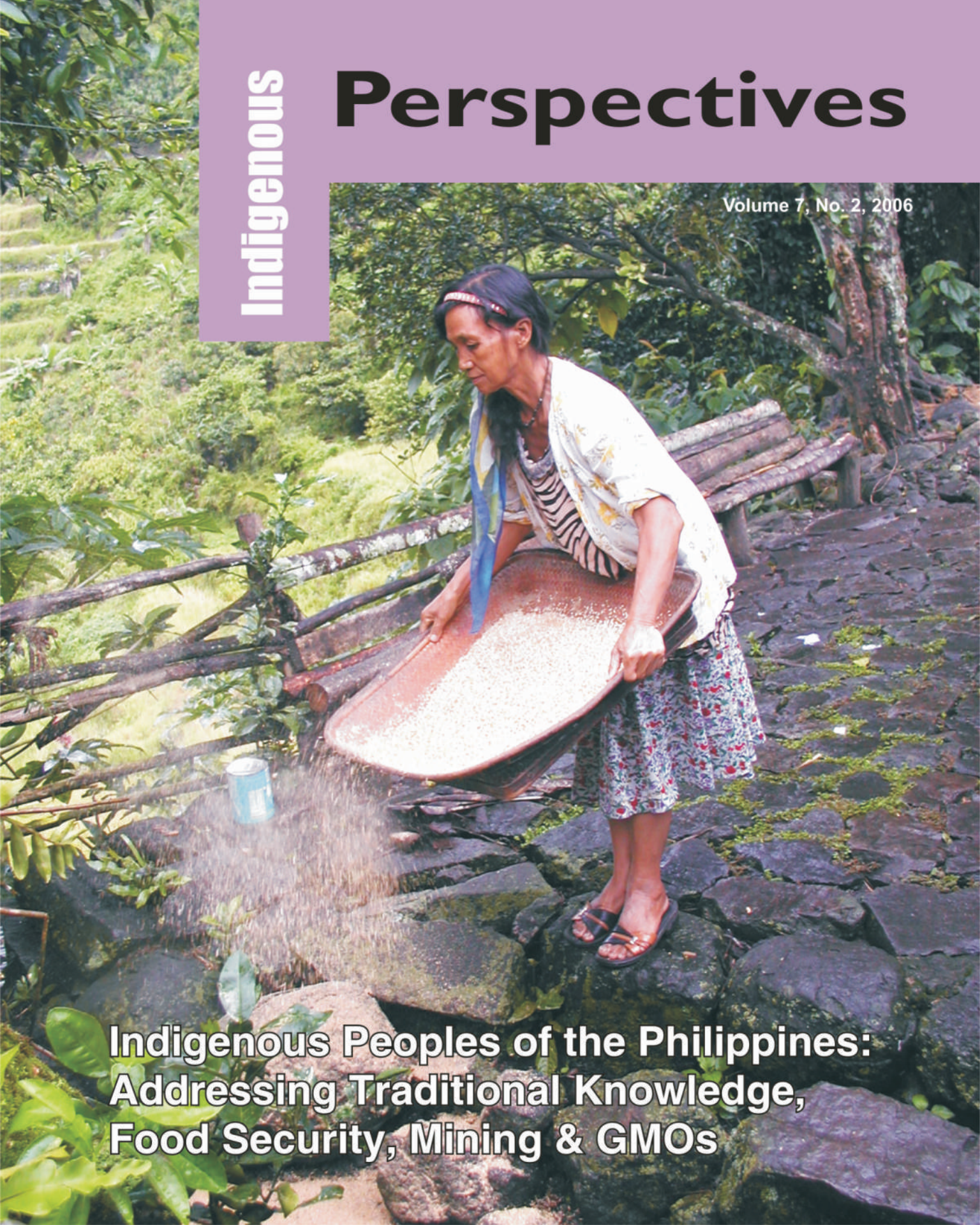


Indigenous

Perspectives

Volume 7, No. 2, 2006

A woman with dark hair, wearing a white patterned shirt, a striped top, and a floral skirt, is standing on a rocky path. She is holding a large, shallow wooden tray filled with rice and pouring it into a small blue container. The background shows a lush green landscape with trees and a wooden fence.

**Indigenous Peoples of the Philippines:
Addressing Traditional Knowledge,
Food Security, Mining & GMOs**

Indigenous Perspectives

Volume VII, Number 2

A Journal of Tebtebba Foundation

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by Tebtebba Foundation

No. 1 Roman Ayson Road

2600 Baguio City

Philippines

Tel: +63 74 4447703

Fax: +63 74 4439459

E-mail: tebtebba@tebtebba.org

Website: www.tebtebba.org

Editorial Board

Victoria Tauli-Corpuz

Raymond A. De Chavez

Ellen Dictaan-Bang-oa

Editing and Lay-out

Raymond A. De Chavez

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PHOTO: Indigenous Ifugao woman by Clint Bangaan

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Foreword

The issues that indigenous peoples of the Philippines face are but a reflection of the myriad issues that continue to confront indigenous peoples wherever they may be. While legislation in the country exists that identifies and recognizes their basic individual and collective rights, the situation of indigenous peoples have barely improved. They continue to face grinding poverty, violations of their human rights, denial of their rights over their lands and resources, and the disastrous impacts of so-called development projects in their territories.

In this journal, we shall focus on the indigenous peoples in the Philippines and some of their key issues. These include food (in)security, traditional knowledge, the impacts of mining; and on the policy level, the growing issue of Genetically Modified Organisms.

Biotechnology in the Philippines has become “a thriving industry,” according to Jennifer T. Corpuz’ article. Research and development on GMOs have expanded, with a major focus on agricultural plants, such as rice and maize. Its economy being mainly agricultural in nature, the Philippines is very vulnerable to the socioeconomic impacts of the entry of GMOs. While regulations exist, these are however more focused on health and environmental impacts. There is therefore a need to put in the agenda, the issues of ethics, socioeconomics, and sustainability. Equally important is ensuring the “vigilant and robust participation” of key sectors, including indigenous peoples, that are most vulnerable to the impacts of GMOs. Among indigenous peoples, according to the author, “there is a need to bolster their position in asserting their rights against the introduction of GMOs in their areas.”

Food security, or precisely, the absence of this, is a very basic problem among indigenous peoples in the Philippines. This situation is characterized, among others, by lack of adequate food in the table and insufficient food supply. The article “Food Insecurity among the Tumandoks” describes the situation of the indigenous Tumandoks of Panay island. In a case study of a community, a majority of the Tumandoks “eat less than twice a day, and often their food intake is not enough.” Whatever incomes they are able to raise from their produce are not even enough to meet their basic needs.

The problem of food (in)security, according to the authors, cannot be divorced from access to the resources that provide their needs. These resources include forests, rivers, and land. This access must go hand-in-hand with their ability to control these resources.

Among the Ifugaos in northern Philippines, traditional knowledge connected with agricultural practices are in danger of being lost. The *holok*, their indigenous pest management system, has for decades, proven effective in controlling pests, particularly the army worms, that devastate their rice crops. This practice has been handed down by generations and is a mixture of indigenous plant varieties found in their communities. The practice of *holok* is closely intertwined with their ritual practices that, for them, ensure the efficacy of this mixture.

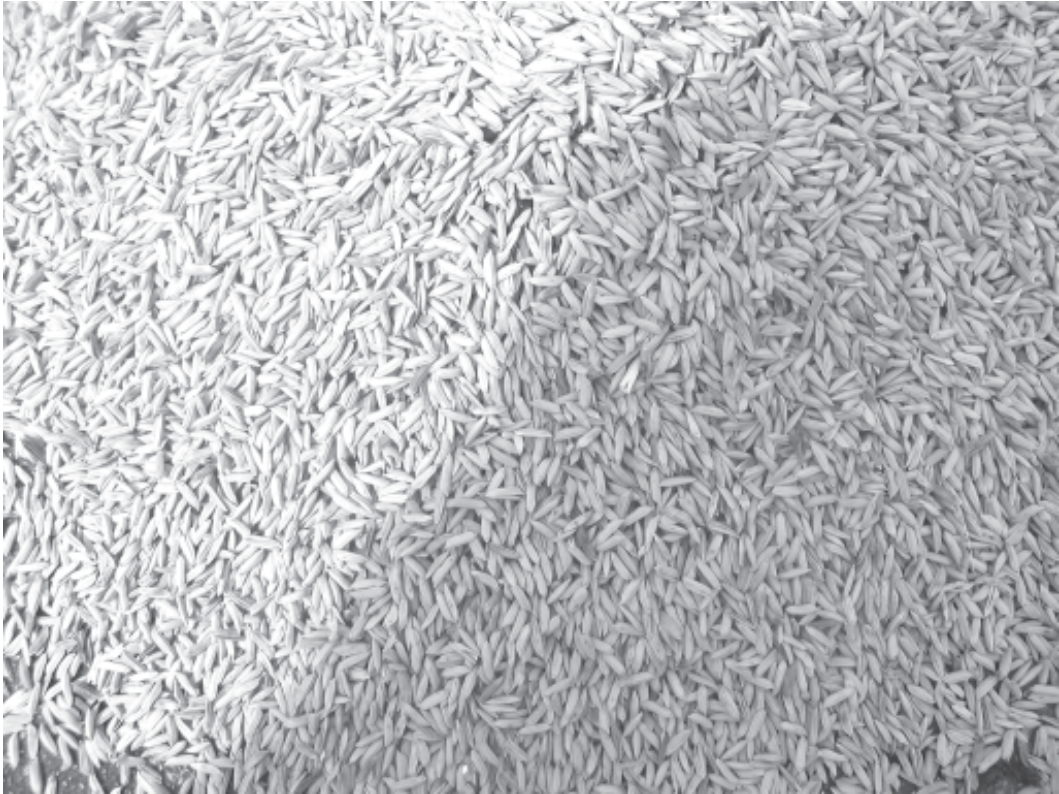
But this practice is now in danger of being lost. A mix of factors contribute to this threat, according to the article written by MRDC. The major factors include loss of biodiversity due to forest depletion and the influence of Christianity that condemns these rituals. With the loss of this traditional knowledge, more and more Ifugao farmers may be forced to use commercial fertilizers that are expensive and that have negative environmental and health impacts.

Two articles, on the other hand, deal with mining. In 2004, Philippine President Gloria Macapagal-Arroyo identified mining as one of its top priorities to jumpstart the economy. Since that time, there has been a marked increase of mining investments that have poured into the country. Mining projects that have either been shuttered or downgraded in the 90s have been revived. Indigenous communities, where most of these mining projects are located, are once again threatened. In Didipio, Nueva Vizcaya in the north to Siocon in Zamboanga del Norte in the south, the negative impacts of mining are discussed. Divide and rule tactics employed by foreign companies (Toronto Venture Inc. in Didipio and Climax-Arimco in Siocon) to get approval of their projects are illustrated. These include the setting up of alternative indigenous organizations or subverting existing ones, offers of bribe money, frame-ups, etc. Maneuvers by these companies, often with collusion from some government entities, have been employed to circumvent the indigenous peoples' free, prior and informed consent, a key provision in the Indigenous Peoples' Rights Act (IPRA) that mandates the consent of the community prior to the entry of any development projects in indigenous communities.

On the other side of the coin, indigenous peoples have not given up their hopes. They have organized themselves, raised their level of awareness on the issue of mining, gathered the support of civil society, and have undertaken lobbying efforts within and outside of the country. Through the eyes of Timuay Boy Anoy, the indigenous Subanon leader, and the indigenous leaders in Didipio, we see their determination to assert their rights and fight for the survival of their communities.

The experiences on so-called development projects are also shared by the Jhumma peoples of the Chittagong Hill Tracts in Bangladesh. Even prior to their independence and up to the present, several development projects, funded by foreign governments, international financial institutions, donors and UN agencies, have been found to have serious implications on their rights as indigenous peoples. The Kaptai Dam, to cite an example, has inundated several thousands of hectares of prime Jhumma lands destroying their lands, homes, means of subsistence and forcing the eviction of 100,000 indigenous peoples.

But similar to Didipio and Siocon, the indigenous peoples of the CHT have also organized themselves, with the signing of the 1997 Peace Accord, to confront the issues and problems that they face. The challenges brought about by so-called development projects are indeed great. But they believe in fighting for genuine development, for as they say, "another world is possible."



Integrating Issues of Ethics, Socio-economics and Sustainability in Philippine Policy on GMOs and Regulations on Biosafety¹

By Jennifer Corpuz²

RAPID ADVANCES IN THE FIELD OF MODERN BIOTECHNOLOGY, despite claims of potential benefits from its use, have brought to the fore concerns about its safety. The articulation of such concerns has resulted in the formulation and conclusion of international biosafety agreements, as well as national biosafety regulations, to deal with the risks posed by modern biotechnology. While risks to human, animal health and to the environment are widely acknowledged as legitimate concerns in biosafety decision-making, issues of ethics, socio-economics and sustainability are generally not given as much importance.

One such international biosafety agreement is the Cartagena Protocol on Biosafety to the Convention on Biological Diversity (CBD), which seeks to protect biological diversity from the potential risks posed by living modified organisms (LMOs) resulting from modern biotechnology. The Protocol was adopted by the Conference of the Parties to the Convention on 29 January 2000 and entered into force on 11 September 2003, ninety (90) days after receipt of the 50th instrument of ratification. As of January 13, 2006, 131 instruments of ratification or accession have been deposited with the United Nations.³

The Philippines is a party to the Convention on Biological Diversity, having signed and ratified the Convention on 12 June 1992 and 8 October 1993, respectively. It signed the Protocol in 24 May 2000 but has yet to ratify it.⁴ Nonetheless, the Philippine government has issued biosafety regulations that are, to a certain extent, consistent with its obligations under the Protocol.

One of the difficult issues during the Protocol negotiations that divided among mostly developing and developed country lines was the inclusion of references to socio-economic considerations in the text of the Protocol.⁵ Article 26 addresses the extent to which parties are entitled to take socio-economic considerations into account in reaching decisions on imports of LMOs.⁶

On October 2002, the Philippines became a beneficiary of the United Nations Environment Programme/Global Environmental Facility (UNEP/GEF) Global Project on Development of National Biosafety Frameworks, which aims to prepare countries for the entry into force of the Cartagena Protocol on Biosafety. A national biosafety framework (NBF) for the Philippines was developed following an assessment of biotechnology and biosafety in the Philippines. An extensive technical and legal review of Philippine experience on biosafety regulation was undertaken. Inventories were conducted on the current uses of modern biotechnology, existing legal instruments, capacity building activities, and expertise within the country.⁷

Experiences with the formulation of the framework demonstrated the controversial nature of socio-economic considerations, ethics and sustainability in biosafety decision-making. The proposed language requiring that such considerations be taken into account in biosafety decisions was objected to by some quarters, such that it has become optional in the final draft of the NBF that was submitted for signature by the President.⁸

Section 5.4 of the proposed National Biosafety Framework for the Philippines (Draft Version 8.11.04) states:

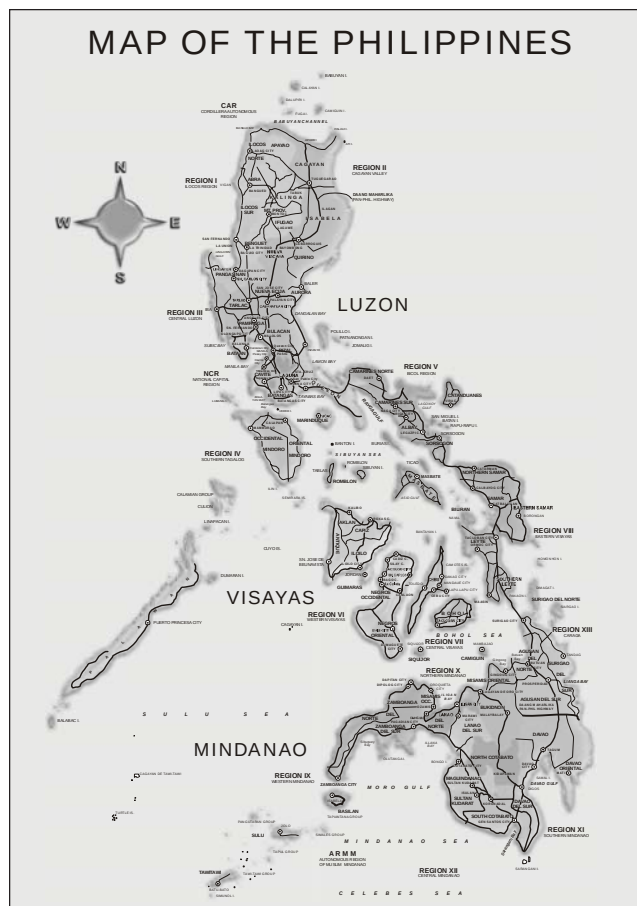
Despite the permissive language of the draft NBF, and in view of the existing biosafety regulatory framework, this paper argues that there is sufficient basis within the Philippine legal system to take socio-economic and other considerations into account in biosafety decision-making, especially when local communities and indigenous peoples are concerned. However, this is highly dependent on the vigilance and robustness of public participation of civil society and indigenous peoples' organizations. Thus, there remains a need to systematically include specific mechanisms within Philippine law to enable issues of ethics, socio-economics and sustainability to be taken into account in biosafety decision-making.

Background

An archipelago composed of 7,107 islands with a total land area of 30 million hectares, the Philippines is primarily an agricultural economy, with 32.2 per cent of its land area devoted to agriculture. The agriculture and fisheries sector is composed mostly of small-scale farmers and fishers. The sector accounted for 20 per cent of the GDP (Gross Domestic Product) and employed 36 per cent of the total population in 2004. Philippine agricultural policy, as embodied in several laws, adopts a market-oriented approach in agricultural production, encouraging farmers to shift to more profitable crops for export and providing incentives for foreign investors. Further, the government envisions a transformation of agriculture and fisheries from a resource-based to a technology-based industry and thus encourages the "safe and responsible use of modern biotechnology and its products as one of several means to achieve and sustain food security, equitable access to health services, sustainable and safe environment, and industry development."

Given the agricultural character of the Philippines, the promised benefits of modern biotechnology are very attractive for the country. Potential benefits from agricultural biotechnology include improved crop quality and yield, addressing hunger and malnutrition and making agriculture more environmentally sustainable.⁹ Other potential benefits include better pharmaceuticals, industrial enzymes, detoxification of environmental pollutants, production of substances that can replace environmentally polluting products and replace environmentally degrading industrial processes and products.¹⁰

Accordingly, modern biotechnology has become a thriving industry in the Philippines, with 97 institutions registered as being engaged in modern biotechnology research. Research and development on genetically modified crops in 2003 involved the introduction of 24 different genes into 11 different crops, mostly to address production, post-harvest and quality problems. Eighteen (18) out of the 23 traits investigated were agronomic, primarily on pest protection. None of these local products have been commercialized yet. However, the Philippines has to



date approved applications for commercial propagation of GM maize for use as feed involving four (4) transformation events (Mon810, NK603, Bt11, Mon810/NK603), thirteen (13) field trials, one hundred ninety-eight (198) contained-use experiments, and an undocumented number of GM products for direct use as food or feed, or for processing (FFP).

The GMO debate in the Philippines is highly polarized and generally reflects the international debate on the matter. Proponents claim that the technology is safe, citing the fact that GM products have been in the market for years without any major negative incidents reported, and that it promises enormous benefits. Oppositors, on the other hand, advocate the use of the precautionary principle, asserting

that there is too much scientific uncertainty regarding the safety of the technology and that the possible adverse ethical, socio-economic and sustainability impacts could be catastrophic.

It has been proposed elsewhere that this debate exists because GMOs are more than just a new technology. GMOs are food, thus they cannot be separated from health and culture. They are living organisms that contain novel genetic combinations and are capable of reproduction, thus they have potentially disastrous impacts on the environment. GMOs are a tradeable commodity representing a substantial amount of investment, thus they impact international trade and globalization. They are developed by large private corporations using highly sophisticated science that may be beyond the understanding of the ordinary person, thus GMOs are viewed with suspicion. As a result, the issues raised are very diverse, such as food safety, environmental protection, farmers' rights, indigenous peoples' rights, corporate dominance, agricultural subsidies, trade protectionism, and consumers' preferences.¹¹

The Philippines does not have any legislative enactment that deals specifically with the issue of biosafety. Instead, there exists a complex array of executive

and administrative issuances and guidelines that attempt to create a comprehensive biosafety regulatory system. Elements of the existing regulations comply with the minimum requirements of the Cartagena Protocol on Biosafety. It is not surprising, given the agricultural nature of the economy, that the most developed biosafety regulation is that for plants and plant products derived from the use of modern biotechnology.

Effective public participation is a prerequisite to getting issues of ethics, socio-economics and sustainability considered in biosafety decision-making. Fortunately, the Philippines has an extremely active civil society. Further, the existing biosafety regulatory system allows for a certain level of public participation.

In addition to public participation provisions in biosafety regulations, there exist provisions that require public debate on whether genetic modification is the best means of achieving a stated socially-desirable objective, such as the improvement of crops, addressing hunger and malnutrition, and developing environmentally sustainable agriculture. Moreover, there are a number of other laws and regulations that require social acceptability or even consent of the affected community before a project can be implemented, such as those in the Environmental Impact Statement System (EIS), the Local Government Code (LGC) and the Indigenous Peoples' Rights Act (IPRA).

A Short History Biosafety Regulation in the Philippines

Biosafety first became a concern in the Philippines when scientists at the University of the Philippines in Los Banos (UPLB) and the International Rice Research Institute (IRRI) started requiring the use of modern biotechnology in their research. Biosafety issues were raised and, in 1987, the heads of both institutions signed a memorandum of agreement setting up an Joint Ad-hoc Committee on Biosafety, composed of UPLB, IRRI and the Department of Agriculture (DA).

The Committee's first activity was the formulation of biosafety guidelines, using as models the guidelines of Australia, Japan, the United Kingdom and the United States of America. The draft guidelines were submitted to the national government for adoption, along with a strong recommendation to create a National Committee on Biosafety.

Lawmakers picked up on this concern and proposed the enactment of biosafety-specific legislation. The Joint Committee demurred, however, because they felt that biosafety is an intensely scientific concern that should not be entrusted to legislators, who have very little experience in the matter. Furthermore, the field of biotechnology is progressing rapidly and guidelines, rather than legislation, are more adaptable to such changes.¹²

As a result of the Joint Committee's recommendations, then President Corazon Aquino promulgated Executive Order Number 430 (EO 430) on 15 October 1990,

creating the National Committee on Biosafety of the Philippines (NCBP). The NCBP is an inter-agency, multi-disciplinary committee composed of the following: four government representatives, one each from the Department of Agriculture (DA), Department of Environment and Natural Resources (DENR), Department of Health (DOH), and the Department of Science and Technology (DOST); four scientists (a biological scientist, an environmental scientist, a physical scientist and a social scientist); and two respected members of the community.

The inclusion of a social scientist and two community representatives in the composition of the NCBP is a mechanism to ensure that community and social concerns can be taken into consideration in NCBP decision-making. Unfortunately, there are no clear guidelines on how the representatives are chosen and the question of exactly what community they represent is not clarified.

The main task of the NCBP is the identification of possible health, environment and social risks of modern biotechnology and the formulation of guidelines for the mitigation and management of such risks.¹³ In accordance with this mandate, the NCBP produced two sets of biosafety guidelines, the first in 1991 and the second in 1998. The first set of guidelines covered potentially hazardous work involving genetic engineering performed under contained conditions and activities requiring the importation, introduction, field release and breeding of non-indigenous or exotic organisms, whether genetically modified or not.¹⁴

In response to the rapid advances in modern biotechnology, particularly relating to planned releases of GMOs, the second set of guidelines dealt with a broader range of activities: small-scale laboratory work, large-scale contained work and glasshouse trials, and the planned release of genetically modified organisms (GMOs) and potentially Harmful Exotic Species (PHES).¹⁵

Under both sets of biosafety guidelines, the NCBP required the creation of Institutional Biosafety Committees (IBCs) in all organizations conducting activities involving GMOs or PHES. The IBCs are composed of at least five (5) members, at least two (2) of whom are community representatives. They are primarily responsible for the evaluation of project proposals involving regulated materials and the recommendation of appropriate action to the NCBP. Furthermore, the IBCs are made responsible for informing and consulting with the surrounding communities on plans for releases of GMOs and PHES.

As with the NCBP, the inclusion of community representatives in the composition of the IBCs and their mandate to inform and consult with communities are mechanisms by which community and social concerns can be taken into consideration within the biosafety regulatory framework. However, it is not clear to what extent the outcome of such consultations will be taken into account in decision-making. Further, there are no clear guidelines on how the community representatives are chosen and no clarity on exactly what/which communities are represented.

The present government policy on biotechnology was announced by President Gloria Macapagal-Arroyo in July 2001, to wit:

We shall promote the safe and responsible use of modern biotechnology and its products as one of several means to achieve and sustain food security, equitable access to health services, sustainable and safe environment, and industry development...

Furthermore, the President directed the Departments of Agriculture (DA), Science and Technology, Health, Environment and Natural Resources, Trade and Industry (DTI) and other concerned agencies “to address the current issues associated with the local and global dimensions and trends of modern biotechnology, including its potential health, environment and **social impacts**.”¹⁶

Therefore, it is clear from the foregoing policy statement that consideration of social impacts stand on equal footing with the consideration of health and environmental impacts when addressing issues associated with modern biotechnology.

In order to deal with issues related to the importation of GMOs for propagation and direct use as food or feed, or for processing, the DA issued on 3 April 2002 Administrative Order No. 8 (AO 8) covering Rules and Regulations for the Importation and Release into the Environment of Plants and Plant Products Derived from the Use of Modern Biotechnology.¹⁷ The coverage of the NCBP biosafety guidelines is actually broader than the scope of AO 8, since the guidelines cover all GMOs, while the AO covers only GM plants and plant products. However, AO 8 is presently the most important enactment on biosafety regulation because the vast majority of GMO/biosafety issues at this time has to do with GM crops.

The enactment of AO 8 does not mean that the NCBP is deprived of all of its functions. As noted above, the Order does not cover contained use of regulated articles, or regulation of GMOs other than plants, functions that remained with the NCBP. Further, AO 8 still prescribes the use of the biosafety guidelines issued by the NCBP and relies heavily on certain systems put in place by the NCBP, such as the IBCs. This means that requirements for community consultation within the NCBP and IBC systems are preserved, despite the enactment of AO 8.

Within AO 8 itself are requirements for involvement of the public in biosafety matters. The Order requires Public Consultation for field testing, propagation, direct use as FFP, and delisting of GM crops.

As beneficiary of the UNEP-GEF Global Project on National Biosafety Frameworks the Philippines formulated its NBF in 2004. Objectives of the regulatory framework include: public health and safety, food security/poverty alleviation, environmental protection/biodiversity conservation, and meeting state obligations under international treaties.¹⁸

Major conclusions from the legal analysis undertaken by the NBF Project team are that the current biosafety regulations are stop-gap measures extrapolated or adapted from existing laws that are effective in coordinating government action but largely ineffective in enforcement. Major recommendations are the strengthening of the NCBP, coordination of procedures of different agencies,

streamlining of information gathering and processing, and tapping of resources for capacity building.

Completion of the NBF project in 2004 resulted in the submission of a draft Executive Order (unnumbered) for promulgation by the President. Unfortunately, the draft EO remains unsigned. As for the Cartagena Protocol, it has yet to be ratified by the Senate. These are two key areas that need immediate action if the Philippines is to take effective steps towards improving its biosafety regulatory system.

Mirroring international debate on the issues of labelling and banning of GMOs, there is likewise no consensus in the Philippines as regards the necessity for labelling and proposals to prohibit the entry, sale, processing, field testing and release of GM crops and food products. There are at least two pieces of proposed legislation for banning GMOs and nine calling for mandatory labelling and segregation of GM products.¹⁹ These proposed laws are suffering the same fate as the NBF and the Cartagena Protocol, however, that of government inaction.

The Existing Biosafety Regulatory Framework

Although it is the Department of Science and Technology (DOST) that chairs the NCBP and serves as its Secretariat, it has no regulatory mandate. The NCBP itself, though tasked with broad responsibilities under EO 430, has no regulatory function and actually relies on the individual mandates of its regulatory agency members. The decisions of the NCBP are recommendatory in nature and the actual decision on whether to implement the decision lies with the member departments of the NCBP (DA, DOH and DENR).²⁰

Thus, it is the following government agencies that actually regulate GMOs: DA Bureau of Plant Industry (BPI) for plants, DA Bureau of Animal Industry (BAI) for animals, DA Bureau of Fisheries and Aquatic Resources (BFAR) for fishes, DENR Forest Management Bureau (FMB) for forest species, DENR Protected Areas and Wildlife Bureau (PAWB) for new species, Environment Management Bureau (EMB) for environmental protection, and the DOH for pharmaceuticals.

