



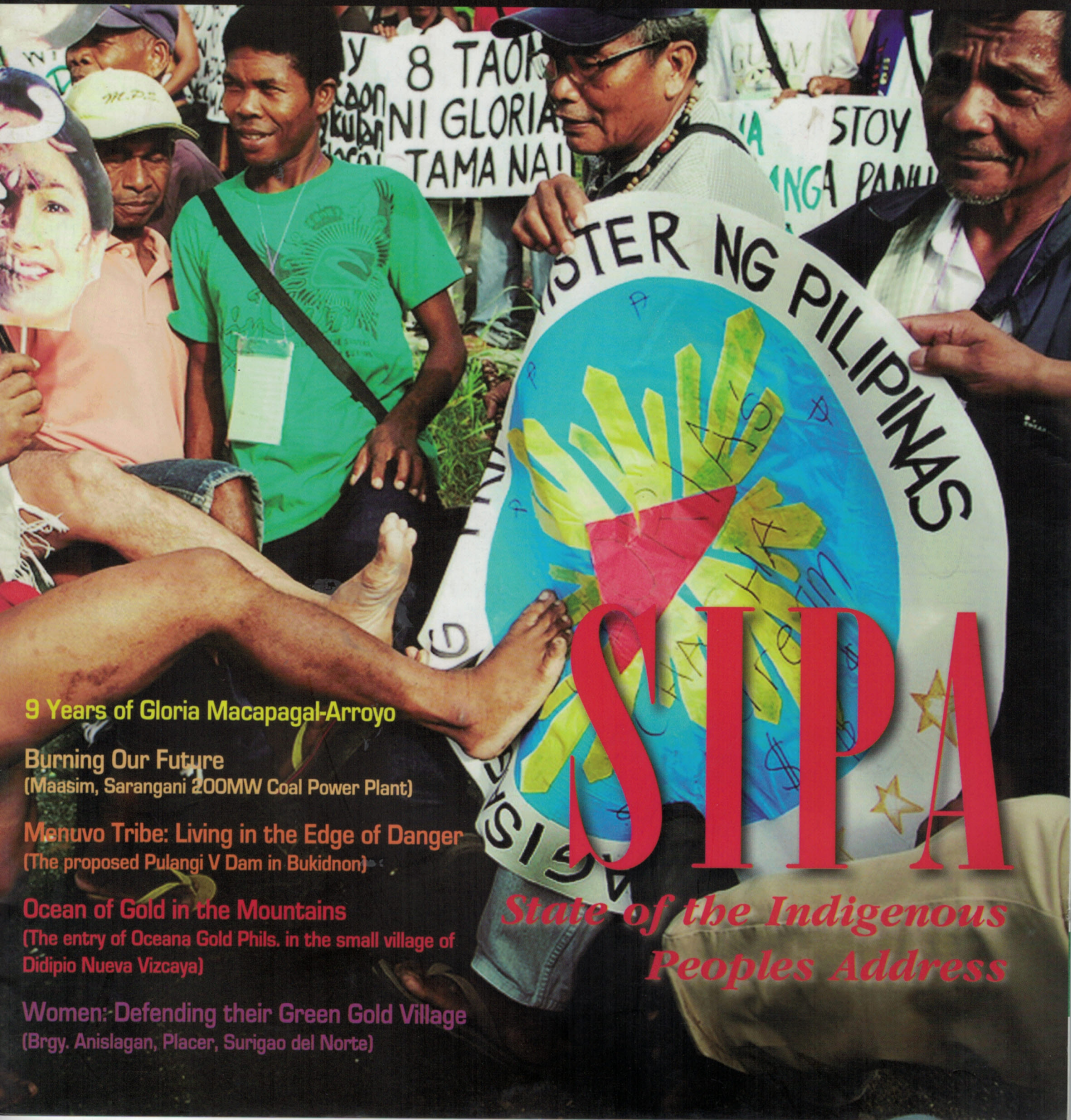
LRC-KsK

IEWS & VANTAGE ON COMMUNITY ISSUES

TAN-awan



Friends of the Earth International



9 Years of Gloria Macapagal-Arroyo

Burning Our Future
(Maasim, Sarangani 200MW Coal Power Plant)

Menuvo Tribe: Living in the Edge of Danger
(The proposed Pulangi V Dam in Bukidnon)

Ocean of Gold in the Mountains
(The entry of Oceana Gold Phils. in the small village of Didipio Nueva Vizcaya)

Women: Defending their Green Gold Village
(Brgy. Anislagan, Placer, Surigao del Norte)

SIPA

State of the Indigenous Peoples Address

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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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.



Editorial

SIPA: State of the Indigenous Peoples Address

(opening remarks by the executive director of LRC-KsK/FoE-Phils during the SIPA Luzon last July 26, 2009 at UP-CSWD)

Magandang umaga sa ating lahat.

Tayo po ngayon ay nagtitipon-tipon dito sa loob ng CSWCD o College of Social Work and Community Development, University of the Philippines o UP Diliman. Kolehiyo ko po ito sa aking Masteral Studies ng Women and Development. Welcome po dito sa aking kolehiyo.

Pero higit sa lahat, welcome po sa ating lahat sa ating pagpupulong ngayon na ating tinatawag na SIPA o State of Indigenous Peoples Address. Ito ang ating sariling bersyon ng SONA ni Gloria.

Ano ba ang SONA? State of the Nation Address. Ito po ay ginaganap taon-taon. Ang SONA ay pinag-uutos ng ating konstitusyon. Ayon sa seksyon 23 ng artikulo VII, ang presidente ng Pilipinas ay dapat magsalita sa harap ng kongreso sa pagbubukas nito ng kanyang regular session. At ang kongreso – ang mababang kapulungan at ang senado, magkasama – ay dapat mag-convene sa tuwing ika-apat na Lunes ng buwan ng Hulyo. Kaya sa taong ito, bukas – July 27, magaganap ang SONA.

Ano ang nangyayari sa SONA? Ang presidente ng Pilipinas ay haharap sa kongreso, at sa taong bayan, at isasalawhan nya ang kalagayan ng kanyang mamamayan at ng bansa – kalagayan ng ekonomiya, ng kabuhayan ng mga mamamayan, ang usapin ng seguridad, kalusugan ng pamahalaan, at iba pang mahahalagang usapin na kinahaharap ng kanyang administrasyon. Sa SONA rin magre-report ang kanyang mga achievements o mga nagawa nya sa nakaraang taon, kung meron man. At sa SONA rin nya dapat ibinibahagi ang kanyang plano para sa taong kinakaharap – ano ang kanyang mga mahahalagang programa, anong sector ang kanyang prioridad, anong isyu ang kanyang pagbubuhusan ng pansin at resources.

Yan ang gagawin ni Gloria Macapagal-Arroyo bukas sa harap ng kongreso. Si GMA ay ang president pa rin ng Pili-

pinas, kahit di nyo siya binoto nung 2004. Ito ang kanyang pang 9th na SONA. Ibig sabihin, 8 taon na syang presidente ng Pilipinas. Si Arroyo ang pinakamatagal na umupo bilang presidente, maliban kay Marcos. Ito na DAPAT ang kanyang huling SONA, dahil ito ang huling taon ng kanyang paninilbihan bilang pangulo. Kaya naman malakas ang ugong na talagang naghahanda na ang kampo ni Arroyo sa Charter Change o pagbabago ng konstitusyon, at isa sa kanyang gustong baguhin ay ang sistema ng pamahalaan para mapahaba pa ang kanyang termino. Sa katunayan, may ilang mga kongresista ang nagsabi na hindi sila dadalo ng SONA bilang protesta kay GMA at sa balak nito na charter change. At marami pang ibang kongresista at senador ang nagsabing magwa-walk out sila kapag ang SONA ay gagawing constituent assembly o CON Ass. Ang CON ASS ay ang binubuong assembly o katawan na maaring magbago ng konstitusyon.

