



VIEWS & VANTAGE ON COMMUNITY ISSUES

TAN awan



Historic Challenge for Indigenous peoples Mining Corporation faces Tribal Justice

Assertion of the tribal community in their traditional justice system against a Transnational Corporation.

The experience of the Subanons of Siocon, Zamboanga del Norte, Philippines is an example of the community's assertion of their rights to self-determination and self-governance, which is clearly be recognized under the 1997 Indigenous Peoples Rights Act (IPRA). It is not only a test of the Philippine legal system to recognize customary laws and practices of the indigenous peoples of their traditional justice system, but it is also a ground-breaking challenge to a transnational company.
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DECENTRALIZING POWER

indigenous peoples and upland rural poor communities rise to increasing challenges

Gloria Macapagal Arroyo's decade-long presidential reign ended when the hugely popular PNoy assumed the Office of the President almost a year ago. Yet, the Government's development policy remains unchanged – extractive interests are still priority, promoted and protected, where benefits are still centralized. The succeeding years of the PNoy administration would, thus, be no respite for indigenous peoples and upland rural poor communities.

Communities will continue to be disenfranchised as the Government's destructive development framework facilitates reduction of lands and resources dedicated to traditional food production, traditional medicine and the use of such resources for the exercise of traditional social activities. It denies indigenous communities the opportunity to plan or carry out their existing plans on resource use. It takes away their capacity to be involved and to actively participate in the development of ancestral lands and ancestral domains. Coercive and divisive devices, which at times have employed violence and even the use of armed force, attend the pressure to open lands and natural resources.

The Legal Rights and Natural Resources Center-Kasama sa Kalikasan/Friends of the Earth Philippines supports decentralization of power, and is one with women, men and communities in their struggle to assert and defend their rights.

These pages share the story of assertion of right to self-determination of the Subanon of Siocon, Zamboanga del Norte. In 2008, the Subanon exercised their customary law against a transnational mining corporation, which they penalized for encroaching into their ancestral lands and domains and for violating their rights.

The National Commission on Indigenous Peoples (NCIP) 2006 Guidelines on Free Prior and Informed Consent (FPIC) purports to protect indigenous peoples' rights, but, has become more of a tool to facilitate entry of mining or other extractives projects. It reflects the State's lack of understanding and appreciation for indigenous culture, traditions, and systems of governance. To assert the genuine and traditional Subanon consent process, and to address the problems caused by the 2006 Guidelines, the Subanen communities of Zamboanga Peninsula initiated discussions on policies affecting them as indigenous peoples. The discussions culminated in a Subanon Gathering in 2009. In 2010, their leaders trooped to the NCIP main office to submit the written version of the Subanon free, prior and informed consent.

Women play a crucial role in resource management and ecological protection. TAN-AWAN shares a quick view into the lives and minds of indigenous women from Surigao, whose experiences in their communities show how their lives relate to nature, and in recognition of their contributions as women to resource protection and development.

This issue is a tribute to the strengthening of collective power from the ground, as they re-claim power, their territories and their identities.

We dedicate this issue to Timuay Semion Codium, who led the Zamboanga Peninsula-wide Subanen leaders initiative of developing the Subanen FPIC process in 2009, and who passed away in 2010, a few days after presenting the FPIC Manifesto to the National Commission on Indigenous Peoples.

TAN-AWAN is a regular LRC-Ksk publication that offers a venue for analyses, opinions, insights, and reflections on issues concerning the Center's main advocacies, namely: indigenous peoples rights, resource tenure, environmental management, and sustainable energy options. It aspires to pioneer discussions among the Center's network of local organizations and the general public regarding issues relevant to its said advocacies. Unless otherwise indicated, the opinions and views carried by the articles in this paper do not necessarily reflect the official stance of LRC-Ksk/FoE-Phils.



A Historic Challenge for indigenous peoples

Mining Corporation faces Tribal Justice

In 1992, a mining permit was granted to one Ramon Bosque. This permit was eventually transferred to the TVI Resource Development (Philippines), Inc. (TVIRD), an affiliate of the Canadian mining corporation TVI Pacific, Inc. Since TVIRD's entry into the ancestral domains of the Subanons, the mining corporation has caused conflict within the local Subanon community by disputing the traditional leadership of Timuay Jose "Boy" Anoy after the latter's refusal to give his consent to mining, even though Timuay Anoy has already had his legitimate position recognized by receiving a Certificate of Ancestral Domain Title from President Gloria Macapagal Arroyo in 2003.

On January 31, 2007, Vivian Anoy-Balingit was walking towards her home and was prevented to pass and was allegedly assaulted by the security checkpoint manned by members of Special CAFGU¹/Civilian Auxiliary Army (SCAA). This prompted Timuay Anoy to file a case before the traditional justice

structure of the Subanons known as the *Gukom sog Pito kodulongan*, the highest traditional judicial body comprised of the *timuoyos* of the seven river territories. This was only one of very a long line of alleged human rights abuses perpetrated by the company's security forces, which the Philippine justice system has manifestly failed to address despite having undergone numerous legal processes. TVIRD was invited to the hearing to answer the charges, but refused to attend².



LRC-CdO Photo File

¹ Citizen Armed Force Geographical Unit.

² As the *Gukom* verdict notes "Under the Subanon laws, if a person who has been informed by the *Gukom* to appear before it for dispute settlement but refused to do so, the *Gukom* will still continue to hear the case and make decisions accordingly."

The case was finally heard, along with more than twenty (20) others from December 13-15, 2007. The other cases filed revolved around the entry of TVIRD in the area, including the mining of the sacred mountain, Mt. Canatuan and the creation of a fictional Council of Elders.

The Gukom found TVIRD guilty of a number of crimes against the recognized traditional leader of the Subanon in that area, his people and the lands within his Ancestral Domain. These include violence against certain individuals, violation of the Subanon's customary laws, abuse of the dignity of Subanon leaders and damage to personal property and the local environment. Many of these are grave violations of Subanon law. Various penalties were stipulated, including financial restitution through the payment of a specified number of 'bolos' (length of cloth)³, and a call for restitution in order to restore natural balance, and, most importantly in this case, that TVI leave the Ancestral Domain of Timuay Anoy. The verdict of the Gukom was promulgated on Monday 26 May 2008, after a ritual of thanksgiving for Timuay Anoy personally finally receiving the registered Certificate of Ancestral Domain Title (CADT) to his land⁴.

The company did not respect even the verdict of the community against the inhuman treatment of the Mining Company, fall short, not even the government agency recognized the community self-governance.

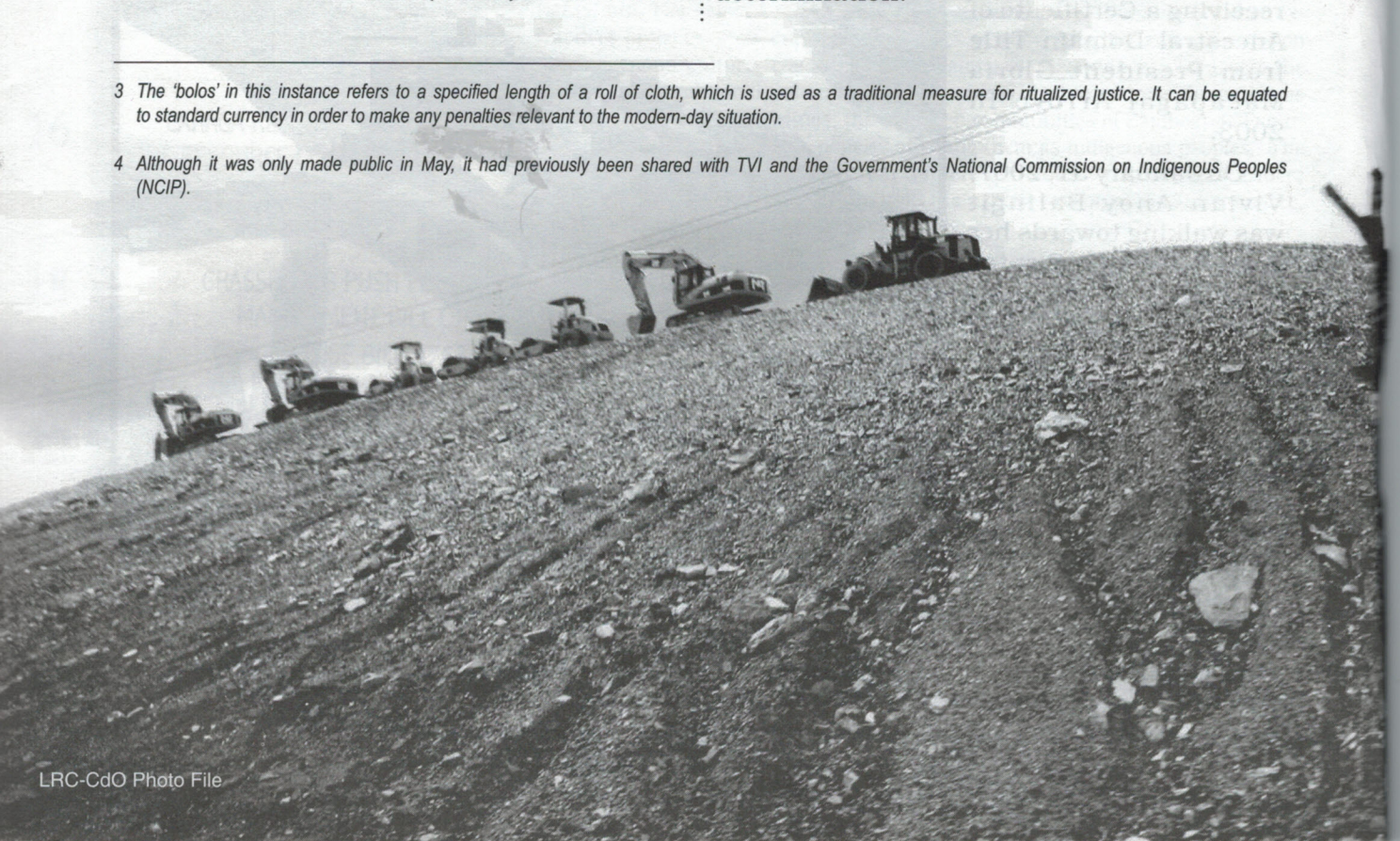
Today, communities are pushing for the recognition of the traditional justice system as part of the legal justice system, which recognizes their customs and traditions as enshrine in the Philippine Constitution.

The Gukom found TVIRD guilty of a number of crimes against the recognized traditional leader of the Subanon in that area, his people and the lands within his Ancestral Domain

The struggle of Subanons in Siocon is also the struggle of the rest of the Indigenous peoples in the Philippines of asserting their traditional justice in resolving conflicts as well as asserting their rights to self-determination.

³ The 'bolos' in this instance refers to a specified length of a roll of cloth, which is used as a traditional measure for ritualized justice. It can be equated to standard currency in order to make any penalties relevant to the modern-day situation.

⁴ Although it was only made public in May, it had previously been shared with TVI and the Government's National Commission on Indigenous Peoples (NCIP).



Lumads underscore NCIP's FPIC Guidelines as facilitator of development aggression

By: LRC-CDO Regional Office

In 2009, more than 50 Subanen leaders & traditional chieftains of Zamboanga Peninsula have gathered here to draft their own guidelines for the Free and Prior Informed Consent (FPIC) process to be undergone by prospective multinational corporations planning to enter their ancestral domains. This is in response to their frustration with the National Commission on Indigenous Peoples (NCIP) FPIC Guidelines of 2006 which had only led to a higher incidence of development aggression in Subanen territories brought about by mining and other resource extractive projects.

Twelve years has passed since the enactment of the Indigenous Peoples Rights Act or IPRA but the indigenous peoples are still struggling in asserting their right to self-determination and genuine recognition. NCIP's 2006 Guidelines clearly highlights how lowly the government appreciates indigenous culture, traditions and systems of governance, noted the tribal leaders.

FPIC is the process involved whenever there is a third party with an intention to conduct an activity within the domain of the indigenous peoples' territory. The NCIP is the institutional body mandated to facilitate such kind of process. The Indigenous Peoples Rights Act provided for this process for the recognition of the indigenous customs, practices and self-governance that differ greatly from the mainstream and colonial practice of decision making.

NCIP's 2006 FPIC Guidelines provides a faster and simplified process for applicants to obtain the FPIC of affected indigenous cultural community (ICC) as well as the certification precondition or clearance from NCIP while protecting the rights of the ICCs. It has become more of a tool to facilitate the entry of mining and other extractives projects that for protection of IPs to their ancestral domain.

A test groundwork, NCIP in the FPIC process with the Subanen's of Zamboanga Peninsula smoothen the process for mining company TVI Pacific by acquiring consent with pseudo representatives and leaders of the Subanen tribe with allegations that NCIP themselves created such group for TVI was being strongly opposed by the legitimate leaders of the Subanen tribe. The awarding of the Certificate of Ancestral Domain Title in 2006 to Timuay Jose Anoy as the legitimate leader of the Subanen tribe exposed NCIP's deliberate effort to divide and malign the Subanen indigenous community.

The Subanen gathering is a result of various consultations from and among the 11 Subanen indigenous territorial leaderships in the Zamboanga Peninsula to address the actual impact of the FPIC Guidelines that ironically has become an instrument in the facilitation of resource extractive industries into their lands rather than a mechanism to strengthen and respect indigenous decision making processes. NCIP's 2006 FPIC Guidelines undermines the right to self-determination of the indigenous peoples for it does not recognise Subanen's long Initiative of the indigenous peoples' in the Philippines in recognizing the traditional consent process particularly the emerging entries of development projects encroaching their territories.

Subanen's critique to the 2006 FPIC Guidelines ranges from serious allegations against NCIP to simple ignorance in appreciating indigenous cultures, traditions and systems of governance. The critique and policy recommendations can be replicated to other tribes and territories in the Philippines.





THE SUBANON AND

The 1987 Constitution of the Philippines calls for the state to recognize, respect, and promote the rights of indigenous peoples over their ancestral domains, including their cultures, traditions, and institutions. It calls for the state to consider these rights in the formulation of national plans and policies.

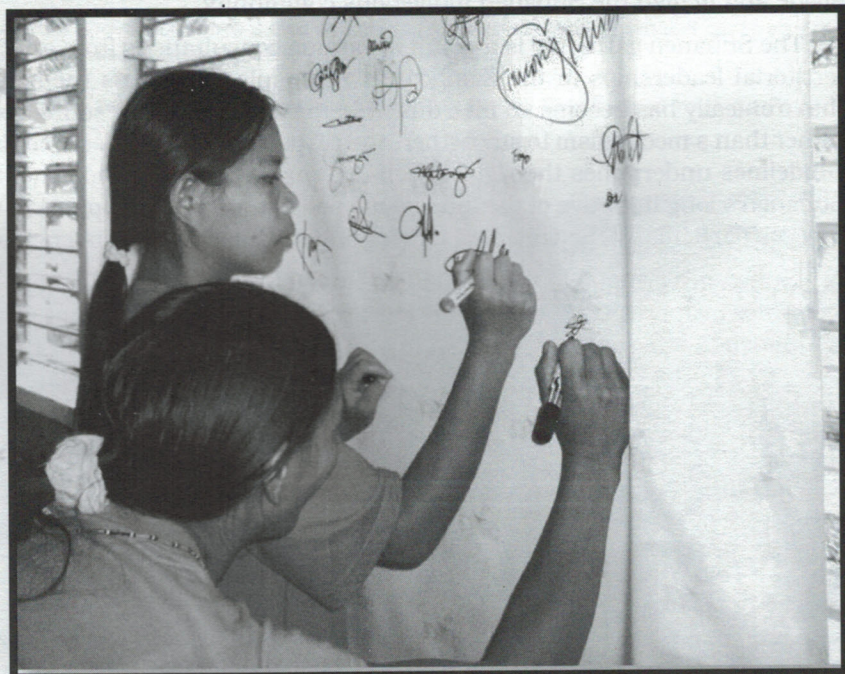
Republic Act 8371 or the Indigenous Peoples Rights Act (IPRA) was enacted to fulfill this recognition and respect. IPRA is the embodiment of the rights and aspirations of indigenous peoples to ancestral domains, to self-governance and empowerment, to social justice and human rights, and to cultural integrity.

Government policies support the entry of development projects, especially into ancestral territories. Where development projects impact on ancestral territories, IPRA requires that the Free Prior and Informed Consent (FPIC) be sought in accordance with customary laws and practices. However, the 2006 FPIC Guidelines do not reflect the true intention of the IPRA in its recognition and respect of the rights of the indigenous peoples.

The Subanon communities and ancestral territories in Zamboanga Peninsula have long been existing, even before the advent of a government structure that defines management and control of land and resources, to which indigenous peoples are dependent of. The members of these Subanon communities are still in effective possession and occupation of these ancestral

territories, and continue to protect and preserve these territories for their future generation.