With respect to activities undertaken, it is the following agencies that have responsibility: the NCBP for biotechnology research and development activities undertaken in contained facilities; the NCBP and the Biosafety Committee of the Department concerned for limited release and multi-location field tests, and; the relevant Department Biosafety Committee for pilot and commercial propagation and direct use as FFP, as well as delisting/deregulation of regulated materials.²¹

The Philippine biosafety regulatory system has separate procedures for the approval of applications for contained research, field testing, propagation, and direct use as food or feed, or for processing (FFP). The system requires a step-by-

step risk assessment procedure²² before a permit for propagation can be granted, whereby a GMO has to undergo risk assessment under contained conditions, before being considered for field trials. The safety and bioefficacy data from such field trials, in turn, are required before an application for commercial release of the GMO can be considered.²³

The biosafety guidelines issued by the NCBP pursuant to EO 430 require the establishment of Institutional Biosafety Committees (IBCs) in all institutions engaged in genetic engineering and/or potentially hazardous biological and/or genetic engineering work. The IBC is composed of at least five (5) members, at least three (3) of whom are scientists and at least two (2) community representatives. It is responsible for evaluating project proposals, deciding whether to recommend them to the NCBP for approval, and for supervising, monitoring and reporting to the NCBP their progress. Further, it is the IBC that is responsible for informing the public and soliciting their views on planned releases of regulated materials.²⁴

Safety Testing and Risk Assessment

Before examining the actual rules that apply for the different biosafety-related activities, it will be useful to examine two concepts that figure prominently in biosafety regulation: the concepts safety testing and risk assessment. Safety testing in this context involves the conduct of actual scientific tests that generate primary data on the effect of the GMO or GMO product on human and/or animal health and the environment. Risk assessment, on the other hand, involves an examination of the data generated by safety testing, contained in scientific documents, to determine whether or not a proposed activity (i.e., importation, contained use, field testing or commercial propagation) related to GMOs or its products poses significant risks to human health and the environment. Sometimes, there is another level of assessors that examine whether or not risk assessment has been scientifically and adequately undertaken and whether the proposed mitigating measures are effective and implementable.

At the outset, it should be noted that what Philippine biosafety regulators conduct are risk assessments, based on scientific documents that are required to be submitted, and not safety testing. Safety testing is conducted by other bodies, such as biotechnology firms through commissioned or in-house scientists, academic institutions, or other scientific institutions.

For obvious reasons, it is important that safety testing be conducted as independently and impartially as possible. Unfortunately, this is not usually the case as the bulk of safety data is generated by the biotech industry. There is a serious lack of independent safety testing going on.

In the Philippines, risk assessment relies heavily on data generated in other countries. However, in view of the requirement that safety testing, especially for field testing and propagation, also be conducted in the actual country or area of

release, some safety testing is also conducted in the Philippines, mostly conducted by scientists commissioned by biotech firms. The regulatory agencies themselves, unfortunately, do not have the resources to conduct safety testing, to commission safety tests or to conduct tests for monitoring purposes.

Contained Use

For each project intended for contained research or testing that is within the scope of the Biosafety Guidelines, the designation of a Project Leader is required. It is the project leader who shall take overall responsibility for the project and who shall be responsible, in the first instance, of determining whether the project falls within the coverage of the Guidelines. The project proposal is then forwarded to the IBC for the conduct of a risk assessment. In case of a favorable finding by the IBC, it forwards the proposal to the NCBP for approval. Upon implementation of the project, it is the responsibility of the IBC to supervise, monitor and report to the NCBP on the progress of the project.²⁵

In cases of importation of GM plants for contained use or testing, the policy is that “no article intended for contained use shall be allowed importation or be removed from the port of entry unless duly authorized by the BPI upon endorsement of the NCBP.”²⁶ An application is filed with the BPI, supported by a Letter of Endorsement from the NCBP stating, among others, that a scientific and technical review has been conducted and it has been found that the proposed activity does not pose any significant risks to human health and the environment.²⁷

In general, the BPI evaluates applications in two steps: the first step is an evaluation of whether the documents are complete and in the proper format, and the second step is a review of the results of the risk assessment conducted by two parallel sets of reviewers, the Scientific and Technical Review Panel (STRP) and the Core Biotechnology Teams in each regulatory agency of the DA. The STRP is an advisory body created by the BPI, composed of at least three reputable and independent scientists drawn from a pool of experts selected by the DA from the scientific community. These parallel sets of reviewers study, based on the scientific documents submitted, whether or not the risk assessment has been scientifically and adequately undertaken and whether the proposed mitigating measures are effective and implementable.²⁸

The regulatory agencies of the DA are the Bureaus of Plant Industry (BPI), Agriculture and Fisheries Product Standards (BAFPS), Animal Industry (BAI) and the Fertilizer and Pesticide Authority (FPA). Applications are forwarded to the BAFPS in all instances for determination of compliance with food safety standards; to the FPA, if the regulated article is a pest-protected plant, for determination if the applicant is duly licensed as a pesticide handler in accordance with Presidential Decree No. 1144 and if tolerance levels and good agricultural practices have been established for registration of the transformation event; and to the BAI, if the regulated article is intended for use as feed or for processing into feed, for determination of its compliance with feed safety standards.²⁹

Field Testing

The policy on field testing of regulated articles under AO 8 is that:

No regulated article shall be released into the environment for field testing unless: (i) a Permit to Field Test has been secured from the BPI; and (ii) the regulated article has been tested under contained conditions in the Philippines. The containment of a regulated article shall be reduced and the scale of release increased only if based on the risk assessment of the contained use the field testing of the regulated article will pose no significant risks to human health and the environment.³⁰

A risk assessment has to be performed by the IBC using the policies and guidelines formulated by the NCBP. Approval of a majority of the IBC members, including at least one community representative, is required before the application can be endorsed to the BPI. Upon determination by the BPI that the application is sufficient in form and substance, it forwards the application file to the NCBP and the STRP. The STRP evaluates the application while the applicant, through its IBC, concurrently conducts public consultations in the areas where the field tests are to be conducted, inviting interested parties to comment.

In case the STRP finds that the proposed release may pose significant risks to human health and the environment, public hearings within the vicinity of the field test sites are required to be conducted by the IBC. The BPI Director shall approve the application if, upon consultation with NCBP, it finds that based on the application file, the field testing of the regulated article poses no significant risks to human health and the environment.³¹

Releases for Propagation

The policy on releases of GM plants for propagation is that:

No regulated article shall be released for propagation unless:

(i) a Permit for Propagation has been secured from the BPI; (ii) it can be shown that based on field testing conducted in the Philippines, the regulated article will not pose any significant risks to the environment; (iii) food and/or feed safety studies show that the regulated article will not pose any significant risks to human and animal health; and (iv) if the regulated article is a pest-protected plant, its transformation event has been duly registered with the FPA.³²

In addition to the application form, several supporting documents are also required: a certification from the BPI that the regulated article has undergone satisfactory field testing in the Philippines, a technical dossier containing scientific literature relied upon by the applicant to show that the regulated article will not result in any significant risks to human health and the environment, and a copy of the proposed Public Information Sheet (PIS) for Propagation.

Upon finding that the application is sufficient in form and substance, the BPI Director forwards the same to the STRP for evaluation of the risk assessment and risk management strategies of the applicant. The application is also referred to the BAFPS, BAI or the FPA, depending on the nature of the regulated article.

Meanwhile, concurrent with the risk assessments, the applicant causes the publication of the Public Information Sheet for Propagation, inviting interested parties to submit their comments to the BPI.

If granted, the Permit for Propagation is valid for five years, unless sooner revoked for cause. Of course, the permit does not excuse the applicant from complying with the relevant regulations of other government agencies.

Direct Use

The policy on importation of regulated articles for direct use as food or feed, or for processing (FFP) is that:

*No regulated article shall be allowed importation for direct use as food or feed, or for processing, unless: (i) the importation has been duly authorized by BPI; (ii) the regulated article has been authorized for commercial distribution as food or feed, as the case may be, in the country of origin; and (iii) regardless of the intended use, the regulated article poses no significant risks to human and animal health.*³³

Apart from the application form, a notification from the exporter or country of origin is also required. To facilitate review of the application, AO 8 encourages the applicant to submit documents to show that “the regulated article is allowed for commercial distribution as food or feed by the regulatory authorities in the country of origin; and poses no significant risks to human and animal health.”³⁴

Upon acceptance of the application, the BPI forwards it to the STRP and the BAFPS and/or BAI, as the case may be, for risk assessment. Concurrently, the applicant is required to cause the publication of the Public Information Sheet for Direct Use, inviting interested parties to submit their written comments to the BPI.³⁵ The permit for direct use, if granted, is valid for five years and shall not relieve the applicant of its obligation to secure permits or licenses required by other government agencies.³⁶

Other Laws Affecting Biosafety Regulation

On the involvement of stakeholders, the Local Government Code (LGC)³⁷ provides that every national agency or government-owned or controlled corporation authorizing or involved in the planning and implementation of any project or program that may cause pollution, climatic change, depletion of non-renewable resources, loss of crop land, rangeland or forest cover, and extinction of animal or plant species, must consult with the LGUs, NGOs and other sectors concerned and explain the goals and objectives of the project or program, its impact upon the people and community in terms of the environmental and ecological balance, and the measures that will be undertaken to prevent or minimize the adverse effects thereof. It requires that prior to project or program implementation by government authorities, there must be consultations, and prior approval by the *sanggunian* (local government legislative body/board) concerned.³⁸

Within the context of biosafety, it may be reasonably argued that GMOs can cause pollution (specifically, pollution of the gene pool or genetic contamination) and the extinction of animal or plant species. Thus, the LGC may be invoked to demand that community consultation take place before any GMO-related activity can take place within a local government's jurisdiction.

In local government units (LGUs) where local officials, civil society and people's organizations have a high awareness of the rights they are entitled to under the LGC and where they assert such rights, socio-economic considerations have actually emerged as the key factor in biosafety decision-making. One example is the province of Bohol, whose Sangguniang Panlalawigan (Provincial Board) has come up with a resolution declaring Bohol as GMO-free and enacted Provincial Ordinance No. 2003-010 prohibiting "laboratory or field testing or any activity whatsoever for the propagation of or experimentation related to GMOs" unless certain conditions are complied with.³⁹

In the case of indigenous peoples, the Indigenous Peoples' Rights Act (IPRA)⁴⁰ requires a higher degree of public involvement in decision making for projects implemented within indigenous peoples' ancestral lands and domains and that affect the lives of indigenous peoples. The IPRA requires the project proponent to obtain the free, prior and informed consent (FPIC) of the affected community, in accordance with prescribed procedures, before the project can be carried out.

National Commission on Indigenous Peoples (NCIP) Administrative Order No. 3, Series of 2002, or the Revised Guidelines for FPIC and issuance of Certificate Precondition, defines FPIC as:

*the consensus of all members of the ICC/IPs which is determined in accordance with their respective customary laws and practices that is free from any external manipulation, interference and coercion and obtained after fully disclosing the intent and scope of the program/project/activity, in a language and process understandable to the community. The Free and Prior Informed Consent is given by the concerned ICCs/IPs upon the signing of the Memorandum of Agreement containing the conditions/requirements, benefits as well as penalties of agreeing parties as basis for the consent.*⁴¹

The provisions and implementing rules on FPIC are the operationalization of the rights of indigenous peoples to self-determination, to their lands, territories and resources, and to their cultural integrity, granted to them by the Philippine Constitution and the IPRA.⁴² Consequently, indigenous peoples may demand that their FPIC be obtained before GMOs can be released into their ancestral lands or domains.

In the field of environmental protection, the Philippine Environmental Policy⁴³ provides that:

all agencies and instrumentalities of the national government, including government-owned or controlled corporations, as well as private corporations, firms and entities shall prepare, file and include in every action, project or undertaking which significantly affects the quality of the environment a detailed statement on: (a) the

environmental impact of the proposed action, project or undertaking; (b) any adverse environmental effect which cannot be avoided should the proposal be implemented; (c) an alternative to the proposed action; (d) a determination that the short-term uses of the resources of the environment are consistent with the maintenance and enhancement of the long-term productivity of the same; and (e) whenever a proposal involves the use of depletable or nonrenewable resources, a finding must be made that such use and commitment are warranted.

On the basis of Section 4 of the Philippine Environmental Policy, an Environmental Impact Statement (EIS) System⁴⁴ was established. This system requires the preparation of an EIS, after conducting an impact assessment study, for proposed projects and undertakings that significantly affect the quality of the environment. Within this system is the requirement for social acceptability before a project can be carried out.

The EIS law provides that the President of the Philippines may, on her own initiative or upon the recommendation of the DENR, by proclamation declare certain projects, undertakings or areas in the country as environmentally critical. Under the said law, no person, partnership or corporation shall undertake or operate any such declared environmentally critical project or area (ECP/ECA) without first securing an Environmental Compliance Certificate (ECC). All other projects, undertakings and areas not declared by the President as environmentally critical shall be considered as non-critical and shall not be required to submit an environmental impact statement (EIS). Non-critical projects and undertakings may, however, be required to provide additional environmental safeguards.

In 1981, Environmentally Critical Areas and Projects were identified under Presidential Decree No. 2146. The release of GMOs into the environment is not listed as an ECP, but the area where it will be released may qualify as an ECA. It is also possible that the DENR may require additional environmental safeguards prior to their release.⁴⁵

Discussion and Analysis

It is evident from the review of the Philippine biosafety regulatory system above that biosafety decision-making relies heavily on a science-based risk assessment that focuses on health and environmental impacts of GMOs. However, it is equally evident that there is room within the system for raising ethics, socio-economics and sustainability issues and for getting such issues considered in biosafety decision-making, especially for indigenous peoples and local government units. Moreover, the extent to which socio-economic concerns are raised and taken into account is heavily dependent on the vigilance and robust participation of stakeholders in the decision-making process, since the inclusion of such impact assessments is neither systematic nor mandatory.

The provisions of the Local Government Code (LGC), the Indigenous Peoples' Rights Act (IPRA) and the EIS law on stakeholder involvement, free, prior and informed consent (FPIC), and social acceptability can be invoked to make socio-economic impact assessment mandatory in biosafety matters. However, this is again dependent on how effectively stakeholders can assert their rights under these laws.

The provisions of the proposed National Biosafety Framework (NBF) on socio-economic considerations are significant steps towards recognition of the importance of taking socio-economic impact into account in decision-making.⁴⁶ One of the powers and functions of the NCBP under the NBF is to "Issue detailed guidelines on the conduct of socio-economic impact evaluation of biosafety decisions."⁴⁷

Effective Public Participation

The existing biosafety framework allows for public participation through a variety of means. First is the requirement for community representation in the NCBP and the IBCs, bodies that conduct risk assessment, reviews, management and monitoring. Next is the requirement for Public Consultations in cases of proposals for field testing, propagation, direct use and delisting under AO 8 by means of posting, publication and allowing a limited time for public comment.⁴⁸ In addition, there is a requirement for Public Hearings in cases of proposals for field testing when the STRP finds that the release may pose significant risks to human health and the environment.⁴⁹ Finally, there is the mandate of both the NCBP and IBCs to "Hold public deliberations on proposed national policies, guidelines and other biosafety issues"⁵⁰ and "Hold discussions on the comparative ecological, economic and social impacts of alternative approaches to attain the purposes or objectives of the proposed genetic ally modified products, services, or both."⁵¹

Despite the existence of these mechanisms for public participation, concerns exist as to their effectiveness in stimulating informed public debate at the national and local level. Concerns about the extent to which the results of public consultations and hearings are taken into account in decision-making have also been raised.

While regulations allocate two seats for respected members of the community in the NCBP, the selection criteria is unclear and it does not state exactly which community must be represented. Similarly, IBCs must have at least two community representatives who "must be in a position to represent the interests of the communities surrounding the institution or which may be affected by the planned release."⁵² However, it is still unclear exactly what community is sought to be represented: whether it is the farmers, fishers, NGOs, industry or indigenous peoples.

There exists no systematic means of identifying and including all relevant stakeholders in decision-making. It is not sufficient to simply identify a "community representative" and assume that the interests of all the stakeholders are rep-

resented. There must be a mechanism to include farmers, fishers, civil society, local government, and indigenous peoples representatives, as the case may be.

The NBF takes steps to address some of these concerns, specifying exactly which communities shall be represented and prescribing the mechanism for selection. Section 4.2 changes the composition of the NCBP to include a representative of civil society, to be recommended by the Civil Society Counterpart of the Philippine Council on Sustainable Development (PCSD) to the NCBP. Further, the NBF provides for the inclusion in the NCBP of a community representative from the farmers, fisherfolk and indigenous sector, appointed by the President from a list submitted by nationally recognized sectoral organizations.

In proposals for field testing, the applicant is required, through the IBC, to notify and invite comments from the barangays and city or municipal governments with jurisdiction over the test sites. This is accomplished by posting the Public Information Sheet (PIS) for three consecutive weeks in three conspicuous places and inviting interested parties to send their comments within thirty days. Concerns have been raised about the capacity of local communities to competently comment on the proposals, and on the extremely short period of time for public comment. Prior experience with this passive system of notification (i.e., posting) has shown that such system is largely ineffective in informing the public, especially in sparsely populated and poverty-stricken areas. Further, it is not clear to what extent the public comments received will be taken into consideration in making the final decision.

In proposals for propagation, direct use and delisting, the applicant is required to cause the publication of the PIS in two newspapers of general circulation, inviting interested parties to send their written comments to the BPI within thirty days (sixty days for delisting). Civil society experience is that the PIS is published in obscure newspapers with a very limited subscriber base, thus discouraging effective and timely public participation. Further, it is unclear to what extent public comments are considered in the decision-making process. Moreover, unlike the process in field testing applications, there is no provision for public hearings in cases of propagation, direct use and delisting.

Effective public participation requires access to documents pertinent to risk assessment of the regulated material. Civil society experience reveals extreme reluctance on the part of the regulatory agencies to divulge what should be public information. It has become more and more difficult to access pertinent public documents in a timely manner. The NCBP and BPI take an inordinately long time, well beyond the mandated two-week period, to furnish interested NGOs the requested information. The information provided is extremely limited, usually attributed to claims of confidential business information by the applicant.

In order to ensure informed public participation, there should be a limit to what an applicant can claim as confidential business information. Further, the public should be granted immediate access to all biosafety decisions.

Again, the proposed NBF takes important steps in encouraging effective public participation in biosafety decision-making. It devotes an entire section to access to information⁵³ and another to public participation.⁵⁴ The kinds of information that the public has a right to access is spelled out, such as information on applications, biosafety decisions, risk management, product monitoring and product identification. Information should be disclosed in a prompt and timely manner and a limit is placed on what can be claimed as confidential information.⁵⁵

As for public participation, the NBF requires it for all stages of the biosafety decision-making process. Minimum requirements for the conduct of public participation are specified. It requires adequate, timely and effective notice to all stakeholders in a language understood by them, adequate and reasonable time frames, various means of conducting public consultations to secure wide input, the acceptance of written submissions, and the consideration of public concerns in the actual decision-making. Finally, the public must be informed of the final decision promptly, have access to it, and shall be provided with the reasons and considerations resulting in such decision.

Conclusions and Recommendations

Several conclusions can be drawn from the foregoing review of the legal and policy environment on biosafety and GMOs in the Philippines.

1. There is a lack of systematic mechanisms for public involvement in biosafety policy formulation and subsequent biosafety decision-making. Although there are provisions for public consultation, it is not clear to what extent public opinion can affect biosafety decision-making.
2. There is a reluctance on the part of the government to provide the public with relevant information on GMOs in a timely manner. Claims of confidential business information means that the information provided to civil society is severely limited.
3. There is undue emphasis within the system on potential health and environmental impacts and not enough on socio-economic and other impacts of GMOs.
4. Safety testing and risk assessment is heavily reliant on systems within the IBCs and public consultation is largely local, confined to the vicinity of field test sites. This raises issues on the capacity of civil society to monitor developments and engage in biosafety debate at the local level.
5. There is an alarming lack of capacity and resources available or allocated for independent safety testing and monitoring of GMO field releases.

6. Biosafety decision-making is concentrated on the hands of scientists within the IBCs, NCBP, STRP, and Core Biotechnology Teams within the regulatory agencies concerned. Although there are provisions for community representation in some of these bodies, it is not clear how they should be selected and exactly which communities are represented.
7. There is a lack of resources allotted for the development of agriculture in the country. This translates to a lack of resources for independent safety testing and post-release monitoring of GMOs in the Philippines.
8. Responsibility for post-release monitoring falls on the DA, DENR and DOH, agencies whose functions have been devolved to the local government level. This raises issues as to the capacity of these local units to carry out post-release monitoring. This is a major concern, especially in the light of the lack of capacity of the national DA-BPI itself to conduct such monitoring.
9. There is no requirement for labeling and segregation of GMOs from non-GMOs in violation of the consumers' right to know and right to choose what to purchase and eat.
10. The lack of a law specifically addressing biosafety and GMOs means there is an ineffective system for liability and redress in cases of damage caused by the introduction of GMOs.
11. Non-ratification of the Cartagena Protocol on Biosafety means we are not compelled to adopt the precautionary principle, socio-economic assessment and principles on liability and redress in our national biosafety regulatory system. Further, we are prevented from accessing funds for capacity-building on biosafety and GMO issues.
12. There is a lack of public awareness and public debate on biosafety and GMO issues.

The Philippines, a primarily agricultural economy rich in biological diversity, is particularly vulnerable to socio-economic impacts arising from the introduction of GM crops. Thus there is a need for a more systematic inclusion of socio-economic considerations in biosafety risk assessment processes and decision-making. Promulgation of the proposed National Biosafety Framework will go a long way in instituting socio-economic impact assessment alongside health and environment impact assessments within the biosafety regulatory system. Similarly, ratification of the Cartagena Protocol on Biosafety will provide more legal basis for the incorporation of socio-economic considerations in biosafety decision-making.

While the existing biosafety regulatory framework allows for public participation, it is dependent on the assertiveness of civil society and stakeholder groups. Thus, there is a need to build capacities among stakeholders, especially at the

local level, so that they are aware of the issues surrounding GMOs and of their rights regarding these matters. Further, the Local Government Code, the Indigenous Peoples' Rights Act and the Environmental Impact System Law can be invoked to bolster the position of indigenous peoples and local communities in asserting their rights against the introduction of GMOs in their areas.

The following recommendations are being put forward in order to ensure that socio-economic and other considerations are firmly integrated in GMO policy and biosafety regulation in the Philippines:

1. Enactment of a mandatory labeling bill, enactment of a bill calling for a 5-year ban on GMOs, ratification of the Cartagena Protocol, and/or signing of the NBF.
2. National-level campaigns to stimulate public debate on biosafety and GMOs and enhance public awareness of the issues involved therein.
3. Drafting and enactment of a law, with the involvement of relevant stakeholders, specific to biosafety and GMOs, including an effective liability and redress regime.
4. Participation in international processes for the development of biosafety regulations, such as the processes under the Cartagena Protocol and the Convention on Biodiversity (e.g., liability and redress and terminator technology).
5. Conduct of widespread and comprehensive information and education campaigns (IEC) and capacity-building workshops on biosafety, specifically including a background on the science involved in modern biotechnology.
6. Empower communities to assert their rights at the local level under the LGC and indigenous peoples to assert their rights, under the IPRA and elsewhere, to self-determination, lands, territories and resources, cultural integrity and FPIC in relation to GMOs.
7. Availability and allocation of adequate resources for independent and systematic research and documentation, safety testing, and monitoring of the effects of GM crops on health and the environment.

Jennifer T. Corpuz is an indigenous lawyer and Coordinator of Tebtebba's Legal Desk.

Endnotes

¹ Modified and updated version of an essay submitted to the Norwegian Institute of Gene Ecology (GenØk) in partial fulfillment of the requirements for the Training Course on Holistic Foundation for Assessment and Regulation of Genetic Engineering and Genetically Modified Organisms, Tromsø, Norway, 22 Aug. to 2 Sept. 2005. For writing this essay, the author earned 12 ECTS-credits in the Doctoral programs at the Faculty of Medicine at the University of Tromsø.

² Coordinator, Legal Desk, Tebtebba (Indigenous Peoples' International Center for Policy Research and Education), Baguio City, Philippines.

³ For a list of parties and signatories to the protocol, see the website of the Convention on Biological Diversity, <http://www.biodiv.org/biosafety/igninglist.aspx?sts=rtf&ord=dt>.

⁴ For a list of parties and signatories to the protocol, Website of the Convention on Biological Diversity, <http://www.biodiv.org/world/parties.asp>, accessed on 13 October 2005.

⁵ For a more extensive discussion, see Mackenzie, Ruth, Burhenne-Guilmin, Françoise, La Viña, Antonio G.M. and Werksman, Jacob D. in cooperation with Ascencio, Alfonso, Kinderlerer, Julian, Kummer, Katharina and Tapper, Richard (2003). An Explanatory Guide to the Cartagena Protocol on Biosafety. IUCN, Gland, Switzerland and Cambridge, UK.

⁶ Article 26. Socio-economic considerations: 1) The Parties, in reaching a decision on import under this Protocol or under its domestic measures implementing the Protocol, may take into account, consistent with their international obligations, socio-economic considerations arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity, especially with regard to the value of biological diversity to indigenous and local communities. 2) The Parties are encouraged to cooperate on research and information exchange on any socio-economic impacts of living modified organisms, especially on indigenous and local communities.

⁷ Department of Environment and Natural Resources-Protected Areas and Wildlife Bureau. 2004. The National Biosafety Framework for the Philippines. Quezon City, Philippines. Socio-economic, Ethical, Cultural and Other Considerations. Consistent with Article 26 of the Cartagena Protocol, concerned government departments and agencies may take into account socioeconomic considerations arising from the impact of regulated articles on the conservation and sustainable use of biological diversity, especially with regard to the value of biological diversity to indigenous and local communities.

The NCBP shall issue guidelines relating to the conduct of social, economic, ethical, cultural and other assessments, as appropriate, particularly prior to decisions to commercialize products of modern biotechnology. These assessments shall be conducted separately from risk assessment and in a transparent, participatory and rigorous manner.

⁹ For a more extensive discussion, see La Viña, Antonio G.M., Genetically Modified Organisms and the Cartagena Protocol On Biosafety: What Is At Stake For Communities?, World Resources Institute Working Paper No. 4: Globalization, Environment and Communities, 7 February 2003, available from <http://governance.wri.org/projectdescription.cfm?ProjectID=148>.

¹⁰ Further elaborated in Halos, Saturnina C., Background Analysis: National Biosafety Framework, 2003, available from [http://www.pawb.gov.ph/WEB-nbfp/Output and Publication/Technical & Legal Report/Technical/UNEP report1.doc](http://www.pawb.gov.ph/WEB-nbfp/Output%20and%20Publication/Technical%20&%20Legal%20Report/Technical/UNEP%20report1.doc).

¹¹ For a general discussion of the situation in Asia, see La Viña, Antonio G.M., Fransen, Lindsey, Integrating Socio-Economic Considerations into Biosafety Decisions: The Challenge for Asia, A Paper Commissioned by the International Development Re-

search Center (IDRC) for the IUCN-IDRC Meeting on Biosafety in Colombo, Sri Lanka, October 12-14, 2004.

¹² Ramirez, Dolores A., Biosafety Concerns in the Philippines: Genesis and Evolution, Paper presented during the ASEAN Regional Workshop on Risk Assessment of GMOs, Aloha Hotel, 14-15 June 2004, Manila.

¹³ Executive Order No. 430.

¹⁴ Philippine Biosafety Guidelines (1991).

¹⁵ Philippine Biosafety Guidelines (1998).

¹⁶ La Viña, Antonio G.M., Kho, James L., Benavidez II, Paz J. and Matammu, Emma C., Analysis of Legal Instruments Relating to Biotechnology and Biosafety in the Philippines, Paper commissioned under the National Biosafety Framework Project (Philippines) funded by UNEP/GEF, edited second draft, 29 September 2003, available from <http://www.pawb.gov.ph/WEB-nbfp/Output and Publication/Technical & Legal Report/Legal/Analysisof LegalInstruments-editedreviseddraft.doc>.

¹⁷ Department of Agriculture Administrative Order No. 08-02 (DA AO 08-02).

¹⁸ La Viña, Antonio G.M., Kho, James L., Benavidez II, Paz J. and Matammu, Emma C., Analysis of Legal Instruments Relating to Biotechnology and Biosafety in the Philippines, Paper commissioned under the National Biosafety Framework Project (Philippines) funded by UNEP/GEF, edited second draft, 29 September 2003, available from <http://www.pawb.gov.ph/WEB-nbfp/Output and Publication/Technical & Legal Report/Legal/Analysisof LegalInstruments-editedreviseddraft.doc>.

¹⁹ House Bill No. 01767, authored by Rep. Prospero Pichay, and House Bill No. 02124, authored by Rep. Satur Ocampo, on the banning of GMOs; House Bill No. 01350, authored by Rep. Del De Guzman, House Bill No. 02085, authored by Rep. Emmylou Talino-Santos, House Bill No. 01621, authored by Rep. Roseller L. Barinaga, Senate Bill No. 052, authored by Sen. Juan M. Flavio, Consolidated Senate Bills Nos. 120, 604 and 1702, authored by Sens. Luisa P. Ejercito Estrada, Manuel B. Villar, Jr. and Miriam Defensor-Santiago, Senate Bill No. 1763, and Senate Bill No. 2052, authored by Sen. Pia Cayetano, on mandatory labelling.

²⁰ Caleda, J.M., et al., Country Report on National Biosafety Framework, Paper presented during the UNEP Sub-regional Workshop on Biosafety Administrative Systems, 19-22 October 2003, Shiraz, Iran.

²¹ Ramirez, Dolores A., Biosafety Concerns in the Philippines: Genesis and Evolution, Paper presented during the ASEAN Regional Workshop on Risk Assessment of GMOs, Aloha Hotel, 14-15 June 2004, Manila.

²² Halos, Saturnina C., Background Analysis: National Biosafety Framework, 2003, available from <http://www.pawb.gov.ph/WEB-nbfp/Output and Publication/Technical & Legal Report/Technical/UNEP report1.doc>.

²³ Department of Agriculture Administrative Order No. 08-02 (DA AO 08-02).

²⁴ Philippine Biosafety Guidelines, 1991 and 1998.

²⁵ Philippine Biosafety Guidelines 1998, as modified by DA AO 8.

²⁶ DA AO 8, Sec. 5.