Nagaganap ang SONA sa Batasang Pambansa, dyan sa Commonwealth. Malapit lang, kaya't maaari sana tayong magtungo don at abangan kung ano ang mangyayari sa SONA. Pero di pwede dahil mga imbitadong panauhin lamang ang maaaring pumasok. E kung sa labas na lang tayo ng building, baka may speakers, para malapit. Hindi pa rin pwede, kasi ayon sa Malacanang, may 12,000 pulis ang nakalabas maging gabi pa lang para bantayan ang SONA.

Labindalawang libong pulis. Isipin nyo na lang. Ganyan katakot ang pamahalaang Arroyo sa tumitinding oposisyon sa kanya. Kaya ganun na lang din ang kanyang pananakot sa mga gustong magprotesta sa kanyang SONA bukas.

Mula nang umupo si Arroyo bilang presidente nung 2001, padami nang padami ang nagpo-protesta laban sa kanya. Sa katunayan, si Arroyo ay limang beses nang sinampahan ng im-

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.

LRC-KsK/FoE-Phils. is a member of Friends of the Earth International (FoEI) and the Alternative Law Groups (ALG).



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.

peachment, o proseso ng pagpapatalisik, at may at least 2 coup attempts. Sa kasalukuyan, may -32% ang rating ng kanyang popularity ayon sa SWS survey. Ganun kawalang tiwala ang mga tao sa kanya, ganon na lang kababa ang tingin sa kanya.

Bakit? Dahil sa patindi nang patindi na kahirapan. Dahil sa matinding korupsiyon at katiwalian ng kanyang pamilya, at ng kanyang pamahalaan. Dahil sa kawalan ng kaunlaran sa kanayunan, at ng buong bayan. Dahil sa kawalan ng kasaguruhan sa pagkain. Dahil sa paliit na paliit na lupain na maaring pagkuhaan ng pagkakakitaan ng mamamayan, at sa kabilang banda, palaki nang palaking lupa at likas yaman ang patuloy na binibigay at napupunta sa mga dayuhan. Dahil sa patuloy na di pagkilala sa karapatan ng mga katutubo sa kanilang lupain, at sariling pagpapasya. Dahil sa patuloy na paglabag sa ating batayang karapatang pantao.

Masasama ba itong mga bagay na ito sa SONA ni Arroyo bukas? Sa kanyang pahayag sa bayan? Siempre hindi. Dahil si Arroyo ay bukod sa mandaraya, ay sinungaling.

Ano ang mga inaasahan nating sasabihin ni Arroyo? Sabi ng Malacanang, bukas daw ay ilalahad ni Arroyo kung pano sa loob ng 8 taon, ay matinding atensyon ang kanyang nilaan sa kapakanan ng mga Pilipino; how her administration has given "too much attention to the overall welfare of the Filipinos"

Sino kayang mga Pilipino ang ibig nyang sabihin - ang mga Pilipinong panginoong may lupa, ang mga Pilipinong ang apelido ay Arroyo at Macapagal, at Nograles. Mga Pilipinong stockholders ng mga multinasyonal na mining corporations, logging companies.

Ang pagsasagawa ng SONA ay pinag-uutos ng konstitusyon. Pero wala namang sinasaad sa konstitusyon na dapat ay TOTOO ang lalamanin ng SONA.

Kaya, asahan natin na hindi natin maririnig bukas na mas dumarami ang Pilipinong mahirap at nagugutom. Hindi natin maririnig na nung nag-umpisa si Arroyo nung 2001, ang walang trabaho ay umabot sa 8.34 milyong katao, at ngayong Abril 2009, ay tumaas na sa 15.6 milyong katao na ang walang trabaho. Lalong di natin maririnig na nung umupo si Arroyo bilang pangulo nung 2001, ang kanyang declared net worth, o ang yaman na kanyang dineklara ay aabot sa P66.75 milyong piso at ayon sa mga dokumento, noong 2008, P144.54 milyong piso na. Aba, ganun ba kalaki ang sahod ng presidente? O sahod ito ng kanyang asawang si First Gentleman.

Lalong di natin maririnig kung ano ang tunay na kalagayan ng mga katutubong Pilipino. Noong nakaraang taon, may inimbitahan si Arroyo sa kanyang SONA na isang Bugkalot, si Rosario Camma. Pinatayo pa ito at kinilala ni Arroyo noon habang pinagyayabang nya ang kanyang pamumudmod ng ilang CADT sa probinsya ng Aurora, Quezon at Nueva Vizcaya. Si Camma ay kasalukuyang Mayor ng Nagtipunan, Quirino, ay isang pro-mines at pro-dams. Sa katunayan, di sya kinikilala na lider ng mga Bugkalot sa area ng Vizcaya.

Hindi lumabas sa SONA noon, at hindi nating inaasahan ngayon, ang kalagayan ng kahirapan ng mga katutubong mamamayan - kung paano ang kanilang lupain na pinag-

tatamnan ng palay, ng punong may bunga, o ang mga kagubatan na pinagkukunan ng pagkain, medisina at iba pang pangkabuhayan ay ngayon ay minahan na, o di kaya'y naging logging concession, o plantasyon ng mga dayuhan. Di rin natin maririnig kung ilang lider katutubo ang dinudukot o/at pinapatay dahil sa pagiging aktibo sa pagdepensa ng kanilang lupa at teritoryo.

Ang SONA ni Arroyo ay isang mahaba at magarang pag-sisinungaling.

ANG SIPA ay ating protesta sa SONA. Ang SIPA o State of Indigenous Peoples Address ay ang katumbas na SONA ng mga katutubo.

Inumpisahan ito ng Legal Rights and Natural Resources Center o LRC nung nakaraang taon. Nagsagawa kami ng SIPA kasama ang humigit sa isang daang babae at lalaking katutubo mula sa Mindanao. Sa loob ng tatlong araw, tinalakay namin ang kalagayan ng mga Lumad, ang mga sagabal sa kanilang pag-unlad, ang iba't ibang paglapastangan sa kanilang lupaing ninuno ng pamahalaan, ng mga malalaking minahan, logging companies, at plantasyons; at iba ibang paraan ng paglabag ng kanilang mga karapatan. Nagbahagi din ang iba't ibang mga katutubong grupo ng kanilang mga pagkilos, at paano pa palalakasin ang kanilang samahan at gagawing mas epektibo ang kanilang gawaing pagdepensa ng karapatan. Samasama rin naming pinanood ang SONA 2008, at dun mismo narinig ng mga kasama nating Lumad kung gano di pinahahalagahan ni Arroyo ang kapakanan ng mga katutubo.

Ang nabuong SIPA 2008 ay pinagkaisahan ng mga participants na nandoon nun sa Toril, Davao, at pinamahagi ito sa mga suportang grupo, at ilang piling pamahalaang lokal. Marami ring taga media ang naging interesado dito, dahil nga sa minsan lamang marinig ang boses ng mga katutubo.