As members of these Subanon communities, we have initiated the discussion on the impacts of these laws and policies to our rights as indigenous peoples. Thus, in a conference of Subanon leaders called for this purpose, we have come up with this document that embodies our aspirations and assertions to protect our lives, our land and resources, and our rights to exist as peoples with a distinct culture.





FREE PRIOR INFORMED CONSENT

SUBANON CONFERENCE ON FREE PRIOR AND INFORMED CONSENT

Casa Emsa, Pagadian City, Zamboanga del Sur
22 November 2009

MANIFESTO

We, members of the Subanon communities across Zamboanga Peninsula, regard and recognize our ancestral territories as sacred and important because this is where our life began. We value our land as it is the source of our life, the beginning of our existence and the integral connection to our culture, customary laws, traditions and practices. It is our past, our present, and our future, thus, we need to protect it.

Our ancestors have taught us the important value of respect to sustain our dignity as persons. We believe that a person will not be whole if he does not know how to respect. As such, this value had ingrained in us our tradition of asking permission and acquiring consent before doing anything that involves other people, their rights, their property, and most importantly, the unseen spirits who are believed to be guardians of the land and territories and the resources therein, for fear of being cursed. Asking permission and acquiring consent is a manifestation of upholding the dignity and rights of the members of the communities in the territories. We are bound to this culture of respect towards people, to our land and its resources.

Our customary laws will show that resources within the territories which are not taken cared of personally by certain persons are owned by community members. Thus, everyone is consulted and be involved in the decision-making. This is our manifestation of respect towards one another and the common rights we have over common resources.

However, nothing in our tradition has exposed us more vulnerably to the disintegration of this matter of respect than the law that has allowed other people to enter our territories which caused chaos rather than development. We have been caught unprepared in the context of consent involving large-scale development projects. Different experiences of Subanon communities have shown the different aspects and ways of getting consent that the law provides than what we have been dealing with through our customs and traditions.

The 2006 Guidelines on Free Prior and Informed Consent to which we, as inhabitants of the state, are bound by law to adhere to has become the source of conflict between what is legal and what is customary. We believe that the provisions of the 2006 FPIC Guidelines in relation to obtaining proper consent do not respect Subanon customary laws and processes, for these run counter to how we see the inter-relatedness of people, nature and the spirits within the ancestral territories and the role it plays in the decision making process.

Population

Estimated 17% of the current population, based on the report released by the Office of Northern Cultural Communities and Office of Southern Cultural Communities (OSCC) in 1996. Since then no census has been conducted to determine the current population of Indigenous Peoples or IPs.

Ethnographic regions

- *CAR and Region 1*
- *Region II*
- *Region III and rest of Luzon*
- *Island Group and rest of Visayas*
- *Western and Northern Mindanao*
- *Southern and Eastern Mindanao*

Groups: 110 ethnolinguistic groups. This is not the same as to say there are 110 indigenous peoples groups in the country. 'Ethnolinguistic' is a classification based on language, therefore, the major languages, Tagalog, Cebuano, Kapampangan, etc., are included in this definition.

In general, the lack of disaggregated data makes it difficult to make statistical conclusions on matters concerning IPs.

Legal Protection

A. Constitution:

- *Art. 2, Sec. 11* - The State values the dignity of every human person and guarantees full respect for human rights.



- *Art. 2, Sec. 22* - The State recognizes and promotes the rights of indigenous cultural communities within the framework of national unity and development.
- *Art. XII, sec. 5* - The State, subject to the provisions of this Constitution and national development policies and programs, shall protect the rights of indigenous cultural communities to their ancestral lands to ensure their economic, social, and cultural well-being.
- The Congress may provide for the applicability of customary laws governing property rights or relations in determining the ownership and extent of ancestral domain.
- *Art. XIV, Sec. 17* The State shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions. It shall consider these rights in the formulation of national plans and policies.

B. Legislations:

Republic Act 8371 – Indigenous Peoples Rights Act, 1997

- four bundles of rights, i.e., (a) Rights to Ancestral Domains; (b) Rights to self-governance and empowerment; (c) social justice and human rights; and, (d) cultural identity.

We believe that the implementation of the 2006 FPIC guidelines has negatively affected the culture and traditions of Subanen communities across Zamboanga Peninsula. Therefore, we call on the government, especially the National Commission on Indigenous Peoples (NCIP), to impose a moratorium on the implementation of the FPIC processes in Zamboanga Peninsula and resolve the issues concerning it, and adopt a new set of guidelines to regulate the entry of large-scale development projects affecting ancestral territories which is culturally appropriate to the Subanon communities.

We call on the government to respect our rights as indigenous peoples, to uphold the primacy of our customary laws within our ancestral territories. To sustain our tradition and practices, and as our strong assertion for the NCIP to respect our customary processes relative to consent, we are pushing for the adoption of the following guidelines for the regulation of the entry of large-scale development projects within Zamboanga Peninsula :

FOR APPLICATION OF CERTIFICATION PRECONDITION:

- A. For purposes of identification, location and recognition of indigenous communities and respective leaders who will be consulted whenever a proposed plan, program, project or activity is sought to be introduced within ancestral territories in the Zamboanga Peninsula, indigenous communities shall submit to the NCIP and other relevant government agencies including local government units, a list of leaders who are duly recognized by members of communities in their respective ancestral territories, including their genealogy. The submission shall be conducted in a traditional ceremony called for the purpose, to be attended by the NCIP Regional Director or his representative, who shall receive the list as submitted. The ceremony shall be documented by the NCIP for official record purposes.
- B. Applicants shall refer to the NCIP for determination whether indigenous communities are present in areas to be applied for. NCIP shall provide the list of leaders of concerned indigenous communities which will be affected by a proposed plan, program, project or activity.
- C. Having determined the presence of indigenous communities in areas to be applied for, applicants shall apply for the CP directly at the indigenous community through their leaders. If the proposed plan, program, project or activity overlaps two or more ancestral territories, application shall be presented before each of the territories affected.

STEPS TO BE TAKEN TO SECURE FPIC:

- D. The FPIC process shall be required whenever a proposed plan, program, project or activity, whether large or small scale in scope or impact, is sought to be introduced within ancestral territories, or a portion thereof.
- E. If the proposed plan, program, project or activity overlaps two or more ancestral territories having its own set of council of elders, separate FPIC process shall be conducted in each of the affected ancestral territories. Consultation must be conducted per territory based on the traditional boundaries that were defined by their ancestors, and to which communities had taken cognizance of, having made them an integral part of their culture, history and identity.



CONDUCT OF THE TRADITIONAL FPIC PROCESS:

- F. Applicants shall make preliminary presentation of the proposed plan, program, project or activity before the respective leaders as identified in the list submitted to the NCIP.
- G. After a certain period of time as agreed upon by the leaders and proponents, a community assembly composed of all members of the concerned community shall be called for by the Timuay or Gonotan (Traditional Chieftain) in the community, to be held at the tribal hall or a venue specifically designated, for the purpose of presentation of the plan, program, project or activity to the community. Presentation shall include the profile of the plan, program, project or activity, which shall include, but not limited to the i) name of the applicant; ii) address/es of the applicant; iii) proof of juridical personality for juridical person; iv) nature and purpose of the project; v) location with indicative map; vi) duration of the plan, program, project or activity; vii) socio-economic, cultural and environmental impacts; viii) impact areas; ix) operational plans and activities; x) and other relevant documents.
- H. Within a period of three months after the presentation by proponents, leaders and members of community shall consult, deliberate and discuss among themselves their views on the proposal, including the conduct of a ritual to include the spiritual and other unseen elements in considering the proposed plan, program, project or activity. After a reasonable period to be determined by the Timuay or Gonotan in which the members of the community shall have been consulted by the leaders or the Timuay or Gonotan himself, he shall call for another assembly represented by at least one member, of legal age, of each household in the community, to discuss and share respective views regarding the proposal, and to make a collective decision.
- I. Communities not directly affected but impacted by the proposed plan, program, project or activity shall be informed of the same, including its effects to the impacted areas.
- J. After a decision shall have been reached, a community assembly shall be called for the purpose of announcing the decision of the community to the plan, program, project or activity to the proponents. The Timuay or Gonotan shall announce the decision of acceptance or rejection. The NCIP, to be represented by its Regional Director or Provincial Officer, shall witness the assembly. The NCIP shall also document the same for official record purposes.
- K. Whenever the plan, program, project or activity is accepted by the community, a traditional sacred ritual called "sahpa" shall be conducted to seal the agreement, including its terms and conditions, between the community and the proponent. Such ritual shall be witnessed by members of the community, representatives of the proponent, the NCIP through its concerned Regional Director, concerned Provincial Officer, and other relevant government officials as determined by both parties. The

P.D. 1350- A declaring violations of the international convention on the elimination of all forms of racial discrimination to be unlawful and providing penalties therefor (1978)

International Law

Convention on the Elimination of All Forms of Racial Discrimination (January 4, 1969)

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

Territories:

Approximately 20%, 6 million hectares of the total 30 million hectares area of the country

Delineation and Titling of Ancestral Domains/Ancestral Lands

CADT Status (as of March. 31, 2010)

- Total Area of Approved CADTs and CALTs = 4,245,461.5025 hectares
- Total Area of Registered CADTs and CALTs = 754,040.8390 hectares
- Total Area of CADTs and CALTs on Process for Registration 3,478,728.5217 hectares

Summary of Issued Certificate of Compliance/Precondition (FPIC)

Region	As of April 2010	No. of Projects in Mining
CAR	35	8
Region 1	14	9
Region 2	9	4
Region 3	31	10
Region 4	38	21
Region 5	11	
Region 6/ Region 7	7	4
Region 8	?	?
Region 9	10	7
Region 10	28	9
Region 11	31	18
Region 12	24	12
Region 13	37	29
Total	275	131



NCIP shall make proper documentation of the sacred ritual for record purposes.

- L. A written agreement signed by the community as represented by their Timuay or Gonotan and official representative of the proponent, and witnessed by the concerned Regional Director, may be made stating the terms and conditions agreed upon during the sacred ritual for additional record purposes only.
- M. Whenever the plan, program, project or activity is not accepted by the community, the proponent shall be called upon to attend a community assembly called for the purpose of relaying to the proponent the decision to reject the proposal. Such meeting shall be attended by the members of the community, including the members of the council of elders, the representatives of the proponent, the NCIP through its concerned Regional Director and concerned Provincial Officer. The Timuay or Gonotan shall announce the decision to reject the proposal, in behalf of the community.
- N. There shall be no appeal to the decision to reject the proposal.

OTHER CONCERNS:

- O. Military and police forces shall not be allowed to enter the ancestral territories unless concerned community gives consent. The FPIC processes as outlined for plan, program, project or activity sought to be introduced in the ancestral territories shall be followed, except when urgent matters of security is affected, to which consent from the leaders shall be given in a meeting urgently called for the purpose.

This is the voice of the Subanon across Zamboanga Peninsula. We demand that you hear us.

STEERING COMMITTEE SUBANON CONFERENCE ON FPIC:

Chairperson

TIMUAY SEMION P. CODIUM
Vincenzo Sagun, Zamboanga del Sur,

Members

DATU MANGURA PROF. ROSELITO BALA
Pitogo, Zamboanga del Sur

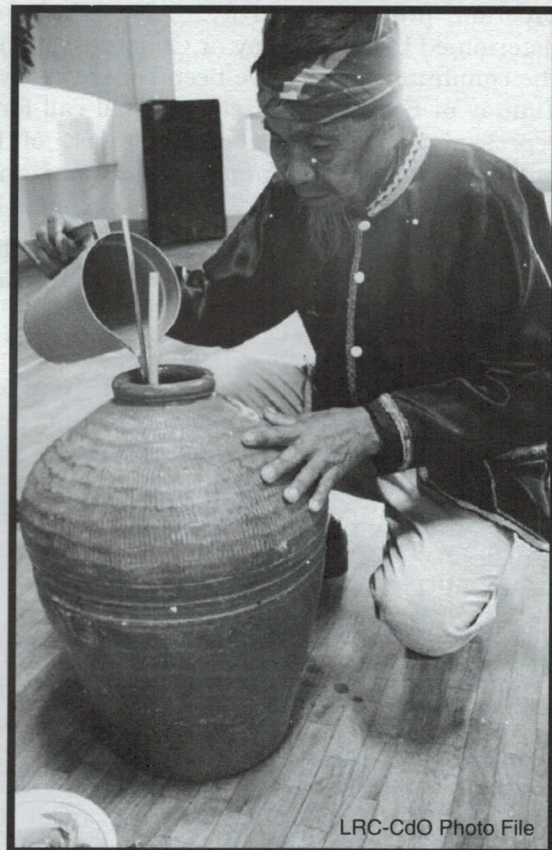
TIMUOY MARCELINO M. LUMANJAL
*Pito Kodolungan Territories Member
(Zamboanga Sibugay/Zamboanga del Norte)*

TIMUAY FELIMON OYAG
Ramon Magsayasay Zamboanga del Sur

(Sgd.) TIMUAY LOCENIO MANDA
Bayog, Zamboanga del Sur

GONOTAN EDWIN ENDING
*Ginsalugan Territories
(Misamis Member, Occidental/Zamboanga del Norte)*

BAE LABI MARJORIE PAULIN
Kumalarang, Zamboanga del Sur Member



LRC-CdO Photo File



Barugan

(ba-ru-gan) Visayan dialect-verb; to stand for a certain position or belief; panindigan (tagalog)

The Province of Zambales has had its share of mining disasters in the past years. The entry of mining in the province brought militarization.

The Sta. Cruz watershed is was also part of the mined area that has been opened to mining operations, which has caused the logging of endemic Mindoro pines (only found in Mindoro and Zambales) and denudation of the watershed.

The destruction of the watershed and forest in the province, particularly in the municipality of Sta. Cruz, has caused the flood that submerged several barangay in the town of Botolan after a dam broke at the height of Typhoon *Kiko*, in August last year. The destruction also effected the 'reddening' or pollution of the water systems in Sta. Cruz.

Mining operations in the province aggravated the impacts of Because of the mining, the province was hardly hit by Typhoon *Kiko*. Zambales was placed in This placed the province in a state of calamity - . This is one of the most reported incidents

of mining disasters in the province last this year.

Mining operations, whatever the scale, Issuing mining permits, be it small- or large-scale definitely poses direct and serious threats to the remaining forest covers, watersheds and to the ancestral domains of Aetas in Zambales.

Mining magnets human rights violations

The people of Zambales are divided on the issue of mining communities have different views on mining. Today, the presence of mining in communities attest to the social disorder it has caused.

The community and their tells stories of violence, force, abuse, would also prove the human rights violations brought about by mining companies—that of violence, militarization and other forms of human rights violations that mining has brought.

The intrusion of mining in forest areas displaces indigenous families. This also affects the water for drinking and other, domestic use, and even irrigation of agricultural communities, is also affected.

Cancelled small-scale mining and quarrying permits

There are at least twelve (12) Mineral Production Sharing Agreements (MPSAs), issued that cover areas in Zambales.

A GLIMPSE INTO MINING IN ZAMBALES AND ITS PEOPLES' STRUGGLES

By: Farah Sevilla - Policy Advocacy Officer, Alyansa Tigil Mina



Philrights Photo File

Meanwhile, in July 2010, newly-installed Gov. Hermogenes Ebdane cancelled all small scale mining and quarrying permits in the province. The purpose of the cancellation is supposedly for the review and evaluation of mining permits issued by former the previous Gov. According to the incumbent, large-scale mining permits such as MPSA's are beyond his authority because these were issued by the Department of Environment and Natural Resources not the governor's office.

However, the He governor still considers mining as a good source of revenue for the province.

Call for a moratorium on mining

Despite government's disregard of opposition to mining, the people of Zambales continue to call for, and join ALYANSA TIGIL MINA (ATM) in demanding a cessation of to stop mining activities in the country, which contribute to and cause human rights violations and disasters, and deprive Filipinos of livelihood options.

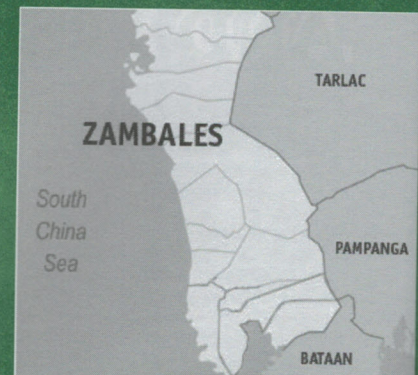
ATM Partner Organizations in Zambales include the Maporac Aetas Organization and People's Recovery, Empowerment Development Assistance Foundation.