²⁷ DA AO 8, Sec. 6.

²⁸ Halos, Saturnina C., Background Analysis: National Biosafety Framework, 2003, available from <http://www.pawb.gov.ph/WEB-nbfp/Output and Publication/Technical & Legal Report/Technical/UNEP report1.doc>.

²⁹ DA AO 8, Sections 10.D and 12.C.

³⁰ DA AO 8, Sec. 7.

³¹ DA AO 8, Sec. 8.

³² DA AO 8, Sec. 9.

³³ DA AO 8, Sec. 11.

³⁴ DA AO 8, Sec. 12.A.2.b.

³⁵ DA AO 8, Sec. 12.D.

³⁶ DA AO 8, Sec. 12.E.

³⁷ Republic Act No. 7160.

³⁸ La Viña, Antonio G.M., Kho, James L., Benavidez II, Paz J. and Matammu, Emma C., Analysis of Legal Instruments Relating to Biotechnology and Biosafety in the Philippines, Paper commissioned under the National Biosafety Framework Project (Philippines) funded by UNEP/GEF, edited second draft, 29 September 2003, available from [http://www.pawb.gov.ph/WEB-nbfp/Output and Publication/Technical & Legal Report/Legal/Analysisof LegalInstruments-editedreviseddraft.doc](http://www.pawb.gov.ph/WEB-nbfp/Output%20and%20Publication/Technical%20&%20Legal%20Report/Legal/AnalysisofLegalInstruments-editedreviseddraft.doc).

³⁹ The title of the ordinance is "Instituting Stringent Measures to Safeguard the Health of the Boholanos and Protect the Ecological Soundness of the Province of Bohol from the Possible Disastrous Ill-Effects of Genetically Modified Organisms, Providing Penalties for Violations Thereof, and for Other Purposes" also known as "The Safeguard Against GMOs."

⁴⁰ Republic Act No. 8371, Sec. 59.

⁴¹ NCIP Administrative Order No. 3, Series of 2002, Section 5.d.

⁴² Section 13 of the IPRA provides that "The State recognizes the inherent right of ICCs/IPs to self-governance and self-determination and respects the integrity of their values, practices and institutions. Consequently, the State shall guarantee the right of ICCs/IPs to freely pursue their economic, social and cultural development."

⁴³ Presidential Decree No. 1151 (1977).

⁴⁴ Presidential Decree No. 1586 (1978).

⁴⁵ La Viña, Antonio G.M., Kho, James L., Benavidez II, Paz J. and Matammu, Emma C., Analysis of Legal Instruments Relating to Biotechnology and Biosafety in the Philippines, Paper commissioned under the National Biosafety Framework Project (Philippines) funded by UNEP/GEF, edited second draft, 29 September 2003, available from [http://www.pawb.gov.ph/WEB-nbfp/Output and Publication/Technical & Legal Report/Legal/Analysisof LegalInstruments-editedreviseddraft.doc](http://www.pawb.gov.ph/WEB-nbfp/Output%20and%20Publication/Technical%20&%20Legal%20Report/Legal/AnalysisofLegalInstruments-editedreviseddraft.doc).

⁴⁶ The provisions are Sections 2.5 (Principles) and 5.4 (Decision-Making Process) of the proposed NBF.

⁴⁷ Proposed National Biosafety Framework, Section 4.6.1.5.

⁴⁸ DA AO 8, Sections 8.G, 10.E, 12.D, and 14.B.

⁴⁹ DA AO 8, Sec. 8.H.

⁵⁰ Executive Order No. 430, Sec. 4(h); Philippine Biosafety Guidelines 1991 and 1998.

⁵¹ Philippine Biosafety Guidelines 1991 Sec. A.2.12 and B.2.1.3; Philippine Biosafety Guidelines 1998, Sec. 3.1.2(I).

⁵² Philippine Biosafety Guidelines 1998, Sec. 3.1.1.

⁵³ Proposed National Biosafety Framework, Section 6 (Access to Information).

⁵⁴ Proposed National Biosafety Framework, Section 7 (Public Participation).

⁵⁵ The provision reads "6.2. Confidential Information. In all applications for approvals, whether domestic or foreign, concerned departments and agencies shall ensure that it has procedures and regulations to determine and protect confidential information; Provided, however, that the concerned agencies may refuse declaring the confidentiality of such information if the public interest in disclosure outweighs the prejudice that the disclosure would cause to any entity."



The *Holok*: Rice Pests, Plants and Ifugao Gods

By Montanosa Research and Development Center

PEST MANAGEMENT IN THE CORDILLERA, IN NORTHERN PHILIPPINES, is an extensive practical knowledge learned from experience and developed by traditional knowledge over years of observing with natural processes. The approach is universal and it entails comprehensive understanding of the entire rice production system.

Cordillera farmers employ many indigenous preventive ways to control pests. The most significant techniques include synchronized transplanting, field sanitation and seed selection.

Nevertheless, pests remain a major problem that must be controlled at all cost. Since pesticide spray is unfamiliar in the region, the farmers rely on indigenous pest management systems that were taught to them by their ancestors. By using certain types of plants with known pesticidal properties, they formulated botanical pesticides and applied it to the rice crop. Although lacking with formal scientific basis, these are effective as proven by experience and continuous use.

The most complex and exemplary system of pest management in the Cordillera is the *holok* in Hingyon, Ifugao. The preparation of the *holok* is so intricate and involves the collection and processing of variety of plants known only to selected members of the community. What makes it more complicated is the ritual involved in its preparation which the farmers believe transubstantiated the plants into pesticides. It is also unusual that the *holok* mixture is not sprayed to the rice plants. Instead, a handful of the mixture will just be placed along strategic areas in the levees. Unbelievably, as shared by all farmers in the locality, all insects in the rice fields fall to the ground and die a day or two after application.

Despite the *holok's* known extraordinary feat in the Ifugao rice world, little effort is exerted in seeking scientific basis even with the increase in scientific knowledge, innovation, and experimentation corresponding to the rise of formal education and the entry of technical assistance from government agencies. Obviously, scientific endeavors are biased towards modern agriculture that promotes the use of chemical pesticides for pest control.

Profile of the *Holok* Region

Location and Settlement Pattern

The *Holok* is practiced in the barangays (villages) of O-ong, Cababuyan and Mompolia, all in Hingyon, Ifugao. The barangays are located roughly 12-20 kilometers northeast of the capital town of Lagawe, Ifugao. Some of the *boble* (settlements) could be reached by vehicular transport while others are accessible only through hiking.

The *holok* region (as termed in this study) has over a hundred sitios (sub-villages), some of which are a mere few meters apart. The people deny that this phenomenon is indicative of a strong tendency to divide or segregate, instead they claim that this is simply for identifying and locating places. This phenomena

may also be indicative of strong concepts of boundary and private ownership.

Settlement areas are usually characterized by small clusters of residences, granaries, and occasional sari-sari stores. These areas are mostly located on elevated ground and are close to rice fields. Informants claimed that settlement sites were chosen because of their proximity to trails and water sources, better passage of air and sound (to make it easier to hear the village-crier), and better defensive positions. Some informants said that settlements on higher grounds also facilitate the easier flow of human and animal waste to fertilize the rice fields.

Livelihood Sources

The main source of livelihood comes from tending the land: the rice fields (*payoh*), swiddens (*habal*), and privately-owned forested areas (*muyong*). Backyard livestock raising supplements food and cash income from the land. All households in the community engage in farming, regardless of whether these are of rich (*kadangyan*), middle (*uduh-udol*), or poor (*nawotwot*) class backgrounds. Households are involved in the farming cycle as owner-cultivators, tenants (*makiliyak*), or wage laborers (*bumuklah*). The produce from the swiddens and the livestock and poultry are mainly for home use. Occasionally, these are sold to generate cash for purchasing basic consumer goods like salt, sugar, lard, coffee, and kerosene, among others.

Secondary sources of livelihood include the practice of professions (such as teaching) and non-agricultural activities such as wage labor in infrastructure projects, handicrafts, money lending, gathering and selling of primary and secondary forest products, and maintaining small retail stores. Handicraft usually means small-scale basket weaving and woodcarving for local use or for occasional outside buyers. Money lenders extend credit at an interest rate of 5-10 per cent per month.

The household's cash needs are primarily for basic necessities and educational expenses. A college education is seen as a way out of poverty. As such, it is sought by the younger generation with the encouragement of their parents. Previous batches of college graduates from the area found jobs and settled outside the communities, but the money they sent to support their parents is considered a significant source of income for the whole family.

Rice Paddy Farming

Rice terraces cover most of the land within and around settlement areas. An observer would notice that the settlements were located close to the terraces. The rice terraces have been designed to maximize the flow of water from creeks and streams. Almost all gently sloping hollows between hills have been carved into rice terraces. Informants claimed that the hollows are preferred for terracing because they act as natural catchments for water, topsoil, and humus run-off

from the surrounding hills. Land suitable for rice terraces is no longer available within the immediate vicinity of the settlements.

Rice is classified into the traditional variety or “tinawon” and the exotic variety or “irik.” The “tinawon” variety includes *donaal*, *hinglow*, *imbangor*, *imbuukan*, *Inguhad*, *inlammuhan*, *madduli*, *imbanig*, and the glutinous types such as *ingumalingon*, *ulluy*, *ingiwih*, *binoggon*, and *imbalikwadang* (black rice). The “irik” variety includes *mantika*, *ihapoh*, and *oklad*.

Rice seeds are selected genetically. Women pick the best grains for seed (*binengoh*) before harvesting the rice field. The seeds are dried and kept above the hearth to protect them from weevils.

The rice cropping pattern determines labor in the community. Time for other work is made available only when tasks in the rice fields are relatively less intensive. Work in the rice fields is from September to July. Work in the swiddens is from April to October. Work in private woodlots is done when there is less labor required in the rice fields and swiddens or when the condition of the woodlot so demands it. Given the amount of work to be performed, a farmer seldom spends a week’s vacation from production and reproduction tasks.

When men finish their tasks in the rice fields they usually leave the community to search for jobs in the mines, vegetable farms, and town centers. This leaves the women, children and elderly to deal with the labor required in the farms and homes.

Rice Pests and Diseases

Golden kuhol (Golden Snail), rats, and army worms (*bigh*) are among the biggest pests preying on the rice crops in the area. Poor soil conditions allegedly caused by Zinc deficiency – is also a common complaint.

Golden kuhol, the once bragged cheap source of protein, is combated biologically. Farmers crush the snails and their eggs.

Rats are controlled biologically and chemically. The most common means used by the farmers in controlling rats is through poisoning with arsenic or zinc phosphate. These chemicals are readily available in some hardware and stores in Lagawe. Few farmers use commercial traps or a locally constructed trap called “Attobuh.”

Army worms (*Pseudaletia unipuncta* Haworth) appear sporadically and suddenly in immense numbers. They inflict severe losses even before they are detected. Frequently the pests also disappear suddenly. Only the larvae of this insect feed on crops. The army worm larvae feed on the parts of the plants which are above the ground. Usually, they eat all parts of the leaves except the midribs. The army worm larvae are weakly nocturnal. Sometimes they feed openly on plants on cloudy days. Otherwise, they hide under trash, near the base of the plants or in leaf folds.

The pests are called armyworms because of the larvae's habit of appearing suddenly in masses in fields. After eating the crop in one field, they march in mass like an army to seek food in other fields.

Army worms figured prominently in the discovery of the *holok*. Informants relayed that the *holok* was formulated primarily to control this type of pest which sporadically attacked clusters of rice fields in Hingyon. This system utilizes a pesticide created from the combined mass of more than 20 plants, the gift of the *bumhat* (one who cuts the plants needed for the *holok*), and the power of traditional prayer. The system has been proven effective by more than seven generations. In recent years, few farmers have tried spraying pesticides to kill army worms. The practice has not gained widespread support due to cost and safety measures.

Forest Areas

The forest plays a crucial role in the *holok* because it is here where the *bumhat* collects the plants with pesticidal properties. There are forested areas both near and far from settlement areas. The forested areas closer to the settlements are privately owned and bear second-generation trees with smaller circumferences. Forests which are greater distances from settlement areas are usually communal and also bear second-generation trees, but with relatively larger circumferences. Communal forests are sources of timber and firewood for all communities. Privately owned forests may be sources of firewood for the neighborhood, but are sources of lumber only for the owners and their selected kinsmen. Population pressure and continuous swidden farming are threatening the forests of the region.

Holok: Rice Pests, Plants and Ifugao Gods

Holok is a general Ifugao term for grass and other small vegetation. In the municipality of Hingyon, it also refers to a distinctive pest management system that utilizes the various parts of more than 25 plants to produce a pesticide against army worms and other rice pests. The system, as traditionally practiced, was part of the *hongan di pageh*, the system of Ifugao rituals on rice culture.

The *holok* is practiced only in the villages of O-ong, Cababuyan and Mompolia in Hingyon, Ifugao. Informants from O-ong and Cababuyan claim that it originated in Cababuyan while those from Mompolia claim otherwise. The exact date of the discovery of the *holok* is unknown. Informants in Mompolia were able to trace the *holok* back to the time of Nalidong, some seven generations ago. By their estimates, that would have been around 1860s.

Nalidong inherited the technology from his forebears. But he is best known because he successfully used the *holok* on other crops and without the benefit of the *baki* or rituals invoking the aid of the spirits of dead ancestors and the gods.

Due to his achievement, people believed that Nalidong had certain gifts given him by the gods.

The *holok* is usually performed during the months of April and May when the rice crop begins to bear fruit and is attacked by army worms. The *holok* was last practiced in April 1993 in Mompolia.

Key Persons in the Holok

Traditionally, there are three key persons involved in the *holok*. Each of them performs specific roles that contribute to the success of the *holok*.

1. The *Bumhat*

The *bumhat* cuts the plants that are needed for the *holok*. The *bumhat* is a member of a clan to which the gods have entrusted the technology. Only those of the bloodline of Nalidong can become *bumhat*. The *bumhat* in the different villages of Hingyon are claimed to be descendants of Nalidong.

Historically, it is only the *bumhat* and some of his kin who know the names of the needed plants. The identity of the plants is no longer guarded, but the technology is still kept within the clan of the *bumhat* because of popular belief that only the plants cut by the *bumhat* and his kin will be effective.

2. The *Mombaki*

The *mombaki* or traditional priests perform the *baki* (ritual) for the *holok*. There are no lineage requirements for *mombaki*. They learn their craft through apprenticeship and maintain their integrity through the diligent observation of vows.

The *hongan di pageh* requires special *mombaki*. Their vows are usually more severe. They could not attend death wakes or eat food served during social occasions that had to do with death. They could not eat bananas, fish, snails, carabeef, and any part of climbing plants during the *hongan di pageh*. They could not take a bath or leave their homes during the harvest season and a month afterwards.

There are four surviving *mombaki* in Mompolia, and one in Cababuyan but none of them perform the *hongan di pageh*. They say that the observance of the required vows cuts too much time from their work schedules.

3. The *Tumunak*

The *tumunak* is like a guide for the local rice culture. He initiates the various phases of the rice production cycle. People do not sow rice seed, transplant rice seedlings, or harvest rice until the *tumunak* has begun to do so.

The *tumunak* is believed to be chosen by the gods to guide the people to bountiful rice harvests. How to become a *tumunak* is through a search by the *mombaki*. Prayers and sacrifices are offered in the widest rice field. If the harvest is bountiful for that year, the owner of and heirs to the rice field become *tumunak*. If the harvest isn't abundant, prayers and sacrifices are offered in the next widest field until a *tumunak* is found. The station of *tumunak* is bestowed upon the inheritor of

the rice field, usually the eldest son of the owner who would most likely inherit all rice fields.

The *holok* is performed in the *puntunakan*, the rice granary or *alang*, of the *tumunak*. It is believed that the presence of the *tumunak* and the use of his *alang* gains additional blessings from the gods.

A *bumhat* could also be *mombaki*, but *mombaki* are not necessarily *bumhat*. Umanhan from Mompolia was the last *bumhat* who was also *mombaki*. He died in 1988.

Traditionally, it is the *bumhat's* prerogative to choose the *mombaki* who would celebrate the *baki* for the *holok*. *Mombaki* who are known for the irreproachable observance of their vows are often the ones chosen. Several *mombaki* are invited to attend because of the lengthy chants for the ritual.

Traditional Practice of the Holok

People who see signs of an army worm attack immediately inform the *tumunak*. The *tumunak* notifies the rice field owners to prepare for a *holok*. The rice field owners meet and agree upon a date for the *holok*. Each owner contributes a chicken or even several chickens for the ritual. Owners of wider rice fields usually give greater contribution.

The various activities for the *holok* take three days. During the afternoon of the first day, the *bumhat*, his kin, and several volunteers leave the village surreptitiously to gather the needed plants. Their departure is unannounced to avoid negative comments from cynics. There is a strong belief, which remains to this day, that cynical comments lead to a failure of the *holok*. Since the required plants grew in different areas of the municipality, several gathering teams are formed. It is important that each team has a member of the clan of the *bumhat* to cut the plants. Other team members are not necessarily relative of the *bumhat*, just volunteers to help carry the load.

On the evening of the first day, a few hours after the departure of the gathering teams, village criers announce a *tongoh* or holiday for the next day. During the *tongoh*, no one is allowed to work or even pass through the rice fields. It is believed that the presence of people in the fields dissipate the power of the *holok*.

By about one o'clock in the morning, the gathering teams return with their loads. They bring the plants to the *puntunakan* where the *mombaki* and other interested individuals wait. People from other villages, especially from those that do not have the technology of the *holok*, bring donations of chickens for a share of the pesticide.

The ritual is performed furtively at night to prevent the attendance of cynics and to ensure that the people are at home and hear the announcement of the *tongoh*.

The *mombaki* begins the ritual by calling upon and offering sacrifices to the

spirits of the dead *bumhat* and *mombaki* especially those who had exemplary achievements. These spirits are considered appeased and able to intercede with the gods only if a favorable sign is read from the bile sac of the sacrificed chicken. The sacrifices do not end until a favorable sign is read. There are a varying number of chickens sacrificed to appease the spirits of the dead *bumhat* and *mombaki*. Some informants recalled a *holok* when as much as eight chickens were offered.

The *mombaki* next calls upon and offers sacrifices to the various gods and earth spirits. A chicken each is offered to:

1. *Liddom*, a god in the Skyworld;
2. *Yumogyog*, a god in the Underworld;
3. *Gah-idoh*, a red bird considered an omen;
4. the *Pinading* or spirits residing in trees, terraces, rocks, and various bodies of water;
5. *Kidol*, the god of Thunder; and
6. *Mana'haot*, the Sun.

The best chicken of the lot is offered to *Liddom*. Only roosters could be offered to *Kidol*. The meat is not eaten except for that of the chicken offered to the *Pinading*. The carcasses are tied together by the foot and hung from the *kuling* or beam of the *alang* until they rotted away.

After the required sacrifices and prayers, the people begin chopping the plants brought by the gathering teams. Anybody is allowed to help in the task. There are no special chopping tools required. The people use ordinary knives and machetes.

The chopped mixture is place in a mortar and prepared for pounding. The *mombaki* performs a ritual before the pounding. He casts a pestle into the mortar and collapses to the ground to symbolize the power of the *holok*. As the *mombaki* feigns death, the people shout in unison that the *bige*h or worms have died. The people take turns pounding. The smell of the *holok* is claimed to be so overpowering that no one could pound for more than a few minutes. Aside from its smell, the mixture itself is not harmful to humans or animals. Those who handled the pounded mass put betel nut into their mouths with unwashed hands and yet suffered no ill effects.

At about two o'clock in the morning, the meat of the chicken offered to the *Pinading* is cooked and its broth is sprinkled by the *mombaki* over the pounded *holok*. After the blessing, the *mombaki* and *bumhat* pick volunteers to distribute the *holok*. Each volunteer is prohibited from working, eating or bathing for a day after he has helped distribute the *holok*. He is required to stay at home and is allowed occasional sips of rice wine.

The volunteers are given the cooked meat to eat before they leave to do their task. The *mombaki* eats with the volunteers. The *mombaki* has the right to take from the meat of the sacrificed chickens, but only he is allowed to eat it.

Distribution of the *holok* is timed to end before daybreak. From daybreak to sunset is time of the *tongoh*. Violators of the *tongoh* are fined the estimated number of chickens required for a repeat of the ritual.

The *holok* is distributed primarily in the infested areas. Prophylactic doses are also put around uninfested rice fields to prevent the spread of the army worms. A handful of the *holok* is put on a cut section of a banana trunk and secured to the dike of the rice fields with stakes. Each handful of the *holok* is enough to protect rice fields within a 100 meter radius. The area of placement is often chosen because it affords free passage of air in all directions. The heat of the sun allegedly increases the power of the *holok* since it cause greater vaporization of the mixture. On the other hand, water spoils the *holok* and causes it to lose power.

A day after the *tongoh*, the volunteers visit the rice fields to assess the affectivity of the *holok*. If the *holok* is successful, the army worms either drop into the water or creep to the tips of the rice leaves and shrivel. If there were no observable signs of success, the *tumunak* is informed of the situation. There are instances when the *holok* fails, but these are all attributed to the presence or comments of cynics.

The *holok* has no detrimental effect on humans, animals, and aquatic creatures. It is left in the rice fields until all the army worms die.

The Holok in Contemporary Times

Religion has greatly contributed to the deterioration of traditional rituals and practices associated to agricultural production. When Christianity first entered the area, some *mombaki* were still able to perform the rites of indigenous religion. They co-existed with the new converts in an unantagonistic albeit strained manner. But during a sudden growth of Christian faith in the area, indigenous religion was associated with evil. Some *bulol* or Ifugao rice god icons were gathered and burned.

Even the *holok* was not spared. In 1986 or 1987, Umanhan, then *bumhat* and a *mombaki*, performed the traditional *holok*. The catechists urged the people not to use the *holok* because it was created through a system that called upon more than one God. Umanhan used the *holok* and was one of the few who harvested rice during that year. Unfortunately, Umanhan died shortly thereafter.

During the same period, members of a fundamentalist religious sect based in Cababuyan challenged the traditional farmers that the *holok* could be effective even without the accompanying ritual. To prove their point, they collected the same species of plants, processed it the traditional way, and applied it to the rice crop. To their great disappointment, the *holok* did not kill the pests as expected. Nevertheless, they argued that the *holok* ritual remains a part of an evil system that must be stopped at all cost. Through the use of kinship influence, they persuaded the lone *mumbaki* left in Cababuyan not to perform or teach the *holok* ritual to interested parties lest his soul will burn in the fires of hell.

Women once had no role in the *holok*. The various roles vital to local culture, such as leadership and technological knowledge, were always transmitted through men.

Today, a woman is one of the more active guardians of the *holok*. During his last years, Umanhan was too weak to go to the forest and search for plants. He sent his niece Ginnamay to cut the plants for him. After Umanhan passed away, Ginnamay began taking on a more active role in the *holok*. She helped the *bumhat* gather plants whenever a *holok* was needed. She memorized the location of the rarer plants. She also memorized new places where other plants grew. Ginnamay is probably the first of the line of Nalidong to establish a garden for some of the plants for the *holok*.

The technology of the *holok* is known to a few people who are already past middle age. The *bumhat* are trying to pass on the technology to their heirs, but the process is impeded by the frequent absence of their children who study, work, or stay in urbanized areas.

The Plants for the Holok

The plants needed for the *holok* include trees, lianas, shrubs, tubers, cacti, ferns, sedges, and grasses. These plants grow at elevations of about 800-900 meters above sea level based on military topographic maps published by the Philippine National Mapping and Resource Information Authority (NAMRIA). Almost all of the plants for the *holok* can be found in the communities and woodlands of Hingyon. The rarest plant is the *hanakteh*, a liana which was last seen in Nuntungod, a settlement in Banawe.

Almost all *holok* plants exude odor which, when combined together, was so intolerably overpowering. Although this was considered the primary basis for selection, some plants were included because of their medicinal, toxic and extraordinary properties. For example, the *bungoh* was included because it was proven through experience that it could ward off snakes. It was the same with the *bolwang* which is used to kill fleas and lice. Other plants were chosen because of a special function they perform. For instance, the ferns and cacti excrete a sticky sap which acts as a binder that prevents the *holok* from being scattered by wind.

The number of plants used varies according to availability. Sometimes the *bumhat* would innovate and include a new kind of plant which he believes will be helpful. A *bumhat* has included the *palawel*, a flowering ornamental plant found in some houses in the region.

There will be problems with the availability of the plants due to the lack of a system for preservation. A *bumhat* has just realized the need to raise some of the plants after the natural habitat of many of these plants was threatened by agricultural expansion and logging. For example, the *hanakteh* which increases the potency of the *holok*, was seen in 1993 in the forests close to Halong, Mompolia. The site has since been cleared to make way for a swidden farm.

The effects of the growing unavailability of the plants are becoming felt. A *bumhat* in Hingyon Poblacion, which has jurisdiction over the site where the *Billidan* grows, is beginning to prohibit *bumhat* from other villages from cutting the plant.

The *bumhat* and other key informants in the community believe that the active ingredient of the *holok* is present in about five plants and that the rest of the plants are added for bulk. It is generally accepted that the *Billidan*, a liana, is the most vital plant for the *holok*.

The plants have other vital uses aside from that of the *holok* which had been discovered and developed over years through indigenous knowledge. These uses are of medical and industrial significance that this study would rather not venture into.

Listed below are the varieties of plants used for the *holok*:

1. **Billidan.** This liana grows on damp and rocky cliffs. The specimen was located approximately 800 meters above sea level. Billidan is the acknowledged *kawkawitan* or king of the plants for the *holok*. The stem and the leaves of this plant are used.
2. **Hanakteh** (*Buddleja asiatica* Lour). This liana is rare in Hingyon. It is optional, but if included, could enhance the power of the *holok*. The leaves and stems are used.
3. **Dappigan.** This liana grows along the fringes of swiddens and clearings. The specimen was found on the edge of a forest some 800 meters above sea level. The leaves and trunk are used.
4. **Umlih.** This liana grows along the banks of creeks and streams. The specimen was found beside a creek approximately 800 meters above sea level. The trunk and leaves are used.
5. **Humang.** This liana grows on the fringes of forests. The specimen was found in a clearing some 800 meters above sea level. The trunk and leaves are used.
6. **Kallawag.** This sedges grow in forested areas. The specimen was found in a forest some 900 meters above seal level. The trunk and leaves are used.
7. **Pagge-pagge.** This sedges grow along the fringes of rice fields and in other damp locations. The specimen was found beside a rice field some 800 meters above sea level. The entire plant is used.
8. **Bungoh.** This tuber grows near damp ground. It is commonly planted around rice fields to ward off snakes. The specimen was found some 800 meters above sea level. The entire plant is used.
9. **Pohwek.** This tree is common to the forests and beside settlements. The specimen was located in a settlement some 900 meters above sea level. The leaves are used.

10. **Taba-uh.** This tree grows in forests and beside settlements. The specimen was located in a settlement some 900 meters above sea level. The bark of the tree is used.
11. **Banalloh.** This tree is rare. There are only a few known in the municipality. The trees are located in separate sites some 800-900 meters above sea level. The bark of the tree is used.
12. **Katingol.** This tree is common to the forests of Hingyon. The specimen was found in a wood lot about 800 meters above sea level. The leaves of the tree are used.
13. **Bongbongtit.** This tree is common to the forests of Hingyon. The specimen was located in a small woodlot some 800 meters above sea level. The leaves of the tree are used.
14. **Dullomneh.** This grass grows in abundance on the fringes of settlements, rice fields, and forested areas. The specimen was collected beside a forest some 800 meters above sea level. The entire plant is used.
15. **Longlong.** This grass grows in abundance on the fringes of forests and settlements. The specimen was collected beside a swidden some 900 meters above sea level. The entire plant is used.
16. **Holpak.** This grass grows beside cogonal areas. The specimen was collected beside a rice field some 800 meters above sea level. The entire plant is used.
17. **Huh-uh-huh.** This grass, which is also an effective herbal cure for burns, grows in clearings and yards. The specimen was collected from the yard of a house located some 880 meters above sea level. The entire plant is used.
18. **Palawel.** This flowering plant is commonly used for house ornamentation. The specimen was collected from the yard of a house located some 800 meters above sea level. The entire plant is used.
19. **Pagti.** This thorny shrub grows in cogonal areas. The specimen was collected some 800 meters above sea level. The trunk and leaves of the plant are used.
20. **Golgolpong.** This shrub is common in the forests of Hingyon. The specimen was located some 900 meters above sea level. The leaves are used.
21. **Marapait** (*Lantana camara*). This shrub is commonly used for household ornamentation and hedges. The specimen was located in a settlement some 800 meters above sea level. The leaves of the plant are used.
22. **Huh-ig** (*Justicia gendarussa* Burm.) This shrub is common to the forests of Hingyon. The specimen was located some 800 meters above sea level. The leaves of the plant are used.

23. **Palad.** This shrub is rare in Hingyon. It grows in lower altitudes. The specimen was located in Cuta, Lagawe. The leaves of the plant are used.
24. **Bolwang** (*Marattia* sp. Swartz). This giant fern grows along creeks and streams. The specimen was located beside a stream some 800 meters above sea level.
25. **Cactus.** The type used has a broad flat body with very fine thorns. It is a common ornamental plant. The specimen was collected from the yard of a house some 800 meters above sea level.

The kinds of plants used vary according to the different villages still practicing *holok*. In some area, the *bumhat* may also include *paktiw* (*Capsicum frutescens* L.), *Agohep* (*Ampelopsis heterophylla* Planch), *bulwang* (*Marattia* sp. Swartz); *wakal* (*Uncaria* sp. Schreber) or other plants. The *bumhat* in some villages uses less than ten plants.