Kaya ngayon, narito tayong muli para sa SIPA 2009. Tayo ay magkakasama ngayon para ilahad ang tunay na mga karanasan ng mga Agta, Dumagat, Ifugao, Kankanaey, Bungkalot, Mangyan at iba pang mga katutubong mamayanan, sa ilalim ng pamahalaang Arroyo. Ngayong taon, dalawang pagtitipon ang nagaganap. Ang mga partners, networks at mga kaibigan ng LRC na galing sa Luzon region ay narito ngayon sa UP Diliman. Samantala, kasalukuyan ding may nagaganap na pagtitipon sa Cagayan de Oro para sa SIPA ng mga Lumad sa Mindanao. Nang sa gayon, pagkatapos ng tatlong araw, makakabuo na tayo ng pambansang pahayag ng tunay na kalagayan ng mga katutubo sa Pilipinas o SIPA 2009.

Nung nakaraang taon, sa SIPA 2008, naggging malinaw din ang panawagan at aksyon na gusting gawin ng mga LUMAD sa SIPA - SIPA in palabas ang liderato ng National Commission on Indigenous Peoples (NCIP); SIPA in ang nama-mahala sa DENR, at SIPA in ang silya sa Malacanang para matumba sa pagkakaupo ang mga doo'y nakapwesto. Ngayong taon, dapat maging malinaw at malakas an gating mensahe - ano ang dapat SIPA in at patumbahin sa ating pamahalaan, sa ating sistema ng pamamahala para magkaroon ng tunay na pagbabago.

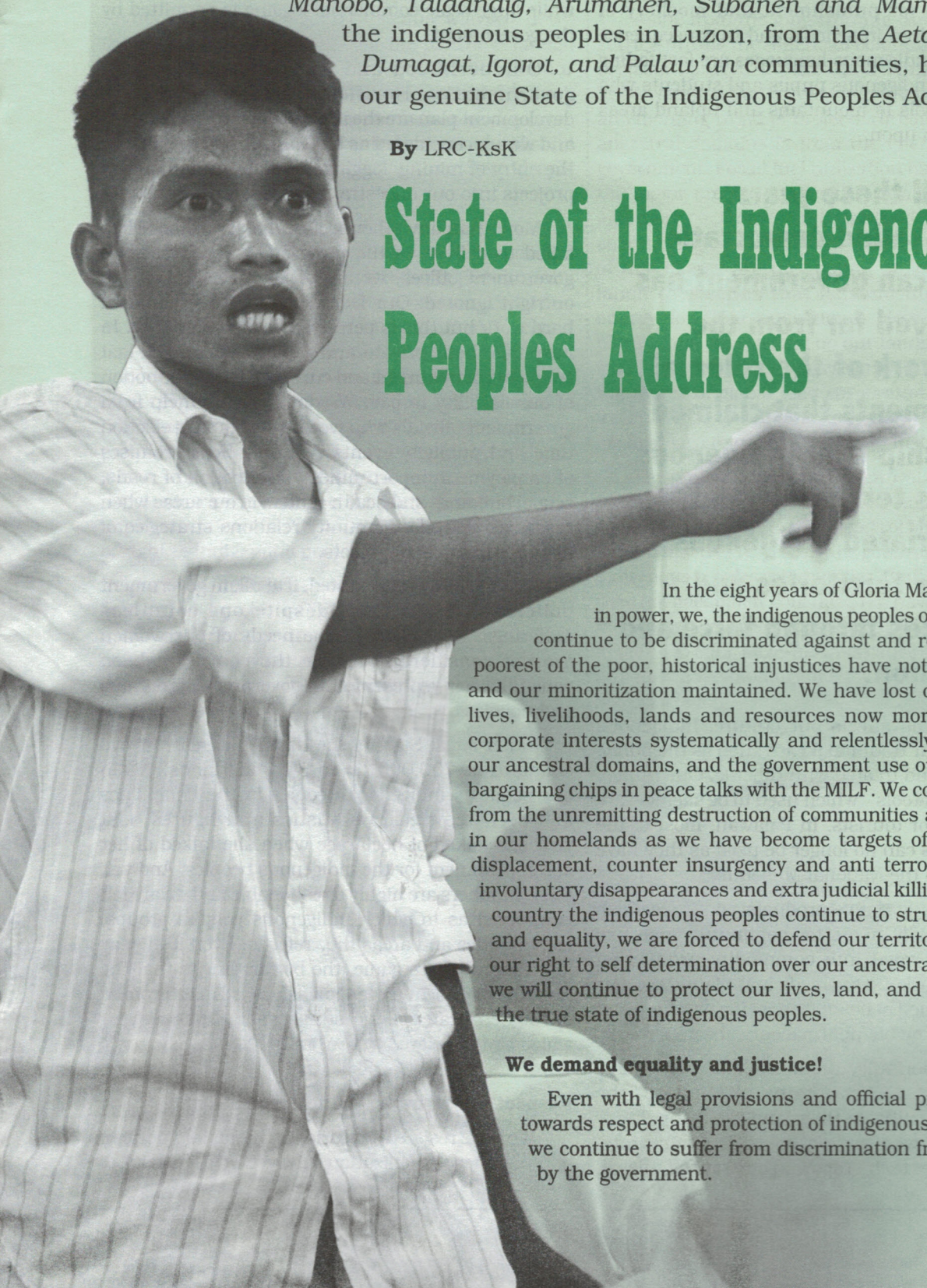
Mahaba at marami ang gawain. Umpisahan na natin.



We, the *bae, datu, fulong, baylan, timuay*, the indigenous leaders of indigenous communities in Mindanao, the *Lumad*, belonging to the different tribes of the *B'laan, T'boli, Teduray, Mandaya, Higaonon, Ata-Manobo, Uvu-Manobo, Dungguanon-Manobo, Ilianon-Manobo, Pulangiyan-Manobo, Talaandig, Arumanen, Subanen* and *Mamanwa*, and the indigenous peoples in Luzon, from the *Aeta, Mangyan, Dumagat, Igorot, and Palaw'an* communities, here present our genuine State of the Indigenous Peoples Address.

By LRC-KsK

State of the Indigenous Peoples Address



In the eight years of Gloria Macapagal-Arroyo in power, we, the indigenous peoples of the Philippines continue to be discriminated against and remain to be the poorest of the poor, historical injustices have not been corrected and our minoritization maintained. We have lost control over our lives, livelihoods, lands and resources now more than ever as corporate interests systematically and relentlessly encroach into our ancestral domains, and the government use our territories as bargaining chips in peace talks with the MILF. We continue to suffer from the unremitting destruction of communities and ecosystems in our homelands as we have become targets of dispossession, displacement, counter insurgency and anti terrorist operations, involuntary disappearances and extra judicial killings. All over the country the indigenous peoples continue to struggle for dignity and equality, we are forced to defend our territories and assert our right to self determination over our ancestral domains, and we will continue to protect our lives, land, and culture. This is the true state of indigenous peoples.

We demand equality and justice!

Even with legal provisions and official pronouncements towards respect and protection of indigenous peoples rights, we continue to suffer from discrimination from society and by the government.



Our children grow up victims of discrimination. They are deemed inferior in schools, their inherent intelligence and indigenous knowledge often go unnoticed and their abilities and skills go unrecognized. The use of our native tongue has become reason for punishment and mockery of indigenous children in schools and in consequence our traditional indigenous languages are fast fading into obscurity. Indigenous pupils and students who come from schools in mountains and upland areas are looked down upon.

After all these years, this so called democratic republican government has not moved far from the framework of the colonial governments that claimed ownership over indigenous peoples territories and expropriated indigenous peoples territories and resources through force and legislation.

Discrimination affects our culture. Indigenous peoples who wear traditional garb such as the *bahag* are gawked at and treated with ridicule. Our rituals, dance, song and tools – which used to be sacred—are now entertain for tourists. In Palawan, most of the indigenous tools can no longer be used as they have been brought to the National Museum.

