impact Assessment (Counter-EIA) Of Fishers Against The Aerotropolis: The Voice and Assertion of Local People regarding the Adverse Impacts of the Aerotropolis to Bulakan and Obando Communities (2020), *People of Taliptip and Obando, Samahan ng mga Mangingisda at Mamamayan ng Bulakan at Obando (SMBO)*, Lagos D.T., H. J. Gasmien, R. Eco, J. W. Carag, V. P. Hernandez, AKAP-KA Manila Bay, AGHAM, Students and Science workers from UP Diliman

<sup>4</sup> <https://www.iucn.nl/en/news/new-waterbird-census-in-manila-bay-shows-20-decline-over-three-years/>

Philippines. The Philippine Department of Environment and Natural Resources (DENR), responsible for issuing this permit has stated that the area harbours no mangrove and therefore there is no need for a license. This however is contested by the local population and environmental NGO's that have visual evidence of the mangroves in the proposed project area.

### **What we ask**

As co-financier of the MBSDMP, through the Netherlands Embassy in the Philippines, the Netherlands Ministry of Foreign Affairs has invested in a plan for Manila Bay that underlines the negative impact of land reclamations on habitats and ecosystems. The MBSDMP has a clear statement on the unsolicited proposal of the NMIA, and recommends to either change the location of NMIA or provide additional safeguards to address potential adverse effects of the project. We believe we share the same agenda with the Ministry of Foreign Affairs in promoting human rights and biodiversity worldwide, especially where Dutch actors are involved. Earlier this year, Atradius Dutch State Business (ADSB) has received a request from Boskalis for an export credit insurance for the land development of the NMIA, and due diligence is carried out at time of writing this letter.

We ask the Ministry of Foreign Affairs to advocate that the recommendations in the MBSDMP are followed as part of the due diligence that ADSB is required to do. We strongly advise that the export credit insurance for this project is not given out, because (1) the NMIA is recommended against in the MBSDMP and (2) the project is tainted with violations of the rights of the local population and international and Philippine environmental standards.

During a stakeholder consultation between ADSB, Both ENDS and Filipino organisations in June 2021, ADSB could not share any information on the process because of the Non-Disclosure Agreement with Boskalis. With the risks described in this letter, we expect a transparent process and urge ADSB to publish their approach and risk analysis.

This letter is an invitation for further discussion on the way forward with undersigned parties,

We look forward to your response,

Signed,

- Both ENDS
- Vogelbescherming Nederland
- IUCN NL
- Oceana
- Kalikasan People's Network for the Environment
- CARE Philippines
- Agham - Advocates for Science and Technology for the People
- Wild Bird Club of the Philippines
- Akap ka Manila Bay
- Devralin T. Lagos, University of the Philippines - Diliman Department of Community Development