CONCLUSIONS AND RECOMMENDATIONS

1. The major hindering factor in the performance of the *holok* is the attached ritual which faces enormous challenges and condemnation from religion. Although improbable, its practice demands reverence and proving their pesticidal properties would promote the *holok* system. Rituals to be celebrated may be not as complicated and spiritual as the original practice, but in the simplest and most effective manner that is open for innovations by adaptors.
2. Forested areas are rapidly being depleted by over cutting for shelter and agricultural purposes. Some of the more potent ingredients of the *holok* are now endangered due to destruction of habitat. It is vital to preserve the remaining forest, not only for the *holok* plants, but to maintain the diverse flora.
3. There is a need to study the possibility of domesticating the wild plants for easier accessibility. However, it is also necessary to include in the study the structure of the soil and the environment where the plants grow. It was related by a *bumhat* that the *pagge-pagge*, which only thrived in a certain area, lost its potency when transplanted in the vicinity of O-ong.
4. There is a need to protect the *holok* plants from biopiracy through legislative actions in the local and national level.

Food Insecurity Among the Tumandoks



By the Organic Farming Field Experimental and Resources Station (OFFERS) - Panay

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THE TUMANDOK PEOPLE ARE FOUND IN THE HEARTLAND OF PANAY island in central Philippines, amidst towering mountains where the headwaters of the island's major rivers flow. Here the Tumandok, the local term for indigenous, built their communities and practiced a rich cultural heritage even before the coming of the Spanish conquistadores. Their ancestors settled along the great Pan-ay River and along the mountainous borders of Aklan, Capiz and Iloilo provinces, depending on nature's bountiful offerings for their survival.

The Tumandok people are the largest ethnolinguistic group in Panay and the whole of Region 6. F. Landa Jocano, a noted Filipino anthropologist, took an interest in them in the mid-70s and called them Suludnon in his book, "Philippine Prehistory: An Anthropological View of the Beginnings of Filipino Society and Culture." He included in this same grouping the indigenous people found in the mountains of Tapaz and Jamindan in Capiz and Calinog and Lambunao in Iloilo. The then Office of Southern Cultural Communities (OSCC) and academicians at the University of the Philippines in the Visayas and Central Philippine University listed the Tumandok people as Suludnon-Bukidnon and/or Pan-ayanon-Bukidnon. The Tumandoks themselves found the classification derogatory and insulting. Since then, they prefer to call themselves tumandok rather than the derogatory bukidnon (inhabitant of the mountains).

Based on a 1995 OSCC census, the Tumandok people numbered about 12,000 in Tapaz and Jamindan alone, including assimilated sections of barangays in the intermediate lands and lowlands. It is estimated that their population is anywhere between 18,000 and 20,000 including those found in the municipalities of Lambunao and Calinog.

Pan-ay River

Most of the Tumandok are called Pan-ayanons because they live along the headwaters of the 30-mile (approximately 48.3 kilometers) long Pan-ay River. Of Panay Island's four major rivers, Pan-ay is the longest. From its headwaters in the Angas mountains in Central Panay, it winds its way past the towns of Tapaz, Dumalag, Dao, Cuartero, Panit-an, Roxas City and Panay and joins the sea in the northeastern part of the island.

Since the Spanish period, Pan-ay River has been used as the main transportation route for agricultural products from the mountains to the lowlands. It was also the main route of access for the Spanish colonizers in penetrating the interior communities. Today, despite the highways and some farm-to-market roads, inhabitants along the Pan-ay and its numerous tributaries still find this route the most inexpensive, albeit slow, way of delivering their products to the city and coastal towns.

In the highlands, the river can easily be crossed during the dry season with the water reaching knee-high in some areas, although some parts, such as the Aningalan in Barangay Acu'ña or Binuktutan in Barangay Batu-bato, never get

shallower than 14 meters. The width of the river varies from about four meters in Binuktutan to some 100 meters in Ganga or 200 meters in Aningalan, and up to almost a kilometer wide near the mouth. During the rainy season, the river swells to more than double or triple its volume but seldom overflows its banks except during some exceptionally strong typhoons. But since the general area of Tapaz has a longer rainy than dry season, the river is more often so deep that it can only be crossed by swimming or by using boats or rafts.

Pan-ay River plays a central role in the economic and cultural life of the Pan-ayanons. Aside from its use as a transport route that links up several upland villages, it is also a bountiful source of food because of its diversity. Fish like carp, tilapia, the native siriwan, sul-an, balanak, gusaw, bulan-bulan, bagtis, haruan and the rare freshwater eel can be found in the river. There are also different varieties of shrimps. Different kinds of edible ferns and medicinal plants grow along its banks.

Economy

Present-day Tumandoks, like their ancestors before them, are predominantly peasants. Their most common method of farming is the kaingin (slash and burn or swidden) system. It is a highly labor-intensive and climate-dependent method that requires extensive land area and demands the participation of all able hands; thus, women and children work side by side with the men-folk.

The planting cycle starts in December until January when the trees are felled and the mountain slopes are cleared. The slopes are then burned and cleared again during the dry months of March and April (in the local dialect pagtutod and pagdurok, respectively). Traditional rice varieties are then planted (pagpanggas) in May.

Harvest season is in September to October. By December or January, the lean season begins and lasts until September. To bridge the lean season, the Tumandoks plant in March traditional rice varieties whose germination period is three months. They harvest in July and August, the peak months of the lean season. This bridge season is called munahan.

The people used to let the specific area of land lie fallow for at least seven years before a new cycle of kaingin begins. This is to allow it to recover and regain its fertility. Nowadays, however, because of relatively less area available for swidden farming, the people only wait from three or five years at most before returning to the same area. Instruments for production are simple and quite effective. These include the bolo, tagad (soil auger), pisaw (hand trowel) and kayug (hand sickle).

A family plants from half a sack to two sacks of grain, depending on their capacity to spend on labor and on the area available for use. Harvest yields used to range from 20-30 times the number of sacks planted. Harvest is affected by rat

infestation or the early rains brought by the La Niña phenomenon. Average farm size is 0.5 hectare.

A portion of the populace have permanent rice paddy farms and cultivate coffee, corn and peanuts. A secondary crop is coffee. It takes about three years from the planting of agho (ipil) trees for shade, planting of hanut (coffee seedlings) to the actual maturation of coffee trees. Coffee seeds are harvested once every year, starting near the end of November until the early part of January.

Other productive activities are hunting, fishing, and gathering. They fish along Pan-ay river and hunt in the forests. Forests are open to all but the rivers are considered village property. Individual or small-time fishers using simple methods, such as panalom, pamaring, panikup or bonet, are free to roam the rivers. But methods involving many people and larger parts of the river, such as segin or tuba, require permission from recognized village leaders.

The Tumandoks have retained their traditional forms of cooperation in work and production. These include the hil-o, dagyaw or sagiben in agriculture, dagsaw in fishing and pamatong in hunting.

Families are closely-knit, and activities such as farming, hunting fishing, house-building and bringing the sick to the healer are done collectively. Any product of the hunt is divided equally among the participants, and elderly persons unable to participate in the hunt are also given a share.

Every able-bodied man, woman and child has a role in the backbreaking work of tilling the land. The men are responsible for plowing the fields, harrowing, planting palay (rice seedlings) in farm lots, clearing the kaingin and fishing in the Pan-ay river. The women and children take care of planting palay seeds in the kaingin, weeding (paghilamon), raising native chickens and pigs, and fishing in the Pan-ay river, using hook-and-lines and nets.

But like most peasants, the Tumandok are burdened by low productivity, low-priced agricultural products, rising costs of basic commodities, low wages and the overall economic crisis that has caught the nation in its crushing grip.

Although rice as the main product is usually reserved for family consumption, some are forced to sell it to pay debts. Other products are coffee, banana, and peanuts. Those gathered from the forest such as edible lizards, wild fowl, edible snails and mushrooms are sold to compradors (middlemen) at very low prices. Products using materials from the forest such as wooden boats and charcoal are prohibited. But it is usually military men, foresters or compradors connected to them, who engage in the sale of these products. They order them from desperate villagers, then confiscate them along the way.

Hunger and poverty persist as significant problems of the Tumandok. Production in their communities in the last few years has been characterized by decreasing yields in the kaingin especially since the La Nina in 1999, massive rat infestation in 2000 and continuous monsoon rains in 2001-2002. The improved rice harvest in 2003 did not cover the losses of the past years and many families

are deep in debt to usurers in the town centers who charge interest of 50 percent per harvest, 100 percent per year, or even up to 2,300 percent.

The combined products from their kaingin, farms and the forest cannot meet the needs of the Tumandok not only because of low yields but, more so, extremely low market prices. The best variety of upland rice (kalutak and malido), which costs up to P24/kilo (US\$.44) on retail when milled, is bought by traders at P6.50 to P7/kilo (\$.13) before milling. Foreign monopoly firms also play a major part in lowering prices of farm products. From 2001-2003, prices for coffee beans dived by as much as 60 percent as dictated by Nestlé Philippines, the biggest buyer of coffee in Panay. Middlemen further take advantage of the inaccessibility of the market to lower the buying price for Tumandok products. The Tumandok, after hauling his product on foot for more than 15 kilometers to the nearest road and spending money for transportation to the town, has no choice but to settle for whatever price he is offered rather than haul his product back to the mountains.

The Tumandok thus have to go to the towns or cities as seasonal or migrant workers for additional income. A big number go down to the lowlands from May to July, working as farmhands in sugar plantations, trisikad (pedal-driven tri-cycle) drivers and domestic helpers. Many do odd jobs on a daily basis, such as chopping firewood, helping harvest rice, or hauling baggage. Wages for farmhands average P50 (\$.91) per day or the price of one ganta of rice, if work is available at all. When the sugar industry collapsed and the sugar central in Calinog closed down, work became more difficult to find.

Government neglect is an additional factor; schools or schoolteachers and health workers are rarely seen in Tumandok communities. According to the studies of the TUMANDOK organization, literacy rate in the uplands is around 15-20 percent, and malnutrition in children and pulmonary tuberculosis among adults are rampant.

Culture

The Tumandoks have a rich oral tradition that records their legends, epics, community events and agreements in song or chant. The sugidanon (epics chanted in archaic Panay dialect called interchangeably as dagil or ligbok) tell the story and exploits of Labaw Dunggon, Humadapnon, and other ancient heroes. The sugidanon is said to have nine distinct but interrelated epics, which, if put together, could arguably be the longest Asia.

The ambahan, a zarzuela-type interchange in dagil, is sung during betrothal and other important occasions. However, the Tumandok's own language and cultural forms, such as ambahan, talda, sugidanon, hinun-anon, ulayhaw and binanog, are disappearing due to outside influences and practices and also because these can no longer be maintained in the face of intensifying poverty.

A wedding tradition known as pangagad is still practiced. The prospective

groom does errands for the family of his bride before the actual wedding. Marriages were prearranged until recently. Previously, all a man needed was a bolo and two or three hogs and he could get himself a bride even without courtship.

Newly harvested rice can be eaten only after the panimo, a post-harvest thanksgiving rite, or else the Tumandoks believe, the spirits will be angered and cause misfortune. Pangasi or the preparation of rice wine accompanies the panimo. Folks still perform the binanog dance, which depicts the movement of the hawk and danced to the beat of native drums and gongs.

When someone in the community dies, he is buried in the kantang, a large tree trunk carved hollow and then sealed tight. This is kept inside the house or left in the forest, with a young tree planted alongside it.

The community also has a traditional practice in which a particular daughter is put in seclusion from the community when she turns three years old. She is called a binukot. A binukot is taught to chant the Sugidanon, the people's epic, to command a good dowry. A binukot also symbolizes a family's economic status because it means that a family can afford to exempt a child from labor and eventually bring fortune to the family.

The binukot has also become the repository of the community's oral traditions. Through her knowledge and skills, the binukot has become the community's embodiment of self-knowledge and a people's identity, a central figure in their cultural heritage.

The practice of binukot has already disappeared, although traditional healers, such as the merko and babaylan, continue to exist because of the distance and high cost of hospitals and health centers.

The Tumandok base their decisions on the counsel of the village elders or kamal-aman in relating to other families or villages, how to settle disputes, whether to cement marital relationships or separate a couple. Often, these traditional methods of settling disputes are integrated in the barangay council, where the most influential kamal-aman or their representatives also function as barangay (village) captains or barangay councilmen (lupon).

Role of Women

The Tumandok women are an essential workforce in subsistence agricultural production. Their labor is needed in all activities in the kaingin production cycle (panggas, hilamon, hagbas, ani, lin-as, tahup) except for land preparation (pagkaingin, pagtu-to, pagtutod, pagdurok), which is mainly men's work. Bunglay, or land preparation for secondary crops after harvest in the kaingin, is mostly women's work. They engage in activities for additional income such as raising swine and fowl, gathering edible river snails, mushrooms, edible ferns and other foods that grow wild.

Women also join in the pamatong method of hunting and receive a share of the hunt equal to that of everyone else who participated, men, women and children. They participate in most methods of fishing (pangulawi, pamonet, digdig, sikup, atas, pamaring, panabog-tabog, tuba, pata), except for panalom, pokot, laya and sigen which are done by men.

As active participants in production, the women take part in the community's social and political life by attending village meetings or assemblies. They are free to state their opinions in settling disputes as third party witnesses or as representatives of the parties involved. Women too act as government functionaries in the barangay councils.

Tumandok women serve as healers, traditional midwives, and singers or chanters of the ambahan, talda and sugidanon.

Tumandoks' Ancestral Domain

Traditionally, the Tumandoks claim land rights through redor sang katigulangan, which literally means "ancestral rights." Since most barangays are composed of only one to three extended families that are also linked by inter-marriage, ownership is almost common to all. Choosing a place for a swidden farm within the redor is done through a process called talon in November and December, and the chosen site is marked by a tuos. In case one or two families choose the same parcel at the same time, the families, together with the elders, talk together and agree on who will be given priority. Any part of this redor that is not currently used by the direct descendants is open to other families for swidden farming without any rent or tribute to the recognized owners. Permanent crops and permanent development on the land, such as rice paddies or coffee planting, are for direct descendants only. The Tumandok consider it bad practice to leave cultivable land idle when others want to till it even for a season only.

Outsiders can also till in a family's redor depending on an agreement with the heirs (tagpanubli). There is no fixed system of land rent. According to a Tumandok leader, their concept of land ownership does not lie in a land title, which to them is just a piece of paper, without meaning and beyond their worldview. However, in time, they have come to understand that so-called land titles are the means by which lowlanders can claim ownership to Tumandok land.

The Tumandok rights to the land came from the fact that their ancestors were born on the same lands which have also borne generations and generations of Tumandoks — the same land that has taken their ancestors' bones into its bosom. These are lands which they have tilled and protected for hundreds of years, and which have protected and isolated them as a people. Their way of life, the backwardness of their production and their cultural heritage mirror this isolation and at the same time, their uniqueness as a people.

Threats to Ancestral Domain

However, in the tradition of governments with little regard for the rights of the national minority, the Philippine government forced itself into the Tumandoks' way of life. In 1962 then President Diosdado Macapagal declared Tumandok land as a military reservation through Proclamation No. 67. Since then, the Armed Forces of the Philippines (AFP) has regarded the Tumandoks as squatters and deprived them of their rights to their ancestral lands. For years, the military has even demanded tumadu, a form of land rent, from a people whose genealogy is older than the Philippine government.

Some 33,310 hectares of Tumandok land are being claimed by the AFP's 3rd Infantry Division (ID) in Camp Peralta, Jamindan. Around 20,365.6 hectares are located in Tapaz; and 12,955.5 hectares in Jamindan. The AFP has arrogated these lands, including fertile fields, home grounds and burial grounds, as a military reservation for war games and weapons testing.

Twenty-four Tumandok communities live within the military reservation. Their combined population is estimated at 14,000. In 1994, the military served notice to the communities to evacuate the area in order for bombings and war games for military exercises to proceed unhampered. After the US-Philippines Joint Army Military Exercises, the campaign to evacuate the 24 communities intensified. This developed as Camp Peralta in 1995 became the base for the AFP's Rapid Deployment for Visayas and Mindanao.

In 1995, the government implemented the AFP Modernization Act, which aims to raise the AFP's capabilities to fight "external" enemies. With an initial budget of P15 million (\$270 thousand) annually, the military stepped-up its weapons testing and personnel training activities. It was during this time that the 3rd ID of the Philippine Army stepped up its campaign to eject the Tumandoks from their communities. As a result, four people including two children, were wounded when test bombs missed their targets. Some 188 families were evacuated during the military exercises that involved artillery shelling and the use of 105mm and 81mm Howitzers.

War games, weapons testing, sporadic and frequent military operations and persistent paramilitary group and intelligence network-building have disrupted the lives of the Tumandok people. Their experiences range from confiscation of their grains and carabaos, house burning, to torture and salvaging especially during the Martial Law years.

At present other existing and potential conflicts are brewing in Tumandok lands. Ancestral lands in the Iloilo towns of Lambunao and Calinog are declared forest reservations under the jurisdiction of the Department of Environment and Natural Resources (DENR). Tumandok farmers here continue to play cat-and-mouse with DENR foresters who prohibit farming within the reservation. In 2002, about 10 farmers, including an old man, were arrested and imprisoned for a month for farming on their own ancestral land.

In Barangay Laugan in Tapaz, more than 30 families in 96 hectares also face eviction by the Central Philippines University. The Baptist Church, which owns the university, plans to put up an agricultural extension college in the area. The Tumandok have responded to these threats to land security by setting up people's organizations, organizing rallies, assemblies, petitions, delegations and dialogues with the military and the provincial government.

Proposed "development" projects also pose threats to Tumandok communities but these have largely been unsuccessful or put on hold due to widespread and organized protest. The multimillion mahogany-planting project funded by the Japanese International Cooperation Agency (JICA) and implemented by the DENR and AFP in about 30 barangays in Tapaz and Jamindan prospered in four barangays only. The same happened to the cassava-planting project by La Tondena Corporation in Jamindan. The application for a Financial or Technical Assistance Agreement (FTAA) on 80,000 hectares of Tumandok land in Tapaz, Jamindan and Libacao by the Egyptian Mining Corporation under the Mining Act of 1995 was frozen in 1998. The Capiz provincial government, in response to the people's anti-mining campaign, issued a ten-year moratorium on all mining applications in the province.

The proposed hydroelectric dam in Nayawan, Tapaz, by the French corporation Spie Enertrans and EGIS, which threatens to submerge up to 12 barangays upstream and displace families within a 12,000-ha proposed watershed area, did not push through. This was not only due mainly to lack of funds from the provincial government but also because of widespread protest. In Calinog, indigenous communities have also launched petitions to stop JBIC-funded plans that have been afoot since last year to reforest and transform some 13 farming villages along the Julaur River into ecotourism areas.

These widespread protests have been met with intensifying militarization. From July to December 2001, the AFP's Task Force Panay (TFP) launched Oplan Balangai, purportedly to "destroy the CPP-NPA's (Communist Party of the Philippines-New People's Army) political infrastructure." But this was more obviously aimed to suppress the growing resistance of the Tumandok communities. In 2002, the military conducted Oplan Kalinungan, targeting Tumandok communities in Tapaz and Calinog. Oplan Bantay Laya followed in 2003. Last year alone, Task Force Panay conducted no less than 14 battalion combat operations and 30 company combat operations in the mountain villages of Tapaz and Calinog, utilizing the 12th and 47th Infantry Battalions and the Provisional Infantry Battalion. These were in addition to RSOT operations in eight barangays and other special strike operations.

RSOT operations' main objectives are to recruit at least 11 CAFGU (Citizens Armed Force Geographical Unit) personnel and two BIN (Barangay Intelligence Network) personnel per barangay. Under the guise of setting up socio-economic projects, military operatives foster distrust and disunity among the villagers. They control the people's activities by declaring curfews, conducting surveillance of

mass leaders, conducting arbitrary searches, and confiscating hunting weapons. Mass leaders were targeted for psy-war operations to pressure them from leading mass organizations and mass actions. During the 4th TUMANDOK Assembly in May 2003, TFP launched widespread operations to harass the people and prevent them from attending the organization's bi-annual activity.

For the past three years, militarization has severely limited people's productive activities and contributed to their intensifying poverty. People can no longer hunt and fish freely nor gather food and medicinal herbs from the forests for fear of being shot by trigger-happy military men. Many of the men and youth have chosen to leave the village and work elsewhere rather than join the CAFGU, leaving the fields idle and unproductive.

Community Profile

Tacayan is a barangay in the town of Tapaz in Capiz province. A border area, it is located around 70 kilometers from the municipality of Calinog, Iloilo and about 117 kilometers from the Tapaz town center. It is accessible only by foot, as the road from the two municipalities ends in Barangay Garangan in Calinog. From there it takes a 3-hour hike inland to reach the Tumandok community in Tacayan.

Barangay Tacayan has a total land area of 775 hectares, of which some 165 hectares are cultivated agricultural lands. The main farming method employed by the population is swidden farming.

The barangay has 74 households with a total population of 422. Males slightly outnumber females, at 220 and 202, respectively. The literacy rate is quite low with 48 percent of the population unable to read or write.

Characteristics of Respondents

Respondent Profile

A total sample of 30 households with 180 members was taken for the study. The mean age of the respondents was 38.6 years (Table 1). All respondents were male and Roman Catholic. Eighty-three percent were married, and the majority (70%) had some primary education. Very few were primary (6.7%) and high school (3.3%) graduates, and none of them reached the tertiary level of education.

TABLE 1. Respondents' Profile, Tumandok, June 2003		
Mean Age	38.6 years	
Sex	Male	100.0
	Female	-
Civil Status	Married	83.3
	Widowed	3.3
	Separated	-
	Single	13.3
Religious Affiliation	Roman Catholic	100.0
Educational Attainment	No formal education	16.7
	Completed functional literacy	-
	Primary level	70.0
	Primary graduate	6.7
	Secondary level	3.3
	Secondary graduate	3.3
	College level	-

Household Profile

Household Size

The respondent households had a mean size of 6.27. The largest household had 11 members and the smallest had 2 members. The most common household number was 4 (16.7%), followed by 3, 6 and 7 (13.3% each). (*See Table and Figure, next page.*)

Age and Sex Distribution

Household members were relatively young, with 39 percent below 12 years old and 18 percent, comprised by adolescents. Adults or those aged 18 years and older made up 43 percent. The majority or 57 percent were males. (*See Table, p. 55.*)

TABLE 2. Household Size, Tumandok, June 2003		
Number of Household Members	Frequency	Percent
2	1	3.3
3	4	13.3
4	5	16.7
5	3	10.0
6	4	13.3
7	4	13.3
8	1	3.3
9	3	10.0
10	3	10.0
11	2	6.7
Total	30	100.0
Mean	6.27	

Figure 1. Household Size, Tumandok, June 2003

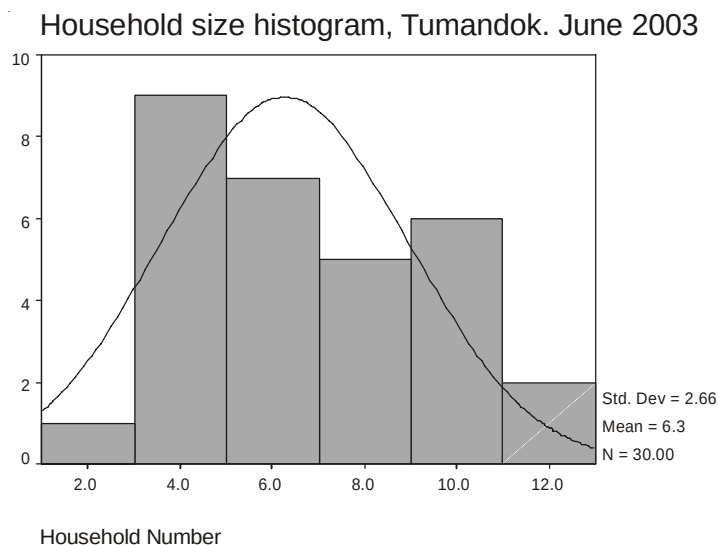


TABLE 3. Age and Sex Distribution, Tumandok, June 2003			
AGE GROUP	SEX		TOTAL
	Male	Female	
Infant (0-5y.)	15	13	28
Child (6-12y.)	26	16	42
Adolescent (13-17 y.)	16	17	33
Adult (18 and above)	45	32	77
Total	102	78	180

Educational Attainment

Household members generally had a low educational attainment. Fifty-four percent of the adult members reached only the primary level of education, while about 16 percent had no formal schooling at all. Only three had obtained some college education. In comparison the younger members appear to have more formal schooling. Of those in the 13-17 age group, all went to primary school but only a third completed it. Of the 11 who graduated from the primary level, 10 continued on to high school. (Table 4)

TABLE 4. Age Distribution and Educational Attainment, Tumandok, June 2003											
AGE GROUP	Educational Attainment										
	No form- al educ.	Com- plete func- tional litera- cy	Pri- mary level	Pri- mary grad	Sec- on- dary level	Sec- on- dary grad.	Voca- tional/ tech- nical level	Voca- tional/ tech- nical grad.	Col- lege level	Col- lege grad	T O T A L
Child (6-12 years)	2	-	33	-	-	-	-	-	-	-	35
Adolesce nt (13-17 years)	-	-	21	1	10	-	-	-	-	-	32
Adult (18 and above)	12	-	42	2	10	8	-	-	3	-	77
TOTAL	14	-	96	3	20	8	-	-	3	-	144

Socio-economic profile

Sources of Livelihood

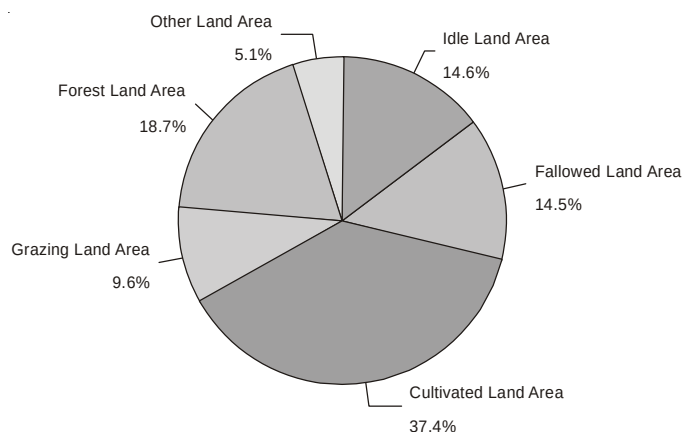
The predominant livelihood sources of the respondent households were crop farming and seasonal hired labor. Other common economic activities were livestock raising, hunting, gathering, and fishing. A few relied on the sale of their handicrafts and remittances from abroad to augment their incomes.

TABLE 5. Livelihood Sources, Tumandok, June 2003	
Livelihood Source	Frequency
Crop farming	31
Seasonal or occasional hired labor	28
Livestock raising	17
Hunting and gathering	9
Fishing	3
Crafts	1
Remittances from abroad	1
TOTAL	90

Tenurial Arrangement and Land Use

The entire area of Barangay Tacayan lies within the Tumandok ancestral domain. As cited earlier, 33,310 hectares of the Tumandok ancestral domain are being claimed by the Philippine Army as a military reservation.

The land area under the control of the Tumandoks in Tacayan is 24,976 square meters. The biggest portion or 37.4 percent of the land is devoted to agriculture. Some 18.7 percent are forest lands, and a smaller area or 10 percent constitute grazing lands (Figure 2). More than one-fourth is left as fallow (14%) and idle (15%) lands.

Figure 2. Land Use, Tumandok, June 2003

Status of Food Security and Agricultural Biodiversity

To the Tumandoks of Tacayan, food security means four things:

- availability of food;
- capacity of the family to buy or have access to food;
- access to food resources;
- capacity by the community to fend off hunger in times of disasters.

Food Availability

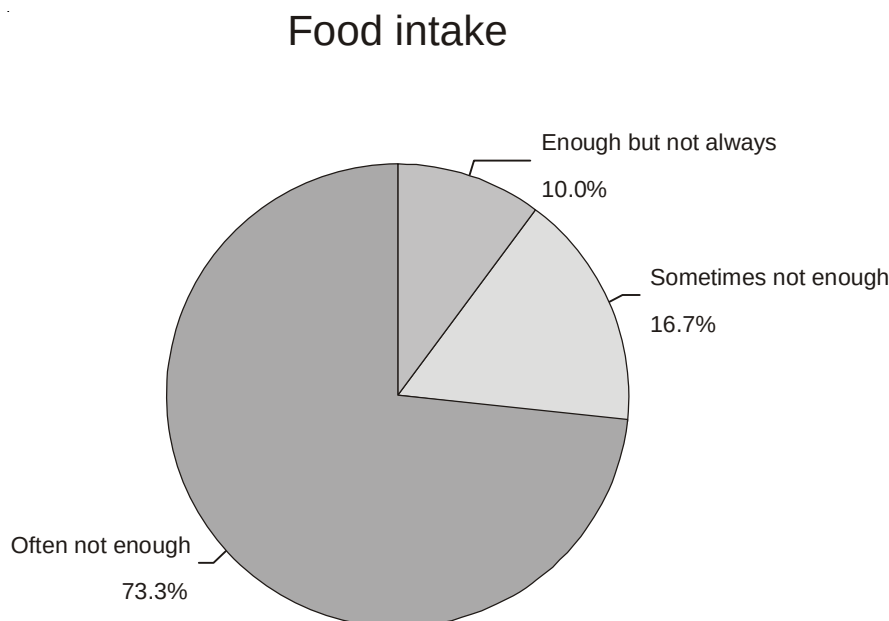
Table 6 show that food security poses a big problem among the Tumandoks. Some 87 percent of the respondent households said they eat only two meals a day, and two households (7%) had even less, being able to avail of only one meal daily. Of the 30 households only two had the regular three meals a day.