About us:

Alyansa Tigil Mina is an alliance of more than 80 organizations from mining-affected communities and people's organizations all over the country. For the past five years, it has actively engaged in challenging the government's policy of promoting the large-scale mining industry in the Philippines. ATM is convened by HARIBON Foundation, Legal Rights and Natural Resources Center – Kasama sa Kalikasan / Friends of the Earth Philippines (LRC-KsK/FOEI) and the Philippine Partnership for the Development of Human Resources in Rural Areas (PhilDHRRRA).

Fast facts: Zambales

- Zambales is a province located in Central Luzon
- Governor:
Gov. Hermogenes E. Ebdane, Jr. (Retired general and Fformer secretary of the Department of Public Works and Highways Secretary)
- 1 city: Olongapo
- 13 municipalities: Subic, Castillejos, San Marcelino, San Antonio,m San Narciso, San Felipe, Cabangan, Botolan, Iba, Palauig, Masinloc, Candelaria, Sta. Cruz
- Population:
500, 000+ (Mix of Aetas, Sambal, Tagalog, Ilocano, and Kapampangan)
- Source of Llivelihood:
agriculture, fishing, commercial activities
- No. of Mining permits (12 large scale and 98 small scale mines)
- Minerals:
Gold, nickel, chromite, copper, talc, magnetite sand





Barugan

Photos by: Erwin Mascariñas



A Wounded RED MOUNTAIN: Carrascal town's Iron Mountain is bleeding for its existence

By: Carl Cesar C. Rebuta-Project Development Officer, LRC-KsK

The provinces of Surigao del Norte and Surigao del Sur are identified to be rich of natural resources. One would be astonished when entering the pacific side and just marvel at the alluring coastline and lush towering green mountains. At the two old towns of Claver and Carrascal stands the Iron Mountain, so called for its immense iron reserves. This time, however, the Iron Mountain is becoming vulnerable as mining operations began eating up this nature's treasure.

Residents in these towns already have a sustainable livelihood to provide for their basic needs. Most of them source their income from fishing and farming.

The Carrascal town hosts the largest mangrove forest in the province or if not, the entire country. "This mangrove forest serves as the cradle of marine life and sanctuary to various species of fish, one of nature's most interesting habitat," said Ramon Ellorico, a fisherfolk. "Carrascal bay is threatened by sedimentation from the on-going mining operation which alsod trd anslate to a threat to our livelihood in the coastal areas as well as the food survival of the community," Mr Ellorico added.

The Iron Mountain becomes amber red during the day; a grand scenery for every tourist. Before reaching the town of Carrascal, motorists can have quite an adventure passing the narrow road *Novienta* dubbed as such because it's a 90-degree uphill trip.

In the neighboring town of Claver, its white beaches seem to have been blood-stained as its shores turned red. With the entry of 7 large-scale mining operations in the pacific side of the provinces, heavy extractors and machines mashed down the towering red mountain to load up shipment to Japan, China and Australia.



Photos by: Erwin Mascariñas

Medio Suhian, president of Carrascalanon Hiniusang Aksyon Alang sa Yutang Gilauman or CAHAYAG, lamented that these companies started to appease the peoples' resistance with promises of development like community livelihood.

"They started to build center for operations and wharf for the loading of minerals to the ship. Employment was promised to all, yet until now only half have been employed for construction, and at this time they have mostly been laid off. All these were also the promises made by the mining companies which ultimately were proven to mean economic and physical dislocation of the people," said Mr. Suhian.

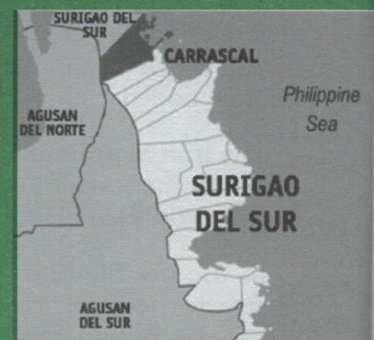
Bashing Aclan, a resident and a woman leader of Nasipit, Adlay, Carrascal narrated, "I was offered an amount of P50, 000 per one hectare of land. But we earned more than enough from our farm lots annually."

In nearby Cantilan, residents were also alarmed after the Mines and Geosciences Bureau issued a mining permit inside their critical watershed area. A town dubbed as the rice granary in Surigao del Sur is at stake.

The Red Mountain or iron mountain reminds locals here of its majestic height and abundance which serves as the backdrop of every farm lot and fishing ground in the community. Once it's gone, it is like killing the farmers and the fisher folks of their survival.

Fast facts: **Carrascal,** **Surigao del Sur**

- Derived its name from "caras" (rake) for multitude of fish swarming closely in the shoreline and added with first letters of the three discoverers Carlos, Alfred and Luis. Today it is known as Carrascal.
- Carrascal is a fourth class municipality in the province of Surigao del Sur, Philippine
- In the north eastern part of Mindanao island.
- This town has a population of 16,000 people residing within 14 Barangays, one of which is Pantukan where villagers are indigenous peoples.
- It has a total land area of 37,872 hectares.
- This town is rich with agricultural and aquamarine life where most of the people depend on and source this income from.
- Vicente T. Pimentel, incumbent mayor, a three-termer governor of Surigao del Sur



Barugan

A new kind of Sirong

Cantilanons on-going battle against mining

By: Leonardo Vicente B. Corrales

Every 15th of August, Cantilan, a thriving municipality of Surigao del Sur, celebrates its town fiesta. The best part of the festivities, which draws tourists from all over, is the Sirong Festival. This is a mardi-gras-like parade that features contingents from neighboring towns that dramatizes the Christianization of Cantilangnons.

Yet, Sirong traces its roots from the heroic battles the early Cantilangnons waged to resist the intruding Spanish conquistadores.

In the early 18th century, when the Spaniards began establishing settlements in what was then known as "Daang Lungsod," the early Cantilangnons—the Manobos and Mamanwas—fought fiercely against the invading foreigners.

By the 1800s, these confrontations turned from bad to worse that the Spaniards were forced to construct the "Cota" better known as Baluarte de Señor San Miguel.

Two hundred years after, another Sirong is looming yet again on Cantilan which is considered to be the "cradle of towns" in Surigao del Sur. Albeit this time, a new kind of intruder—a mining corporation.

NEW SIRONG LOOMING

On August 15, 2010, more than centuries passed, the Cantilangnons marked their town's week-long fiesta celebration, not with just the traditional Sirong Festival but with a signature campaign and launched the Panalipdan Tubig Kinabuhi (Drive for Citizens' Action to Stop Mining operations with the Critical Watershed).

The signature campaign aims to uphold what then President Gloria Macapagal-Arroyo declared the Cantilan watershed area a protected area under Presidential Proclamation 1747. This watershed area which includes the contiguous Surigao del Sur towns of Cantilan and Madrid and three other towns of Agusan del Norte is covering 43,601 hectares.

The watershed area feeds the Alimio and Panikian Rivers and the Sipangpang Falls.

"We shall continue to be proud of our heritage and rich endowments, and we see these thousands of signatures against (Marcventures) as our clear message to oppose mining," said Tinty Iriberry, Baywatch Foundation vice-president and chair of the Town Fiesta celebrations.

INCORRIGIBLE YET WELL CONNECTED INTRUDER

Ironic as it is, when then President Gloria Macapagal-Arroyo announced in her sixth State of the Nation Address (SONA) in 2008 that Caraga will be the "mega region" for mining industry; it opened the floodgates for foreign mining corporations, their local subsidiary (read: dummy) companies and the technocrats who wouldn't care for anything except line-up their own pockets.

One of the first companies to take on the President's invitation to Cantilan was Marcventures Mining Development Corp (MMDC). Their operation is open pit mining.

Marcventures is primarily owned by Mario G. Vjungco and Dy

Chi Hing, both of whom are prominent businessmen in the island. Its current corporate president, Ramon Recto, used to head Lepanto Mining. The Lepanto Mining is one of the largest mining companies operating in Southeast Asia.

Despite the throng of opposition from the local government unit, residents and the lumads—Manobos—of Cantilan, the Board of Investments granted the project tax holidays, duty-free importation and exemption from local government taxes.

The project operates on an area of 4,799 hectares under a mineral production sharing agreement with the national government. Marcventures claim its open pit mining operations will produce up to 800,000 wet metric tons of nickel yearly. It recently invested some Php 474 million for this project.

ENCROACHMENT INTO MANOBO DOMAIN

The "first people" of Cantilan bewailed the utter disrespect of the mining firm's encroachment into their ancestral lands. Worse, Marcventures never consulted nor went through the free, prior and informed consent (FPIC) process guaranteed under the Indigenous Peoples Rights Act (IPRA).

"No one from the mining company explained to us about the project. No one asked our permission," lamented Datu Jimmy Bat-ao, local Manobo chieftain.

He asserted they never gave their consent for Marcventures to enter and mine their lands.

WE CAN SAY NO

Right from the beginning Cantilan mayor Genito Guardo had refused to issue a permit citing the dubious documents submitted by the mining company.

Mr. Guardo suspected there was "not enough diligence" and that the application "lacked transparency," as the dates on the mining contract and the incorporation of the company did not add up.

"We will not allow our natural resources to be destroyed, especially if the transaction is clearly riddled with irregularities," Mr. Guardo had told CBCP News.

On August 2 last year, Mr. Guardo denied the application of Marcventures for the second time.

In his response to the letter of the mining company's lawyer, Guardo told Atty. Libres that "records at the Sanggunian Bayan shows that MMDC acquired its Certificate of Registration as a corporate entity with the Securities and Exchange Commission (SEC) 43 days after the original Mineral Production Sharing Agreement (MPSA) holder, Ventura Timber Corporation (VTC) and MMDC signed the Deed of Assignment transferring mineral rights to MMDC. This puts MMDC's right as an assignee under the cloak of fictitious representation from the very beginning."





LRC-CdO Photo File

"Furthermore, records also show that Mr. Mario G. Vjungco was authorized by the MMDC Board of Directors to represent MMDC in the Deed of Assignment (DA) 13 years after the signing of the Deed of Assignment."

Since the transfer of mineral rights to MMDC was void ab initio, to date, VTC holds a cancelled MPSA.

MMDC lawyer, Noel M. Libres, in his request for reconsideration told the mayor that the Local government units (LGU's) ordinances and resolutions against mining are contrary to the Philippine Mining Act. He further cited Section 17, of RA 7160 otherwise known as an "Act Providing for a Local Government Code of 1991. It provides that the "enforcement of forestry laws, pollution control law, small scale mining law, and other laws on the protection of the environment, shall be pursuant to national policies and subject to the supervision, control and review of the DENR."

Mr. Guardo believes that the LGU has the ultimate mandate over the approval of the proposed mining project. This is elucidated by DENR Memorandum Circular No. 2008-08, dated December 24, 2008, entitled: "Clarification of the Role of LGUs in the Philippine EIS System in Relation to MC 2007-08", particularly, paragraphs 2 and 3 thereof, quoted as follows:

"2. ON PROJECT IMPLEMENTATION APPROVAL UPON ISSUANCE OF THE ECC OR CNC
The issuance of the Environmental Compliance Certificate (ECC) is not an automatic approval of the project. Through the EIA Process critical issues that should be addressed by the various agencies are identified for guidance on environmental considerations of final approving entities.

3. LGU ENDORSEMENT IN RELATION TO PROJECT IMPLEMENTATION: Although LGU endorsement of the proposed projects is not mandatory in the processing of the ECC applications, it should be inevitably be required and subsumed under the local government's permitting requirements where the results of the EIA and recommendations in the ECC should be considered along with other factors. It is believed that the LGU has the ultimate mandate over the approval of proposed projects. Hence, the result of the EIA process is an input to the LGU endorsement of proposed projects."

Mr. Guardo, in his bid for the position at the last elections, ran on an anti-mining platform and won over the mining company's sponsored candidate. In a meeting with Baywatch, he told the members, "Since I obviously won on the anti-mining platform, I will stand on that promise."

One of the mayor's first actions was to inspect the mining site after he received MMDC's business permit application. Accompanied by members of Baywatch, Mr. Guardo and his group saw that the mining company was in full blown operation with three stockyards full of ore that were ready to ship. The Mines and Geosciences Bureau (MGB) authorized MMDC to start its Development Phase even without endorsements from the Cantilan LGU and the Sanggunian Panlalawigan. MGB's OIC Basadre issued the mining company permission to proceed to Development Stage citing company receipt of an Environmental Compliance Certificate (ECC) and endorsements from Brgy. Cabangahan, where the mining site is located, and from then Surigao del Sur Gov. Vicente Pimentel. The law requires two out of three LGU endorsements before it can proceed to the Development Stage. The governor is not the Sanggunian Panlalawigan," said one SP member when an MMDC official told the members in a hearing that they already secured an endorsement from Pimentel.

CONTINUING STRUGGLE

All over the Philippines, local government units have reiterated their position that they should have first say on how their natural resources and environment be best maximized without endangering the lives and properties of their constituents.

While the national government continues to bully local government units and its communities into surrendering their local autonomy—guaranteed under the Local Government Code of 1991 (RA 7160)—more and more LGUs in partnership with its local communities and civil society organizations are drafting, ratifying and enacting their own local environmental codes citing the protectionist provisions of the country's constitution.

Sources

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Fast facts: Cantilan, Surigao del Sur

- Cantilan is considered the "Cradle of Towns" in Surigao del Sur. It originally encompassed the whole area of Carcanmadcarlan or the present towns of Carrascal, Cantilan, Madrid, Carmen and Lanuza. This town was established by the Spaniards in the early 18th century in the settlement of "Daang Lungsod" with the construction of the "Cota" better known as Baluarte de Señor San Miguel, located across the river in the modern Cantilan.
- On December 10, 1918, Executive Order No. 52 of American Governor General Francis Burton Harrison was issued ordering Cantilan to be divided into three parts. Cantilan became part of the new province of Surigao del Sur in 1960.
- Cantilan is a 2nd class municipality in the province of Surigao del Sur, Philippines. According to the 2000 census, it has a population of 26,553 people in 5,378 households.
- Its is subdivided into 17 Barangays
- Genito B. Guardo, Incumbent Mayor (1st term)





Traditional Justice System of the Manobo in



LRC-CdO Photo File

Cantilan and Carrascal

By: LRC-KsK Cagayan de Oro Team

The Cantilan and Carrascal towns have diverse ethnicity among its residents, the locals include Manobo communities. Most of them survive by farming, fishing and of micro-entrepreneurial initiatives. Though accessible from the urban centers, the towns struggle to improve its economic, social and political state. Like other indigenous communities in Mindanao, the government opened the areas for mineral extraction and exploration. The preservation and conservation of their ecology and farmlands within Indigenous Peoples (IP) ancestral domain is put into naught because of these multinational companies and their projects.

Concept of Justice

The Manobo tribe contends that their concept of justice is *pagkakapantay-pantay*, parehas or seeking for equality. For them, justice is a value to live about everyday and those who would unjustly treat a person should be punished accordingly. They believe that justice is essential to keep the peace and unity among the villagers. Manobo women further believe that justice is one of the most important factors that keep the community safe and in mutual understanding.

Elements of Indigenous Justice System

Conflicts in the community are resolved by *datu* who would acquire jurisdiction to mediate after information of an issue is brought to attention for resolution. The *datu* will call the offended and suspect's presence to hear and weigh the facts of the case. Conflicting parties may agree for amicable settlement if needed.

However, in a case of massive killing the normative resource of the offended party may

wage retaliatory acts for justice. Case like this will result to *rido* or clan feud. This can only be put into an end through *Yansang* ---a way of settling the conflict to put it into rest. *Yansang* is like a *tampuda*. Often person found guilty will be asked to pay for blood money and also be killed.

If killings are done by persons coming from outside community, offended tribe can do *pangayaw* and ergo kill anyone believed to be responsible of the death of the victim.

Mediation is also done by the *punong barangay* were the tribal community is situated. The *barangay* chairman, if sought by the tribe or of the victim, can also acquire jurisdiction for mediation and settlement of issues.

Indigenous leaders in this town however admit that the tribe has forgotten to practice this customary way of settling disputes. The absence of this mechanism makes it more difficult for the community to put an end to bloody conflicts in the area.

The Community Consent Process

There is a tribal council composed of *chief datu*, *datu* and elders in the community. Those who would want to secure consent from the tribe should first consult the chief *datu*/chieftain. The latter will call an assembly to provide for venue to discuss the matter. The people will weigh the significance and impact of the proposed project to the community. If proven beneficial and good for the tribe, they will consensually decide. They will refuse, if it isn't helpful for the community. In case consent is given, the tribe will manifest such concurrence in a document that will be signed by all members of the tribe.