The creation of native products and indigenous crafts traditionally made for community use has become transformed into commodity production for the mass market. Our medicinal plants and our indigenous method of healing are being patented and commercialized by big pharmaceutical companies.

Discrimination affects our livelihood and daily sustenance. In the mountains of Mindoro, the Mangyans who cultivate their land are being driven away by those who are not of their community. Vehicles run over their crops and destroy their fields.

Their produce is treated differently and inferiorly that the price for which when brought to the public market are often automatically pegged as merely half of their non-indigenous counterparts. Traditional practices such as *kaingin* have become prohibited while large scale commercial logging is permitted by the government.

Our livelihood and welfare is the least of government's priorities. Foremost in GMA's development plan are the interests of foreign investors and we are considered as hindrances and irritants in the entry of mining, logging, plantations and energy projects into our ancestral domains.

More than any other sector, the government has failed to deliver us the most basic of services. In government offices, we are of least concern, if not outright ignored. Our feet are muddied because of hard work but this is perceived as our inferiority. In hospitals, both private and public, we are the last recipients of treatment and cure because of the notion of our inability to pay. We don't get any help from government officials who we only see during election time and publicity events. We only hear promises of employment opportunities and creation of roads, school buildings and health centers in our areas when these are part of community relations strategies of resource extractive projects.

We are poorly represented, if at all, in government policies and programs despite our countless sufferings. In particular, the needs of our women are not considered because they have not been consulted nor represented in government programs and policies.

In her latest State of the Nation Address, Arroyo claims that 700,000 of us own our lands. Again our plight as indigenous peoples in the Philippines has been reduced to statistics and figures, last year she talked of hectareage when she talked of her accomplishment for the indigenous peoples. And yet, these numbers are highly questionable and we are left bewildered as to which indigenous peoples groups, communities and areas they refer to. Even if we play into this numbers game, the bottom line is that the Arroyo government has appallingly failed in its promise of 100 Certificates of Ancestral Domain Titles per year which GMA declared in her first SONA speech.

Respect our right to self-determination!

We have resisted centuries of Spanish, American and Japanese colonization and yet now, instead of



protecting our ancestral domains, this government has chosen to open our territories to local and multinational corporations for the exploitation of our lands and community resources.

GMA used our law the Indigenous Peoples Rights Act of 1997 against us, and watered down the promises this law made for the benefit of foreign interests and the Filipino elite. IPRA recognizes our rights to our ancestral domain and to our right to self determination, but its implementation left us more vulnerable to the loss and control over our lands and resources more than ever, leaving us more deeply mired in poverty and abuse.

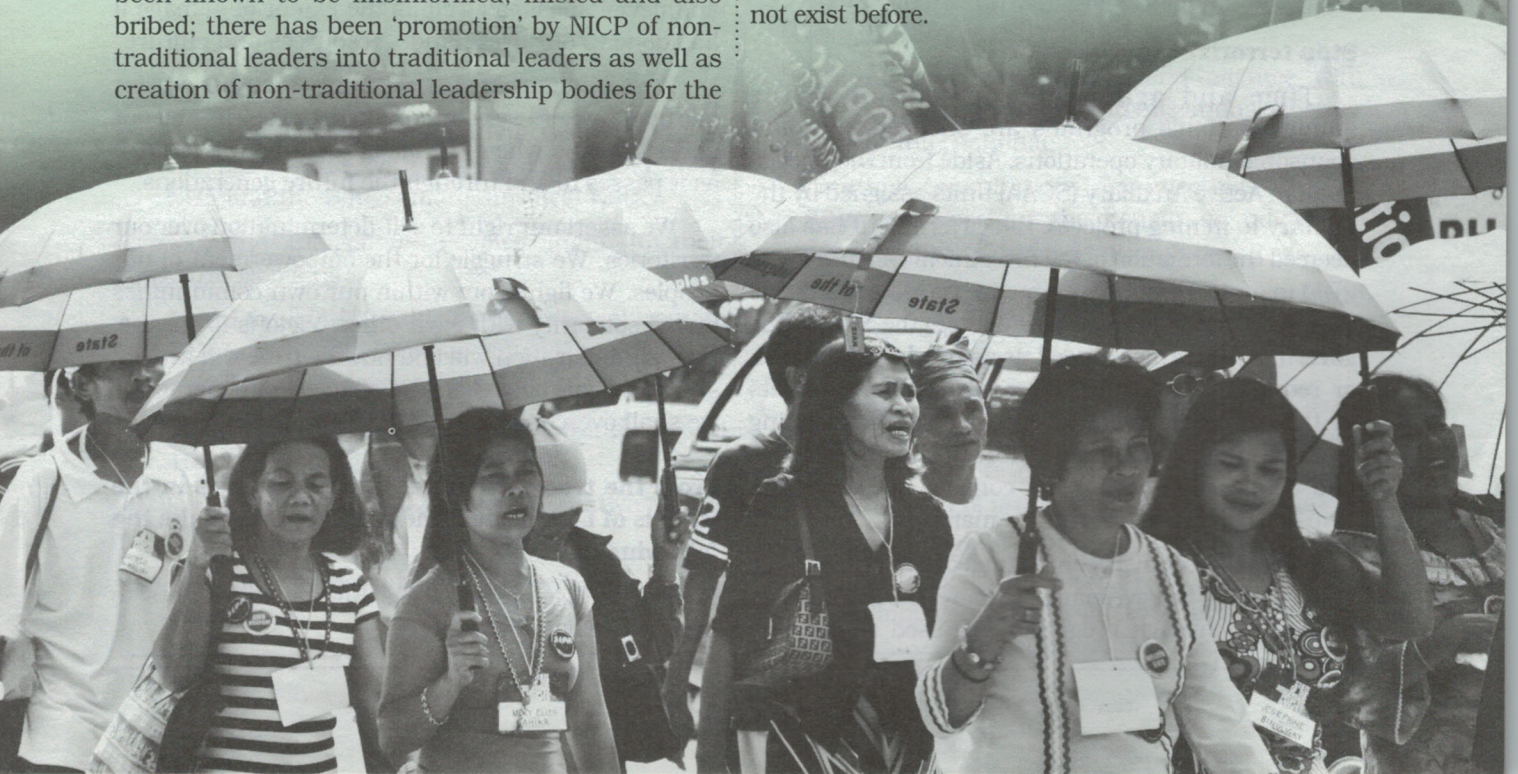
Even the National Commission on Indigenous Peoples (NCIP) has behaved more as the tacticians of corporations tasked with producing community consent for resource extractive projects rather than as the IPRA created agency to promote and protect the rights of indigenous peoples. Its 2006 Free Prior and Informed Consent (FPIC) Guidelines has prescribed generic procedures that are violative of traditional decision making processes of indigenous peoples communities and highly favourable to those who would want to enter into indigenous peoples territories - thus corrupting the concept and implementation of FPIC which is a basic component of right of indigenous peoples to self determination.

In its implementation, the FPIC processes facilitated by the NCIP has been characterized as being selective in choosing the leaders and communities to consult; traditional leaders have been known to be misinformed, misled and also bribed; there has been 'promotion' by NIPC of non-traditional leaders into traditional leaders as well as creation of non-traditional leadership bodies for the

purpose of generating consent. Other government agencies such as the Department of Environment and Natural Resources (DENR) and the Department of Energy (DOE), local government units also do not recognize genuine FPIC.