TABLE 6 Number of Daily Meals, Tumandok. June 2003		
Frequency	F	%
1x	2	6.7
2x	26	86.7
>3x	2	6.7
Total	30	100
Mode	2	

Food Intake

The respondents' perceptions on food availability for their households are a further indication that food insecurity is prevalent among the Tumandoks (Figure 4). Ninety percent of the respondent households felt that the food available to them was often (73.3%) or sometimes (17%) not enough for their families. While some 10 percent perceived they had ample supply of food, these were not the foodstuffs they wanted to eat. Not a single household said they could easily avail of and partake of their preferred foods.

Figure 4. Perception on Food Availability, Tumandok, June 2003

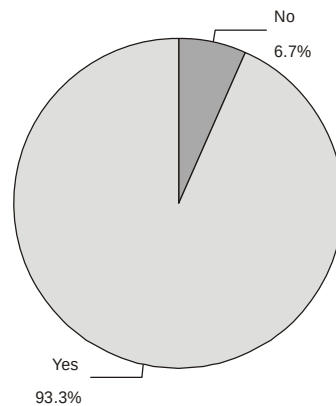
*Food Shortages*

The incidence of food lack is widespread in the Tumandok community. Ninety-three percent of the respondent households had experienced food shortage at one time or another. Half said this occurred often while 13 percent had this frequently. For almost one-fourth (23%) food lack was occasional in their households.

Food shortages were especially acute during the La Nina phenomenon in 2000 which lasted for almost a year and a half. The uncommon rainfall prevented the whole community from preparing their swidden farms.

Figure 5. Incidence of Food Shortages, Tumandok, June 2003

Experienced food shortage

**TABLE 7.**
Occurrence of Food Shortage, Tumandok, June 2003.

	Frequency	Percent
Seldom	1	3.3
Occasionally	7	23.3
Often	15	50.0
Frequently	4	13.3
Not Applicable	3	10.0
TOTAL	27	100

Coping Mechanisms

In times of food shortages, the Tumandoks commonly leave the village to look for work. Many of the respondents reported seeking jobs outside the community. They took on *por dia* or daily paid work, usually low-paying, menial jobs, to help tide them over the food crisis. Others resorted to borrowing money, which they used to purchase food for their families. A few borrowed food itself from their neighbors. Significantly, none of the respondent households considered sale of their livestock as a means to solve the problem of inadequate food supply. (See Table 8, next page.)

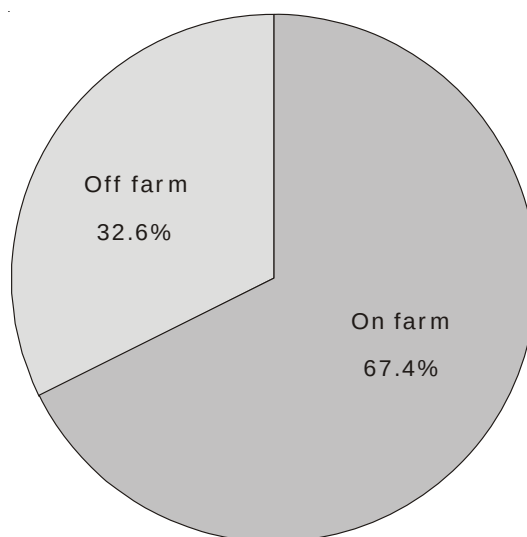
TABLE 8. Means of Coping during Food Shortages, Tumandok, June 2003	
Coping means	F
seek jobs outside the community	18
'por dia'	11
borrow money for food	12
borrow food from neighbors	5
sell livestock	0
Total	46
Mode	1: seek jobs outside the community

Food Accessibility

Household incomes

The Tumandoks derive most of their income from their farm activities. On-farm revenues comprised 67 percent of the total monthly household income. The rest came from off-farm sources, such as payment for daily paid labor they engage in occasionally or sale of livestock.

Figure 6. Share of On-farm and Off-farm Revenue Sources



Their revenues however are barely sufficient to pay for common household expenditures. The average gross monthly income of respondent households was PhP3,503.33 (\$63.70) or a daily gross income of around \$2.00. Their expenditures in a month averaged some PhP4,285.65 (\$73.00), causing a monthly deficit of PhP782.35 (\$14.00) or more than a fifth of what they earned for the period.

TABLE 9. Statistics on Average Monthly Gross Income and Expenditures (in PhP), Tumandok, June 2003	
	Amount
Average Monthly Gross Income	3, 503.33
Average Monthly Expenditures	4,285.65
Average Monthly Net Income	(782.32)

Household expenditure pattern

Much of the income of a Tumandok household goes to the purchase of food needs (Table 10). Food accounted for almost half or 48 percent (estimated at P2,048.54 or \$37.00) of the respondent households' monthly expenses. (Table 11 presents the prices of some basic commodities.) Farm labor took up 23 percent (estimated at P977.00 or \$18.00). Interestingly, loan repayments ate up a big chunk at 16 percent. This expenditure indicates that some Tumandoks resort to loans/borrowings to meet their families' needs. A very small proportion of the budget was left for education (2%), and even less for medical needs (.7%) and emergencies (.2%). (See Tables 10 and 11, next page.)

Food Adequacy

On-farm and off-farm sources of food supply

For the Tumandoks, their main source of food are their own farms from which they get rice, vegetables, root crops and fruits. Secondary sources are the rivers which provide them fish, eels and crabs, among others, and the forest.

The livestock they raise also provide food for domestic consumption. All the respondent households said they use half of their chicken livestock for their own food supply. Pigs are raised mostly for selling while carabaos are utilized for farm work.

Local stores are sources of other food items, usually processed foods and dry goods. All respondents said they buy condiments from the town/stores; while 70-73 percent also bought dried fish and rice/milled corn from commercial retailers. Other common food items purchased from these sources are sugar, canned goods, bread/biscuits and noodles. (See Table 12, page 63.)

TABLE 10 . Household Expenditure Allocation, Tumandok, June 2003	
EXPENDITURE ITEM	Percent*
PRODUCTION COST	
Fertilizers	0.9
Pesticides	0.4
Seeds	02.4
Fuel	0.000
Animal Hire	0.000
Farm Labor	22.8
REGULAR LIVING COST	
Food	47.8
Education	1.8
Medical	.7
Utilities	0.000
Transportation/Travel	4.4
Savings	0.000
Recreation	0.7
Housing Repair	0.7
SPECIAL EXPENSES	
Appliances	0.000
Farm Equipments	0.2
Repayment of Loans	15.9
Special Occasions	.8
Rituals	.2
Emergencies	.2
* In Weighted Means, Normalized at 99% Confidence Interval	

TABLE 11. Price of Basic Commodities as of 27 October 2003, Capiz Province.	
	Price
SALT (1KG)	
Iodized	13.95
Rock	6.00
CANNED FISH	
555	6.85
Youngstown	
Ligo	7.95
PROCESSED MILK	
Condensed filled, 300ml	
Alaska	25.75
Carnation	26.00
Liberty	25.95
Evaporated filled, 370 ml	
Alaska	23.25
Carnation	23.65
Powdered filled, 180g	
Alaska	31.35
Bear brand	31.10
INSTANT COFFEE (50g)	
Blend 45	21.95
Nescafe	23.95
Café puro	22.40
Great taste	23.95
DETERGENT BAR	
Mr. Clean	13.25
Surf	14.10
Champion	13.25
Tide	22.75
LAUNDRY SOAP	
Wheel	23.50
Perla	23.95
FLOUR AT 25KG	
Hard	480.00
Soft	410.00
CONSTRUCTION MATERIALS	
Cement (Portland Type)	124.00
G.I. Sheet	
Gauge 26	19.70
Gauge 31	15.00
Steel Bars	
10mm	77.00
12mm	110.00

TABLE 12. Off -Farm/Commercial Food Sources, Tumandok, June 2003	
	f (responses)
FOOD ITEMS	
dried fish	22
canned goods	14
Noodles	8
bread/biscuits/baked flour	11
Rice/milled corn	21
milk and dairy products	4
raw fish/seafood	1
NON-FOOD ITEMS	
Sugar	21
Cooking oil	2
Condiments	30
Fuel	7
Beverages	9
tobacco products	4

Agrobiodiversity

The Tumandok people had previously cultivated 119 traditional rice varieties in their upland communities. Today no more than 25 varieties are being grown for mass production, while another 20 varieties are being planted by individual households for preservation purposes.

The introduction of high-yielding varieties (HYVs) in indigenous communities has been slow but spreading steadily. Among the respondents, about a third admitted to using HYVs and chemical inputs on their farms.

Native strains of root crops, legumes and vegetables still abound but production is mostly for household consumption. There are no longer primary forests in Tacayan, only tertiary forests, and from this, one can only deduce the floral and faunal diversity that has been lost.

Conclusions

The state of food security of the Tumandok people in Barangay Tacayan can be summarized as follows:

1. Food supply and food resources are inadequate to answer the household's most basic need — food. The average land area a household cultivates is less than a hectare. These are marginal areas where

production depends on the rainfall and where soil is fragile and vulnerable to erosion. The slash and burn method of farming they employ has steadily stripped the soil of its nutrients. Forest resources have also decreased in diversity, contributed in part by the kaingin system.

2. Farm production yields are inadequate to answer the food needs of a household the whole year through. The majority of the respondent households eat less than twice a day, and often their food intake is not enough. Almost all of the respondent households have also experienced food shortages, especially during the lean months from January to August. The food lack was felt most acutely during the last La Niña phenomenon in 2000.
3. Monthly incomes are too low to adequately meet basic needs. This is evidenced by the negative balance/deficit incurred monthly by a household. A large part of the household income goes to food purchases and farm labor. Significantly, a substantial portion is used to repay loans.
4. There are no farm-to-market roads to link Barangay Tacayan to either the town center of Tapaz or the adjacent town of Calinog. Accessibility is also hampered by the great distance between Tacayan and these towns.

Recommendations

To the Tumandoks, food security means safe food is available to all members of the household, at all times, and in adequate amounts. They also perceive that in order to avail of food, they must have access to the resources which provide this — land, forest, river — and they must have the capacity to avail of it. This means, among other things, increased production, increased incomes, and accessible roads to towns and market centers.

The Tumandoks also recognize that there is a need to conserve the biodiversity of their resources and that their kaingin farming practices degrade the land and destroy forest resources. They see the need to preserve their plant genetic resources, particularly their traditional rice varieties, root crops and legumes.

In order to attain food security for individual households and for the whole community, the respondents recommended the following:

1. Strengthen the people's organization (PO) and the mutual aid groups of the community in order to advance the campaigns to raise production and productivity.
2. Avail of technical assistance to learn the necessary knowledge and skills for alternative farming to raise production and productivity without resorting to the use of high yielding food crop varieties and chemical inputs.

3. Put up a PO production cooperative to supply basic agricultural equipments/machineries needed to develop farms, such as contour farming, at the least cost.
4. Rehabilitate forest and water resources
5. Maximize water resources, in particular Pan-ay River, for the benefit of the community.



Fighting to reclaim his ancestral domain:

The Story of Boy Anoy

By Salvador Armando B. Ramo

LONG-HAIRED, LEAN, SIMPLE AND ALMOST ORDINARY-LOOKING, one who is not familiar with Boy Anoy (above, right) would easily assume that he is one of many lumads (indigenous peoples of Mindanao, in southern Philippines) whom you brush elbows with in one or more anti-mining protest actions. In fact, you can spot him in important mobilizations involving issues around the Canadian mining company called Toronto Ventures Incorporated or TVI.

At close contact, one would find him soft-spoken or otherwise silent in one corner unless a discussion is solicited. But Boy Anoy is the central figure behind the raging mining issue in Zamboanga del Norte, in southern Philippines, involving the Canadian mining company that is TVI. Christened Jose Anoy, the third son of a timuay (Subanon leader), one can feel his determination in the defense of his people's *g'lupa pusaka* (ancestral domain). He is uncompromising in his conviction to reclaim Canatuan, "until the last drop of his blood," even as he faced several attempts to bribe, intimidate and even threaten his life.

To know more about his person and his people, two interview sessions were conducted. We asked him to tell his story about the long running conflict in his land and his comments about people he met in the course of their struggle to get back their land. The first interview was conducted on September 27, 2005 when the Human Rights Impact Assessment Workshop was held. The second interview was conducted in on December 13, 2005, where he was housed during a break for the Congressional hearing on their case. This time, he was joined by Onsino Mato, his secretary.

Background

Jose "Boy" Anoy, is the head claimant and recipient of Apu Manglang Certificate of Ancestral Domain Title (CADT) No. R9 S10-05-03-000005 covering 8,213.5020 hectares of land in four sitios (sub-village) in barangay (village) Cadis and seven sitios in barangay Tabayo, all in the municipality of Siocon, Zamboanga del Norte. The CADT was issued by the President of the Philippines on June 12, 2003 in Zamboanga City, covering 1,144 Subanons. Earlier in October 21, 1997, he was awarded the Certificate of Ancestral Domain Claim No. RO9-113 involving 6,523.684 hectares, issued by the Department of Environment and Natural Resources. These lands comprise the ancestral domain of Anoy and his people.

Anoy is the recognized timuay (leader) of the Canatuan Subanons, a sub group of Apu Manglang clan who are settled in the seven rivers of Tiling, Kalawit, Baliguian, Gotalac, Siocon, Labason and Zamboanga City. Anoy's leadership was well established by the Subanon justice council called Gukom which traced his genealogy up to the 1600s. The indigenous socio-political systems of the Subanons maintain that the title of timuay can only be passed on from one timuay family member to another.

Part of Anoy's *g'lupa pusaka* (ancestral land) is Canatuan. It is one of several sub-villages of barangay Tabayo. It is an upland community, 25 kilometers away from the coastal town center of Siocon. The town of Siocon, considered a paradise by local folks, lies southwest of Zamboanga Peninsula, a finger-like strip of island in the south-western part of the Philippines. The peninsula is the home of 300,000 Subanons.

In Canatuan lies the *glapow* (native altar) and is therefore considered sacred by the Subanon. The Subanon settlement was established in Siocon in the 17th century by Apu Timuay Tobunawoy. During the time of Apu Manglang, an epidemic almost wiped out his people. Timuay Manglang went up the peak of Canatuan to offer the highest kind of ritual in order to save his people. He offered his son Modaki, later named Mosogia as a sacrifice, but Apu Sanag (Subanon son-god) intervened. Because of this ritual, Mosogia and the Subanons of Canatuan were saved. Thereafter, Mount Canatuan was made a sacred place from the generation of Apu Manglang up to the present time.

The rich forest and mineral resources of Canatuan and its adjacent areas have attracted foreign corporate interests. Presently, a Canadian mining company known as Toronto Ventures Inc.(TVI) is actively pursuing mine production and processing in Canatuan. TVI insists on the legitimacy of its mining operation with a mining agreement with government, a Mineral Production Sharing Agreement (MPSA) and an Environmental Compliance Certificate (ECC). It has the full support of the entire government bureaucracy from the office of the President down to the line agencies like the Department of Natural Resources and Environment (DENR) and the National Commission on Indigenous Peoples (NCIP).

The mining activities of TVI had adversely impacted the Subanons of Canatuan. The once peaceful and united people are now bitterly divided over those who are for and against it. The Subanons' indigenous leadership and governance systems had been undermined. The land is now ravaged. They are currently deprived of the management, control and access to their resources. Anoy himself has been barred from entering his land and his house.

TVI's mining operation in Canatuan had resulted in serious violations of the Subanons peoples rights including those guaranteed by the Philippine Indigenous Peoples Rights Act or IPRA. Reports and testimonies have been made indicating violations of the rights of the Subanons over their land and resources; indigenous leadership and governance systems have been undermined and even subverted; free, prior and informed consent of the indigenous community was not sought and serious abuses were committed by company security and government military personnel. Questions like the following were raised: Who has the right over the land in Canatuan, is it the CADT of Anoy or TVI's mining permit?. Who is the legitimate representative timuay in Canatuan, is it Anoy or the NCIP-TV I created Juanito Tumangkis? Who should give the consent to TVI's mining operation? What are the cases of human rights violations done against the Subanon people?

These questions were answered in the interview with Timuay Boy Anoy and Onsino Mato, the timuay's spokesperson. Information from other sources have been added to provide some background.

Excerpts from the Interview

Question: Where were you born?

Anoy: In Lituban, Siocon, in the plains of barangay Riconalla

Q: Can you recall from the stories of your parents what was it like in Siocon when you were born?

A: During their time, there were many Subanons in the area but there were few settler houses then.

Q: How did your parents meet?

A: The older brother of my mother, Macario Alcantara, first came to Siocon. He came with a cousin.

Q: From where did your maternal family come from?

A: From Ilocos. I cannot recall specifically where in Ilocos.

Q: Coming all the way from Ilocos, what were they supposed to do in Mindanao, in Siocon, a far flung, undeveloped place?

A: Alcantara worked for Jose Brillantes in Zamboanga City. Brillantes recommended to my uncle to go to Siocon because he knew someone who owns land in this place. Brillantes told him that he knew Anoy, who owns a boat which brings goods for barter regularly to Zamboanga. Anoy is well known in Zamboanga City.

Q: Was Alcantara the first outsider to settle in Siocon?

A: Yes. When Alcantara came to Siocon, the forest was still wide and dense. Alcantara learned the Subanon language. He was still single then. The Subanons allowed him to develop some lands, plant crops and clear some forest areas. He eventually married one of the daughters of my grandfather. He lived in Siocon and sired eight children.

Q: What happened next?

A: He called on his family to come to Siocon, including my mother. Many more migrants followed. They cleared more lands in Latabon, which are still our lands. It was during this time that my father met and married my mother.

Q: What was the first name of your father?

A: Lumuyod.

Q: When were you born?

A: December 23, 1944 at the height of World War II. The old folks gave me the Subanon name Laguyan which means always on the run, because we were always running away from the Japanese. But my mother had me baptized as a Christian.

Q: Can you recall how you were raised by your parents? Can you describe how Siocon was then?

A: My grandfather and my father often went to the field. I did not know where it was. But when they came home, they had food and meat. When I was a little older, they started bringing me along. We reached a place in the mountains called Paduan. They said we have to visit the place often because this is part of our land and this place is given by Apu Manglang. Various indigenous Subanon crops were planted in this land. They had tended this land even when I was not yet born. However, they did not permanently settle in Paduan because it was far from where we had settled in Riconalla, and every time, they visited Paduan, they had to go back to the plains in the evenings. But there were times when we had to stay in Paduan for days, only to go back to the plains to get food and other necessities. It was only recently that I stayed in Paduan.

Q: How was your childhood memories?

A: It was a happy childhood. We had few problems then and we lived in harmony with one another, my siblings, my cousins and even our neighbors. There were no troubles and conflicts. It was only during these times that we were divided on certain issues and misunderstanding arise when TVI enticed them with monies and other privileges to join them. It was as if my brother sold my name in exchange for a little salary from the mining company. The rest of my siblings though are one with me in my conviction.

Q: What were your usual activities when you were a child?

A: I joined my brothers and cousins in hunting. We took baths in the river which was clear and clean. There were lots of fishes and we would enjoy catching fish. Often, because the fishes were numerous, they would swarm about us almost kissing us while taking a bath. There was plenty of food and it was easy to have them as long as we work.

Q: Did you sell the products that you get from the forests?

A: No. The town center was far from our place and it was difficult to bring a lot of these down the plains. But sometimes, the workers from the logging firm would come to buy or even exchange their goods with what we have.

Q: What was the name of the logging company?

A: Watts Logging company, owned by Canadians. It did not take us long to stay in the premises of the logging company because they drove us away. They do not want that visitors and unfamiliar faces are seen in their premises. Their concession area however was inside our land. This was later sold to Zambo Wood.

Q: Where did you study?

A: I studied in Riconalla, in the school owned and run by Johnston Lumber, which was established simultaneously with their logging operations in Siocon. The school was far from our place. I was only able to attend grade 4. I had to stop going to school because I had to help my parents in the farm. Life was not easy but we were not wanting of food and other needs. There was just enough for our growing families. I know how to read and write and I understand a little English, but I have a difficulty in speaking the language.

Q: How many siblings do you have?

A: My father had two wives. He sired seven of us in his first wife. They are Trinidad, Vicente, Luis, Jose, Susana, Rosalinda, and Julie. He had one in his second wife. He is Rolando.

Q: Where are your siblings and what do they do now?

A: Rolando is in Cotabato, who married an Ilocana. I do not know how many children he had but he owns a small farm which he tills.

Trining lives in Canatuan but had to stay in Siocon to attend to her youngest child who attends school in there. Her husband died already. They had six children who all got married, save for the youngest, with their families in Siocon. Luis died already but left four children who are also all married now. All of his children and their families live in Riconalla.

Vicente lives in Canatuan. He works for TVI. He had five children all living in Canatuan with their own families. Rosalinda previously lived in Canatuan but had to live in Siocon with her husband. They had no children. Julie married a fisherman in Siocon. Susana had one child. Her husband married another after Susana died. They now live in Siocon.

Q: What roles do your siblings play in the Subanon community?

A: My siblings believe and agree about my being a timuay, even my brother Vicente. He was convinced by TVI to join them and I am not aware of the issues they had against me. Maybe he can say things against me because he receives salaries from TVI. My sister Trining confronted Vicente why he had to go against me. Vicente reportedly answered having said nothing against me. If there were reports on the contrary, these were just made up or these words were put into his mouth.¹

Q: Who were the people who approached and convinced Vicente to go against you?

A: Cirilo Limposon, a Subanon who hails from Lintangan. He works for TVI.

Q: When did you first get married?

A: 1967, I am now 61. I was about 23 yrs old. when I got married

Q: Who was your first wife?

A: Ephifania Ibat, from Baliguian but she is a Bisaya.² I met her when I went to apply for work in a logging company in there place in 1967. The name of the company was Jolar Logging Company, owned by Jose Araneta. We got married also that year. But in 1968, I left the company because I was hard up.

Q: Who are your children?

A: Nano, my eldest is now married with three children. He lives in Paduan as a farmer. Next is Maritess. Someone brought her to Manila without my knowledge and consent. I do not know what happened to her because it has been 13 years since she left home. Twice she wrote me about her situation but I did not answer because I was still very angry then. I heard she is studying.

The third is Gina, who has five children. She lives in Canatuan with her family. She married a Chavacano farmer. The fourth is Vivian, who had four children. They live in Canatuan. The fifth is Florinda, who also lives in Canatuan. She is not married yet. She stays in my house in Canatuan. She haven't finished college because I do not have money to support her to school.

The youngest is Nicole, now one year old, whom we adopted.

Q: I want you to trace your bloodline since the time you can recall.

A: My ancestors came from Apu Idsak from Nawan (now Zamboanga City). He had one daughter, Nawan.

(The transcript was inaudible. For the complete genealogy, the Gokum documents would show the following:)

Table 1: Ancestral Lineage of Timuay Jose Anoy

Idsak	
Gumabungabun, Tabunawey, Dumalandalan, and Gumilidgilid	
From Tabunawey	- comes Moong
From Moong	- comes Manglang
From Manglang	- come Mondaki (Mosogia) and Toki
From Mosogia	- come Baang, Anun, Mag, De and Bon
From Mag	- come Motinggong, Gitao, Mudai, Anoy (Ungyan), Liyon and Inggang
From Anoy	- come Agbog, Tanang, Tumimbang, Diwanah (Piani), Ubiton, Dulaga and Sampol
From Diwanah	- come Minsing and Lumuyod (Sitas, Dumola), Bagulan
From Lumuyod	- come Vicente, Jose, Luis, Susana, Rose, Julie, Tiva and Rolando
From Jose	- come Nanoh, Nida, Marites, Gina, Vivian, and Florinda

Source: Document submitted to the PENRO Office, Dipolog City dated October 8, 1996.

Q: How did you became timuay?

A: When my grandfather died, the timuay was passed on to Taga-Anoy, my father's uncle. Two years before he died, he talked to me and expressed his desire that I would become the next timuay. When we were processing our application for Certificate of Ancestral Domain Claim (CADC) under the leadership of then DENR Secretary Fulgencio Factoran in 1988, he asked me to be the lead applicant as timuay. I refused because he was still alive, but he insisted. The Subanon leaders were also discussing about my being timuay even when Taga-Anoy was still alive. After the death of Taga-Anoy, I was formally installed as the new timuay of Canatuan Subanon in December 23, 1990.³

Q: But you were not one of his sons?

A: Yes. Diwanah, my direct ancestor died before he was named timuay, so they decided to pass it to Agbog, his brother. Agbog passed it to his son Taga-Anoy, my grand-uncle. Taga-anoy wanted to return the golal (rank of timuay) to my father Lumuyod, but he died before he can be named timuay.

Q: Do you see anybody who would replace you as a timuay one day?

A: I cannot say because the selection process of who should be timuay is a decision by the my family, my cousins and the whole Subanon community. I cannot say if the next timuay would be my son or the one of the sons of my siblings. According to our practice, if the timuay dies, the whole clan would meet to deliberate on the qualifications of the next in line. I cannot say that Nano, my son would be timuay because it is not automatic that it should be him.

Q: Do you see anyone taking the positions of say soliling (secretary), pinosalag (law enforcer), bolian (medicine man and spiritualist) and others?

A: The position of soliling and pinosalag are not inherited. If the clan sees any potential from anyone within the clan, we discuss it and decide. The task of soliling is like that of the timuay, he should have the initiative and disposition to make decisions in the absence of the timuay. The pinosalag, together with the soliling, are tasked to settle and resolve conflicts. The timuay does not have to talk a lot because the soliling does that task. But the timuay has the last say and it is final. The bolian cannot perform his tasks alone. He should be with a witness when the spirit enter their body. The timuay gives the blessing

Q Did you witness anybody who conducted the work of a bolian?

A: I saw my father do this before he was able to heal but the bolian can not remain as such because he can lose it, if he did wrong.

Q: It was told that one of your children received medical assistance from TVI.

A: Vivian had a heart ailment and she needed medical help when a TVI personnel came to offer assistance. But I didn't ask anything from them. I think as a practice of good neighbors, the offer of assistance is good but if they do it to further other intentions then that makes it suspect.

Q: When did you leave Canatuan?

A: I had always been in Canatuan since our struggle to drive away Zambo Wood from our land around 1978. I stayed on to actively oppose the influx of small scale miners. We made all efforts to secure our lands in the ways we know, including satisfying government requirements, even if we were convinced that this is Subanon territory since time immemorial. When TVI forced its way in Canatuan, I asserted our right of ownership by staying on. I was forced to leave in 2001 after intense intimidation, harassment and even threats to my life by TVI security people and SCAA (paramilitary group) personnel.

Q: Can you tell us about your experiences with Zambo Wood?

A: They ruled Martial Law style. They came in 1964. Company guards harassed people. They introduced the logging road to have easy access to the forests and to transport their logs easily to Zamboanga City.

Q: What were the effects of the operations of Zambo Wood in your community?

A: When they saw us plant rubber trees, bananas and other crops, they uprooted these because they claimed that this was part of their concession area. But if trees were planted by us, it was okay with them. If coconut trees were planted, they unhusked the seed and returned it to us, but if the seed had grown some shoots, they just burned it. When they saw us engage in kaingin (swidden farming), they confiscated our kapa (cutting implements) and never returned it to us. In open areas, they drove us away because they would plant trees in them.

Q: Were there abuses committed by the logging security guards?

A: The forest guards were armed with high powered rifles. The guards committed several abuses on our people. They harassed and killed. Dangatan Anoy, Onsino Mato's uncle, died while in prison in the custody of company guards. He was heavily battered. No case was filed because we do not know what to do. I cannot recall the date now. It happened in Molongon. There were more serious cases but could not recall anymore. Kaingeros were criminalized. No warrants were issued and the guards would just hit people without reason and provocation. There was also military deployment.

Q: What did you do to protest the excesses of Zambo Wood's security guards?

A: We signed petitions, then we trooped to the Department of Environment and Natural Resources (DENR) regional office in Zamboanga. In 1989, 1,000 Subanons from Canatuan camped out in the DENR office, like an exercise of people power. The Regional Director did not act immediately on our petition so that we have to stay for three days. Zambo Wood tried to influence the DENR to delay the hearings but failed. We pitched camp and solicited food from the public. The support was encouraging and we even earned active advocates for our cause. Eventually DENR acted in our favor.

Q: Were there groups who supported your cause?

A: The Catholic Church and PAFID, a national non-government organization, supported us during these crucial times. They continued helping us when our lands have been applied for as Minahang Bayan (peoples mine) in 1991.

Q: When did Zambo Wood leave Canatuan?

A: Zambo Wood left Canatuan in 1989.⁴

Q: Did you suspect that there were other activities that Zambo Wood were doing aside from logging?

A: We suspected that they were also doing mine prospecting. They were supplying the timber needs of Guinabucan (R.T. Lim municipality in Zamboanga del Sur) miners. They had a contact named Gilbert Cabrera. This was in 1991.

Q: When did you start to realize that you have to secure your claims?

A: In 1991 when the small scale miners were already actively panning for gold in our land and Ramon Bosque⁵ was already intending to conduct mining activities in Canatuan. We thought of applying for Community Forest Stewardship Agreement (CFSA).

Q: How did you finally realize that outsiders were planning to conduct mining activities in your land?