Caraga Region:

The Center of Resource Conflict in the Philippines

(A Super Region on Resource Conflict)

By: Carl Cesar C. Rebuta
Project Development Officer, LRC-KsK

The creation of Super regions was first proposed by former President Gloria Macapagal-Arroyo in her sixth State of the Nation Address in 2006. This is to group selected regions and provinces by their economic strengths. These groupings neither supersede current political boundaries nor alter the regional development councils as established by existing laws and issuances as stated in Executive Order 561. However, it has made a major impact on the environment and the Indegi

The "super" regions shall have the following primary, though not exclusive, development themes, namely: Northern Luzon Agribusiness Quadrangle-Agribusiness, Luzon Urban Beltway-Globally competitive industrial and service center, Central Philippines- Tourism, Agribusiness Mindanao - Agribusiness and Cyber Corridor - Information and communication technology and knowledge economy.

Caraga Region in Mindanao landed in the discussion on environment and human rights abuses brought by entry of development projects particularly mining and logging. The region became famous for its new label as the Mining Capital and the Timber Corridor of the Philippines. Ironically, the region is also claiming as the Rising Paradise in the Philippines, which in effect threatened a number of tourist sites.

These tourist sites have largely contributed to the tourism promotion and development of the region. The mountain beach resort and its famous marine and bird sanctuaries in Tubay, Agusan del Norte were sacrificed to give way to San Roque Minerals Inc.; Mainit lake, the 5th largest lake is now vulnerable after MRL Gold Philippines was awarded with a mining permit covering at least three towns. And even the famous cloud 9 or Surfing haven in Dinagat island wouldn't missed passing along the mining sites of Hinatuan; and the snake-like mangrove forest and sandy beach in Surigao del Sur are now becoming wasteland of silts from on-going mining operations at least 7 large-scale mining companies.

Caraga hosted 42 approved Mineral Production Sharing Agreements (MPSA) covering 103,643.25 hectares or 55.29% of the entire mining permits approved in Mindanao. In the pipeline, 80 more MPSA's pending for approval, 124 application for Exploration permits and 15 pending applications for Financial and Technical Assistance Agreements or FTAA. This is the biggest mining coverage in the country and even in Asia for one political region.

Caraga is also the center for Forest Plantation as a region for competitive producer of wood chips form pulp and paper. Around 75% of the total



land area for forest tenure instruments like Industrial Tree Plantations, Integrated Forest Management and Timber license agreements is in the region which covers 903,811 hectares.

The glaring implications to these development projects are the relevant conflicts around the access to, control and use of our natural resources in the uplands, lowlands and coastal marine areas. The region is no doubt could be called as the center of resource conflict in the Philippines or a Super Region of Resource Conflict.

Escalating community resistance against development project is not an isolated story. Cantilan in Surigao del Sur against Marcventures Mining operation which will affect their coastal and Agricultural food basket in the province; the Anislagan women in the frontline of opposing in the last 9 years the exploration activity of Manila Mining Corporation and Anglo-American Plc; the disgruntled communities over the logging activities of PICOP, Ventura Timber Corporation, SUDECOR in the areas within Lanuza, Madrid, Carmen, Tandag, Agusan in the provinces of Surigao del Sur of Agusan del Sur.

The region is home to at least one million Mamanwa and Monobo tribes which their territories are targets of these development projects.

Fast Facts: Caraga Region

- Dubbed as the Asia's Mining Capital and Timber Corridor of the Philippines
- The region is characterized by mountainous areas, as well as flat and rolling lands.
- The Agusan Marsh Wildlife Sanctuary, located in the middle of Agusan del Sur, is the biggest marshland in the country
- rice, corn, coconut, mangoes, banana, abacca, cacao, calamansi, cashew, lanzones, mandarin, papaya, rambutan, pineapple, rubber & root crops.
- with 18-25 rainy days per month.
- The most seismic activity felt by the people in the entire Philippines
- A typhoon belt
- 2 of the Club 20 of the poorest provinces are in Caraga
- 2.4 Million population with 1,884,770 hectares, total land area
- 1 Highly urbanized city, 5 Component Cities, 67 Towns, and 1,310 Barangays (Villages)
- Cebuano, Surigaonon, Butuanon, Tagalog, English
- Caraga hosted 42 approved Mineral Production & Sharing Agreements (MPSA) covering 103,643.25 hectares or 55.29% of the entire mining permits approved in Mindanao.
- Caraga also hosted the most number of approved Exploration permits (EP) in the entire Philippines with 6 permits covering 5,408.59 hectares.
- 80 more MPSA's pending for approval, 124 application for Exploration permits and 5 pending applications for Financial and Technical Assistance Agreements (FTAA).
- Total tenurial instruments issued
 - Ancestral Domain – 620,000 hectares
 - Timber Production Areas - 684,503 hectares
 - Timber License Agreements - 263,329 hectares
 - Industrial Forest Magn't A. - 109,654 hectares
 - Civil Reservations - 12,083 hectares
 - Protected Areas - 179,815 hectares
 - Watershed Forest Reserves – 148,462 hectares
 - Mining Permits – 109,052.15 hectares
- **2,126,898.2** hectares, the total tenurial instruments issued excluding private owned lands.
- Surigao del Norte Governor, Sol Matugas
 - Congressmen
 - 1st District, Francisco Matugas
 - 2nd District, Guillermo Romarate
- Surigao del Sur Governor Johnny Ty Pimentel
 - Congressmen
 - 1st District, Philip Pichay
 - 2nd District, Florencio Garay

CAUTION





Grassroots Push for a Minerals Management Bill or House Bill 3763

About 200 activists coming from mining affected communities, indigenous peoples, church, urban poor organizations and civil society environment groups sang Christmas carols at the south wing gate of the House of Representatives on December 1, 2010 to call for the passage of a new minerals management law.

"This bill is the product of years of painstaking consultations and writeshops with grassroots communities of indigenous peoples and rural folks, multi-sectoral organizations and civil society groups as well as church formations who are actual victims and witnesses, of the havoc created by the present mining policy of the government.

House Bill 3763, filed on December 1, 2010 and is sponsored by Rep. Kaka Bag-ao and Rep. Walden Bello of Akbayan Partylist, Rep. Rufus Rodriguez of the 2nd District of Cagayan de Oro, Rep. Maximo Rodriguez of Abante Mindanao Partylist, Rep. Teddy Brawner Baguilat of the Lone District of Ifugao, Rep. Carlos Padilla of the Lone District of Nueva Vizcaya and Rep. Roilo Golez of 2nd District of Paranaque, seeks to regulate the rational exploration, development and utilization of mineral resources, and to ensure the equitable sharing of benefits for the state, indigenous peoples and local communities, and for other purposes

WHAT IS THE MINERALS MANAGEMENT BILL?

The Minerals Management Bill seeks to scrap the present Mining Act of 1995 (RA 7942) with the enactment of the "Philippine Mineral Resources Act of 2010". The bill champions conservation of non-renewable mineral resources for the benefit of both present and future generations of Filipinos by adopting a sustainable, rational, needs based minerals management geared towards effective utilization of mineral resources for national industrialization and modernization of agriculture.

HOW DO WE LOOK AT MINERAL RESOURCES AND MINING?

Minerals are essential resources that are part of our national patrimony. While necessary for national development and important to the economy, the extraction of mineral resources must be done judiciously because mineral areas are part and parcel of ecosystems that includes forests, watersheds, riverine systems, coastal habitats and communities of people - all of which are intrinsically linked with biodiversity, the environment, food security, livelihoods and survival. Specially now in the era of undeniable climate change, it is our responsibility to make sure that minerals governance do not sabotage efforts to mitigate the

impact of climate change as well as our capability to move towards a low carbon global economy.

It should also be underscored that minerals are essentially non-renewable resources, we have an inter-generational responsibility towards its conservation and preservation - mineral extraction should only be done as a last resort out of the utmost necessity and with the least impact on communities and the environment.

WHAT IS WRONG WITH THE MINING ACT OF 1995 (RA 7942)?

RA 7942 or the Mining Act of 1995 essentially caters to the need of the global extractives industry players to access mineral areas and control the use of minerals to feed the global corporate demand for raw materials and energy in the production, distribution and consumption of commodity products - a system wholly motivated by profits.

What the law does is facilitate the entry of corporations into ecosystems and community territories for the exploration and extraction of minerals to be shipped out of the country in exchange for revenues from the corporations. The government has not been shy in saying that the mining industry is essentially an elaborate investments baiting and revenue making scheme

- or PLAK (pera lang ang katapat).

Even with this frank admission, it still is a big lie because with the overgenerous fiscal incentives regime of the Mining Act and other laws, the corporations only need to leave us with a few loose change in exchange for our mineral resources, leaving large scale and long term destruction to the environment and communities in their wake. In perpetuating this system, the Mining Act of 1995 has been used to sabotage local government efforts to protect the health, environment and livelihoods of their constituents; corrupted the Free, Prior and Informed Consent (FPIC) process of indigenous peoples communities; rendered inutile the Environmental Impact Assessment system; and has brought about a long string of human rights violations against communities and individuals resisting mining.

WHAT IS THE DAPITAN INITIATIVE OF 2002?

The Minerals Management Bill has its origins in the 2002 conference of environmental, social and community rights advocates that has criticized the economic and political set-up of the mining industry and opposed the legal framework that propped it up. In their declaration, they committed themselves to "uphold indigenous people's rights and achieve a more ecologically sound, gender-



fair, equitable system of resource management.” and to “work for a democratic and consultative process in enacting a new legal framework to achieve a wise stewardship of our natural resources.”

After several years of consultations on the ground and meetings with experts, we were able to file the new bill in the last congress, HB 6342, which was also called the Alternative Mining Bill (AMB). We have decided to discontinue the use of the name “alternative mining bill” to avoid the confusion and misinterpretation this has caused. The bill is not about a new method of mining (“alternative mining”) nor is it focused or only about mineral extraction (“mining”). It is a bill on overall mineral resource management and governance (not just mining) that will replace the Mining Act of 1995 (it is an alternative bill to RA 7942, and not about alternative mining).

Our colleagues from the church sector had started to use the term “*Natural Resources Management and Stewardship Bill*”. For purposes brevity for this primer and to capture the essence of the bill, we are referring to it here as the “Minerals Management Bill”.

WHAT ARE THE IMPORTANT PROVISIONS OF THE MINERALS MANAGEMENT BILL?

Conservation of our Mineral Resources Use of minerals must take into consideration the allocation needed to be used by future generations, reminding and recycling of minerals will be prioritized, as well as the rehabilitation of old abandoned mines. If to be used by the present generation, it would only be under a rational needs based utilization and domestic use oriented framework, with actual mineral extraction further weighed against the ecological and social benefits and costs from other land uses.

For the Benefit of the Filipino People The exploration, development and utilization of mineral resources are primarily for the benefit of the Filipino people, it will be geared towards national industrialization and modernization of agriculture, towards this end the state shall build

the domestic processing capacity for industrial metals and other labor-intensive downstream industries. Only mineral resources that shall be needed for local industries shall be mined.

Minerals Utilization Framework

This will be formulated to support plans for national development based on the principles of sustainable development. This framework will define minerals to be extracted, volume to be extracted and when to be extracted. The Mines and Geosciences Bureau (MGB) will be transformed into a purely scientific research institution under the Department of Science and Technology (DOST), and exploration of strategic minerals shall be exclusively and directly undertaken by the State through the Bureau. The MGB shall come up with an inventory or mineral resources, identify strategic minerals needed for national development, demarcate mineral areas and build baseline information on watershed continuums.

Multisectoral Minerals Councils (MMC)

Affected local communities and local government units will be those who will be potentially impacted by mining located in relation to a watershed continuum - an area consisting of a watershed and the interconnection from the headwater to the reef. A Multisectoral Mineral Council will be created in each watershed continuum area which will have the authority to allow extraction and processing of minerals in their area and approve mineral agreements.

Ownership of Indigenous Peoples

Mineral resources within ancestral domains/ancestral lands are the collective private property of the indigenous cultural communities/indigenous peoples (ICCs/IPs). No mining activity shall be conducted within the ancestral domains/lands of ICCs/IPs without their free, prior and informed consent (FPIC).

No Go Zones There will be areas closed to mining operations which will include among others - critical watersheds, geo-hazard areas, small island ecosystems, lands covered by the Comprehensive Agrarian Reform Law, key biodiversity areas, etc. Furthermore, mineral extraction

will not be allowed in areas more beneficial to other land use, priority will be given for more viable and more sustainable livelihood choices for communities, with utmost importance given to food security and livable conditions for peoples;

Mineral Agreements Mineral resources development, utilization and processing shall be reserved for Filipino citizens and for Filipino corporations. Financial and Technical Assistance Agreements (FTAAS) and any other agreements granting foreign corporations to explore or extract mineral resources will not be allowed. The contract area per agreement shall not exceed five hundred (500) hectares and the maximum allowable total contract area for any person in any given watershed area will be seven hundred-fifty (750) hectares. The term for a mineral agreement will be the mine life plus five (5) years for rehabilitation, which in total should not exceed fifteen (15) years.

Maximizing Gains and Preventing or Mitigating Adverse Effects

Corporate transparency and accountability will be established. At the onset, contractors shall submit their Environmental and Social Impact Prevention and Mitigation Plan (ESIPMP) which will also contain a Social Development Management Plan. Mandatory consultations with affected communities shall be undertaken in each phase of mining operation, and free prior and informed consent of indigenous peoples at each mining phase shall also be required. Human rights protection will be prioritized and penalties imposed for violations thereof.

Open-pit mining method for the extraction of mineral ores shall be prohibited.

Equitable Sharing Aside from fees and taxes, government shall have at least a share equivalent to ten per cent (10%) of the gross revenues from the development and utilization of mineral resources that are owned by it. In case of mineral operations within ancestral domains, the contractor shall pay at least ten per cent (10%) of the gross revenues as royalty to the ICCs/IPs. Community development programs shall not be considered as royalty payment.

Hulagway sa kahakub (Portraits of Greed)



Photo by: FROILAN GALLARDO

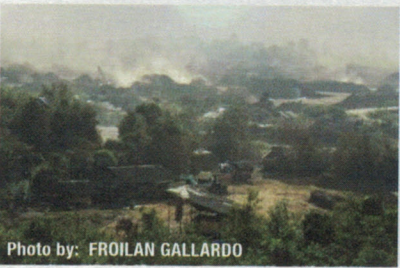


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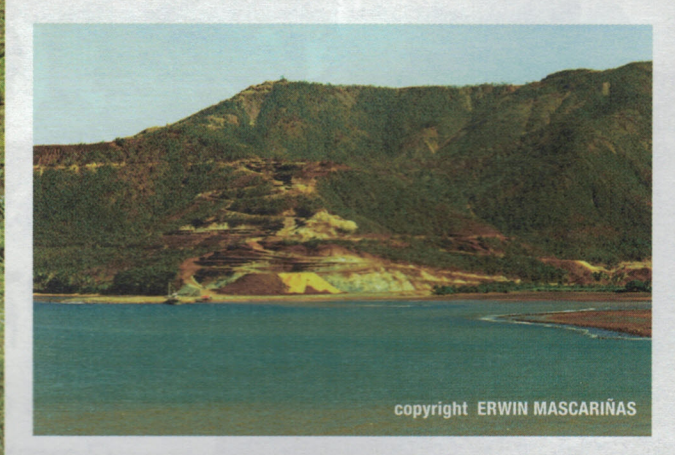
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Women Stories: Managing Resources in Surigao del Sur

By: LRC-CdO Regional Office

Women play a crucial role in resource management and ecological protection. Their experiences in the farms in respective communities are strong evidences how their lives relate to nature but their contributions to resource protection and development were less recognized.

As part of gender mainstreaming initiatives, it is viewed imperative to relate women experiences in resource management “to concretize the strategy to make their concerns and experiences integral to the design, implementation, monitoring and evaluation of policies and programmes in all political, economic and societal spheres so that women, like men will socially benefit and that inequality will not be perpetuated.”

This is also to gather evidences on women’s role in economic undertakings as part of the realities within the framework of cultural ecology and feminist anthropology, the latter focus on women lives.

These personal stories bared in this document are sourced Surigao del Sur Indigenous Peoples (IP) Women Consultation which tackled the Role of IP Women in Conflict and Resource Governance. These names here represent different struggles as well as different celebrations of life in every community that reminds us to reassess the environmental impact of mining and extraction projects.

These women will always be part of the history of the Surigao community.



PASTORA NORA ADJAWAN

Pastora Nora is a 33-year old religious leader in Cantilan. With whole life anchored on faith, Nora simply dreams to enjoy the blessings given by God and to see her community enjoy their ancestral domain—a fertile land rich of gold, silver, copper, mercury and nickel minerals.

The domain, a hunting ground of their tribe and source of crystal water, is also economically exploited for logging and for the production of *uway* and *bal-is* needed for handicrafts.