Aside from the long running threat from logging started during the American colonization and mining projects spurred by the 1995 Mining Act and the 2004 National Policy Agenda on Revitalizing Mining, an emerging trend of projects threatening entry into ancestral domains is from the energy policy of the government. Fossil fuel utilization has become one of the major projects under this administration. More and more coal mines and coal-fired power plants are encroaching on our territories. Among the target users of this energy are the mining projects in ancestral lands themselves that demand huge amounts of energy for their operations. Meanwhile, agrofuel plantations encroached on our lands sabotaging our food sufficiency and sovereignty and placing us at the mercy of global food corporations. Our struggle for our right to self determination is also a struggle for food sovereignty and climate justice.

The protests against the approval of the GRP-MILF Memorandum of Agreement on Ancestral Domains came as no surprise to the lumads of Mindanaw. As with the corrupted FPIC process the government facilitates in indigenous peoples communities, the lumads as a whole were not adequately consulted nor have they given their consent to the Bangsamoro Juridical Entity as defined in the GRP-MILF MOA-AD thus causing more confusion and misunderstanding, and causing conflicts that did not exist before.





After all these years, this so called democratic republican government has not moved far from the framework of the colonial governments that claimed ownership over indigenous peoples territories and expropriated indigenous peoples territories and resources through force and legislation. Only now, the difference is truly in the numbers, in the large scale destruction of forest cover, topsoil, biodiversity, rivers, mangroves and coastal areas, the ecosystems, food production, livelihoods, sustainable development, good governance and peaceful relations

Discrimination affects our culture. Indigenous peoples who wear traditional garb such as the bahag are gawked at and treated with ridicule. Our rituals, dance, song and tools – which used to be sacred—are now entertain for tourists. In Palawan, most of the indigenous tools can no longer be used as they have been brought to the National Museum.

Stop terrorizing our people!

Time and again, our opposition to the administration's programs are silenced by state-sponsored military operations. Aside from the Special Civilian Active Auxiliary (SCAA) units assigned by the military to mining projects, the government has also decreed the formation of the Investment Defense Force (IDF) to protect resource extractive projects from rebel attacks. Aside from harassments from the SCAAs this government has also tagged us as rebels, insurgents, or red groups and thus become legitimate targets in their counter insurgency drive – often leading to extra-judicial killings, enforced disappearances and displacements – to the convenience of foreign investors and their operations managers.

There has always been an undeclared martial rule in our areas. The government through the military has divided us through programs disguised as national

security like the National Internal Security Plan for Indigenous Peoples (NISP-IP) and the Barangay Defense System BDS; and formations such as Task Force Gantangan and the Mindanao Indigenous Peoples Conference for Peace and Development (MIPCPD).

We have no peace in our communities. Our communities are infiltrated by the military and we are being forced into joining the BDS in places such as North Catabato, Davao del Sur, Sultan Kudarat, Compostela Valley, Davao City, South Cotabato, and Saranggani – otherwise we are considered as among the “enemy”. In Zamboanga Del Norte and Sibugay provinces, SCAA units harass and threaten our communities. The military have even taken over our areas and wrested civilian authority in communities in Cotabato, Sultan Kudarat and Saranggani provinces. Our names are included in hit lists with corresponding prices. There are already 137 of us killed for political reasons.

All these have compounded the violations of economic, social and cultural rights that had led us to protest in the first place. Indigenous women and children have even been made more vulnerable to situations of economic and socio-cultural violence than they already are.

Onward with the struggle amidst threat and adversity

Campaigns by outsiders to encroach into our territories are not new to our tribes. But we will remember GMA's administration for its viciousness and deviousness, as well as the extent of damage it has done to our lives, lands, resources and culture.

We are stewards of these lands that our creator has made, where we commune with the spirits and our ancestors, and where the life of the tribe will flourish as it passes to and through the future generations.

We assert our right to self-determination over our territories. We struggle for the empowerment of our peoples. We fight from within our own communities but in solidarity with each other. Vicious it may be, this administration will end but the tribe will live on, stronger than before. In the struggle of generations we shall overcome. We will prevail.

From the true state of indigenous peoples in the islands of Luzon and Mindanao, we thus make the following calls:

Respect Indigenous Peoples Rights, the Rights to Ancestral Domains and



- Respect and protect the spirit of Republic Act No. 8371 or the Indigenous Peoples Rights Act of 1997 (IPRA);
- Implement the IPRA also as the fulfillment of the Philippines' state obligations under international treaties that it ratified and declarations that it signed including the United Nations Declaration on the Right of Indigenous Peoples (UNDRIP) and United Nations Convention on the Elimination of All Forms of Racial Discrimination (UN CERD);
- Recognize our traditional justice system in the resolution of conflicts and issues regarding the violation of our rights;
- Respect indigenous peoples rights, which are human rights, including to live freely and peacefully;
- Investigate incidents of violations of human rights;
- Hold human rights violators accountable. Revoke and cancel permits and licenses, and prohibit participation in business and commerce or trade of individuals, corporations, or capitalist investors – whether local or foreign – that violated or are violating human rights;

Respect the Right to Self Determination

- Respect the Free Prior and Informed Consent of Indigenous Peoples
- Implement moratoria on the conduct of FPIC and investigate the circumstances of the grant of permits as a result of the past conduct of this process;
- Scrap the 2006 NCIP FPIC Guidelines
- Conduct sincere consultations with regard to the peace talks with the MILF and CPP-NPA-NDF and the Bangsamoro Juridical Entity;

Respect the Indigenous Peoples Right to their Ancestral Domains

- Award forthwith Certificate of Ancestral Domain Title in favor of indigenous cultural communities that filed their applications;
- Scrap Republic Act 7942 or the Mining Act of 1995;
- Enact House Bill 6342 or the Alternative Mining Bill;
- Rehabilitate abandoned mines within ancestral domains;

- For the government, the Armed Forces of the Philippines, and the Philippine National Police to stop protecting a few capitalists and foreign investors, and to cease and desist from committing violence against indigenous peoples and to withdraw from conflict areas;
- Prioritize food security, land tenure, and the restitution of the crimes committed against us;

We are stewards of these lands that our creator has made, where we commune with the spirits and our ancestors, and where the life of the tribe will flourish as it passes to and through the future generations.

Together with our call, We commit to:

- Inform our communities of the strength of indigenous peoples that is formed and molded through unity, congress and meeting;
- Strengthen and develop the unity against violations of indigenous peoples rights within their ancestral domain;
- Convince other indigenous communities and organizations to join the principles being put forward through SIPA;
- Continue the coordination and alliance with other groups, sectors and organizations, whether local or international;
- Continue consultations and meetings to meet SIPA objectives for the benefit of indigenous communities and of the entire nation;
- Use the discussions during the SIPA as basis for our campaigns to advance our rights as indigenous peoples;
- Through advocacy and networking, inform government agencies and other sectors of society of the true state of indigenous peoples in the country, and of our grievances and problems.

Done, this day, July 28, 2009 at the Manresa Retreat Center, Cagayan de Oro City and University of the Philippines, Diliman Quezon City.

On Women's Perspective: The 2009 SONA

Breaking the bonds of Oppression

By Beverly Ann Musni
LRC-CdO Volunteer

With silent dignity and steel determination, the women of various indigenous peoples tribes in Mindanao have openly protested against the administration of Gloria Macapagal-Arroyo. The continuing struggle of women, as one of the marginalized sector in our society, especially the indigenous women, is one of the focal points in this year's 2009 State of the Indigenous Peoples Address (SIPA), an Indigenous Peoples conference in response to President Arroyo's State of the Nation's Address last July 2009 at the Manresa Retreat Center, Upper Carmen Cagayan de Oro City.