A: Even before 1991, gold panners came to Canatuan, doing their activities in the Canatuan Creek. They became numerous until there were 1,000 of them. Ramon Boque, who was involved in tunneling in Guinabucan and financing mining operations, also visited Canatuan at one time. In fact, it was my house and I was the first person whom Bosque talked with when he inquired about the prospects of mining in Canatuan. I had no suspicion that he was there for mining purposes because he had with him logging equipment like a power saw. Before that, Juanito Pangalisan, an illegal logger who was Bosque's operator and supplier of timber came. It was Pangalisan who informed Bosque of the influx of gold panners in Canatuan. It was not long when Bosque came back with his men and a truck load of Civilian Armed Force and Geographical Unit (CAFGUs).⁶ It was only then that we realized they were prospecting for gold in Canatuan.

Q: What did you do after that?

A: Immediately, we protested to the DENR and the office of the Siocon Mayor Pastor. But she did not act on our protests and complaints for over a year. At one time in 1992, all members of the Sanggunian Bayan (municipal council) of Siocon visited Canatuan accompanying the executives of Benguet Corporation (BC). Pastor even allowed BC to establish a building in Canatuan, without bothering to inform us nor get our consent. Eventually, Pastor issued Bosque a permit to operate the Minahang Bayan which was earlier awarded to his group. The Subanons made several protest actions but the Mayor did not support us.

Table 2: Fact Sheet on the Mining Activities in Canatuan

Date	Events
29 October 1990	Mr. Ramon V. Bosque filed a Declaration of Location (DOL) with the Mines and Geosciences Bureau Office of Mining Recorder, Zamboanga City
03 December 1990	Bosque applied for a Prospecting Permit covering an area of 486 hectares previously covered by the DOL located within the Central Zamboanga Forest established under Proclamation No. 173, dated February 13, 1967.
08 April 1991	A Royalty Agreement was executed by and between Benguet Corporation and Mr. Bosque covering one mineral claim of 81 hectares and the latter's Prospecting Permit application.
12 July 1991	An environment Compliance Certificate for the "Gold exploration Project" was issued by then DENR Undersecretary Delfin Ganapin, Jr.
08 October 1991	Prospecting Permit No. DENR-IX-0004 was granted to Mr. Bosque
10 April 1992	Benguet Corporation/R. Bosque filed a Mineral Production sharing Agreement (MPSA) application for an area of 1,695 hectares, including the conversion of R. Bosque's Prospecting Permit to MPSA. The original area was reduced to 508 hectares in September 2005 upon the request of Benguet Corporation.
03 February 1993	A Memorandum of Agreement was signed by and between R. Bosque, Benguet Corporation, Daphne d. Absin, et.al., representing the small-scale miners of Canatuan, and RED Leonito Umali of DENR RO IX.
06 October 1994	Exploration Agreement with Option to Purchase between Benguet Corporation and TVI Resource Development Philippines, Inc. a corporation duly organized and existing under Philippine laws and registered with the SEC, regarding MPSA application filed by Benguet Corporation/R. Bosque.
15 September 1995	The DENR granted ESCAF Mineral Corp. and ECC for the "Gold Processing Project (Pilot Project)."
23 October 1996	MPSA No. 054-96-IX between the government and Ramon Bosque/Benguet corporation was approved, over an area of 508 hectares located at Canatuan, Barangay Tabayo, Siocon, Zamboanga Del Norte.
08 June 1997	The DENR granted an ECC for the "Canatuan Mining Project" of TVI Pacific, Inc.
16 June 1997	A Deed of Assignment over said MPSA area was executed by and between Mr. Bosque-Benguet Corporation and TVI Resources Development Philippines, Inc., assigning, transferring and conveying to the latter all the rights, interests and obligations under the MPSA.

21 October 1997	The DENR issued the Certificate of Ancestral Domain Claim (CADC) to the Subanen Indigenous Cultural Community covering an area of 6,523.684 hectares in Siocon, Zamboanga Del Norte. The CADC overlaps with the MPSA contract area.
14 May 1998	The Deed of Assignment was approved by then DENR Secretary Victor O. Ramos and the MPSA was recorded in the name of TVI.

Source: Fact Sheet issued during the Canatuan Workshop, Mibang Hotel, Dipolog City, July 17-19, 2004 and prepared by DCMI.

Q: Did you ask for support and assistance elsewhere?

A: PAFID offered its help to us. It was at this time that we organized the Siocon Subanon Association Inc. (SSAI) to formalize our claim. We used the registration of SSAI to the Securities and Exchange Commission to satisfy the government requirement for our legal personality. We were assisted in applying for CFSA to the DENR. DENR surveyed the area in 1992. We converted our application for CFSA to CADC after the Department of Agriculture Order 2 (DAO 2) was issued. Our CADC was approved in 1997. We were first to apply for our right to the land but Bosque's claim was first approved.

Q: Did you know how the Minahang Bayan was awarded to Bosque's group?

A: The miners were supposed to organize a cooperative to be able to pursue their application for Minahang Bayan. But two rival groups were competing for the right to operate the Minahang Bayan. Eddie Cayabyab was the recognized leader of the small scale miners. He was the brother-in-law of Bosque. He broke away from Bosque when he realized that his brother-in-law wanted the right registered exclusively under his name. It was Danny Ramos, previously, who was allied with Eddie Cayabyab who wrestled the leadership from Cayabyab. Ramos was the secretary of the organization. Ramos arrogated the chairmanship position to himself, dislodging Cayabyab in an election. Cayabyab group did not concede and proceeded to organize their own.

In a meeting to award the Minahang Bayan, led by Atty Barrera, the Provincial Mining Regulatory Board (PMRB) recognized Ramos. In that meeting I stated on record that I did not agree to the awarding of Canatuan as Minahang Bayan to outsiders. Fifty hectares were awarded. When Ramos died, he was replaced by R. Gonzales. Barrera refused to recognize the group of Cayabyab because according to him, he did not know the group.

Q: How did you regard the small-scale miners when they first came to Canatuan?

A: They came in trickles, then suddenly there were thousands, numbering 8,000 at one time. I was wary at the sudden influx of outsiders so I had to move to Canatuan in the same place where they settled. However, I maintained an

attitude of tolerance towards these people, believing that this god-given bounty should be shared.

Q: When did TVI come to Canatuan?

A: It was in 1994 when I observed TVI⁷ personnel doing initial mining activities in Canatuan.

Q: How do you regard TVI's presence in your land?

Mato: We never allowed TVI to mine our land. Then and now, we say "No" to TVI. We are opposed to mining in Canatuan, large and small scale. They promote their foreign culture at the expense of the bastardization of our culture. We resisted because there will be influx of people, we will be displaced, our culture and our lands will be lost. Canatuan is a sacred place⁸ for the Subanons. If it were in a different place, it would have been negotiable.

Q: What happened to the small-scale miners when TVI came?

A: TVI attempted to evict them. The small scale miners resisted by barricading the entry of TVI in 1997. This was violently dispersed by TVI. In 1999, TVI attempted to bring in machines but were likewise opposed by the miners. Again, this barricade was violently dispersed.⁹ A second barricade was organized during that year. This time, the Subanons and I actively spearheaded this. This was also violently dispersed by TVI and the military.

Q: Did you experience harassment and other forms of abuse during your protests?

A: Yes. Fifty Subanon protesters were violently dispersed by police forces during the SSAI-initiated protest in August 30, 1999. We staged a human barricade to prevent the entry of the company's equipment for drilling purposes. Again our barricade in October 28 of that year was violently dispersed. We identified the perpetrators as led by the TVI manager with around 40 members of the Philippine National Police, Ernesto Gabo of the 903rd Mobile Group under Major Petronilo Ochotorena and 14 members of the CAFGU under the 33rd IB of the Philippine Army based in R. T. Lim, Zamboanga del Sur.

Mato: This violent dispersal included harassments, food and fuel blockade, militarization and intimidation, blocking health services and religious practices and other serious human rights violations. I reported these during the 19th Session of the United Nations Working Group on Indigenous Populations (UNWGIP) held in Geneva, Switzerland on July 23-27 2001.

Q: Were there abuses committed by the Blue Guards (a paramilitary group) and the SCAA?

A: Before the December 26, 2002 ambush on TVI employees, there were Blue Guards who expressed aloud their wish that an ambush should happen so that their ranks will be beefed up by government soldiers to protect TVI. This was a signed statement in an affidavit by Leoncio Davi. And so it happened.

Camilo Aquino was gunned down by Blue Guards without provocation, without any reasons. TVI paid P15,000 (US\$270) for his treatment. Boy Lim was gunned down. He filed a case, but had to retract because he did not want to spend or he has no money to spend for court expenses.

Johnson Lingala was gunned down by the SCAA. He was stopped at the gate but he did not heed the warning of the SCAA. He was deaf. Later, he executed an affidavit of desistance to barter his decision for a non permanent job at TVI.

Q: Did TVI attempt to bribe you?

NOTE: In response to this question, Boy Anoy stated that TVI attempted to bribe him by offering P5 million (\$93,000.00) in 1998. This was repeated in 2003 where he was again offered P10 million (\$186,000.00). After he refused, another attempt was made, with the offer now raised to P15 million plus a share in the profits. Mato also confirmed that he was offered P10 million, which he refused.

Q: When the attempts at bribery failed, what happened next?

A: When they were not successful in asking for my consent and signature, they tried other strategies. They called for a meeting of our organization, Siocon Subanon Association Inc. (SSAI) and instigated an election without me.¹⁰

They were successful in ousting me from our organization. They installed Juanito Tumangkis as president. They used this to fake Subanon consent for TVI's mining operation.

Q: What can you say about the formation of the Council of Elders (COE)?

Mato: We do not want it. In the first place, we were not given any copy of any notice about its holding or their so called resolution. The COE¹¹ was hastily convened and we were not informed about the circumstances of its establishment.

Anoy: We were misled into believing that the fast tracking of the formation of the COE was to expedite the awarding of our CADT and the split among us would be resolved. Lista Cawanan of the NCIP signed and issued an invitation stating Tribal Assessment Affairs as one among its agenda. But they did another thing. He facilitated the lunch meeting on October 15, 2002 for the formation of the COE, claiming it was good for us because it would facilitate in making our Ancestral Domain Sustainable Development Protection Plan (ADSDPP). Cawanan

even assured us that the COE would be dissolved when the CADT is already in our hands. Limpusan was present but he did not say anything. We were suspicious that is why we did not sign even in the attendance sheet.

Q: But is the COE a part of your customary governance system?

A: We do not have such a thing. The Gokum already issued a decision on this in a meeting in February 2004.¹²

Q: What do you think of Juanito Tumangkis?

Mato: Tumangkis cannot be a Canatuan Subanon. He does not have the credentials. A timuay should have a spotless record in the community. Tumangkis is a bandit and he had so many victims. In fact, he was not even elected as SSAI president. It was Florence Ginagag who won the so-called election but they bargained for Tumangkis because he was brave. In exchange, Ginagag's father became a ghost employee of TVI and Ginagag was hired as a permanent employee.

Q: Does it mean that consent was granted by Subanons to TVI to conduct unhampered operations in Canatuan?

A: Apparently, through the TVI-backed SSAI.¹³

Q: Did they secure your free, prior and informed consent on the mining project as required by the Indigenous Peoples Rights Act? ¹⁴

A: They tried to get it but we refused.¹⁵ Thirteen of us in that meeting walked out. At one time, they invited me to have a meeting with the Canadian Ambassador. I refused because they might video me and misrepresent my presence as giving my consent.

Q: President Arroyo visited Canatuan and awarded the CADT to you. Do you think this is a good thing?

A: We were hopeful that (President) Arroyo would finally resolve our problems when she came to visit us. She awarded the certificate of recognition in May 30, 2002. The awarding of the CADT was done in the Southcom (AFP headquarters in Mindanao) on June 12, 2003 believing that we were finally given our independence. The document is now kept by National Commission on Indigenous Peoples (NCIP) Chair Dasai Lingating because they claimed it was not registered yet in the registry of deeds.

Q: Did the awarding of the CADT mean any significance in your struggle?

A: The awarding of the CADT to us by no less than the President of the

Philippines did not resolve our problem. In fact, our problems became complicated. The words of the President were lies. Her words did not mean any importance. We had to fight by ourselves to assert our rights. On our own, we had to bring our issue to the international community. Arroyo recognized the right of foreigners¹⁶ than the plight of her own people. Even during the awarding of our CADT, it was as if she had been following orders from the Canadians. She had no stand. I hope she honors what she says to gain respect from others.

Q: There were claims that two separate CADTs were applied for. What can you say about this?

A: I am the legitimate CADT holder.¹⁷

Q: Did you have allies in your campaign to reclaim Canatuan?

A: We had the support of the people of Siocon, the local government, the church, NGOs from the local to the national levels and even international support.¹⁸

Q: What are your feelings about the Canadian people?

Mato: Our place will be destroyed, our sacred place desecrated and our lives destroyed. We want to execute our rituals. We urge the Canadian people to look into our plight. We need them to get involved and support us.

Q: What are your community aspirations?

A: We need to assert our territory. We need our territory, governance and our empowerment as a people.

Salvador Armando B. Ramo is with the Education and Training Desk of Tebtebba.

Endnotes

¹ A process of settling the issue between Anoy and Vicente had been started by the Gokum. Both brothers have reportedly reconciled. Anoy said he already forgave his brother and a ritual was underway to seal this reconciliation.

² After Ibat died, he married Pialang, his second wife. They had no children. Anoy had a third wife who was reportedly not liked by Pialang. This caused the separation of Anoy and Pialang. Stories indicate that TVI exploited the marital differences of the couple to discredit Anoy. TVI reportedly convinced Anoy's estranged wife to sell the Anoy house in Canatuan.

³ According to Noval Lambo, the most senior leader of the Gukom, the Subanons' justice council and the cousin of Anoy's father (Lumuyod Mandiso is the father of Lambo), Anoy is the leader of Canatuan Subanon. His leadership is recognized by the Gukom which traced the legitimacy of his leadership by bloodline of timuays (Subanon leader) since the 1600s. According to Subanon practice, the title of timuay is inherited and passed

on exclusively to family members down the line.

Lambo stated: “Jose Anoy is the rightful Timuay of the Dolongan sa Siocon and has jurisdiction over the areas traditionally belonging to the Pigbogolalan of Lituban which included the communities belonging to the present-day barangays of Tabayo, Candis and Malungon, (now part of the municipality of Baliguian). Anoy accepted the golal (rank of timuay) of the Dolongan sa Siocon in December 1990, in a ritual attended by most of his people. His father, Lomuyod passed on the golal to him, after refusing the offer from Timuay Tagah, Lomuyod’s uncle because he was old. Lomuyod, like his father Diwanah was a skilled bolian.”

Lambo further asserted: “Upon the death of Timuay Agbog, his son Tagah became timuay because none of Diwanah’s son accepted the golal. It was during the leadership of Timuay Tagah that the elders of Dolongan sa Siocon decided to divide the Dolongan into two Pigbogolalans (communities). Each Pigbogolalan shall be headed by a timuay. The two Pigbogolalans are Siocon, with Salacao, the son of Timuay Tukimbing as the timuay, and Lituban with Tagah as the timuay. Before Timuay Tagah died, he returned the golal of the Timuay of the Dolongan sa Siocon to the family of Diwanah, by this time led by Lumuyod (Jose Anoy’s father).”

⁴ DAGON, a local logging concessioner also at this time was granted an Integrated Forest Management Agreement (IFMA) by the DENR, giving it exclusively right to plant and harvest forest products. Earlier, Bosie Cascade of North America conducted logging activities in Canatuan and other adjacent areas in 1988. These companies were also accused of various abuses committed against Subanons.

⁵ Ramon Bosque, a mining prospector from Pozzorubio, Pangasinan first discovered the rich gold deposits of Canatuan. Bosque, with Benguet Corporation, applied for a Mineral Production Sharing Agreement for an area of 1,695. Eventually, this MPSA was sold to TVI.

⁶ CAFGUs are armed paramilitary units created during the administration of then President Corazon Aquino to assist the government military soldiers in counter-insurgency campaigns.

⁷ Toronto Ventures Inc. (TVI) Pacific is a Canadian mining company focused on exploring and producing precious base metals... in the Philippines and China. Earlier reported as a junior mining company, TVI now joins the league of the industry’s big players with its decision to engage in actual production of metals in its Canatuan Gold Project. For the first time in TVI’s history, the company started commercial operations on January 1, 2005, after completing its commissioning stage, adding that this is “a major milestone considering the mine was not financed with project debt.”

The assignment, transfer and conveyance of all the rights to TVI by Ramon V. Bosque and Benguet Corporation in 16 June 1997 through A Deed of Assignment over said MPSA signaled the formal entry of the Canadian company to Canatuan.

TVI’s mining project in Canatuan, covering 508 hectares in Anoy’s CADT, uses the conventional open-pit mining. According to the TVI website, mine production would depend on the capacity of its mill to grind the ore. Initially, it would commence with a 25-ton per day output but would increasingly be upgraded to 800 tons per day output within an approximate period of 1.5 years with the installation of a Merrill-Crowe plant to improve metal recoveries, starting in August 2005. TVI anticipates that the peak mining rate would be achieved at approximately 3,000 tons per day of ore, including wastes, done on a single 10-12 hour shift, seven days a week. TVI added that “mining conditions at Canatuan are very favorable to maximizing productivity as the longest ore hauls are only one kilometer to the plant site.” The mining company estimates to generate mine wastes of 2.2 million tons

or a 2.17:1 ratio over ore production.

TVI has started mining gold and silver-bearing raw gossan ore in May of 2004 and processing the same in June 2004. The company reported a first half 2005 year operation of a "positive cash flow of \$1,537,414.00 on a revenue of \$5,116,518.00 reflecting the positive nature of operations."

⁸ In an attempt to negate the historical significance of Canatuan as a sacred site of the Subanons, no less than the president of TVI Resources Development Philippines, Mr. Magpantay, would go as far as to malign Anoy to discredit him: "...Canatuan hill had been previously stripped of its natural cover and riddled with shafts, tunnels and processing plants (for which absolutely no provisions were made for environmental protection) related to illegal small-scale mining under the protection of Mr. Anoy. It has only recently been claimed as sacred, in sync with the efforts of Mr. Anoy and others to advance their personal interest to continue with the illegal miners to harass TVI."

⁹ In 2002, through a DENR order, TVI has successfully been able to clear the mining sites of small scale miners, which it now calls illegal and blames them for creating environmental havoc. TVI is even accusing them of theft if they pursue their activities. Again, TVI is attempting to evict the hold-outs with the help of its Subanon employees and the company-backed SSAI.

On November 25, a new SSAI was organized under the leadership of Juanito Tumangkis as chairperson. Mariano Sapien was chosen as one of the Board of Trustees. Jose Anoy and Onsino Mato were not informed of the said election.

Sanz had written: "At that time, the Subanos in Canatuan were already becoming more polarized particularly with the elections of the new set of officers of SSAI, which is now headed by Juanito Tumangkis. Anoy claims that the elections were dubious since they were not even informed that there was going to be one. This prompted them to file a quo warranto case which contests the legality of the elections with Lingating as their lawyer."

¹¹ In 2002, Lista Cawanan Jr, NCIP IX provincial officer for Zamboanga del Norte, organized the Council of Elders (COE) supposedly to "unite the leaders in Canatuan." But Subanon Sidan Tii, Fernando Mudai, and Atty. Fausto M. Lingating, who is the father of NCIP chair Atty Ruben Lingating filed a case against Juanito Tumangkis, Jose Boy Anoy and Lista Cawanan. They argued that, "there is no such thing as Council of Elders in our customary laws."

Tumangkis and half of the members in COE do not belong to the community. He does not even belong to the lineage of leaders.

¹² For three days in February 2004, the Gukom met to settle the controversy pertaining the composition and legality of the Council of Elders. The members traced the genealogy of each of the COE member. Only nine of the 30 members of the Council of Elders were qualified to be a leader. According to the Subanon customary laws and traditions, no person can be appointed as a traditional leader if he does not belong to the bloodline of Timuay. "The decision of the Gukom, declared publicly in Siocon in April 2004, reads 'If he is not a traditional leader in the Subanon community, his authority as a Timuay has no binding effect.'"

The Gukom also called for the abolition of COE and declared, null and void, all acts entered into by said group of persons, adding that there are tribal leaders in Canatuan long before the organization and constitution of the Council of Elders by Cawanan.

The Gukom's decision was submitted to NCIP IX last August 2004. They are still waiting for NCIP's response.

¹³ TVI now could freely invoke the support of "Subanons to favor its operations. On

October 2002, the COE passed Resolution No. 08 Series of 2002 consenting to the mining operation of TVI Resource, as attested by the National Commission on Indigenous Peoples. A year later in November, SSAI, COE and TVI forged a memorandum of agreement witnessed by NCIP and MGB.”

¹⁴ The IPRA law, the Local Government Code of 1991 and even the Mining Act of 1995 have provisions stipulating for the need to seek the FPIC of IPs affected by projects in their territories. The Mining Act specifically provides that “no ancestral lands shall be opened for mining operations without the prior consent of the indigenous cultural community concerned.”

In the same law, it defines FPIC as, “the consensus of all members of the ICCs/IPs to be determined in accordance with their respective customary laws and practices free from any external manipulation, interference, coercion, and obtained after fully disclosing the intent and scope of the activity, in a language and process understandable to the community.” It enables indigenous ICC/IPs to “determine for themselves policies, development programs, projects and plans to meet their identified priority needs and concerns.”

Subject to FPIC are the right to stay in the territory (IPRA Chapter III Sec. 7g), community intellectual property rights (Chapter VI, Sec. 32), excavations/diggings on archaeological sites (Chapter VI Sec. 33), access to biological and genetic resources (Chapter VI, Sec. 35) among others.

¹⁵ In his letter to Mines and Geosciences Bureau (MGB) Director Macapodi, Anoy stated that during the dialogue/consultation conducted by TVI on September 26 and 28, the CADC holders never attended, participated, nor signed documents like attendance sheets, resolutions, etc., thereby maintaining their position in opposing and rejecting TVI’s proposed mining operations inside the CADC area.

Sanz, citing Nettleton, G., Whitmore, A., Glennie, J, 2004, who mentioned about the efforts of TVI to secure consent and social acceptability for its project in public forums attended by leaders of farmers, fishermen, fish farmers associations, non government organizations and various agencies held in 1996. Signatures petitioning for TVI operations were also gathered. Apprehensions were expressed however that the signatures of participants to these fora were used to support TVI.

¹⁶ The Arroyo government has launched a program to revitalize the mining industry. This is supported by a Supreme Court decision in December 2004, recognizing the prerogative of the president to enter into Financial and Technical Assistance Agreement contacts with foreign companies. The Supreme Court has even ruled that foreign ownership up to 100% is legal.

Citing the potential of the mining industry to bail out the country from its financial crisis, then DENR Secretary Michael Defensor echoed the president in actively promoting mining activities from a previous stance of tolerance. In doing so, the government provided additional incentives similar to what it has granted already to TVI.

The mining program is included in Arroyo’s 10-point agenda of development. The president issued Executive Order 270, setting out the principles governing the revitalizing of the industry. In January 2005, it came out with a Mineral Action Plan which promotes responsible mining toward sustainable development.

Two of EO 270’s 12 principles include the recognition of the critical role of mining in support of national development and poverty alleviation and the provision of a clear, stable and predictable investment and regulatory policies to facilitate investment. Part of this is the harmonization of various laws in favor of the Mining Act and the fast tracking of processes to facilitate the approval of mining projects.

The government expects to generate \$90 billion from the revitalized industry. There

are 23 medium and large scale mining projects already identified for immediate operation. From these projects, \$6.5 billion is expected in direct foreign investment, \$161 million in excise taxes and \$432 million in income taxes. In addition, six pipeline projects are lined up, including the TVI Canatuan Gold Project.

The Canatuan Project, being part of its so-called pipeline projects, the government now admits its complicity in the frenzied efforts to push through with the mining activities in Canatuan.

In his meeting with the mining industry's big players, then DENR Secretary Defensor's statement: "With the easing out of the obstacles in eventually developing the Philippine's mining potentials, the Government welcomes foreign companies to invest their money and expertise in achieving responsible mining in the country."

¹⁷ In an attempt to confuse this fact, TVI highlighted the internal conflict between Anoy and Sapián to show that there were in fact two CADT applications, not only the one pursued by Anoy. TVI stated: "In 1995, Sapián headed a group of local Subanen to contest the Anoy CADC, based on what he alleged was an illegitimate, unrepresentative claim, (which did not include as signatories many of the legitimate local tribal leaders) and together with other leaders, filed a separate CADC that also included areas comprising the MPSA application...." Upon the issuance (of the CADC in 1997), Boy Anoy and Onsino Mato informed the Canatuan community that the CADC had been issued to them personally, thereby giving them certain rights and benefits and they have continued to maintain that position, in spite of the fact that the recent issuance of the Certificate of Ancestral Domain Title was issued to the "ubanen of Zamboanga Del Norte."

The Sapián group would later join the TVI as employees, sign an agreement as representative Subanos, allowing the company to conduct mining activities in Canatuan or serve other purposes to advance the interest of TVI, like the maneuver to wrestle the SSAI from Anoy, formation of a Council of Elders, issuance of a manifesto of support.

Providing a network of support are church-based organizations and advocacy groups from the regional, national and even the international community. In the forefront of the support network for the Subanon peoples struggle is the Diopim Committee on Mining Issues (DCMI) - Diopim being the acronym for the dioceses of Dipolog, Iligan, Ozamis, Pagadian, Ipil and Marawi. The municipal government of Siocon and most of its barangay councils likewise are behind the Subanons and the people of Siocon in their struggle.

¹⁸ In 2003, Anoy's struggle found a strong ally among the people of Siocon, who organized themselves into the Save Siocon Paradise Movement (SSPM). SSPM is a multi-sectoral group of farmers, fishpond operators and fish gatherers and fisherfolks, Catholic-based organizations, the Bangsamoro Muslims, among others. SSPM is also a component organization of the provincial alliance of anti-mining advocates called Zamboanga Del Norte Peoples Alliance against Mining (ZNPAAAM), which is led by the Bishop of Dipolog, Jose Manguiran, and which binds 23 multi-sectoral groups in the entire province. Finding common cause with the Subanons are the small-scale miners who were displaced by TVI's mining activities. They actively joined Anoy in barricades in 1997 and 1999.

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The Reason We Live: The Cause of Our Struggle

By Clint Bangaan

SINCE TIME IMMEMORIAL, OWNING AND KEEPING ANCESTRAL LANDS, taking control of and managing resources in ancestral domains determine the continued existence of indigenous peoples, their relationship with other people and nature — their identity. It is their reason for living, the cause of their struggles. Their close affinity to land has shaped their world views that have high regard for nature and its sustainability.

However, their intimate relationship with nature has long been disturbed since indigenous peoples have been displaced by developmental projects such as dams, mining, plantations, logging, and other extractive industries. These industries do not recognize and respect indigenous peoples' rights over their resources. But for centuries, indigenous peoples have been at the forefront of resisting these exploitative projects. As a result, we can still find natural resources in places where indigenous peoples have been successful in resistance and where they have sustained their traditional forms of resource extraction and management.

Unfortunately, the oppression has not stopped. Dams are still being built at the expense of indigenous peoples; their homes and only means of livelihood submerged. We can see this in Bolivia where World Bank-supported dam projects would divert lakes and streams from local communities and where a new dam would cause irrevocable damage to the Pilon Lajas Reserve, one of the most biodiverse areas on earth. This dam would displace thousands of peoples as a result. This predicament can also be seen in Chile where dams would displace a thousand indigenous Pehuenche. In the Philippines, we have the recently-built San Roque Multi-Purpose Dam that displaced two thousand Ibaloi families and is now causing flash floods, erosion and damage to fisheries downstream. And still the number goes on and on.

Mining concessions and applications are posing an impending threat to ancestral lands and biodiversity nurtured for generations. Logging industries are rampantly depriving indigenous communities of their livelihood and making indigenous lands prone to flash floods and serious environmental damage. In all these development projects, both individual and collective rights are violated. This situation has its roots on the framework of development from the perspective that resources in indigenous peoples' territories are considered commodity, something that can be turned into business opportunities.

It is sad to note that these projects are often peddled by the government, together with wealthy corporations, who claim they are socially responsible. The truth is, as Victoria Tauli-Corpuz, Chairperson of the UN Permanent Forum on Indigenous Issues puts it, "They adhere to the dominant world view of infinite economic growth through a globalized market economy." In so doing, they even coopt indigenous terms such as "sustainable development" putting it under the banner of globalization.

One of the clear examples of this is the Didipio Gold-Copper Project in Didipio, Kasibu, Nueva Vizcaya located in northern the Philippines. According to CLIMAX, the project is a joint venture between Climax Mining Ltd. and the Philippine government¹ and asserts that it is socially acceptable. It claims that it has conformed to all material criteria specified by the World Bank; to "world's best practice" principles adopted by major mining groups in Australia and North America; and to the particular requirements of the government of the Philippines² which banners "sustainable mining" in its National Minerals Policy. This, even when indigenous peoples and civil societies have been arguing that there is

no such thing as sustainable large-scale mining, as has been witnessed and experienced by indigenous peoples for years.

Fortunately, many people, indigenous peoples in particular, did not stop resisting these incursions. Presently in the Philippines, there is a strong anti-mining movement and it is spreading to other countries such as Indonesia, Malaysia, and other parts of Asia and the Pacific.³ The indigenous peoples' struggles for a self-determined development can never be subdued. The struggle of the Didipio people and the whole of Kasibu in their efforts to thwart an impending threat to their existence as self-determining peoples continues and is even growing in nearby areas.