Nora reckoned that the abundant produce from agriculture and forest means livelihood and food for the community. The beautiful nature affording them fresh air gave peace to the community. The river seemed a free market of fishes for them.

In such communal living, there were no threats, conflicts were easily resolved, communication is too open and neighbors cared for each others welfare.

Even if gender is not a serious issue openly deliberated in the community, women were men's partner in agriculture and in nurturing these. They share their labor force in planting root crops and, in producing handicrafts other than the reality that they are homemakers who'd take care of their children's welfare, especially on education, sanitation and health. The latter's role demand m that they need to consciously partake to preserve their water and rivers—as these are areas where they take a bath, fetch for potable water and for hygiene or sanitation. Nora said, "our water is more clean than those commercially produced and sold in the urban areas."

As children of indigenous community, Nora asserted that they are successors of their ancestral domains and felt the need to assume the responsibility to protect it from wanton destruction.

Over a period of time, Nora and her community observed the introduction of corporations in their areas like the entry of mining companies. It silted their rivers, source of water and poisoned the fishes. Anent to this is the organization of paramilitaries which caused fear that it may consequentially result to militarization.

"These developments made us think that we need to be wary of mining's entry in our ancestral domain," Nora professed.

"As legitimate successors, we must protect our

ancestral domain from destruction and claims. We must protect our sources of livelihood," she said.

Nora further observed that the entry of VTC, a mining company and of logging operators triggered discontent on income and dismay on non-fulfillment of promises to the community.

"Because we now compete in accessing resources with these companies, our community is polarized. Conflicts happened anytime and it's too difficult to settle them simply because money started to dictate in our relations," she related.

"Oh, I don't want to see our community marginalized in our own lands," she sighed.

AVELINA FAJARDO JUSAY

Avelina is a farmer with five children. She resides at barangay Pantukan of Carrascal.

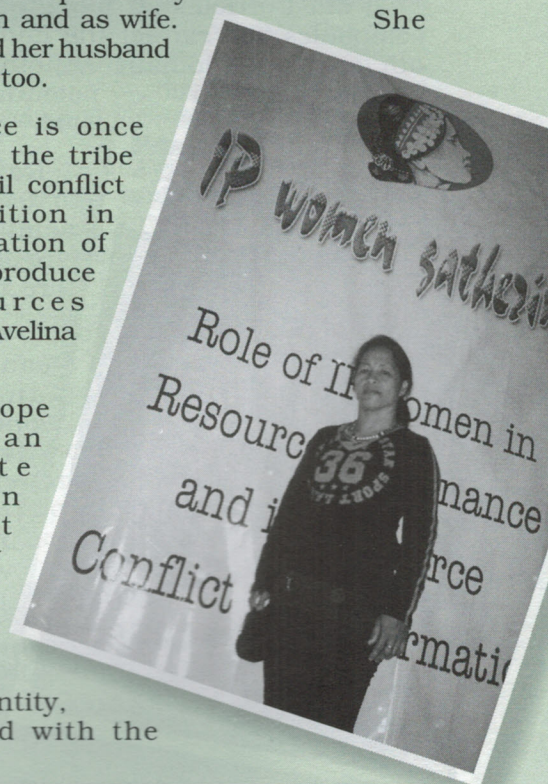
"I pray that I could provide the best future for my children so that they'd grow with sense of responsibility," she quipped.

All her life has been spent in agriculture and in a community "practicing communal farming and sharing of resources."

Avelina is her husband's partner for planting vegetables, fruits, trees and the like whilst maintaining her responsibility as mother to her children and as wife. She said she helped her husband in the harvest too.

"Our place is once peaceful and the tribe is united until conflict and competition in the maximization of agricultural produce and resources polarized us," Avelina said.

Avelina hope that she can contribute for women empowerment specially that their ancestral domain—source of life and their identity, is threatened with the





vigorous entry of mining companies.

"I am afraid that our ancestral domain will be utilized for mining. We hope we could oppose this together with our neighbors," she said.

Avelina saw the need for women to stand on their rights and protect their ancestral domain "so that we still have something to bequeath to our children."

She stressed that without their consent, mining companies should not forcibly enter in our domain "so that we can restrained not to fight back as women. They should not abuse us."

RELITA O. AMPO

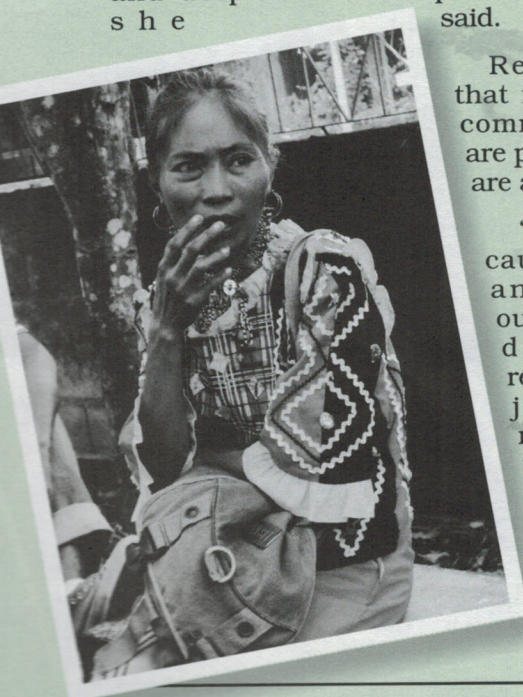
Relita is a 38-year old indigenous woman with four children. She came from Lobo, Cantilan of Surigao del Sur.

Relita professed that their family is dependent on farming as source of living.

"I help nurture our farm. I plant vegetables, fruits, and root crops," she said.

Relita felt that with the challenges of mining's entry inside their ancestral domain, "I felt that it is my responsibility too to protect our land from those who wanted to utilize our resources against our will."

"I am worried that foreign-owned mining companies will extract the minerals beneath our ancestral domain without our consent and despite our potential resistance," she said.



Relita believe that mining divides community: some are pro while others are against.

"They can cause confusion and chaos in our community; disrupt our relation because jobs at the mine site along with uncertain promises could become source of conflict within," she said.

JULIA T. OMBA

Julia, 55-year old, reared thirteen children. She is a farmer.

This woman, who hailed from barangay Cabangahan of Cantilan of Surigao del Sur, spent nearly six decade of nourishing life in meager income out of tilling their farm.

Like other women from this province, she plants vegetables, root crops, corn, rice and nurtured them all in patient waiting until the harvest season.

"This land is our life and our means of survival," she said.

Julia felt that farming keep them going except when they are disrupted by leaders misunderstanding and of those officials who are holding governmental functions in their community.

"They are already in conflicting positions about the mining operation in our community," she explained.

Julia believed that if mining is tolerated, it will destroy their lands and the tributaries of water within their ancestral domain.

"It will also deprive or affect our main livelihood and my family," she said.

SUINALYN EMBOC

In lumad communities, the economic burden does not have a gender preference. Both the male and female look for sources of income that would feed their families from day to day. While the men hunt, the women engage in various crafts that help augment the income of their families.

"It's a pity only a few women in our community still weave the *banig*," said Suinalyn Emboc, who at age 38, is among the few Manobo women of Cabangahan who still know the process of weaving a mat. "Before, it is one of our sources of income and we also do the mats that our families use. Now most of us just buy the finished products market." Adept in the craft, she could finish a single mat in one day and a big one, large enough for a family, in two days which is why she has time to produce these for commercial purposes.

Mat weaving is primarily a woman's activity. "The men don't have the patience to do it," Suinalyn explained. "They may work on a mat from time to time but it is only after a woman has started it. They don't have the persistence to align all the strands in starting the mat - which is very necessary to make



the weave tight and the lines straight. So it is the woman who really does the central part while they sometimes help in expanding the mat."

The process of producing the strands for the weaving requires in itself diligence as the steps are quite meticulous. First, thorns *baliw* (a kind of buri palm native to areas in Surigao del Sur) fronds have to be removed. The now-bare leaves are then dried in the sun for these to shrink and become more durable and flexible. Once the leaves turn white, the edges are removed and the remaining parts bundled and sliced. These are then pounded to flatten the strands that are finally used for weaving.

"I don't think the blame for the fading craft should be put on the women," Suinalyn said. "Many are still interested in doing the mats – which are sometimes used for important events in the community and in the family – and some still actually know the process. Unfortunately, the *baliw* is no longer as abundant as before. We are lucky that in our community, we could still gather these, but in neighboring barangays, some even no longer know what it is and its importance, mistaking it for other kinds of palm."



The forest, the rivers, and everything in nature had once been the grocery of the lumad communities. Anything they needed, nature can provide. Symbiotically, they have developed traditions that are dependent on their environment which they in turn take care not to abuse.

BIBINA OMBO

The lands of Mindanao are rich not only in mineral deposits. The soil composition is also rich in minerals that promote bountiful harvests for agricultural production. Blessed with a tropical climate, rural communities in the island primarily engage in farming as their main livelihood.

The lumad people, although not following the farming practices of settlers, have also become partly sedentary, complementing their hunting and gathering with relatively fixed cultivated lands. These lands, in days of old, are normally

tilled by an entire community, the harvest enjoyed by everyone. Over the years, some have decided to develop tracks by family, but still with the good faith of exchanging and sharing their products with others in the community.

In the community of Bibina Ombo, a Manobo from Cabangahan, Cantilan, although they no longer directly share their harvest with others in the community, the planting activity is still communal. "The women in our community have a *kapunongan* (a group of individuals) which goes around from farm to farm to plant," she said. "We set a schedule so that we can rotate around all of the lands of the members of the *kapunongan*."

She said that normally, it is the men who clear the land while the women do the planting. "We plant root crops, corn, and sometimes coconut," she said. "Sometimes the men help us in planting but it is mostly our activity. After planting, we visit our lands to remove the weeds, check that they are growing and see to it that no pests have harmed our crops. The men are there too with us, doing the more heavy

work if there is a need for such."

In harvesting, the entire family is involved in the activity. There are times, when the area is large, they allow their neighbors to help them with the harvest, sharing some of the produce with them.

The practice of the lumads before had been to move from one farm land to another so that the land is allowed to breathe for a cropping period. Presently, however, because of the limitations and boundaries set by government policies, they are confined to specific areas. Additionally, operations such as logging and mining have further limited their areas of cultivation.

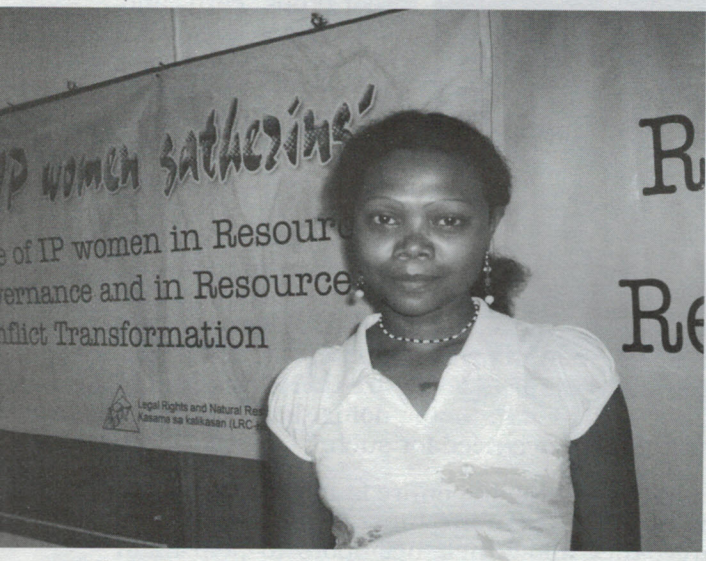
"Lately, also, weather changes have disturbed our farming patterns," Bibina said. "Sometimes even when it is supposed to be time for planting, it is still too hot and the land is still dry. Even our animals are no longer at ease in the summer because of the heat."



In some areas, families that still followed their yearly schedule were not able to harvest at all because their crops withered in the extreme El Nino experienced by the country early this year. "It is very hard when you rely on natural irrigation and then suddenly there is no water," Bibina complained. "What would be worse is when large-scale operations that would enter our community would compete for the meager water source that we would have in times of drought."

AIDA ANTAD

The give and take relationship of man and nature has sustained generation after generation of Manobos in Cabangahan, Cantilan, Surigao del Sur. Putting food on their table was a simple matter, with the abundant resources they had around them.



"But our resources have now become limited," said Aida Antad who collects rattan as among their chief sources of living. "Our forest was damaged by the continuous logging and mining operations. Now, we have to travel far to gather rattan. It takes us a whole day to get to the area so we do it only once a month and we stay out for at least a week."

Raw rattan and handicrafts plant are popular among the Manobos' way to augment their small income. Gathering the vine-like canes, although seemingly easy, is quit trick because it is full of thorns. But the women do it alongside the men in the community. "Sometimes the paths are hard in the forest but we have become familiar with

them," said Aida. The women can transport their harvests easily after these are already stripped of their hooks.

Cut into sections, it has several uses. The women primarily use it as a weaving material for baskets, *duyan*, vases, and other household furniture they either use at home or sell. Rattan is very flexible and durable. Other products from it are staves, canes, other martial arts weapons. It is also used for percussion mallet handles. Even its fruit is not wasted as it has medicinal properties and its red tinge, called dragon's blood, is used as a dye for violins.

Unlike trees, rattan grows fast. However, harvesting of the plant should still be done in moderation as unsustainable gathering of it could also lead to forest degradation. Its presence is a good indication that the ecosystem of a forest is still healthy and it also contributes to the protection of small plants from herbivores.

"Companies that are interested in logging our forests similarly take the rattans with them," Aida said. "They know its high value with the lowlanders so they also get these. We gather rattans in small quantities – only those that we could carry. But with their machines and the people they hire, they wipe out an entire section of forest in just a day."

Rattan is a traditional material for the Manobo women. What they could not construct with wood they do with the flexible palm. "But those who don't know how to weave sell it as raw canes," Aida said. "If there's nothing much to work with, we no longer trouble ourselves in forming them into handicrafts." As the supply of rattan dwindles, the knowledge of weaving the material is also gradually fading.

CONCHETA LUMAYNO

Picks, shovels, hoes – these are not exactly a woman's vocabulary. And definitely no hauling trucks, backhoes, tunnels and hectares upon hectares of unproductive mud.

But to Concheta Lumayno of Cabangahan, Tandag, these are all part of her reality. A Manobo, at 56 years old, Nanay Concheta is still strong, active in whatever livelihood activity her family engages in. As with the others in their community, she is not a stranger to hard work. One of her children died at the age of two because of measles. She, with her husband, though, was able to raise their five children well.



Aside from farming, one of their primary sources of income is mining. "Our community is rich in gold," said Nanay Concheta. "When we see a certain type of stone, we know that gold is nearby." To her though, the feared environmental effects of mining are new ideas. Their community had existed harmoniously with their natural wealth for decades.

"With our methods, the river never goes murky," she said. "We work with small loads when we go to the river to screen the soil for gold. We use the water to get rid of the large rocks but after a few seconds, the silt will just be carried by the river and the water will clear again."

She explained that although to a large number of women mining is a man's job, but to their community, it is not a gender-specific engagement. Men cannot monopolize the activity since everything is done in small amounts – no heavy loads need to be carried. "We could participate in the digging, in the shoveling and in the hauling of the soil. The screening of the load, though, is primarily a man's job since more force is necessary to separate the rocks gold. But after that, it has to be panned again – and the women do it."

Nanay Concheta, however, fears that this simple style of using their resources is about to change with the entry of a huge mining company. "MMDC is large-scale mining," she said. "They are hauling trucks upon trucks of soil mountains. Although they are not processing the soil here at our river like in our small-scale methods, one day, our mountain would be reduced to nothing." She laments that their placer deposits have attracted operations that harm their environment.

In the recent coming together of Indigenous Peoples women in Surigao del Sur that Nanay Concheta attended, the discussion on climate change shifted to mining. Despite its being generally a man's world, the participants were surprisingly knowledgeable of the dangers large-scale mining pose. Beyond the calamities of mining aftermaths, what Nanay Concheta articulated was more basic. "They are hauling our lands. They carry away the gold that we have been utilizing in moderation. And they will leave us with nothing but environmental damage."

PEBALYN BUA ANGELES

To a female Manobo living in the hinterlands of Surigao del Sur, a diploma from a formal academic institution is not a regular option. With the economic difficulties their families are always

facing, going to school is a privilege only a few of them are lucky enough to experience.

"I worked my way through high school," said Pebalyn Bua Angeles, a Manobo from Pantukan, Carrascal, Surigao del Sur. After graduating from high school though, she chose to marry and was soon to have her first child. But she was glad that she finished at least her high school years. "It is rare that someone from our community finishes elementary – much less, high school. Our barrio is very far from a secondary school and commuting every day costs a lot – it's P1,500 per habal habal (a motorcycle accepting two to three passengers) ride. Instead of going to school, children prefer to help their parents put food on their table."