It is without doubt and with factual proof that during the last eight years of the Arroyo Administration, the social, political, economic and cultural rights of the various tribes in the country have fared no better than the previous administrations. In fact, it has become worse due to the escalating human rights violations brought about by intense militarization and operations in the countryside, affecting multitudes of communities and displacing thousands of individuals and families, including women and children.

Women and children, who have long been victims of discrimination, suffer not only social discrimination but also gender discrimination. Coming from a third world society in which the poor capture the biggest fraction of the social strata, concretizing the historic class conflicts and biases, women are the most prone to such abuse, physically, mentally and emotionally. With all the hype of President Arroyo's SONA achievements, when scrutinized carefully, the facts and figures are blatantly ballooned to fill the gaps in order to present overly glorified achievements which failed to impress the people especially the Indigenous Peoples.

The various tribes of Mindanao not only did not receive the Certificate of Ancestral Domains Title, they were clearly deprived of justice based

on development aggression which prompted transnational corporations to grab their lands and exploit them with mining explorations and illegal loggings without their free-prior-and-informed consent. The women and children, who are largely distressed over such situations, expressed anger and disbelief over the Arroyo administration's impunity to control the situation and protect their lives and basic human rights.

Bae Rose Ugdang, a member of the Higaonon tribe and a staunch critic of Gloria Macapagal-Arroyo said "Wala kaayo mahatagi ug pagtagad ang mga



Participants of the SIPA Luzon started the gathering with a ritual led by Kag. Peter Duyapat.



tribu tungod kakulangan ang implementation, ang mga programa niini wala ayo mapatuman ngadto sa tribu. Ug labaw sa tanan, particular sa \IP women, kung anaa may nahatag nga natabang, pipila lamang kini sa katilingban ug gani menos ang pagila niini ug wala gi-recognize sa kagamhanan." (The tribes have not been given much attention because of the lack of implementation and the programs were not realized in the tribes. And most of all, particularly to women IPs, if there was something given which was able to help, it was only little and was not even recognized by those in power).

Clearly, the Arroyo administration's lack of concern over the welfare of the Indigenous People, and much more to the women IPs, is a blatant disregard of the IPs conditions and interests. The supposed laws bearing the protection and benefits of these IPs have no teeth and serves only as a lip service as a front to massive exploitation of the environment and their ancestral domains. Their stature and recognition with regards to their status as the rightful leaders and community members were not given due credence, importance and a strong and valid representation in the government for their right to self-determination be recognized. "*Wala jud koy nakita nga kaayuhan nga iyang nahatag sa mga kababainhan hilabi na sa mga IP. Gipangwartahan lang niya ang IP. Bisan single centavo wala jud miabot kanamo.*" (I haven't seen any benefit that she would have given to the Women IPs. She just made profit out of the IPs. We haven't received a single cent from her), lamented Bae Nilda Saliling of KHI, Natabuk Federation, Bukidnon. In one of the highlights of the SONA, President Arroyo has boasted of giving numerous CADTs (Certificate of Ancestral Domain Titles) thereby announcing to the world that she has made the plight of the Indigenous Peoples better by distributing coveted lands to them, not thinking that the land was theirs in the first place. But through her foreign policies, underlining the need for investments specifically through Mining and Logging industries, for supposed economic growth, the Indigenous Peoples are now trapped in a quagmire of desolation, landlessness and economic and cultural abuse. Through various foreign investments, the government, whether local or national, have pocketed massive sums of money as evidenced by their personal assets which are made at the expense of the IPs.

Through these foreign investments, at the guise of progress and development for the communities, it has brought uncertainty to the future of these

tribes, with the inevitable fact that someday, they will become homeless and deprived of their culture, lands and livelihood. Patricia A. Bulay, of the Subanen Galaw Tanjam of Midsalip bemoans of the conflict that these development aggression will bring to their community. "*Isip babae, wala niya tagai ug pagtagad ang mga tribu. dinhi sa Midsalip, sa iyang pag kampanya sa mga dagkung kompanya, kaming mga inahan, mga babae, nabalaka tungod kay natural, magdala man gyud kini nug kagubot.*" (As a woman, she did not give importance to the tribes. Here in Midsalip, because of her campaign for big foreign companies, we, the mothers and women are extremely worried because naturally, this will bring conflict).

Such expression of fear and loathing against the Arroyo administration proves that the President herself lacks the characteristics of what a woman should be, protective of her kin and nurturing to her family and people. It is dispiriting that despite the strong calls for her administration to uphold the rights of these indigenous People and women, President Arroyo remains deaf and callous all throughout her reign.

The plight of the Indigenous Peoples, especially the women and children remain to be downright abused and disregarded. With their socio-economic-political and cultural development stuck in a rut as the Arroyo government had no intention to uplift their stature, the IP women's struggle for justice, equality should be more strengthened. With a collective stand against the Arroyo government's penchant for human rights violations to further her own economic and political interests, the IPs will be able to put her in her place as the worst and most corrupt leader this country has ever had.

The empowerment of women, especially the IPs, is geared towards a society where just and lasting peace should be promoted and practiced. It is with great faith that these IP women, and countless others, who are vocal as to their situation in the present Arroyo regime, shall be able to make a difference, not only for the betterment of the community, but to the uplifting of the stature and honor of what the true Indigenous Peoples believe and stand for.



GMA Administration Assessment

By Rovik Obanil, Campaigns Networking Officer (CNO)



A LEGACY OF POVERTY, SCANDAL, CORRUPTION AND WEAKENED INSTITUTIONS

Barring the failure of the May 2010 elections or unconstitutional attempts to hold on to power, President Gloria Macapagal Arroyo will be stepping down in June from the office which she held for nine straight years—the longest serving Philippine president after Ferdinand Marcos. She will be leaving the presidency knowing that when she steps out of Malacañang, she will be shedding off the influence and authority that has protected her from numerous attempts in the past to unseat her and bring her to justice.

It is not surprising therefore that her propaganda machinery is working overtime to try to overturn the verdict of history and frame her presidency in more positive terms. As an economist, Arroyo had always seen the economy as one of the strong points of her administration and the cornerstone of her legacy.

This early, however, the people's judgment is quickly crystallizing. Arroyo, even with her carefully cultivated image of being a hardworking President, has clearly become the most unpopular President that the country has ever had. Unfortunately for Arroyo who is so obsessed with the idea of leaving a legacy, her only legacy would in fact be the record joblessness, record job migration, deteriorating quality of jobs, increasing poverty, record hunger, record corruption, environmental degradation, deteriorating institutions and a general sense of hopelessness that the country experienced during her stint as president.

People working with the administration would probably claim that the Philippines had grown under the capable hands of Arroyo. After all, economic growth has been relatively higher prior to the outbreak of the global financial crisis compared to previous administrations. However, while some macro-economic indicators would indeed show the country registering growth in the last nine years, the real situation especially at the ground level is alarmingly different (unemployment has increased, poverty incidence has increased, etc.) Whatever gains have been achieved from this growth and the "sound" economic policies that Arroyo has been so proud of has failed to benefit the majority of the Filipino people. This clearly reveals that the growth that has been achieved under Arroyo is at best shallow if not utterly hollow.

GROWTH! GROWTH!