Mining in the Philippines

Historically, mining in the Philippines can be traced back to at least 1,000 years when local miners started extracting and trading their gold. Presently, this still plays a significant role in the culture and economy of many indigenous peoples in the country. The presence of rich minerals, however, attracted colonizers who used almost everything—power and resources—to register and implement their mining claims. The Spanish colonizers, and then later, the Americans conducted geological surveys and identified mineral-rich areas which made Northern Luzon famous, particularly the province of Benguet, a gold-mining district in the Cordillera. Eventually, a mining company, the Benguet Corporation, was established.

The mining industry was at its peak in the 1960s and 1970s when gold and copper prices reached an all-time high, parallel to then President Ferdinand Marcos' policy of controlling wages and suppressing unions, keeping costs artificially low. This was primarily due to the late President's direct interest in the mining industry. As a result, criticism of and opposition to mining was suppressed. In the same way, dubious and destructive mining activities such as dumping of wastes in the Calancan Bay in Marinduque, were tolerated by the authorities despite disastrous impacts in fishing communities.⁴ This has been ongoing for years even after the Marcos' regime until on December 6, 1993, the Maguila-Guila mine tailings dam collapsed destroying houses and livestock. This incident was blamed by the residents for the death of two children who were washed away. Subsequently, on March 24, 1996, a drainage tunnel linking the mine's Tapan Pit to the Boac River burst, releasing an estimated two to three million cubic metres of heavy metals-contaminated mine tailings into the river, which prompted the Philippine government to declare it in a State of Calamity.

However, the mining industry suffered a decline in 1985. Mineral exports that accounted for 22 percent of total exports between 1970 and 1974 suffered a serious decline to seven percent between 1986 and 1995. In 1988, the Philippines was still the world's seventh largest gold producer and tenth largest copper producer. However, this dropped to 17th and 22nd place in 1997.⁵

Significantly, this can be attributed to community protests particularly from indigenous peoples, who relentlessly opposed these activities, forcing investors to focus their attention elsewhere. This could also have been due to the extraction of the best ore during the boom years, without reinvesting in exploration. As a consequence, only lower grade deposits were left. The slump in metal prizes worldwide and the political instability in the country further aggravated this.

The Philippine Mining Act of 1995

In response to this trend, successive Philippine governments set about encouraging new foreign investment in mining with incentives. These range from liberalization of frameworks leading to less restrictive regulations, assurances of government support, to lower duties and tariffs, and tax break and holidays.

These efforts to liberalize the economy and create a favorable investment regime led to the adoption of the Philippine Mining Act of 1995, which was supported by the Asian Development Bank. This resulted to a massive influx of foreign mining corporations in the country, some of which have had a history of bad relations with indigenous peoples.

The impact of this to the communities has been devastating. The free, prior and informed consent enshrined in the Philippine Indigenous Peoples Rights Act of 1997 has been turned into mere consultations. Coercion, deception, and cooptation to gain the consent and participation of indigenous communities have been widely documented. Indigenous peoples, unable to resist the entry of open-pit mining companies, eventually lost their lands, their communities, and their seas and rivers to pollution and devastation brought about by the mines.

The National Minerals Policy

Despite the rush of mining applications, however, the expectation that the Mining Act would attract industry leaders and cutting-edge technology was not realized. The mining industry claims this is because of the legal setbacks in 1997 and the growing land-use conflicts. Needless to say, the major reason of this has been the never-ending protests from various stakeholders of society, particularly the indigenous peoples and people from the rural areas.

In response, the Philippine government developed the National Minerals Policy (NMP) through the Mines and Geosciences Bureau (MGB). This gained support from the Philippine Chamber of Mines through "relentless campaign for its adoption and approval."⁶ This policy borrows from the language of international efforts to reposition mining as sustainable development, by highlighting the supposed best practice of the major companies. It also asserts that it puts into priority, concern for social and environmental protection. The NMP was designed to unite the country behind a programme to reinvigorate the mining industry by

attracting more foreign investment, and developing a “world-class” industry.

However, this policy has not shaken the stand of advocates for genuine sustainable development and named it as a mere repackaging of an industry that has not really helped solve the country’s growing poverty. According to Engr. Catalino Corpuz, a well-known anti-mining advocate, “it (NMP) is a tool to fool the people through statements like paradigm shift, sustainable development, responsible mining—but at the same time—it sharpens how large-scale commercial mining should proceed as a result of the Mining Act of 1995.”⁷

The Didipio Gold-Copper Project

In 1989, Climax Arimco Mining Corporation, through its operating partner Cyprus Mines Corporation, entered and conducted reconnaissance geological survey in barangay Didipio, Nueva Vizcaya province in northern Philippines. As a result, gold and copper deposits were discovered. They did this without any consultation with the residents.

Through a Financial and Technical Assistance Agreement (FTAA) with the Philippine government, the Climax-Arimco Mining Corporation acquired a mining concession of 37,000 hectares, which was reduced to 21,428.76 after relinquishment. This is located within the provinces of Nueva Vizcaya and Quirino. The FTAA contract with Climax-Arimco was signed in June 1994 even before the enactment of the Philippine Mining Act of 1995.

Presently, the project has an on-going exploration under the five-year extension of the Exploration Period (August 15, 2005 - August 14, 2010). There are also on-going development and utilization activities under the approved Partial Declaration of Mining Project Feasibility for 975 hectares of the said retained area of the project.⁸

Climax Mining’s principal mining development asset is the Dinkidi gold and copper deposit which is managed and operated by the Australasian Philippines Mining Inc., a wholly-owned subsidiary of Climax Mining Ltd. The transfer from CAMC to APMI was made on December 9, 2004.⁹

Dinkidi is a porphyry deposit with a resource of 121 million tonnes, grading 1.0 g/t Au and 0.4 per cent Cu, for contained gold of 3.8 million ounces and 470,000 tonnes of copper. The Dinkidi development comprises four years open-cut mining and a minimum life of eleven years underground sub-level caving operations. The project is designed for a throughput of two million tonnes of ore processed per annum.¹⁰ The project obtained an approval from the Philippine government last October 13, 2005 amidst provincial-wide protests mounted in Nueva Vizcaya. Climax’s interest in the project is pegged at 92 per cent.

Apart from the Didipio FTAA, the company also has a number of granted exploration areas, not only in the province of Nueva Vizcaya, but also in the towns of Manag and Claveria located in the Cagayan Valley.

However, the project has been stalled because of the local community peoples' opposition staged locally, nationally and even international level.

The People of Didipio and Their Stories

Didipio has been inhabited by the migrant indigenous Ifugaos after it was discovered in 1962. It has a total land area of 8,500 hectares. The current residents of Didipio are a mix of Ifugao, Kankanaey, Bontoc, and the original settlers who are called the Ilongot or Bugkalot. Coming from diverse backgrounds, these groups share a common affinity to land, from which their survival is dependent upon. And each of these groups has stories to tell.

The Ifugaos were the earlier ones to migrate in Didipio, a majority of them coming from the Municipality of Hungduan, in the province of Ifugao. They were also the pioneers in the whole municipality of Kasibu. They migrated for various reasons. One was due to growing poverty in their communities owing to lack of opportunities and inadequacy of land to support growing families.

Second, which was cultural in nature, was related to the inheritance pattern the Ifugaos practice. They believe that all of their properties should be taken cared of by the eldest of the siblings, and if there are still other properties, it will go to the second child, leaving the others with nothing. The first born had the privilege to choose what property to inherit, either that of the mother or of the father. Both male and female firstborns have equal privileges.¹¹

Now, if parents still have conjugal properties, acquired as a couple either through purchase, or as a gift, these will be given to the next in line. This practice, however, states that the one entrusted with the properties have the moral obligation to look after his/her siblings. The person also has the responsibility to ensure the property/ies' sustainability, perform rituals and protect the heirlooms. In cases where the property needs to be sold, it should be offered to the nearest kin.¹²

The other siblings, in recognition of this tradition, usually migrate to frontier areas where they can engage in agriculture or seasonal employment. Most of them end up as blue-collar workers in town centers whose jobs are seasonal in nature. Those who went to Didipio were either workers of the Luzon Loggers Incorporated that operated in the area during the 1950's. Some migrated there when the government opened it up for resettlement.

The Kankanaeys of Benguet, however, have a different story to tell. A majority of them were either displaced by the dams, the Binga and the Ambuklao, built during the 1950s and 60s or were employed in the mining companies that boomed in said province in the early 1900s.

As Lakay Prudencio Ansibey, an elder and one of the leaders of Didipio, recalls:

We came here when I was still a kid. The trek was very hard so my siblings and I would always ask our parents why we needed to leave Mankayan (Lepanto Consolidated Mining Inc.'s site of operation). Our father would always say 'anusan yo' (be patient) because we do not have any more land to till in Mankayan.¹³

Lakay Ansibey continues to narrate how his father was robbed of his land when a high official of the government, closely identified with Lepanto Consolidated Mining Company, advised him to leave as the mines was going to take his land. The official said that he did not have a right over his land because he did not possess any documents to support his claim.

What my father knew was that he inherited the property from his parents and has been their source of livelihood since he was a child.¹⁴

However, his protests, like other residents of Mankayan during that time were not heeded. Upon learning of the resettlement area in Kasibu, Nueva Vizcaya they ended up packing their belongings and starting the long journey instead. "Here in Didipio, my family started all over again hoping we would never experience the same."¹⁵

The Bontoks, on the other hand, have already been in the area because of small-scale mining that proved to be a lucrative endeavor. They decided to stay in the community, and together with the others, started clearing lands through the *kaingin* or the slash-and-burn method. The lands that were previously mined using traditional ways were gradually transformed into rice paddies. Cleared-out lands by the logging company, were turned into agricultural lands planted with vegetables, corn, banana and fruit-bearing trees. Still, others continued to practice small-scale mining to supplement their income and to be able to send their children to school.

Key to Success

Baket Dinaun Cut-ing, spent her entire life in the Didipio valley, marrying and raising her kids there. Together with her husband, who was also an unequivocal oppositor to the mining project, Baket Cut-ing raised their children and were able to send them to school using the produce from their farms and from the traditionally managed small-scale mines.

If you are industrious here in Didipio, you will survive because the land is fertile. We were able to send our children to school because of our desire to see them have a better future. We exerted a lot of effort in our kaingins, so they can have something to spend for their education. We never wanted to have Didipio sold out to a mining company.¹⁶

At present, the small scale mining has boomed once again in the area, with Dinkidi as its center of operation, the same mountain identified by APMI as its principal mining development asset. People from various places have been lured again to Didipio to engage in small-scale mining.

Learning (to Fight)

The desire to be at peace; to maintain a harmonious relationship with neighbors and friends; and to practice a sustainable way of life free from harm and conflicts were the reasons the people of Didipio remained steadfast in their bid to keep their community free from destruction. Some of them, especially those from Benguet, already suffered from the ill-effects of mining first hand, having been displaced from their lands and denied of their rights to their own means of survival.

But this aspiration has not been easy. Some of the community members came out in support of the project because they thought they were going to benefit from it. The promise of employment and money became too tempting for some. It turned out, however, that those who supported the project did not have much to lose in case the project pushes through. Many did not own the lands they tilled so they did not have much to sacrifice.

The members of DESAMA¹⁷ had to sacrifice a lot and learn in the process how hard it was to go against a project and a company who had enormous resources, and even the backing of the government. They had to go out from their community to look for support, sacrificing work in their farms and rice fields, their major source of food. Their love for their people and their community, and their vision for the future of their children and the generations yet to come, fueled their struggle despite the many hardships they encountered.

They sought help from various NGO's and tapped their local officials for support. They learned to think out-of-the-box specially since they now know their inherent rights, both individual and collective, because of various trainings and conferences they attended at the local, national and even international levels. As indigenous peoples, although coming from different groups and experiences, they share a lot of commonalities. That is, land for them is life.

The Robin Hood of Didipio

Meanwhile, a young man was forced to sacrifice his life for his love for and vision of his Didipio community. Others, particularly the government, may call him a criminal, but this young man, Benjamin Buhe, became a hero for his people, even if he lived only for a very short time.

His brother narrates that Benjamin had simple dreams, primarily to witness Didipio grow as a peaceful community, where people, despite hailing from different communities and coming from various cultural and economic backgrounds, respect co-existence and nurture their common affinity to land.

His dream was disrupted due to the entry of CAMC to Didipio. Realizing it as threat to the communities' peaceful relations, and eventually its survival, Buhe decided to take the law into his own hands, killing a Canadian geologist and

several members of the police and military in the process. He was then hunted down until he was killed in an encounter with the police in Bayombong, Nueva Vizcaya.

But despite this, he remains a hero for the people of Didipio. The leaders and elders of Didipio who witnessed the young man's life have nothing but admiration for his courage and love for them. They say that:

He was a very nice person, and even if he took that kind of struggle, he did it for the people of Didipio. Even if he was branded as a criminal, he will still remain as an inspiration to the people of Didipio to sustain the fight against the company and their supporters who do not have a bit of respect to our rights as peoples"¹⁸

Effecting Strategies

Prior to the entry of the company, the majority of the residents of Didipio had very little knowledge of large-scale mining and its effects. They also had no information on where to seek help to address their situation, especially since they were against the mining project. However, interventions made by the Diocesan Action Center of Bayombong and an NGO, the Task Force Detainees of the Philippines in 1996 and the subsequent conduct of a fact-finding mission in 1999 by a team composed of NGOs, POs and the DSAC (the Catholic Diocesan Social Action Center) of Bayombong, has paved the way for contacts with other people and organizations.

The people of Didipio started engaging with support groups in Bayombong who linked them with other groups in Manila, the country's capital, and other areas. They attended meetings, press conferences, mobilizations at the local and national levels, to air their concerns and situations. Field trips were arranged where community representatives went to mined-out areas in Benguet to learn of mining's effects in the lives of the people and the environment. Legal actions against the company were also undertaken with the help of the Legal Rights and Natural Resource Center such as the filing of a case with the Philippine Supreme Court questioning the legality of the FTAA granted to the company.

A number of dialogues were also held with the the company and the government, where their strong opposition to the project was reiterated. Community representatives were sent to international conferences to speak of their situation and their opposition, seeking recognition of their rights as indigenous peoples over their lands and resources.

These initiatives gained support from internationally recognized organizations. Ingrid MacDonald, the mining ombudsman of Oxfam, was able to visit the place and made a comprehensive report of the situation. The report enumerated numerous violations by the company in dealing with the peoples especially in getting their consent in the form of a Memorandum of Agreement. The first was signed authorizing the pre-mining activities in April 28, 1999 while the second,

known as the pre-development MOA, was signed in December 17, 2001. Both of these MOA stipulated that there was no opposition in the area. However, both were declared void and was canceled by the newly elected Barangay (Village) Council members in 2002 on the bases that these did not reflect the true decision of the peoples of Didipio and were secured in an anomalous manner. In some occasions, participants in some company-sponsored activities were requested to sign an attendance sheet but it turned out that these were attached to documents endorsing the mine. Lorenzo Pulido of Didipio was quoted saying:

We have been cheated. The company called for meetings in different communities (sitios). At the beginning of a meeting, they would butcher a pig. Then they would ask people to sign a sheet for their attendance. But when the company went to Court in Manila, we found out that the attendance sheets had actually been approval forms for mining. The company used the sheets to back their project. All those that signed the attendance forms were really cheated.¹⁹

Nevertheless, these events served as a learning experience for the people of Didipio. They now assert their right to Free, Prior and Informed Consent, which was violated several times by the company when it did geological surveys without permission from the community and in its subsequent activities in the community. Any documents without close scrutiny are not being signed and photos of the community and the people are not allowed to be taken without informing them of its purpose. They also became vigilant with groups that go to Didipio especially if done without their knowledge.

Given the governments's active participation in the promotion of mining projects, CAMC/APMI, together with staff of MGB (the government's Mining and Geo-Sciences Bureau), have been conducting renewed and persistent actions to push the project towards full mining operations in 2003, and up to the present. Their team has been sent to 30 barangays within the Municipality of Kasibu in Nueva Vizcaya and in Cabarroguis, Quirino convincing the people to approve of the project through promises of employment and benefits once the project starts. They have also informed the community members of the following:

- The project is going to push through despite ongoing protests;
- Kagawad (Councilman) Peter Duyapat, a leading oppositor to the Didipio Gold Copper Project, already endorsed the project and has left Didipio together with his family;
- Only the Didipio area is going to be mined and will not affect the nearby areas in terms of environmental destruction and water pollution;
- The majority of the residents of Didipio support the project;
- The project will not use chemicals in its processing of minerals;
- There is no way out since the President of the Philippines Gloria Macapagal-Arroyo has endorsed the project;

- CAMC/APMI staff have been giving out application forms for employment opportunities informing the people that they will be prioritized whenever the project starts to operate.

These information, however, appeared to be false and were meant to get the support of the people. Moreover, some of the signatories to the resolution were told that the signature is for the purpose of attendance and attachments for the liquidation of expenses incurred during the meeting shouldered by CAMC/APMI.

Having known of this activity by CAMC, DESAMA spearheaded an information and education campaign on mining in 2004, with support from the Diocesan Action Center of Bayombong and members of the Alliance of Community Development Advocates (ACDA)²⁰ which is based in Nueva Vizcaya. Tebtebba also participated in this campaign and conducted informal and formal discussions and trainings on indigenous peoples' rights, leadership training and community organizing.

The information and education campaign on mining was conducted in the 30 barangays of Kasibu and even in some barangays of Cabarroguis, Quirino, where the team had to cross rivers and trek for hours to share with other people their experiences with CAMC. After explaining to them the ill effects of mining, they signed a resolution denouncing the proposed project and any mining project in the province of Nueva Vizcaya.

All throughout its conduct, they never ceased to show their passion and love for their people and community. As one elder stated: "We want to inform them of the deceitful acts of the company because they are our brothers. We do not want them to experience what we are having now."²¹

"I participated in this activity so other people will know about our situation (in Didipio). Our parents are getting old but we will remain fighting for our land,"²² narrated two of the ladies, aged 17 and 19, who vowed to help their parents and granfathers explain to neighboring communities the ill-effects of mining they have experienced, even prior its operation. Through this initiative, the resolutions passed earlier which supported the mining project were denounced by the barangays. This was then the bases of a resolution by the Sanggunian Bayan (Provincial Board) of Kasibu "denying endorsement of the Didipio Copper-Gold Project of the Australasian Philippines Mining, Inc. (APMI), at Barangay Didipio, Municipality of Kasibu. Nueva Vizcaya," which they adopted on August 8, 2005.

Through this activity, the Malabing Citrus Cooperative, the organization of local citrus growers, got involved and formed its mining committee. This was a total turnabout to their earlier position expressed in a resolution asking CAMC/APMI for the relinquishment of the Malabing valley in its FTAA. The company, however, has not responded favorably to this request. Several meetings were then held which strengthened their position not to support the mining project. They also came out with resolutions denouncing any mining project in the mu-

nicipality of Kasibu. Also, placards made out of wood bearing the slogan “*No to Mining, Yes to Agriculture*” were nailed in conspicuous places all over the area.

Keeping the Community Informed

Activities attended by DESAMA representatives both at the local and national levels were shared with all the members of the organization. During these meetings, members would contribute food. Recent developments are shared. This way, the community are always updated. It is also a venue to share their thoughts and come up with plans and strategies to sustain the struggle and to address problems that arise in their organization and community.

Both young and old share in the task of educating each other on the developments regarding the mining project and what strategies to undertake. Aside from the regular meetings, they do this informally while chewing a betel nut or at the store while gathered around a bottle of gin, or even while working in their *uma* (kaingin) and rice paddies.

Reading materials were also distributed to the members and documentaries on mining and its effects were circulated for viewing.

Local Strategies

Strategies at the local level are reflective of traditional practices including getting the commitment of all the members of DESAMA not to sell their lands to the company. The company has been buying lands from their staff or from those willing to support the company. However, one of them who refused to be named, said she sold her property not because she supports the project, but because the company used it as bait when she needed money for hospitalization. She even expressed regret that she sold their property. She is now working for the company and her family is solely dependent on her salary, which she admits she finds difficult because unlike before, they now have to buy all their household needs. She even stated that “The reason why the company has not started its operation yet is because of the unequivocal opposition of the majority of the residents of Didipio and Kasibu.”

Members who are based at the community help their representatives by shelling out money for their fares, which were done voluntarily. A rice paddy was also donated by a member to the organization, the produce being used for activities of DESAMA. A DESAMA day is also celebrated annually with the objectives of unifying perspectives and presenting the developments on the project. In all these activities, *batarisan* - working together and helping each other - is evident.

Lobbying with the Local Government Units also proved to be an effective strategy, where local officials who share the same view on sustainable development which can only be achieved through locally initiated, and culturally appro-

priate development paths, were tapped. These persons were invited to talk during rallies and meetings, and asked to help negotiate with other government officials for support.

Lifetime Commitment

In every step of their struggle, their vow to protect their lands has been continuously renewed. Although, this struggle is difficult and requires a lifetime commitment as the mining project still remains a threat, their experiences have brought them together. Peter Duyapat states, "I have come to know who my real brothers are. It is them who have the heart for the future of Didipio and its residents and the future of the generations yet to come." These people are both young and old who see Didipio not as a commodity but a home to take care of, and to help build towards a strong and progressive community.

A Productive Alternative to Mining

Kasibu is considered the Citrus Capital of the Philippines. It is a multi-million industry reaping P167 million (\$3 million) annually. The Malabing Valley, where Didipio is located, is the center of this industry. But aside from the citrus, the municipality has a rich agricultural land planted with ginger, tomatoes, and other vegetables.

Today, the province of Nueva Vizcaya is considered as the main producer of citrus in the country with a total of 1,200 hectares planted to citrus (fruit bearing is 400). The municipality of Kasibu plans to develop, in Malabing Valley alone, at least 5,000 hectares of citrus and tropical fruits in the next 10 to 20 years.

In 1986, Mr. Alfonso Namujhe Jr. started this industry after leaving a high paying job as a manager of the Monterey Farms. He saw that citrus would surely thrive in the area because at that time, a lot of native citrus varieties were already bearing fruit. He also saw the poor living situation of the people in this place. His vision was to transform his village into the top citrus producer of the province. Citrus farms were then operating in Bagabag and Bayombong, also in Nueva Vizcaya.

The Malabing Valley Multi-Purpose Cooperative was formally organized in November 1989 with an initial 48 members. Its area of operation includes: the entire Malabing Valley and the adjacent barangays of Tucod, Didipio, Alimit, Camamasi, and Dine. The cooperative is now renamed as Malabing Citrus Cooperative.

The area of operations expanded to the whole Island of Luzon. It now caters to the needs of farmers especially in citrus marketing, where it found suitable markets in the whole National Capital Region, Central Luzon and Baguio City.

	Number of Trees	Area (hectare)	Production (Meters/year)
Bearing Trees	203,791 43,791 (KMV) 160,000 (MV)	510 110 (KMV) 400 (MV)	8,398 1,678 (KMV) 6,720 (MV)
Non-bearing Trees	282,517 82,517 (KMV) 200,000 (MV)	706 206 (KMV) 500 (MV)	
Total	486,308	1,126	8,398

The table above shows a rough estimate made by the Cooperative as to the volume of Citrus trees planted, both bearing and non-bearing, in the Malabing Valley alone, excluding other parts of Kasibu.

Presently, a rough estimate of 8,398 trees planted in the Malabing Valley area average yield per tree varies at certain periods. A 4-6 year old tree can bear fruit of 30 kgs per year and a 7-14 year old tree at around 60 kgs per year. The locals say these figures are modest estimates.

Computation of Income from Citrus (all varieties)

The table below shows a computation of the income of the 486,308 bearing trees with produce of 60 kgs each tree.

486,308 x 60 kg/tree x Php 20/kg x 20 years	Php 11,671,392,000 or US\$ 212,207,127.27
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On the average of a 20-year period, Kasibu's Citrus Industry enjoys an annual production worth P583.57 million or US\$10.61 million, which when compared to the gains of the mining project as stipulated by the company, is significantly more productive and sustainable.

There are also other high value fruits currently under mass propagation in Kasibu. These include:

- Rambutan (Maharlika Variety)
- Lychees
- Durian (Thailand & Davao varieties)
- Lanzones
- Mangosteen
- Longan

Aside from these fruit trees, which are grown for commercial purposes, vegetables and root crops are also grown in the area both for household and as cash crops. These include:

- Squash
- Ginger
- Beans
- Tomato
- Pepper (Green & Bell types)

Didipio proves to be the best expansion for the citrus industry because of its natural isolation and abundance of water. Presently, many of the locals have already planted citrus and are earning money. Large-scale mining therefore poses a clear threat to agriculture in the area, particularly on the citrus industry. As Mr. Alfonso Najmuhe narrates:

We want the gold that we pick from our citrus trees, and not a project that will not help us at all. Instead it will bring irreparable damage to the environment and our only means of livelihood. We stand committed not to let a mining company operate in our place, even if it would mean our lives. Our sacrifices to improve this land is for the benefit of the future generations.

He adds on saying:

We urge the government to come visit our place to see its potential for agricultural development. An industry that is not new to us and something that the people of Malabing Valley and the whole of Kasibu support. This is because we benefit from this industry directly and is the reason why there is significant improvement of our lives.

Challenges and Ways Forward

In a world of globalized markets, centralized economic bureaucracies, and the prevailing attitudes of the modern world, all things - sacred or otherwise - are seen as potential for commercial development. For indigenous peoples, the issues are especially complex as life and nature are not separated. All dimensions of culture, art and nature are interrelated. One cannot talk of one aspect without consideration with the others.

This process of economic globalization is being driven by transnational companies, wealthy governments and multilateral financing institutions including the International Monetary Fund, World Trade Organization, World Bank Group and Asian Development Bank.

The resulting economic liberalization, market deregulation, privatization of industries and services have meant that foreign direct investment has become important global development strategies. This has replaced foreign aid as the

main source of external capital for many developing countries. This has resulted, however, to the increased expansion of transnational projects in many of the world's remote communities, particularly among indigenous peoples and their territories. The resulting consequences include massive evacuation, environmental degradation, and violation of both individual and collective rights of indigenous peoples. This move has been supported and facilitated by the crafting of laws that favored the wealthy companies over the interests of indigenous communities.

Denial of human rights especially on the indigenous peoples' right to free, prior and informed consent, to self-determination, land and livelihood are violations that are widely documented in the conduct of extractive industries arising at every stage of the project cycle. In the case of Didipio, they were never consulted on geological surveys made by the company even prior to its granting of the FTAA. Subsequently, the people of Didipio are experiencing continued violations of their rights committed by CAMC/APMI as they persist in their bid to operate the mining project.

But the people of Didipio are not mum about these violations committed by the company. Instead, they maximized their resources and capacities and dealt with the situation head on, asserting their inherent rights as indigenous peoples. The way they strategized and maximized their skills, knowledge and resources is a good start. They tapped their local officials for help and sought assistance from different NGOs here and abroad. They filed cases against the company with the local courts and even with the Supreme Court with the help of the Legal Rights Center-Kasama sa Kalikasan (LRC-KSK/Friends of the Earth Philippines). These activities gained tremendous support that kept the company at bay, albeit temporarily, and has provided them with ample time to spread the news further and utilize other mechanisms and seek more venues to air and address their problem.

However, the threat posed by the company is real. And so the challenge remains to strengthen effective strategies and develop more ways to combat the threat, and eventually thwart the company. The information drive on the ill-effects of mining is a good effort that should be supported and increased. Networking with various stakeholders and communities sharing the same problems should be maintained. Efforts to educate and effect change into the mindsets of the Didipio residents favoring the company should be encouraged and a strong and unending community struggle should be sustained. These can be achieved through various ways such as information sharing and capacity building and training. Education and mentoring of the young is also necessary since they will be left behind to continue the fight. After all, the success of the struggle remains with the community.

But indigenous peoples have always been adept at embracing opportunities, as is seen in the case of the indigenous peoples of Didipio. They are rapidly learning how to deal with situations. More importantly, the support of public opinion is slowly but surely leaning in their favor.

Clint Bangaan is with the Research Desk of Tebtebba.

Endnotes:

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- ² Eirdocs/wbdidipio.html (23 June 2006).
- ³ Victoria Tauli-Corpuz, Our Right to Remain Separate and Distinct; Paradigm Wars: Indigenous Peoples Resistance to Economic Globalization.
- ⁴ Breaking promises, making profits: Mining in the Philippines, A Christian Aid and Piplinks Report, December 2004, pp. 6-7.
- ⁵ Ibid.
- ⁶ Engr. Catalino Corpuz Jr., A National Mining Policy, Proceedings of the National Conference on Mining, May 6-8, 2002, Baguio City.
- ⁷ Ibid.
- ⁸ <http://www.mgb.gov.ph/>, (21 June 2006).
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- ¹⁰ [Http://www.climaxmining.com.au/dinkidi_project.html](http://www.climaxmining.com.au/dinkidi_project.html), (20 June 2006).
- ¹¹ Interview with elders of Didipio and Malabing, Kasibu, Nueva Vizcaya, (26 April 2006).
- ¹² Ibid.
- ¹³ Interview with Prudencio Ansibey at Didipio, Kasibu, Nueva Vizcaya, (23 July 2005).
- ¹⁴ Ibid.
- ¹⁵ Ibid.
- ¹⁶ Interview with Baket Dinaun Cut-ing at Didipio, Kasibu, Nueva Vizcaya, (24 July 2005).
- ¹⁷ An acronym for Didipio Earth Savers' Multipurpose Association established on the 16th of July, 1999. It is an Indigenous Peoples Organization based in Didipio and spearheads the anti-mining struggle in the area.
- ¹⁸ Interview with leaders of DESAMA, (27 July 2005).
- ¹⁹ 2003 Annual Report of Mining Ombudsman of Oxfam Coomunity Aid Abroad, Didipio Case, (2003).
- ²⁰ ACDA is an alliance of NGOs and Pos in Nueva Vizcaya that provides support to the struggle of the Didipio community, particularly the DESAMA, against the Didipio Gold Copper Project.
- ²¹ Interview with DESAMA Information and Education Campaign team, (25 July 2005).
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Development Initiatives in the CHT: Crisis and Potentiality

By Mathura Tripura*



THE INDIGENOUS PEOPLES OF THE CHITTAGONG HILL TRACTS REGION in Bangladesh have long been deprived of basic needs and appropriate development measures. The formal development projects undertaken by the government agencies, with full support of international donor countries and aid agencies, are directly or indirectly contributing and have contributed to the present crisis of the region. The projects displaced and impoverished many indigenous families. The situation was provoked by political unrest, armed conflicts, displacement and population transfer. These negative consequences were caused by the imposition of externally conceived development projects, which were formulated and implemented without the participation of the local people. These were not based upon the needs and ideas of the local people, and externally conceived, and they were carried out without following any of the free, prior and informed consent of the peoples or community concerned.