Their generation, however, has learned to appreciate the value of education seeing that the old community members who did not know how to read and write were easily fooled by lowlanders. Even their respected tribal leaders are being conned into allowing their lands to be ransacked by mining operations.

Instead of looking at education as an intrusion into their culture and traditions, she sees it as something which could help strengthen their community in defending their lands. "We would know what we are being made to sign," she said. "We will not just put our thumb mark on anything the lowlanders order us to."

Unfortunately, she explained that if ever a family did have recourse to send a child to school, the slot would often be for the male. "Generally, the parents would send the child who wants to go to school," Pebalyn cleared. "But if ever both the female and the male child would want to attend secondary school, the male would be preferred. Looking at the old folks we have at the community, more males have reached higher academic levels than the females."

What makes learning harder for young people from her community was the discrimination they got in classmates sometimes. Since they were usually the poorest in the class, they would get jeered at. Despite this, she dreamt of a better life for herself and pursued secondary schooling in Surigao City where she worked as a house help to support her studies.

"There are other female Manobos like me who really went to college," she said, a bit shy that she preferred to get married after finishing high school. "But as it is, I am still proud that I was able to finish high school from my own efforts."



NORA ANGELES ADJAWON

Unlike the traditional patriarchal structure of churches, ___ (Baptist/Born Again) recognize the women's capability to lead and influence a community of God.

Nora Angeles Adjawon, a pastora at 33 years old, admitted she had a hard time finishing her formal studies. "I only finished high school in 2000 because our house was far from any secondary school," she said. Despite this, she persevered and right after graduating from high school, she entered ___ school. She was among the five female pastors who graduated with ten males.

For Nora, her commitment to spreading Christ as salvation was not an accidental vocation. Although full-blooded Manobos, her parents are both devoted Christians. "Our family is really strong in faith," she said. "And I have grown with a deep sense of spirituality."

Her grandmother, though, was a ritualist, as well as her grandfather. "My grandmother was really a dedicated ritualist who would go on a yearly trip to the mountains to perform traditional practices," she recalled. "I can still remember one of her rituals called on several spirits to accept a food sacrifice. The food is covered and she chants to the spirits and when we remove the cover food, we see that indeed, many portions have disappeared."

None of her family, however, have taken after her grandparents. "We were all Christianized and we believe in one God alone," she said. "To people who do not know Christ, they really believed in the different gods they offer sacrifices to, not knowing that these spirits could actually do them harm. I have seen that when a person is really devoted to them, they reward the person well which is why many continue their sacrifices and refuse to convert to Christianity."

The cultural practices of her grandmother, however, oriented Nora to have no gender biases on religion. Traditionally, both women and men could perform rituals and sacrifices so it was not strange for her to know that women could also be pastors. Among the leaders of the Mission Possible International Ministries, she had worked in different communities including her hometown of Lobo, Cantilan. "I am happy that many of us now are accepting Christ in our lives," she said. "We are also helping the people learn more so that with knowledge, they will be able to know what is right and what is wrong and decide for the best

of the community for their souls."

ENDIN MAAYO BAGO

The Mamanwa of the Caraga region are often depicted as a people who are easily maneuvered, often ridiculed, generally, an uneducated people.

But to Endin Maayo Bago, 18 years old and a Grade 2 student of the adult literacy program in their community, the stereotypes of her community are not fair as they were not given the option to really pursue a formal education. "Our place is very far," she said. "And the only school there is for primary education. Even then, because we have to work very hard to have food daily, we do not have time to go to school."

Now that programs for adult learning have been started in their community, many of them take time off from work and learn basic literacy modules. "We are taught how to read and write, how to compute. And it does not affect our work because it is only in the morning – in the afternoon we could still work," Endin said.

Of the 35 students in the adult literacy class, 27 are women while only 8 are male and most of them older than the females. "The males in our community are the ones more involved in looking for food that is why it is we, the females, who have more time for this literacy program," Endin explained. "But we also engage in work, only, our work area is often just near our homes."

Of the Indigenous Peoples in the region, the Mamanwas are the least sedentary, many still living on a day-to-day basis characteristic of their nomadic past. With the introduction of national government policies regarding Ancestral Lands, however, they are forced to live in a conscripted piece of land, bound by boundaries they formerly had no concept of.

Additionally, the entry of large-scale mining into their lands has caused division among them, some welcoming the company for the royalties promised to them while some resisting because of the knowledge of the environmental harm the operations would wreck on their lands. "As of now, we are able to go about our traditional economic activities in the forests," said Endin. "The company is operating below our community."

But even as they are content with their lifestyles for now, they fear that one day, what they have been guarding as their last strip of resources would also vanish. In a simple logic,



Tula ni Rita M. Natal

Endin said, "Once they have taken all the gold below, they would also want to get those in our lands and when that time comes, there will be no other place for us to get our rattans and woods."

ELINA ANTAD

Women have always been the symbol of care and protection. This nurturing nature even extends beyond their small queendoms at home – to greater communities they work in.

It is therefore just natural that most, if not all, Barangay Health Workers are women. Elina Antad, a 62-year old Manobo is proud to be among the certified Health Workers in Cantilan. She has seven surviving children, two of them having died when they were still young. "One of my children died at three years old because of a swollen liver," she recounted. "The other one was only two months old. The community healer then told me it was because of 'apresiya'. But now, after attending the seminars, I am sure that my baby died because of tetanus."

She narrated that in old times, healers or the 'mananabang' – most, if not all, women – were not concerned with sanitation. "In the old methods, what they used was a sharpened bamboo stick or a bolo," she Nanay Elina narrated. "I have no problems with traditional materials – as long as these have been sanitized properly. Now that I know these things, I won't let what happened to my baby happen to other children."

Nanay Elina is thankful that her husband is supportive of her involvement. Despite its difficulties, she enjoys seeing the fruits of her work – literally. "We take care of pregnant women – moment we learn that she has conceived up to the point when the baby is born," she said. They also monitor the weights of the children to see to it that no one is malnourished.

The nurturing characteristic of women, however, has always been taken for granted. The male-dominated society shows its ingratitude by having no care for the needs of community health workers. "We, the barangay health workers in Cantilan, receive P300 a month for our allowance," lamented Nanay Elina. "We monitor barangays and P300 is not enough to do that. We go on duty for an entire day, sacrificing our time which we could have used for financially rewarding activities. I do my job because I love it not because for money but local government units could show us more appreciation."

Kaming mamamayan
Tutol sa balak ng masasamang loob
Bungkalang muli a ng bundok
Na pinsala ang idudulot.

Lahat ng bayan
Tabing dagat, Tabing ilog,
Mga tao di makatulog.
Sa trahedyang muling idudulot

Kaya mga kababayan
Kami ay nananawagan sa kinaaukulan
Sana bigyang pansin man lamang ang
aming kalagayan.

Kalakip mga dalangin sa poong
naglalang
Kami sana'y basbasan at kaawaan.

At heto na po ang ang aming
kasaysayan
Habang-buhay hindi hindi malilimutan.
December 6, 1993 nagsimulang umulan
At tuluyan nang naging bagyo
Si Monang na tinuran.

Gabi noon, kami at mga tao
Sa magdamag di nakatulog
Sa takot na kami ay...
Malubong.

Brgy naming patag at malinis
Malapit sa ilog agad
Maaabot ng baha at tubig
Sa laki ng tubig kami
Ay malulunod! Mahahagip!

Mga halaman nagiba
Hayop ay nalunod
Sanhi ng malakas na agos
Ng tubig bulas ang pinanggalingan –
Placer Dome ang kanyang pangalan.

Mula noon at magpahangga ngayon
Tubig sa ilog malagkit at sa paa'y
naninikit
Kati di matiis
Sanhi nga ng masamang tubig.

Tubig nagmumula sa hulo, ulo kong
turingan
Ngayon wala ng pakinabang
Isda, hipon, suso takot nang manirahan
Dahil sila'y tiyak doon mamamatay.

Mga halaman nagiba
Mga hayop nalunod at naanod.
Sanhi ng malakas na agos ng tubig
Bulas ang pinanggalingan
Placer Dome ang kanyang pangalan.



(Petitioner: Rita Natal et. al.
vs. MMC for damages)
Binasa sa pagtitipon ng mga
petitioners mula sa Brgy.
Booboc at Magapua noong 13
October 2010. Brgy. Magapua,
Mogpog, Marinduque

Mula noon at magpahangga ngayon
Tubig sa ilog tapakan malagkit
Sa paa'y naninikit kati'y di matiis
Sanhi ng tubig mula sa Placer Dome.

Brgy San Antonio o binungkal ang
lupa bundok giniba
Maraming taon kanilang ginawa,
maraming ginto kinuhang sadya
Lahat ng bagay sila nanagana mga
dayuhan bahay na magaganda
Palibhasa'y imported nga sila.

Binungkal ang lupa
Kayamana'y sinimot.
Dinala sa pag-uwi nila
Gayong tayong iniwan nagdurusa.

Dumating ang araw
Pagmimina'y iniwan nga nila
Mga pinsala di alintana.
Kalamidad diumano ang dahilan nila
Kaya kami ngayon papaano na nga ba?

Araw, buwan, taon mamamayan
hinahanap
Katarungan dapat ibigay nila
Subalit maraming dahilang ebidensya
ipakita
Gayong tunay silang may sala.

Kaya sa mga pasimuno
Pagbabayad sa pinsala'y tuparin
Sana'y harapin ang kasalanang angkin
At huwag patuloy na pairalin ang
pagiging sakim sa yamang ninakaw
sa amin.

Bayan naming mahal huwag muling
pinsalain.
Pagmimina huwag na muling pairalin
Ito ang sigaw ng aming mga
damdamin.

Tibay ng loob kailangan natin sa
dambuhalang minang sakim.



More than twenty indigenous women from the province of Surigao del Sur gathered in a conference to discuss their roles as empowered women and as force for the preservation of their ancestral domain and in a sustaining quest to manage and govern their resources for their children and descendants.

Guided by the theme “IP Women Resource Governance and Resource Conflict” they underwent series of workshops which resulted to the crafted the Surigao del Sur IP Women Legislative Agenda.

IP Women Gathering

Diocesan Pastoral Center
Tandag, Surigao del Sur • 21-24 October 2010

The Indigenous Peoples Women of the towns of Carrascal, Cantilan, Tandag, and San Miguel Surigao del Sur are **Aware** of the worsening state of our source of survival which affects our role as women in asset and resource governance of our respective sovereign territories.

Recognizing that indigenous peoples particularly the women are vulnerable to the effects of environmental degradation brought by the encroachment of development aggressions like Mining, Plantation, Logging—worsening state of the climate change.

We reaffirm and **Acknowledge** that a healthy environment and a peaceful community are basic rights which should be enjoyed by the present and generations yet unborn.

Heedful of the need to defend our **Ancestral territories** from being desecrated, contaminated and plundered by apathy, greed, crass consumerism, toxic wastes and chemicals, and the unsustainable exploitation of the earth's dwindling resources.

Ever **mindful** that the responsibility to be stewards of God's creation is a responsibility of each and every one of us;

We, the IP Women of Surigao del Sur, **vow** to pursue and push to relevant government agencies the following legislative IP Agenda in response to the emerging threat of today and beyond.



Surigao del Sur IP Women Legislative Agenda

On our right to a balanced and healthful ecology:

Recognized traditional resource management of the community to protect, conserve, sustain and develop our natural resources.

Ancestral domains are closed to mining, logging, and other extractive activities detrimental to our rights as indigenous peoples.

On our right for climate justice:

Share to LGU the concrete impact of Climate Change on IP women and provide existing traditional/existing climate adaptation and mitigation.

Build linkages with the international community of IP women in finding solutions on the climate change crisis and reclaim climate justice.

Strengthened IP women formation to unify women voices and come-up a common call in response to Climate Crisis.

On our right to territory and domain:

Recognize IP women as legitimate representatives of the tribe in decision making especially the disposition of their ancestral domain.

For municipal Sangguniang Bayan (SB) to recognize and adapt the traditional asset and resource governance and management plan, vis-à-vis the municipal land and water use plans.

On our right to education & cultural integrity:

For the LGUs give equal scholarship opportunities for IP youth while recognizing

and promoting the IP's cultural integrity through a traditional school in the respective ancestral domains.

On Our right to a peaceful and livable community

For the municipal chief executive to affect the immediate pull-out of all military and paramilitary installations, camps and outposts inside the ancestral domain without the community consent.

Mandatory Human Rights training for all military and paramilitary deployed in the respective areas.

On our right against discrimination:

Mandatory representation in the municipal legislative body and special body—as IP women sector representative.

For extractive companies to respect and uphold the tribe's right to Free, Prior and Informed Consent (FPIC) as enshrined in the Indigenous Peoples Rights Act (IPRA) not compromising the traditional consent process.

Give due respect, credit and legal recognition on the IP women's stand and resistance over resource conflict as one of the immediate stakeholder of the same.

For LGUs, NCIP to recognize and respect the existing local traditional dispute mechanisms in the respective areas.

Our right to protect, develop our livelihood for survival

For the LGU to ensure livelihood options of the tribal communities especially the IP women sector by developing existing traditional arts and crafts, thereby promoting the integrity of our endangered cultural identity.

We, hereby, affix our signatures to attest our **Dedication** and **Resolve** to uphold the aforementioned commitments this 23rd day of October 2010 at the Diocesan Pastoral Center, Tandag, Surigao del Sur.



State of the Indigenous Peoples Address 2010



Kami, mga lider katutubo mula sa iba'ibang tribo ng *Ata-Manobo, Ayta, Ayta-Mag-antsi, B'laan, Hanunuo, Hanunuo-Mangyan, Higaonon, Ibaloi-Kalanguya, Kalanguya-Kankana-ey, Kankana-ey, Mamanwa, Mandaya, Manobo, Manubo-Timamana, Mansaka, Menuvu, Menuvu-Erumanen, Menuvu-Pulangeun, Obo-Manobo, Pala'wan, Subanen, Subanon, Talaandig, Teduray, Timamana, Tagabawa, T'boli, T'boli-Ubo, at Tuali*, na nagtipon sa Hall of Peace, Apu Agbibilin Community, Barangay Songco, Lantapan, Bukidnon mula Hulyo 26-28, 2010, ay nagpapahayag ng aming tunay na kalagayan, adhikain, panawagan at pagkilos.



Nitong Hulyo 26 nagbigay ang ika-15 pangulo ng Republika ng Pilipinas ng kanyang unang State of the Nation Address. Katulad ng dating mga presidente, hindi naisalarawan ng kanyang SONA ang tunay na kalagayan ng mga katutubo dahil ang sistemang pang-pulitika't ekonomiya ng republika mismo ang nagpapatuloy ng pagpapahirap sa katutubong mamamayan.

Ang kasaysayan ng mga katutubo ay mas nauna pa sa Republika ng Pilipinas. Bago pa nahirang ang unang pangulo ng republika ay buo at ganap na ang relasyon namin sa aming lupaing ninuno, ang aming sariling pamamahala at sistemang pangkatarungan, likas-kayang pag-gamit ng aming likas yaman, at pagyabong ng mayamang kultura.

Ngunit sa panahon ng kolonisasyon at pagbubuo ng Republika ng Pilipinas, sapilitan at mapalinlang na isinama kaming mga katutubo sa "bansang Pilipinas". Dito nagsimula at nagpapatuloy na lapastanganin at wasakin ang aming lupain, kultura at mga komunidad - ang proseso ng pagpatay ng tribo mismo. Dahil diyan, ang kasaysayan ng mga mamamayang katutubo ay naging kasaysayan ng pakikibaka para sa karapatan sa sariling pagpapasiya sa kanilang mga buhay at teritoryo.

Ang tunay na kalagayan ng mga katutubo ay patuloy na pakikibaka para sa lupa, buhay, dignidad, kabuhayan, kultura, kapayapaan at kaunlaran.

Puro pagharap sa problemang dulot ng republika ang naging buhay ng tribo; mga problemang direktang dulot ng mga atake sa mga komunidad katulad ng pag-aagaw ng lupa, pagmimina, pagto-troso, at mga plantasyon; at mga di-tuwirang mga problema katulad ng militarisasyon at counter-insurgency, korupsiyon at pandarambong, at dambuhalang utang panlabas.

Kahit ang mga polisiya at programa ng pamahalaan na sa unang tingin ay "makabuluhan" para sa mamamayan ng republika - katulad ng pag-gawa ng mga lansangan, pagpasa ng Comprehensive Agrarian Reform Law (CARL) at National Integrated Protected Areas System (NIPAS Law), pagtatayo ng mga dam, at usapang pangkapayapaan - ay nagdudulot ng malalaking mga problema at pinsala sa mga katutubo.