Arroyo's best accomplishment, one that she has always been so proud of, is the growth that the Philippines supposedly achieved in the last eight years. Gross domestic product (GDP) growth has indeed increased from a compounded annual average of 2.54% in the 1990s to an average annual growth of 4.28%. Comparing the growth in gross domestic product (GDP) per administration, the Arroyo administration (2001-08) averaged 4.9% annually compared to 4.6% under Aquino (1986-91), 3.1% under Ramos (1992-98), and 3.9% under Estrada (1999-2000). Arroyo would probably even claim that the sound economic policies her administration implemented is responsible for the growth that the country achieved last year though



the country was reeling from the triple global crisis of fuel, food and finance. (see Figure 1)

Economist Cayetano Paderanga and former chair of the National Economic Development Authority (NEDA) in a newspaper article pointed out that other macroeconomic indicators indeed show that the Philippines has managed to get on a higher growth track. He pointed out that the Arroyo administration had “tamed inflation,” with inflation averaging only 5.5% under the Arroyo administration compared to the 7.5% of Ramos’ administration and the 7.1% of the Estrada administration.

Aside from inflation, Arroyo is also proud that the country has supposedly achieved better fiscal balance under her watch. Paderanga agrees with this assessment saying that the country’s budget deficit is still significantly lower though it has grown from P12.441 billion in 2006 to P68.117 billion in 2008 than the figures the country have in 1999-2005.

Though there are questions on how this growth has actually come around—former NEDA Director General Sixto Roxas has claimed in a forum that Arroyo’s economists have changed the formula on how to compute the GDP—the impression that the Philippines is growing has remained.

TRUE SOURCE OF GROWTH

A more systematic search for the causes of the high growth rates would reveal the critical

importance of the remittances of overseas Filipino workers (OFWs). Paderanga in examining the sectors that grew under the Arroyo administration noted that the growth in the past decade has primarily been service-oriented and consumption led since both investments and exports have not grown.

Looking further for the source of the underlying support for this consumption leads us to remittances as the ultimate cause of the economy’s growth and resilience during this period.

He said that the almost unexpected rise in OFW remittances is also the reason why consumption has grown and can be credited for the economy’s growth and resilience in the face of the triple global crisis on food, fuel and finances.

What has never been examined nor revealed are the so-called social costs (i.e. broken families, estranged family relations, employer abuse, etc.) that Filipino OFWs have had to pay in exchange for these precious remittances. It is, in fact these remittances which constituted a de-facto bail-out of the country’s economy from the world financial crisis, keeping it hovering above recession while other economies in the region floundered.

1,2 ,3, 4.... 9: ARROYO’S SONA PROMISES TO KEEP

Examining the State of the Nation Addresses (SONAs) that she has delivered in the last nine years, Arroyo made several specific commitments on the issues of employment, education, poverty, unity, charter change, and achieving better fiscal balance for the country. After “being elected” in 2004, Arroyo introduced a new Medium Term Philippine Development Plan (MTPDP), the goals of which were summed up in the catchphrase “BEAT THE ODDS” or B –balanced budget; E – education for all; A – automated elections; T – transportation and digital infrastructure; T – terminate hostilities with the MILF and NPA; H – heal the wounds of EDSAs I, II, and III; E – electricity and water for all; O – opportunities for livelihood and 10 million jobs; D – decongestion of Metro Manila; and DS – develop Subic and Clark.

Arroyo’s critics acknowledge that that some successes have been achieved by the administration but maintain that these successes remain inadequate and are even overshadowed by the overall institutional damage done to the government by the Arroyo administration and the lingering sense of distrust and hopelessness among the Filipino people.



WORST EMPLOYMENT RECORD

Employment is an essential indicator of a country's growth. Especially in a country where poverty remains persistent, employment is a way out of poverty and President Arroyo herself said this much in her SONAs citing employment generation as one of her administration's goal. For example, in 2001, it was creating jobs, concretely promising to create one (1) million jobs in the agriculture and fisheries sector; in 2002, it was creating jobs that pay decent wages; in 2003, she emphasized that its government's tasks to provide jobs for people; and in her 2004-2010 Medium Term Development Program, she targeted to generate 10 million jobs or 1.6 million jobs a year. It is not surprising therefore, that her "success in generating employment" would be in her last SONA. Last July 2009, President Arroyo proudly announced having "created eight million jobs, an average of a million a year, much, much, more than any other time."

Unfortunately, President Arroyo failed to point out that the average one million jobs registered during this period were actually jobs that Filipinos found not inside the Philippines but abroad. The Arroyo administration in fact encouraged overseas employment despite pronouncements that her administration would work towards creating jobs

internally to make overseas employment a matter of choice and not of necessity. Therefore, aside from keeping the economy afloat with their remittances, the overseas Filipino workers (OFWs) did another service for the Arroyo administration by providing her the statistics to base her employment generation success.

Upon closer examination though, available employment statistics would show how the Arroyo administration failed miserably in providing employment. Comparing her statistics with the previous administrations, the number of unemployed has swelled under Arroyo's watch. Aside from this alarming trend, employment statistics also showed increasing underemployment and the proliferation of unfair labor schemes. The job deficit experienced by the country has in fact led to the proliferation of vulnerable work where contractualization, informalization of labor, violation of minimum wage provision, unpaid family labor and other such schemes has become the norm rather than the exception.

INCREASING POVERTY AND HUNGER

With the government unable to generate enough jobs locally for the country's burgeoning populace, it is not surprising that poverty has worsened



under the Arroyo administration. Comparing official poverty statistics, poverty incidence again increased in 2006 to 32% from the recorded 30% in 2003. This despite the fact that the GDP continued registering growth during these years. Economist Solita Monsod assessed and reported that "in absolute terms, the number of poor families increased by 900,000 families or 5.5 million between 1997 and 2006" under Arroyo's watch. Unfortunately, this poverty increase in most notable among those considered as already marginalized like farmers (1.6%), fisherfolks (6.3%) and women (1.1%). Poverty incidence among migrant workers also increased (1.1%) despite the much touted complementary support provided by the Arroyo government for deployed OFWs. (see figure 2)

The Social Weather Station (SWS) also noted that Filipinos are more "hungry" despite the fact that Arroyo has been working to put "food at every Filipino's table" since 2001. The SWS survey on hunger conducted in the last quarter of 2009 show that 24% or 4.4 million families are hungry, with 19.3% (up from the 15% recorded in the last quarter of 2008) or 3.6 million experiencing moderate hunger and 4.7% (up from the 3.8% recorded in the last quarter of 2008) or 870,000 families experiencing severe hunger.

EDUCATION: SUFFERING BADLY FROM MIGRATION

Education has also been touted as a priority concern by Arroyo in her SONAs. Quezon Rep. Danilo Suarez, who chairs the House Oversight Committee monitoring the President's SONA commitments, said that indeed the President has achieved her targets in classroom construction and reducing the density between classrooms and students and the number of teachers per students. However, Nueva Vizcaya Rep. Carlos M. Padilla said that education has still not been prioritized in terms of resource allocation.

He pointed out that though the allotment for education grew by almost P20 billion from the previous year in 2009, the amount received by education actually shrank to just 11.87 percent, from 12.2 percent in 2008 in terms of share of the national budget. The investment on education has been declining in real terms on a per student basis.

Education in the country suffered too with the government's open encouragement of OFW deployment abroad. With the entry level pay for teachers ranging from P10,933 to P12,997 per month, way below the poverty threshold income

pegged at P16,380, the country's best teachers are leaving for greener pastures to the United States, the Middle East and other Asian countries.

In 2007, Philippine Overseas Employment Administration (POEA) data show that 1, 666 teachers left the country most of them trained in specialty subjects like Math, Science, and English. This does not include those who did not pass through POEA, those rehired, and those who found other employment such as caregivers and domestic helpers.