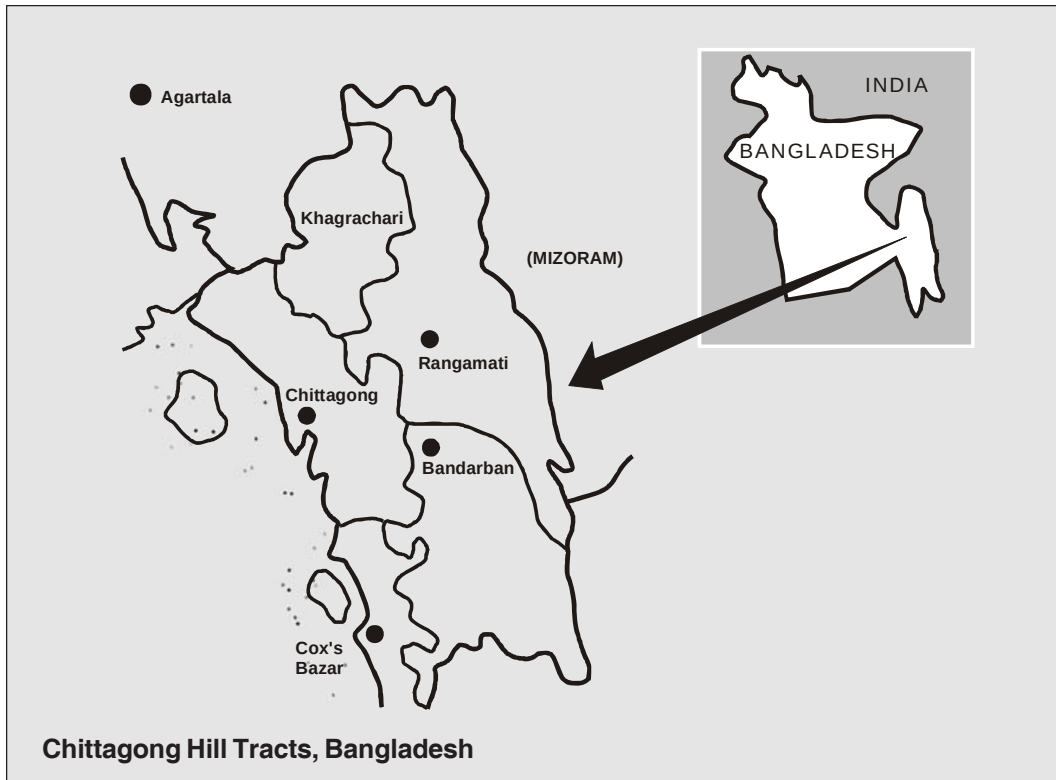
The Chittagong Hill Tracts Accord of 1997 has laid down a basis upon which to bring forth people-oriented development in the CHT. The local NGOs of this region feel that peace in its highest sense can only be maintained, fostered and strengthened if the development process is in conformity with the local people's wishes, is respectful of indigenous culture, customs and traditions, is environment-friendly, and is in conformity with international human rights standards.

This paper aims to provide a brief description of the comparative position of externally conceived so-called development projects and internally initiated genuine development measures in the Chittagong Hill Tracts. It tries to unearth the contributions of foreign aid in human rights abuses and in destroying the virgin rainforests in indigenous peoples' territory. Besides picturing the effects of these donations to the crisis in the CHT, this paper shall describe the local-level development initiatives and the establishment of indigenous peoples-run NGOs and their forum. Essentially it also would be discussed in this paper how the Hill Tracts NGO Forum (HTNF) and its members like to see the development measures in this region.

Foreign Aid and Indigenous Peoples in the Chittagong Hill Tracts

"Our annual Development plans, import policies, food policies all have to wait on the political climate and policy decisions made in Washington, London, Bonn, Tokyo and Riyadh, there is no single project designed for expansion of capacity which is not funded by aid..." a Bengali scholar explains in this way how Bangladesh is so deeply tied and dependent to donor agencies and countries.

Bangladesh is a developing country. That is why, it requires development aid to promote the better lives and livelihood of its citizens in a manner that is in consonant with basic human rights of all citizens, and in particular, its indigenous peoples, other minority groups, and the marginalized sections of the national population. Bangladesh is a country which receives a larger amount of foreign aid than many other poor countries in the world. There are thirty-five



bilateral donors, six multilateral donors and sixteen agencies of the United Nations who provide aid to this country. Two third of its aid comes from multilateral agencies. Since 1971 this country is receiving US\$1 billion from the donor agencies per year. The donor agencies, which provide aid to Bangladesh, have a consortium, which is composed of the USA, France, the UK, Canada, Germany, Japan and the World Bank. The World Bank is the Chairman of this consortium and is responsible in coordinating the policies of the donor countries. During the period from 1971 to 1984, Bangladesh received a total of \$11 billion of foreign aid from the western donor countries and agencies. But the irony is that all of these funds have direct links or contributions to the oppression of the indigenous peoples by the government and its military. In 1985, military spending of this country reached up to \$226 million; arm imports reached \$60 million, and per-soldier spending was \$2,790. (US dollar to Bangladeshi Taka is approximately Taka 52-56 during this period).

Stated below are some of the so-called development projects which are, directly or indirectly, major contributory factors to the current crisis in the Chittagong Hill Tracts:

Pakistan Period (1947-1971)

The departure of British imperialists has made available to the Pakistan, the opening up of the CHT for commercial exploitation, industrialization and extraction of untapped forests, mineral and other natural resources. During these regimes, the governments initiated such types of development projects, which affected the Jumma indigenous peoples' lives and livelihood strategies, directly and indirectly. Given below are some of the so-called development projects that were undertaken by the Pakistan government:

The Karnafuli Paper Mill

In 1953, the Pakistan government established a paper mill, with a World Bank loan, at Chandraghona in the Chittagong Hill Tracts. This is the first heavy industrial project, which encouraged a large number of non-indigenous peoples to migrate into the CHT. The mill created about ten thousand jobs in the CHT, but only 10 - 12 indigenous people were employed in the lower ranking positions like clerks, assistants, peon, etc., while the rest of the positions were filled by the Bengali employees. Before the establishment of the mill, the Chandraghona area was fully inhabited by Marma indigenous peoples, who were displaced due to the construction of the mill. At present there is no indigenous settlement near Chandraghona and almost 100 per cent of the populations of the town areas are now comprised of Bengalis.

Since the operation of the mill, millions of tons of bamboo and other soft wood lumber have been extracted from the hills to produce paper. This has allowed the government to earn and save millions in hard currency by exporting paper abroad and also meeting domestic needs without importing from other countries. These enormous gains of the government did not bring any benefit to the local indigenous peoples.

Kaptai Hydro-electric Dam

In 1960, the government of Pakistan built a massive hydro-electric dam across the Karnafuli River at Kaptai, with the help of the United States Agency for International Development (USAID) at a cost of 2.4 million Rupees (Government of Bangladesh 1971:155). This is another heavy industrial project in the CHT which has had far reaching socio-economic and political impact on the indigenous peoples in this region. It has led to the widespread disruption of their traditional, cultural, socio-political, economic and environmental system. This dam made a huge man-made lake and has flooded an area of 1,036 sq. km., covering 21,853 hectares of plough land, which is 40 per cent of the best agricultural lands in the CHT. The rest were fruit gardens, administrative centers, trading and market places, and homesteads and swidden lands, which were never surveyed and taken into account.

Due to this dam, 100,000 indigenous peoples lost their lands, homes, means of subsistence and virtually everything that they had before the flooding of the area. Among them, 40,000 migrated to India while other families took shelter in Myanmar (Burma), who are still living there without any citizenship. A small number of families were partly rehabilitated while a big number of affected families were never taken care of and simply ignored. No compensation of any sort was provided to them. Moreover, more than half of the granted compensation money was misappropriated by the government officials who were responsible in distributing the amount. Out of \$351 million set aside for rehabilitation and compensation, only \$2.6 million were actually spent. Furthermore, the main beneficiaries of this dam were, in fact, the Bengali settlers, the state functionaries, middlemen, traders, shopkeepers, contractors, timber and forest extractors, Bengali fishermen and fish traders, and some indigenous government officials who were associated with the Bengali officials in carrying out the rehabilitation duties.

Karnafuli Rayon and Chemical Limited

In 1966, the Pakistan government established a rayon and chemical mill with the help of foreign aid at Chandraghona. But this mill also did not bring any benefit to the local indigenous peoples.

A Master Plan for the Development of the Chittagong Hill Tracts

After successfully establishing the hydro-electric dam, the Pakistan government invited a Canadian engineering company to conduct survey and research in order to prepare a master plan for the future development and exploration of untapped natural resources in the CHT. After the research work, the research team recommended that the hill tribes should allow their land to be used primarily for the production of forest produce for the benefit of the national economy. But the report did not recommend any alternatives for the tribal people's survival. On the basis of this report's recommendations, the Pakistan government prepared a Master Plan in 1967; and since then the successive governments of Pakistan and Bangladesh have been pursuing similar development programs and policies in this region.

Effects of the Master Plan

The first victims of the 1967 Master Plan were the Jumma families. In 1967 the Pakistani government implemented a pilot scheme, the Jum Control Project, in order to restrict the Jum (swidden) cultivation. Under this project, approximately 14,165 hectares were designated as protected areas. Of these, 8,499 hectares were reserved for soft wood plantation and 5,666 hectares for fruit gardening. In the second phase of the project, 202,350 hectares were targetted for reforestation of the project area. However, the whole scheme failed completely due to lack of market facility for the products. As the second step towards the transformation of the CHT agriculture from Jum cultivation to fruit gardening, the Paki-

stan government initiated another project called the Horticulture Development Project. Under this project, a household was allocated 2.42 hectares of land to plant various types of fruits. But this project also did not bring any positive results for the indigenous peoples.

Moreover, it led to the destruction of the natural economy and eviction due to the harassment and exploitation of the planters by the Forest Department Officials. The officials dictated to the planters when, how, and where to plant; forced them to render unpaid labor; forced them to buy from “special shop” owned by the non-indigenous persons; beat them up when they resisted; raped their women; and often arrested them and handed them over to the police, making false allegations that they had violated the Forest Department’s rules. This led the inhabitants to desert the plantation area and move elsewhere.

Bangladesh Period (1971 - present)

Road Construction Projects

The Bangladesh Army, with the help of Australian, British and UNDP funds, has been utilized to construct all-weather roads in the entire Chittagong Hill Tracts. A large portion of foreign aid has also been used to maintain army and paramilitary forces, construction of roads and bridges for their easy movement, military camps and barracks in this region. Construction of these roads has different objectives, which are as follows:

1. Facilitate swift military movements in the hills;
2. Enable Bengali settlers to push deep into the district in the shortest time possible; and
3. Provide for an adequate communication structure for the Bengali settlers, traders, middlemen and logging businessmen in the exploitation and extraction of the forest resources of the Chittagong Hill Tracts.

Since the beginning, the military authority has been controlling the road construction projects in this region. As an example, the military authority assisted the government-supported Jumma terrorists to abduct the Danish engineers from Rangamati-Mahalchari road, while they were visiting the construction site for an all-weather highway in CHT.

Commercial Forestry

The Chittagong Hill Tracts covers one-tenth of the country but total cultivable land of this area is only 15.5 per cent, the forest area is 62.61 per cent and uncultivable land area is 22.98 per cent. From the total land area of the CHT, 24 per cent is “reserved forest” area. The majority of the fertile and cultivable lands of this area are occupied by the Bengali settlers. In the name of facilitating the indigenous peoples of CHT, the Swedish International Development Agency (SIDA) has provided funds for forest development project up to 1981. Under the project, the government planted trees and provided some training to a few indig-

enous peoples on forest industries and road development. But this has created more jobs opportunities for the outsiders than for the indigenous peoples. The Swedish Government stopped funding on this project in 1981 due to a Swedish press campaign against human rights violations in the Chittagong Hill Tracts by the Bangladesh Army.

Oil, gas and other Mineral Resources

The Chittagong Hill Tracts has deposits of gas, oil, coal, copper and uranium. Perhaps, these reserves of untapped mineral and other resources of energy are the main source of trouble in this region.

In 1976, the Bangladesh government invited the multinational oil companies to negotiate for oil exploration in the CHT. And in 1981, the government-owned corporation, Petrobangla, reached an agreement with Shell Oil Company. The government was given \$5 million as a bonus for signing the 25-year contract with Shell. According to this agreement, a total area of 13,597 sq. km. for oil exploration. This will cover the whole of the CHT and some part of Chittagong District I. The exploration cost will be paid by Shell. The share of production will be 76 per cent for Petrobangla and 24 per cent for Shell; if the production exceeds the expectation, then the share will vary to 87.5 per cent for Petrobangla and 12.5 per cent for Shell. However, only Shell's oil share can be exported abroad. A new contract will be signed if oil production exceeds 500,000 barrels a day.

In 1982, the German and French team of Shell Company comprised of topographers, geophysicists, petroleum engineers, and electro-technicians started seismological survey in this region. But due to strong resistance of Shanti Bahini (armed wing of JSS - Peoples Party of Chittagong Hill Tracts), they were compelled to stop their operation.

British and American Military Aid and CIDA Satellite Telecommunication Project

The British and American Government are directly providing aid to the Bangladesh Government in the form of monetary funds, advice, military training, telecommunication technology, and so on. They have provided funds to strengthen the telecommunication system of the police and military forces so that they can easily counter the indigenous insurgency in the Chittagong Hill Tracts.

An Earth Satellite Station was established in the CHT after the independence of the country with the financial assistance of Canada. Many Marma indigenous families were displaced by this project. Although the project is peripheral to the interest of local people, it has created job opportunities for lowlanders and benefited the multinational television companies, who sell TV sets to Bangladesh. CIDA (Canada International Development Agency) is still providing half a million per year to maintain its technical servicing.

The Chittagong Hill Tracts Development Board

In 1976, the Bangladesh government established the Chittagong Hill Tracts

Development Board (CHTDB) which aimed to develop the lives and livelihood of the indigenous peoples in the CHT. This institution is funded by the major western donor countries, their subsidiary agencies and the agencies of United Nations. The Asian Development Bank (ADB) is the main donor of this Board. This Board was under control of the military authority since its establishment. As a result, the development plans of this Board have only benefited the Bengali settlers. According to the CHT Peace Accord of 1997, the Chairman of this Board was supposed to be appointed from indigenous peoples, but at present, the government appointed a fanatic and settler parliamentarian in this position. And consequently, he is carrying out anti-indigenous peoples projects and programs under the signboard of this Development Board.

Agencies of the United Nations

The United Nations International Children's Emergency Fund (UNICEF) has projects on drinking water and education material supply. But instead of benefiting indigenous peoples, these projects have aided the settlers and military people. They provided water supplies to army camps, Bengali settlers' villages, urban centers and concentration camps.

The World Health Organization (WHO) organizes malaria eradication program in the CHT, most of which are implemented in the Bengali settlers' inhabited areas.

The United Nations World Food Programme (WFP) has been operating their activities since 1999. This UN agency is so deeply tied with the government departments that it cannot run any of its activities without following the direction of those departments. The government bureaucratic officials play the key role even in the selection process of beneficiaries for its projects. More than 50 per cent of the beneficiaries are from non-indigenous peoples, who are outsiders.

The United Nations Development Programme (UNDP) has started its activities in this year after a long negotiation period. In the beginning, this UN organization also was trying to include the non-permanent residents as beneficiaries of its projects. Besides, it was trying to establish its own security force, which was a threat for the Jumma peoples. Due to strong resistance of the Jumma people's organizations and the CHT Regional Council, UNDP was compelled to revise its project implementation strategy.

The aims of the above-stated development projects that were initiated by government have promoted a change in the demographic character in the Chittagong Hill Tracts. The projects have strengthened Bengali settlements by displacing the indigenous peoples from their ancestral areas. And essentially, these also promote the counter insurgency actions of the government and exploit the natural resources. Such type of development endeavors only to remind the hill peoples of the Kaptai Dam, which they regard as their "Teardrops" and "Death-Trap."

Foreign-funded programmes: New Phase

Asian Development Bank

The Asian Development Bank (ADB) is continuing to fund so-called “development” activities, such as afforestation programmes and rubber plantations, in the CHT. Many of these programmes are implemented by the Chittagong Hill Tracts Development Board (CHTDB), which is still controlled by the army, and are in fact part of the counter-insurgency programmes. Such programmes and their destructive effects on the lives of the Jumma people have been dealt with in the previous chapter.

In 1996, the government and ADB agreed on the implementation of a 7-year People Oriented Forestry Programme as part of the Bangladesh Forestry Master Plan. This Master Plan was launched in 1991 with the assistance of ADB and UNDP. The so-called People Oriented Forestry Programme is carried out in Bandarban District and three other areas in Bangladesh. NGOs will be involved in implementation of the programme.

UNICEF

Since 1985, UNICEF been involved in the CHTDB’s Integrated Community Development Programme, mainly constructing community centres and supplying drinking water to (cluster) villages. From 1985 to 1995, UNICEF allocated Tk. 270 million for the programme. In 1996 the second phase of the Community Development Programme started. It allocated about Tk. 147 million of the total cost of roughly Tk. 217 million. The project covers programmes for informal child education, immunization and drinking water supply, and should have been completed by the end of 2000.

International Centre for Integrated Mountain Development (ICIMOD)

ICIMOD has been involved with several programmes in the CHT in close co-operation with the CHTDB since 1992. What is remarkable is that in 1995, Major General M. Azizur Rahman, commanding officer (GOC) of the 24th Infantry Division, Chittagong, was a Board member of ICIMOD in his capacity as chairman of the CHTDB. Bangladesh, as a member country of ICIMOD, has a permanent seat on the Board of Governors.

One of the projects that ICIMOD is involved in is the 3-year ADB-funded Sloping Agriculture Land and Technology (SALT) demonstration project, which started in 1994. Its main objective is “to develop sloping agriculture land technology models for different agroecological zones and farming systems in the CHT.” The project is implemented in Lama, Bandarban District and in Khagrachari, by the CHTDB.

According to Jumma sources within the project area, many new Bengali settlers have been given land and loans, while only a few tribal families have been included. Another ICIMOD activity in the CHT is the organization of training on sustainable mountain agriculture and agriculture-environmental development projects.

Jointly with the government of Bangladesh, the Special Affairs Division, the CHTDB and the Bangladesh Institute of Development Studies (BIDS), ICIMOD organized a 3-day national workshop: the "Hill Districts of Bangladesh, Experiences in Development" in Rangamati from 23-25 January 1995. It is striking that in the workshop report, environmental and sustainability concerns are important topics, but there is no mention of the root causes: the displacement of 100,000 people by the Kaptai dam in the early 1960's, the settlement of more than 400,000 Bengalis from the plains in the CHT between 1979 and 1985 by the government, and the ongoing and devastating illegal logging activities.

Nor are the underlying political problems or the military occupation of the CHT mentioned. The recommendation that "all action programmes implemented should be in conformity with the mandate of a number of international conventions to which Bangladesh is a signatory" cannot make up for these blatant omissions. Moreover, recommendations such as undertaking schemes to cultivate herbal medicinal plants as high-value cash crops and to prepare a master plan for eco-tourism, if implemented, would be the beginning of a sell-out to foreign capital, unless the entire process is controlled by the Jumma people themselves.

ICIMOD was set up in 1983 and Bangladesh has been active member of the Board of Governors since the start. The objective of ICIMOD is to "help promote the development of an economically and environmentally sound mountain ecosystem and to improve the living standards of mountain populations, especially in the Hindu Kush - Himalayas region." The organization is funded by the governments of Denmark, Germany, The Netherlands, Austria, Norway, Switzerland and Japan, as well as by the European Community, the ADB, FAO, UNEP, UNESCO, Ford Foundation, IDRC and MacArthur Foundation.

Oil and gas exploration in the CHT

An important development is the 1996 resumption of gas and oil exploration in the CHT. Since 1963, the presence of gas and oil have been suspected in the area, but earlier explorations failed due to political circumstances. The first explorations were stopped during the Bangladesh Liberation War in 1971. In 1982, Petro Bangla and the multinational Royal Dutch Shell began joint explorations. Shell withdrew from the CHT after five of its officials were kidnapped by the Shanti Bahini in 1984 and released only after a ransom of Tk.10 million had been paid. Since then, no exploration has been carried out in the CHT.

The government of Bangladesh recently signed production sharing contracts (PSC) with several foreign companies to explore for oil and gas deposits in sev-

eral areas in Bangladesh, including the Chittagong Hill Tracts. The UMC Bangladesh Corporation (UMCBC), a subsidiary of the United Meridian International Corporation (UMIC) of the USA, will explore oil and gas in all three CHT districts for a total period of seven years. If oil and gas are discovered, the company will be allowed a production period of 20 years for oil and 25 years for gas, according to the agreement with the government. The British oil exploration company, Cairn Energy, started a survey on exploration of gas in the three hill districts in February 1997. In January 1997, this company and Holland Sea Search Holding NV (of the Netherlands) discovered a huge gas reserve in the Sangu field, offshore in the Bay of Bengal.

The government has offered foreign companies special concessions, in line with the general government policy of opening the country's doors wide to foreign capital. Foreign oil companies do not need to pay royalties, signature bonus, corporate tax or import tax on machinery and they will be allowed to repatriate all their profits. Many foreign companies are now investing millions of dollars, anticipating huge profits from oil and gas which they will be able to export unhindered. Among the companies that were expected to participate in bidding in February 1997 were: British Gas Plc., Exxon Corporation (US), Mobil Corporation (US), Union Texas Holdings Inc. (US), Royal Dutch Shell and the Irish Tullow Oil Plc.

It is not known whether the government has had any talks with the JSS about oil and gas exploration, nor what the JSS position is on this matter. The explorations will have tremendous consequences for the future, both economically, socially and environmentally. Experiences elsewhere demonstrate that the consequences for the local population can be disastrous, not only in terms of health - due to pollution caused by oil exploration - but also in terms of repression. In Nigeria, the oil company Shell has a very bad reputation for causing intense environmental pollution and for seeking protection from the Nigerian army against activists who expose and resist their malpractices. The Nigerian writer and activist Ken Saro Wiwa and several others who had been prominent in their resistance to Shell's activities, were executed by the military government in 1996. Saro Wiwa had sharply criticised Shell for causing environmental destruction and accused it of being contemptuous of local people's lives. In Colombia, oil explorations have led to militarization of the area under exploration, the consequence is that the local population suffered serious repression by the army.

The crucial question of who will control the CHT's natural resources in the future - the government, the Jumma people or both together - will need to be part of future negotiations.

Road construction

Several new roads have been constructed in the CHT. As long as the CHT is under military occupation roads serve, first of all, the military. In 1996, a road from Baghaihat to Machalong and Sajek in Rangamati District to open up the Kasalong Reserve Forest and control the Mizoram border area was built, and another newly constructed road runs from Chimbuk to Thanchi in Bandarban District. There are also plans to build a new highway, connecting Rangamati with Chittagong, funded by the Asian Development Bank. The proposed highway would be forty feet wide and could have a severely damaging effect on the sensitive ecology in the CHT. Therefore, according to ADB's own policy, there should have been an Environmental Impact Assessment (EIA). However, no such study has been made. The new highway will cause the removal of many people from their homesteads, and other negative effects. This is already creating tension among Bengali and Jumma people. Besides, the new highway is likely to further facilitate logging of the meager forest reserves.

NGO Activities in CHT

The history of NGO activities in the Chittagong Hill Tracts is new. Due to the dictatorship of the government and political instability, there was no positive environment for NGO activities before the 1997 Chittagong Hill Tracts Peace Accord. During this time, some international NGOs were operating their activities only in the comparatively secure and peaceful areas of CHT. These included the Center of Christian Community Development in Bangladesh (CCDB), Pangkhua Community Development Association, Rabita-Al-Alam Al Islami Bangladesh, International Islamic Relief Organization, Partage, and others, which were actively operating their activities in this region.

In 1992, the Bangladesh Government and the Parbatya Chattagram Jana Samhati Samiti (PCJSS) - the Chittagong Hill Tracts Peoples Party, on behalf of the Jumma peoples, started a meaningful peace-talk and reached a general understanding to observe ceasefire. Because of this, some sort of stable environment was created to run NGO activities. The indigenous peoples started to form NGOs during this time. Green Hill, Toymu, Pajureco, Zabarang, Taungya, among others, were founded during this time. Some other national and international NGOs also started their activities in this area. These included CHCP, World Vision, IDF.

After 1997, and with the long-awaited Chittagong Hill Tracts Accord in place, the local peoples started to organize themselves freely and formed several NGOs aimed towards achieving a better socio-economic status for the Jumma indigenous peoples. At present, about 75 NGOs were established locally. Among them, 60 NGOs are affiliated with the Hill Tracts NGO Forum, which is the umbrella organization of the entire local people-run NGOs in the Chittagong Hill Tracts. In the same time, some national and international NGOs also started their mas-

sive activities in this area. The main line of work of almost all of the NGOs are micro-credit, women empowerment, capacity building of the grass-root people, Non-Formal Primary Education, Full-pleasure Primary Education, Health and Primary Health Care Service, Hill Cultivation, Social Forestry, Water and Sanitation, Income Generating Project, and so on.

Most of the local NGOs are operating their development activities similar to other activities of ordinary NGOs. If these NGOs continue their activities without concentrating on the indigenous peoples' rights, culture, values and indigenous knowledge, and if they follow the foot-steps of the ordinary NGOs, then their people will never benefit from their initiative. So, we are already at the 11th hour. Should we still wait for any miraculous change on the livelihood status of our deprived, oppressed and marginalized people? Should we wait for the outsiders to bring projects to change our lives? Should we compete among ourselves to get foreign aid just to implement their set projects? That is why, one of our leaders used to say "Don't eat poison, just because you are hungry." Shouldn't we always remember this quote?

The conscious responsibilities of the leaders of the local NGOs led to the establishment of a coordinating body of the local and permanent resident-run NGOs. In 1998, Sajek Upazila, the remotest police station of Rangamati district faced a food crisis. Many villagers died. Some NGO leaders from this district tried to assist the affected villagers collectively, and from there, decided to get together regularly so that they can find some way to form a forum or network of NGOs. In the same time, the NGO leaders of Khagrachari district also came out with a forum called Khagrachari Development Forum. In 1999, all of the NGO leaders from three districts of the Chittagong Hill Tracts were able to reach a consensus to establish a full-pleasure CHT-based NGO forum. All of the distinguished forums and initiatives came together with this collective initiative and they formally declared the name of Hill Tracts NGO Forum (HTNF) as the association of CHT NGOs. This forum is committed to play an active role in monitoring, reviewing and evaluating development activities in the region and in ensuring that development activities are transparent and accountable to the local people. Main objectives of this forum are to:

- Coordinate the activities of its members NGOs;
- Provide technical support and advice to its members;
- Ensure that development activities are people-oriented and environment-friendly;
- Ensure that the development process is not harmful to the cultural integrity of the indigenous peoples of the Chittagong Hill Tracts and their social values.

To achieve these aim and objectives, the HTNF is committed to follow a participatory manner through legitimate means, data-base development, awareness raising, institutional capacity building and the dissemination of information be-

tween and among the concerned government agencies, member NGOs, non-member local, national and international NGOs, and all concerned development actors, development planners, and the general public at large.

NGOs under government's Vigilance

In 2001, the government of Bangladesh blacklisted six indigenous NGOs to closely monitor their activities. This was due to the government's suspicions that these NGOs were involved in organizing the local people against the government. The black-listed NGOs are Zabarang and Trinamul from Khagrachari; CIPD, IMDO and Taungya from Rangamati; and the HTNF.

Conclusion

The Jumma peoples want to be free from the curse of development. They do not want such type of so-called development projects, which are designed within air-conditioned rooms and do not recognize and respect the free, prior and informed consent of the indigenous peoples of the respective areas. Let us fight for a genuine development. As we believe, *another world is possible*.

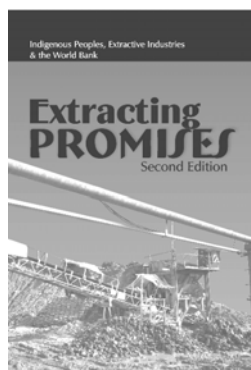
Mathura Tripura is the Executive Director of Zabarang Kalyan Samity, a CHT based local NGO working for the self-determination and better livelihood of the Indigenous peoples in CHT and Secretary of Hill Tracts NGO Forum, Khagrachari District Committee- an association of CHT NGOs.

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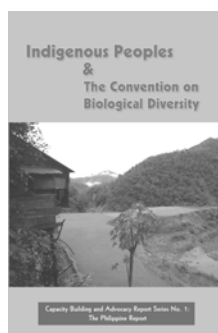
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