Ang patuloy na pagpapahirap sa mga katutubo at ang pakikibaka namin laban dito ang nagbibigay hugis sa kalagayan ng mga katutubo sa kasalukuyan. Kung saan noon kami ang nagpapanatili, namamahala at nagpapauunlad - kami ngayon ang sinasakupan, pinapahirapan at iniitsa-puwera.

SIPA 2010 SA BAGONG PANAHO; PANAHO NGA BA NG PAGBABAGO? ◦

**PAMBUNGAD NA PANANALITA
SIPA 2010/July 26-28, 2010
Lantapan, BUKIDNON**

ni Judy A. Pasimio

*Executive Director/LRC-Ksk/Friends
of the Earth-Philippines*

Magandang araw sa ating lahat.

Tayo ay nagtipon-tipon muli ngayong araw na ito para sa ating taunang SIPA o State of Indigenous Peoples Address.

Kung ating babalikan, ang SIPA ay inumpisahan noong 2008. Karamihan sa inyo ay naroon noon sa Toril, Davao. Ang SIPA ay nag-umpisa bilang reaksyon sa mga pahayag ng dating pangulong Gloria Macapagal-Arroyo sa kanyang SONA o State of the Nation Address. Taon-taon, pawang di makatotohanan ang isinasalarawan ni Arroyo ang kalagayan ng mga Pilipino, lalo't higit ng mga mahihirap, na karamihan ay nasa kanayunan, at kabilang dito ang mga katutubong Pilipino. Pawang kasinungalingan ang mga pahayag ni Arroyo tungkol sa kanyang mga natupad na mga pangako para sa mga batayang sektor, kabilang na ang mga katutubo. Kung ano-anong bilang ang lumalabas na diumano'y nagsasaad ng kaunlaran at pag-angat sa kahirapan ng mga mamamayan. Kaya naman inorganisa ang SIPA – para magkaron ng pagkakataon na pabulaanan ang mga kasinungalingan ni Arroyo; para bigyan ng totoong mukha at hugis ang kalagayan ng mga katutubong Pilipino. Nilayon din ng SIPA na bigyan ng mas organisado at mas malakas na boses ang mga panawagan ng mga katutubo.

Noong 2009, ang ating SIPA ay naging maigting sa paniningil sa



pamahalaang Arroyo – sa walang habas na pang-aagaw ng mga lupaing katutubo, sa paggamit ng dahas laban sa mga komunidad na lumalaban para sa kanilang karapatan, at sa patuloy na diskriminasyon ng pamahalaan sa mga katutubo kung kaya't patuloy ang kanilang kahirapan.

Ngayong 2010, tayo ay nasa ikatlo na ng ating taunang SIPA.

Ngunit ang SIPA sa taong ito ay una rin sa ilang bagay.

Ang SIPA na ito ay unang pagkakataon na national o pinagsamang mga katutubo sa Mindanao at Luzon. Noong 2008, ang mahigit na isang daang katutubo noon ay mga Lumad ng Mindanao. Noong 2009, nagkaroon ng dalawang sabay na SIPA – ang isa sa Cagayan de Oro para sa mga IP communities sa Mindanao, at sa Quezon City para naman sa Luzon. Para sa ngayong taong SIPA, dito sa Lantapan, Bukidnon, sinikap namin sa LRC na imbitahan ang mga IP communities mula sa Mindanao at Luzon para magkasama-sama at makabuo ng mas may pambansang karakter ang ating SIPA ngayong taon.

Ang isa pang una para sa SIPA na ito ay di na natin tatapatan ang SONA ni Arroyo. Wala na si Arroyo! Ibig sabihin malaking tinik ang nabunot sa ating matagal nang naninikip na dibdib. Sa loob ng 9 na taon na nasa kapangyarihan si Arroyo, talaga namang nagpakasasa ang pamilyang Arroyo, habang patuloy na naghuhumikahos ang bayan. Sinira nang husto ni Arroyo ang tiwala ng mga tao sa pamahalaan, sa mga institusyon at ahensya na bumubuo nito. Kaya naman malaking bagay ang pagtatapos ng kanyang pagkakaupo bilang presidente. May kaunting pwang para magkaron ng pagkakataong makabuong muli ng pag-asa para sa pagbabago.

Pero siempre, naryan pa rin sya sa kongreso, bilang congresswoman ng Tarlac. At dumagdag pa si Gloria sa iba pang Arroyo sa kongreso – ang kapatid ng kanyang asawa, si Iggy Arroyo ng Negros Occidental; ang kanyang anak na si Dato Arroyo ng Camarines Sur;

1. Winawasak ng sistema ng republika ang pampulitikang istruktura ng mga katutubo. Iilan na lamang na katutubong komunidad ang nananatiling may pansariling pamamahala at pagpasya sa kanilang buhay at teritoryo. Kasama nito ay bumibilis ang pagkamatay ng mga paniniwala't tradisyon ng mga katutubo. Sa kabila nito ay hindi naman nabibigyan ng akmang representasyon ang mga katutubo sa sistema ng gobyerno ng republika at hindi din naman umaabot sa mga katutubong komunidad ang mga batayang serbisyong obligasyon nito sa mga katutubong mamamayan.
2. Walang patid ang pagdagsa ng mga "development projects" na itinutulak ng pamahalaan katulad ng pagmimina, pagtotroso, plantasyon, at mga dam - na nangangahulugan ng pagbukas ng mga teritoryo ng mga katutubo para mapasakamay ng mga korporasyon ang lupain at likas yaman sa mga lupang ninuno para sa paglikha ng mga produkto na dikta ng pandaigdigang pamilihan kaysa sa pangangailangan ng mga katutubong komunidad.



LRC-KsK Photo File



Ang mga ahensya ng pamahalaan katulad ng Department of Environment and Natural Resources (DENR) at National Commission on Indigenous Peoples (NCIP) ay kumikilos na mistulang ahente ng mga korporasyon kaysa tagapag-ingat ng kalikasan at kapakanan ng mga katutubo.

3. Malaking pambubulabog ang mga proyektong "development aggression" na mga ito hindi lamang sa pang-aagaw ng lupain sa mga katutubo kundi pati sa paghahati-hati sa mga lider katutubo, sa pwersahang pagpapalikas sa mga komunidad, paggamit ng dahas laban sa mapayapang protesta ng mga katutubo, pagpatay sa mga kumikilos para sa karapatan ng komunidad, militarisasyon at malawakang paglabag sa karapatang pantao ng mga katutubo. Muli ang sangay ng pamahalaan na naka-atas mangalaga ng seguridad at kapayapaan ay ginagamit laban sa mga katutubo bilang pagprotekta ng estado sa puhunan at operasyon ng mga korporasyon.
4. Hirap o hindi namin magamit ang mga batas ng republika para igiit o protektahan ang aming mga karapatan, bagkus ay mas nagagamit pa ang batas laban sa amin. Kung anumang karapatan namin ang kinilala sa Indigenous Peoples Rights Act (IPRA) ay niyuyurakan naman ito sa mga butas na nasa IPRA mismo na nagsasabotahe nito, sa interpretasyon ng mga taga gobyerno dito, sa pagsalungat ng iba pang mga batas ng republika at sa maling implementasyon ng NCIP. Lalo pang nilusaw ng NCIP ang IPRA sa paglabas nito ng 2006 Free, Prior and Informed Consent (FPIC) Guidelines na pinapadulas ang pagkuha ng mga korporasyon ng pahintulot para sa kanilang mga proyekto. Kaya kahit makakuha pa ng Certificate of Ancestral Domain Title (CADT) ang mga komunidad ay pabor pa din sa mga korporasyong gustong makapasok sa mga lupaing ninuno.
5. Apektado kami sa mga panggegera ng republika sa mga grupong rebelde at madalas ay naiipit sa kanilang pagtutunggali. Kasama din kami sa pagmimithi at pagkilos para sa kapayapaan, ngunit dahil hindi kami armado ay hindi kami isinasali sa usaping pangkapayapaan at bagkus ay nagugulantang na lang sa mga kasunduan na pinapasok ng republika na sasagasa lalo sa aming teritoryo't sariling pamamahala.

Sa pagdinig namin sa SONA ng presidenteng si Aquino, nakita naming mainam ang kanyang mga direktiba kontra-korupsyon, pagtutok sa

at ang isa pa nyang anak na si Mikey Arroyo, na ngayon ay congressman bilang representante ng party list ng Ang Galing Pinoy! Ang partylist na ito ay nagrepresent ng mga security guards. Ang galing talaga ng mga Arroyo! Ang galing kumapit sa kapangyarihan! Kaya't di man SONA ni Arroyo ang tatapatan natin ngayon, kongreso na puro Arroyo naman ang kakaharapin natin sa mga darating na taon.

Ang ikatlong una para sa SIPA natin ngayon, ay eto ang unang SONA ni Presidente Benigno Aquino III o P-Noy.

Sa kanyang unang SONA, inaasahan natin na ilalatag ni PNOY ang kanyang mga pangarap para sa bayan at sa sambayanang Pilipino, ang kanyang mga programa, mga prayoridad na gawain, proyekto; ang kanyang mga balak na gawin upang matamo ang pinangako nyang tunay na pagbabago.

May bago ba tayong maasahan kay P-Noy? Kung susuriin natin, baka walang malaking pagbabago. Si P-Noy ay nanggaling din sa mayaman at politikong pamilya. Ang kanyang pamilya ay panginoong may-lupa. Hindi naman kilala si Noy noy bilang isang politikong naging advocate o tagapag-sulong ng mga isyu ng mga batayang sektor. Hindi naging matunog ang pangalan nya bilang isang tagapagtaguyod ng mga isyu hinggil sa karapatang pang-tao. Pero sa ngayon, may ihip ng bagong hangin; di man tayo sigurado kung ito ay hangin ng pagbabago. Pagkatapos ng 9 na taong paghihirap sa ilalim ni Arroyo, anumang bago ay maaring pagkunan ng pagkakataong umasa, ng bagong pag-asa, ng pagbabago.

Kaya't ang hamon sa atin ngayong pagtitipon na ito ng ating SIPA, ang ating unang SIPA sa unang taon ni P-Noy, ay mapa-abot sa kanya ang lalim ng sugat na iniwan ng administrasyong Arroyo sa mga lupaing ninuno, ang sakit at galit na namuo sa mga katutubong komunidad sa mga kalapastangan na dulot ng mga mapanirang proyekto at programa ng pamahalaan. At higit sa lahat, ang malaking gawain natin ngayon sa SIPA ay ang paglatag din kay P-Noy kung ano ang ating inaasahan sa kanyang



administrasyon, ano ang mga konkretong panawagan ng mga katutubo, at ano ang mga dapat mangyari upang magkaron ng tunay na pagbabago, kapayapaan at kaunlaran, sa mga katutubong komunidad, at sa buong lipunan. Atin ding patunayan kay P-Noy ang lakas at tibay ng pakikibaka ng mga katutubo, at ang pagkaka-isa natin sa pagsulong ng karapatan ng mga katutubo sa kanilang sariling pagpapasya.

Noong nanumpa si Noynoy bilang Presidente, sabi nya sa kanyang inaugural speech, "Kayo ang boss ko, kaya't hindi maaaring hindi ako makinig sa mga utos ninyo."

Kaya, P-Noy, makinig ka na. Makinig sa mga sumbong at pahayag ng mga katutubo. Makinig sa mga ilalata ng mga IP agenda, ng mga dapat na gawain upang bigyang buhay ang nasasaad sa konstitusyon na kilalanin ang mga lupaing ninuno, kilalanin ang mga karapatan ng mga katutubo.

Makinig sa State of the Indigenous Peoples. Makinig nang mabuti, P-Noy, sa mga boss mo – ang mga katutubong Pilipino.

Samantala, patuloy ang ating gawain, ang ating tungkulin – na palakasin ang ating kilusan tungo sa tunay na pagbabago, di lang ng mga tao sa pamahalaan, kundi ng sistema ng pamamahala; tungo sa tunay na kaunlaran, hindi ng iilan kundi ang nakararami; at kung saan ang kalikasan at likas yaman ay di para limasin at pagkakitaan, kundi para pagyamanin upang patuloy magbigay buhay at kabuhayan.

Samantala, patuloy ang pagtulak ng pagkilala sa karapatan ng mga katutubo, at pagsulong sa kanilang karapat sa sariling pagpapasya. At kami sa LRC, ay patuloy nyong kaagapay at kapanalig.

Maraming Salamat po.

Magandang umaga sa ating lahat.

July 26, 2010

pagresolba ng pagpatay sa mga lider aktibista't media, pagpapanumbalik ng mga inisyatiba para sa usapang kapayapaan at tigil-putukan, at panawagan sa pagpasa ng National Land Use Bill. Malaking pagbabago ito mula sa pandarambong at kahungkagan ng natapos na administrasyong Arroyo.

Pero sa balangkas ng mahabang kasaysayan ng pakikibaka ng mga katutubo ay walang bagong sinabi ang bagong pangulo ng republika. Kahit ang kaisa-isang pagbanggit sa mga katutubo patungkol sa pag-uusap kapayapaan sa Mindanaw ay dati nang paulit-ulit na sinabi ng naunang mga presidente ng republika na kinakailangang magusap-usap ang mga moro, kristyano at mga lumad.

Wala kaming makitang kahit panimulang pagtahak ng daan tungo sa pagwawasto ng hindi makatarungang mga kaganapan sa buhay ng tribo sa kasaysayan nito sa loob ng republika ng Pilipinas. Wala kaming narinig na kalunasang inilahad ng pangulo para sa mga suliraning aming patuloy na kinakaharap, bagkus ay nakita pa namin ang lalong pagpaigting ng panghihimasok ng estado at mga negosyante sa teritoryo at buhay ng mga katutubo.

Ano ba sa makasaysayang karanasan ng katutubo ang pwedeng maging kahulugan ng pagtutok ng pangulo sa "public-private partnerships" kundi ang pagdagsa ng mga korporasyon sa aming lupaing ninuno. Isinali kami sa "bansang Pilipinas" kung saan naging pampublikong lupa ng republika ang teritoryo naming mga katutubo, at saka ito ipinapaubaya ng pamahalaan sa mga korporasyon at pribadong entidad - ito ang katangian ng pagsakop ng Republika ng Pilipinas sa mga katutubong mamamayan at pinagpapatuloy ngayon ito ni Aquino.

Ang sinabi niyang pagpapabilis ng proseso sa pagrehistro at aplikasyon ng mga kumpanya ay nakakatakot kung babalik tanawin natin ang pandarambong ng mga korporasyon sa ating likas yaman at pagwasak sa kalikasan at kanununuang lupain at ang mahabang listahan ng paglabag sa karapatang pantao dulot ng pagpasok ng dayuhang pamumuhunan.

Gusto ngang iwaksi ni Aquino ang korupsiyon pero hindi siya makakapagdulot ng tunay na pagbabago kung hindi siya lalayo sa balangkas ng pag-unlad na nakasalalay sa pagpasok ng dayuhang puhunan kapalit ng pagwasak sa ating kalikasan, pag-ubos ng ating likas yaman at pagkamatay ng mga komunidad.



Kami ay maghahain ng aming panawagan para sa administrasyon ng ika-15 pangulo ng republika bilang paningil sa obligasyon ng estado sa karapatan ng mamamayang katutubo. Pero naging aral na mula sa karanasan ng katutubo na hindi umasa sa pagkilos ng estado, kundi sa sama-samang pagkilos ng mga katutubo para sa karapatan sa sariling pagpapasiya.

Igalang ang karapatan ng mga katutubo sa sariling pagpapasiya

Kilalanin at igalang ang batas ng mga katutubo. Ang aming customary laws ang siyang mananaig sa katutubong teritoryo. Ang aming malayang pagpasya o free, prior and informed consent (FPIC) na batay sa aming sariling kaugalian at mga batas ang masusunod sa pagpasok ng ano mang proyekto sa aming mga lupain, at hindi ayon sa pinataw ng NCIP na 2006 FPIC Guidelines na kailangan nang ibasura. Hindi maaring magreapply ang mga kompanya sa pagkuha ng FPIC para sa parehong proyekto kapag hindi na namin ito pinayagan sa unang pagkakataon, kahit ano pa ang sabihin ng mga polisiya ng gobyerno.

Hindi rin maaaring magbigay ng pahintulot ang mga local government units (LGUs) para sa mga proyekto sa loob ng aming lupain kung walang pahintulot ang mga katutubong komunidad. Hindi maaring magbigay ng Certificate Precondition ang NCIP kung walang resolusyong nagbibigay pahintulot ang mga katutubo.

Inaanyayahan namin ang Department of Justice na umupo bilang observer sa kung paano namin nireresolba ang aming mga kaso sa loob ng tribo gamit ang aming sariling tradisyunal na sistema upang sila ay matuto mula sa amin at maintindihan ang aming mga proseso.

Paabutin ang batayang serbisyo sa mga katutubo

Kinakailangang bigyan ng prayoridad ang mga proyektong magbibigay serbisyo sa aming mga komunidad, tulad ng pagtatayo ng mga daan at tulay na 'farm to market', pagtuturo ng paggamit ng organic farming, at pagtatayo ng mga mini-dams para sa gamit ng komunidad.

Maglaan ng scholarship fund para sa mas mataas na edukasyon ng mga karapat dapat na kabataang katutubo. Siguruhin ang libreng batayang edukasyon para sa aming mga katutubo at palawakin ang Alternative Learning System at adult literacy program para sa mga katutubo. Maglaan ng pondo para sa sweldo ng mga katutubong guro at suportahan ang

The State of the Indigenous Peoples Address (SIPA)

In 2008, the Legal Rights and Natural Resources Center, Kasama sa Kalikasan/Friends of the Earth Philippines (LRC-KsK/FoE Phils) broached the idea of holding a State of Indigenous Peoples Address or SIPA.

The 2008 SIPA was envisioned as the space and venue for indigenous peoples to take on center stage and present the true state of indigenous peoples in glaring contrast to what then President Gloria Macapagal-Arroyo made it appear in her State of the Nation Address.

Thus, the 2008 SIPA was conducted in Davao City, where more than 100 hundred indigenous peoples leaders and support groups gathered for the first attempt to provide an indigenous peoples' perspective on the true state of their situation as members of the Philippine society, focusing in particular the right to self-determination and the right to their ancestral domains.

The activity successfully consolidated the voices and positions of the Lumads and gave impetus to subsequent gatherings to highlight further the issues affecting indigenous peoples. In 2009, the Center once again hosted another SIPA, this time having two simultaneous activities in Luzon and Mindanao to come up with a more comprehensive and collective take on the situation of indigenous peoples.



Thus, the theme of the 2009 SIPA was the "Continuing the Historical Struggle to Right to Self-Determination".

This is in recognition of the emerging need for indigenous peoples to close rank in light of the sustained and systematic effort of the Arroyo government to undermine the nation's sovereignty through persistent and aggressive implementation of the liberalization and privatization policies, which would eventually lead to foreign ownership and control of lands and ancestral domains.

The second SIPA aimed to broaden its reach to the international community. More importantly, the SIPA aimed to contribute to the movement building among the indigenous peoples in the pursuit of their collective rights and local autonomy particularly in the control, management and development of their ancestral domains and resources therein.

As a follow up to the two-year SIPA activities, the Legal Rights and Natural Resources Center-Kasama Sa Kalikasan/Friends of the Earth – Phils., shall be hosting the 2010 SIPA building on the gains of the previous SIPA activities.

The 2010 SIPA thus aims to maximize those spaces that are available to indigenous peoples with the advent of a new administration in all branches of government by presenting to this new government a common Indigenous Peoples Agenda focusing on the respect and protection of the rights of indigenous communities to self-determination and to ancestral domains by building on the gains of the previous SIPA activities and identifying specific and clear follow-through activities.

mga inisyatibo ng katutubo sa pagtataguyod ng mga programa tulad ng schools for living tradition.

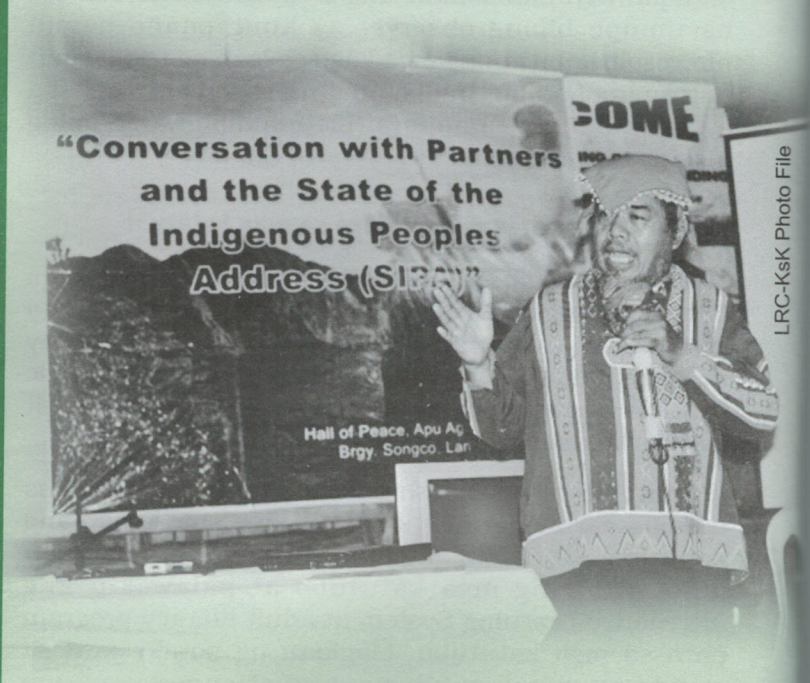
Magbigay suporta sa kabuhayan ng mga katutubo lalo na sa mga rebeldeng katutubong nagbalik-loob sa pamahalaan, at bigyang proteksiyon ang mga anak ng mga ito.

Sa usaping kalusugan, kilalanin at igalang ang aming tradisyunal na paggagamot lalo na ang mga traditional midwives o hilot ng mga tribo. Ang mga serbisyong pangkalusugan ay dapat din naaayon at akma sa kultura at kapakanan ng mga katutubo.

Itigil ang development aggression, militarisasyon at pagpapalala ng Climate Change

Kagyat na ipatigil ang pagbibigay ng mga permits at lisensya sa mga proyektong tulad ng mga minahan, plantasyon, dam at pagto-troso. Ipagsawalang-bisa o bawiin ang mga kasalukuyang operasyon sa loob ng mga protektadong lugar, sagradong lupa at lupaing ninuno. Kinakailangan na may masusing pagsaliksik sa mga permit na makaapekto sa lupaing ninuno. Mahigpit na pinagbabawal ang mga proyektong ito na hindi sang-ayon sa aming kultura at kaugalian.

Ang mga proyektong nabanggit ay nakakadagdag din sa pagpapalala ng *climate change* na nagdudulot ng mga pagsasalanta sa mga katutubong komunidad. Hindi namin ipapagamit ang aming teritoryo para pagkakitaan sa anumang carbon trading schemes na





itinutulak ng mga korporasyon at mayayamang bansa.

Kilanlanin ang papel at kontribusyon ng mga katutubo sa pag-aalaga at pagprotekta sa likas yaman sa loob ng lupaing ninuno.

Nananawagan kami sa lehislatura na ibasura ang Republic Act No. 7942 o Mining Act of the Philippines na patuloy na nagpapahirap sa aming mga katutubo. Palitan ito ng bagong batas sa pamamahala ng ating yamang mineral na kikilala ng pagmamay-ari ng mga katutubo sa mga likas yaman sa mga kanununuang lupain at magbibigay proteksyon sa mga komunidad sa mismong operasyon ng pagmimina kung ito ay papahintulutan ng mga katutubo sa kanilang mga teritoryo.

Hulihin at panagutin ang mga opisyal ng DENR at NCIP, lokal na opisyal at ang mga kasabwat nilang korporasyon na nangunguna sa paglalabag sa aming karapatan at sa paninira ng kalikasan.

Igalang ang karapatang pantao ng mga katutubo laban sa mga ilegal na paghuhuli at pag-aaresto. Itigil ang pagpatay, pananakit at pananakot sa mga pinunong katutubo. Itigil ang pagbibigay pahintulot sa paggamit ng mga korporasyon sa mga sundalo, kapulisan at pribadong hukbo bilang security forces. Mahigpit din na ipagbawal ang pagrecruit ng mga katutubo lalo na ng mga menor de edad sa ano mang armadong grupo. Itigil ang militarisasyon sa aming teritoryo.

Igalang ang mga kababaihang katutubo

Kami ay nanawagan sa lahat ng tao na irespeto ang mga karapatan ng kababaihan, lalo na laban sa pag-aabuso, pagmomolestya at prostitusyon. Mahalaga ang papel at kontribusyon ng kababaihan sa pagsulong at sa pagtanggol ng karapatang katutubo. Nangunguna ang mga kababaihang katutubo laban sa marahas at mapanirang pagyuyurak ng aming mga karapatan. Itigil ang pang-aabuso at karahasan ng mga militar sa kababaihang

katutubo.

Repasuhin at mahigpit na ipatupad ang IPRA

Repasuhin ang mga polisiya patungkol sa mga katutubo. Ipatupad ang tunay na nilalaman ng IPRA, lalo na sa usaping katarungang panlipunan. Siguraduhin ang pagtatalaga ng representante sa lahat ng antas ng pamahalaan ayon sa mga batas.

Pinapaalala namin na ang mga pinuno ng tribu ay mas makapangyarihan kaysa sa mga opisyales ng NCIP, at hindi ang kabaliktaran, kung kayat may kapangyarihan din dapat kami na tanggalin ang mga opisyales ng NCIP na lumalabag sa aming mga karapatan. Kailangang palitan ang mga pinuno at opisyales na nakaupo sa NCIP na hindi dumaan sa tamang proseso. Panagutin, ikulong at pagbayarin naman ang mga opisyales at kawani ng NCIP na gumawa ng katiwalian.

Dahil sa paulit-ulit na pagpapasahan ng NCIP sa kung saan-saang ahensya ng gobyerno, dapat ibalik ang NCIP sa Office of the President kung saan malaya ito sa impluensiya ng ibang ahensya o interes.

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ibang ahensya o interes.

Ibasura ang Indigeneous Peoples Master Plan na ginawa ng NCIP na hindi dumaan sa tamang proseso at lalong hindi sang-ayon sa aming interes at karapatan. Ibasura din ang pinapairal na Ancestral Domain Sustainable Development and Protection Plans (ADSDPP) Guidelines ng NCIP. Kailangan ng bagong balangkas ukol sa ADSDPP at iba pang mga stratehiya kung saan dapat ginagalang at isinaalang-alang ang aming kultura, tradisyon at kaugalian. Kailangang din ng isang malalim na pagsusuri sa mga bogus na Certificate of Ancestral Domain Title/Certificate of Ancestral Land Title (CADT/CALT).

Dapat rin magtayo ang isang ahensya na tututok sa kapakanan ng mga katutubo na nasasakupan ng Autonomous Region of Muslim Mindanao (ARMM).



Bigyang representasyon ang mga katutubo sa usaping pangkapayapaan

Ang usaping kapayapaan ay hindi lamang dapat sa pagitan ng gobyerno at mga rebeldeng grupo. Dapat masuportahan ang mga katutubo sa pag-giit namin ng aming sariling peace agenda mula sa aming perspektiba halaw sa aming mahabang karanasan sa loob ng “bansang Pilipinas”, lalo na ng mga lumad sa Mindanaw. Mula dito manggagaling ang aming kontribusyon sa mga “peace talks” ng pamahalaan sa mga rebeldeng grupo.

Sa pagbubukas ng pag-uusap sa pagitan ng gobyerno at Moro Islamic Liberation Front, kinakailangang bigyang representasyon ang mga katutubo na umupo sa *peace negotiation*.

Hinahangad namin ang isang independent panel para sa mga katutubo na magtitiyak at magsusulong ng aming karapatan sa sariling pagpapasiya ng nakaugat sa aming kultura, teritoryo, at katutubong pamamahala. Isusulong din nito ang mga makasaysayang mga kasunduan hinggil sa pagtalaga ng hangganan ng mga teritoryo at

mga kasunduang pangkapayapaan katulad ng Tampuda hu Balagen ng mga tribung Talaandig, Sapa at Dyandi sa Subanen, B'laan at Manobo, Sensafaan sa tribong Teduray, Tabtaban-Mangyan at iba pang kasunduan.

Makikilahok rin ang mga katutubo sa usaping pangkapayapaan sa CPP-NPA at iba pang mga armadong grupo.

Ang aming mga pananagutan

Sa pagpapatuloy ng aming pakikibaka at pagkakaisa, itinataya namin ang aming sarili sa mga pagpapalakas sa aming mga hanay para sa pagtaguyod ng aming karapatan. Lalo naming isusulong ang aming malaya at sariling pagpapasiya sa mga bagay na makakaapekto sa aming kinabukasan at ng aming mga anak. Higit naming palalakasin at isasabuhay ang aming mga kultura, tradisyon, kaugalian at paniniwala laban sa panghihimasok ng mga mandarambong at mapag-alipustang taga-labas. Kami ay mananatiling mapagbantay laban sa makasaysayang diskriminasyon at hindi kami mag-aatubiling ipag-alam sa lahat ng mga gustong makinig, habang lalo naming palalakasin ang aming mga boses para sa mga iilang ayaw makinig. Isusulong namin ang nagkakaisang mga katutubong nasyon ng Pilipinas.

Ito ang aming pinipapahayag mula dito sa Balay Tulugan ng mga Talaandig, Songco, Lantapan, Bukidnon, ngayong Julyo 28, 2010.

“Ang usaping kapayapaan ay hindi lamang dapat sa pagitan ng gobyerno at mga rebeldeng grupo. Dapat masuportahan ang mga katutubo sa pag-giit namin ng aming sariling peace agenda mula sa aming perspektiba halaw sa aming mahabang karanasan sa loob ng “bansang Pilipinas”, lalo na ng mga lumad sa Mindanaw. Mula dito manggagaling ang aming kontribusyon sa mga “peace talks” ng pamahalaan sa mga rebeldeng grupo.”



About the Cover



The Gukom heard all of the complaints of Timuay Anoy and his people at the tribal hall held on 13-15 December 2007 in Sitio Padual, Brgy. Canatuan, Siocon, Zamboanga del Norte.

Later, Tribal justice verdict found the TVI Canadian mining company guilty of various crimes. The first traditional justice authority to be documented against a foreign corporation which reached to the UN Committee on the Elimination of Racial Discrimination (UNCERD). Photo file by Lodel Magbanua of Pipilinks

LRC-KsK/FoE-Phils. is a legal and policy research and advocacy institution which deals primarily with the process of attaining ecologically sustainable, culturally appropriate, gender-sensitive, economically viable, equitable and dynamic stewardship and use of natural resources.

With the assistance of legal policy experts, the Center strives to articulate policy alternatives which are intimately linked with those communities which directly depend upon our natural endowments.

The Center has developed an expertise on the subject of indigenous peoples rights, land tenure, natural resource management, forestry issues, energy efficiency and community and local initiatives.

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All publications of the Legal Rights and Natural Resources Center - Kasama sa Kalikasan / Friends of the Earth-Philippines (LRC-KsK/FOE-Phils.) are dedicated to the countless individuals and communities who struggle everyday for a more dignified existence. They are the primary source of our insights and inspiration.

TANAWAN

TAN-AWAN is inspired by the Tagalog words 'tanawan'(noun) and 'tanawin' (verb) common in various languages in many of our local and indigenous communities. As noun, the word pertains to a site worth looking at from a certain vantage point. As verb, it simply means "to view." True to the diversity of our people's lifeways, the Cordillera people call it 'tam-awan,' the Agta 'tan-awan,' the Visayans 'tan-awon' or 'tan-awa.'



It is in this spirit that LRC-KsK's regular quarterly Tan-awan is inspired by the multiple ways of seeing and viewing as inscribed in the said term and its other local derivatives. LRC-KSK's Tan-awan is out to enjoin communities — from grassroots peoples to the mainstream public — to belong to the same act of looking at vantages where we can collectively view other meanings and modes of making sense of current social realities that we may not ordinarily see.

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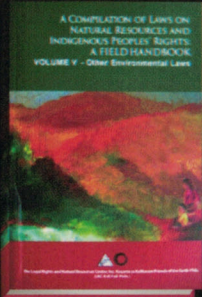
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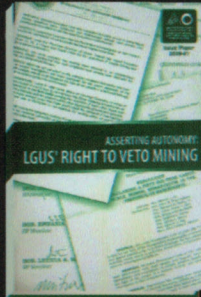
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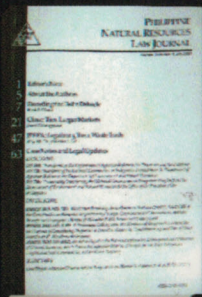
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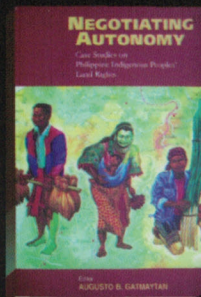
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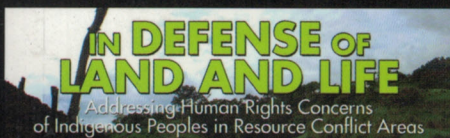
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