SELLING OUR PATRIMONY

A major part of the Charter Change package that the Arroyo administration has been pushing and labelled as one of the much needed economic reforms in the Constitution is allowing foreign ownership of lands in the Philippines. Though the Charter Change did not push through, the Arroyo administration have succeeded in selling our patrimony through the guise of encouraging investments in mining and agribusiness.

With the launch of the Mining Revitalization Program in 2002, the number of mining projects has increased from the already alarming 23 mining projects in 2002 to 63 mining projects in 2008. By July 2008, an estimated 600,000 hectares were covered under mining concessions, many of which are in watershed and ancestral domain areas. Believing that mining could serve as an engine of growth for the economy, the Arroyo government has bent over backwards to accommodate investors.

This head-long rush to open up areas to mining projects has actually given rise to countless human rights abuses, particularly in indigenous peoples communities whose only misfortune was that their ancestral domains held viable mineral resources. True to form, the Arroyo government subverted the mandate of institutions charged with protecting the environment and championing the rights of indigenous peoples. Under her watch, the Department of Environment and Natural Resources (DENR) has fast-tracked procedures for granting permits to mining companies and the National Commission on Indigenous Peoples (NCIP) has been accused of collaborating with mining corporations to circumvent safeguards enshrined in the Indigenous Peoples Rights Act (IPRA) such as the requirement for getting free prior and informed consent (FPIC).

Her SONA commitment to develop 2 million agribusiness lands has also taken off with the

Department of Agriculture (DA), the Department of Agrarian Reform (DAR) and the Department of Environment and Natural Resources (DENR) already identifying and matching 1.5 million of agribusiness lands with potential investors (e.g. Saudi Arabia, Qatar, Kuwait). What has not been mentioned is the fact that these agribusiness lands will be developed primarily not to serve the country's food needs for example but the needs of those who will be investing in these lands. That this is in fact "global land grabbing" or "the phenomenon wherein developed countries/foreign agribusiness corporations lease or buy large tracts of arable lands in developing countries for the purpose of meeting their domestic consumption requirements and/or for the production of bio-fuels." Again, marginalized sectors will bear the brunt of this program, i.e. agrarian reform beneficiaries facing the possibility of losing both ownership and control of their awarded lands because of the long-term leases or the indigenous peoples' losing their claims to their ancestral domains.

CORRUPTION HINDERING INVESTMENTS

With all the scandals and corruption marring her term, President Arroyo would probably go down in history as the most distrusted, disliked and most corrupt President in Philippine history.

What is more problematic however is the fact that corruption is also the reason why long-term direct investments are slow in coming. In February 2008, the HongKong based Political Economic Consulting Group gave the Philippines a ranking of 8.35 in terms of corruption risks with "1" being the best score and the "10" the worst. According to Transparency International, the Philippines is now perceived as the most corrupt nation in Asia with its corruption perception index or CPI at a low level of 102-141 from 2004 to 2008 as compared to the 40 to 55 from 1995 to 1998. The CPI drop happened in the same period when the Arroyo administration was rocked with scandals involving her family which include the Jose Pidal account "Hello Garci" scandal and jueteng controversies, the NBN-ZTE deal, among others.

In all fairness, the Arroyo can claim to have done better in attracting investments. Average net foreign direct investments or FDI under her administration was US\$1.516 billion compared to the average net FDI under the Ramos administration which was only US\$1.369 billion. But while the Arroyo administration attracted more direct foreign investments in terms of amount, the Philippines has nonetheless received much less FDI than Vietnam, Thailand, Malaysia and Indonesia.

At the same time, the trade balance of the country remained unfavorable throughout Arroyo's term. (see figure 3)

CONCLUSION

Like previous administrations, the Arroyo regime failed to address crucial social and economic challenges related to continuing poverty and inequality. Even the recent growth spurt prior to 2008-2009 occurred while key indicators of poverty and hunger actually increased. The smuch-touted boom period, while impressive on paper, created benefits that even Arroyo supporters admit were failed to reach most Filipinos.

Chronic problems such as corruption have, in fact, worsened,—a key reason behind the Philippines' dismal progress in economic and human development. In addition, even the relative growth period beginning in 2001 and ending in 2008-2009 actually represents a "missed opportunity" to promote sustained change. This leaves many challenges for Arroyo's successor to take up on July 1 if indeed, a new Philippine president is inaugurated.

It is said that six years is too short for a good president. And too long for a bad one. Given Arroyo's dismal performance nine years is clearly an eternity.

Tables:

Figure 1. GDP Growth under the Arroyo Administration

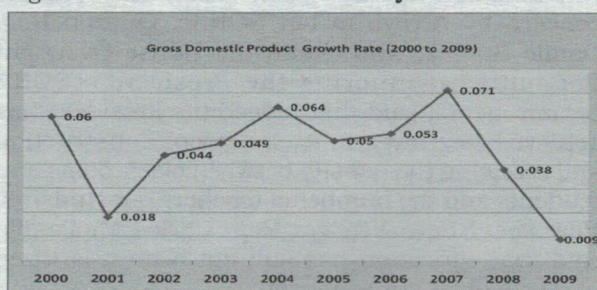
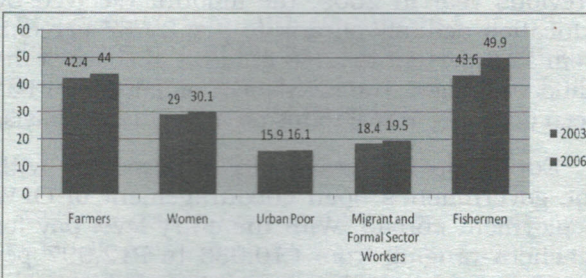


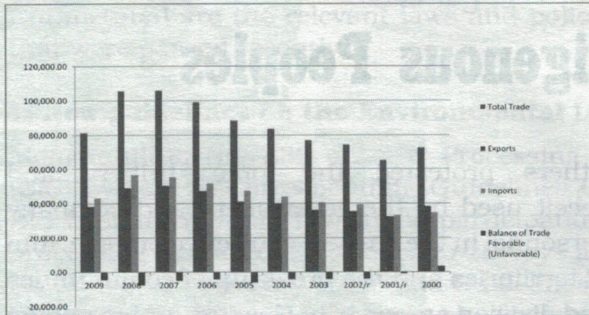
Figure 2. Official Poverty Incidence (2003, and 2006)



Source: NCSB



Figure 3. Foreign Trade of the Philippines, 2000 to 2009 (FOB value in million US dollars)



Source: NCSB

Table 2. Summary of Employment Indicators under the Aquino, Ramos, Estrada and Arroyo Administrations

Administration	No. of jobless workers per year (in million)	No. of deployed OFWs per year (in million)
Aquino (1987-1991)	2.3	0.36
Ramos (1992-1997)	2.6	0.46
Estrada (1998-2000)	3.2	0.69
Arroyo (2001-2008)	3.8	1.01

Source: Compiled and processed using NSO and POEA data

Table 1. Summary of Arroyo's SONAs Themes

2001 (Bangkang Papel - Payatas kids as the aspirations of the Filipino people)	2002 (The Story of the Stone: Building a Strong Republic)	2003 (War, War, War Against Terrorism, Corruption, Illegal Drugs, Diseases)	2004 (Mamamayan Muna: Angelo dela Cruz)	2005 (Tale of Two Philippines)	2006 (Enhancing the "Super Regions")	2007 (Facing Forward Not Facing Off)	2008 (Gains with VAT)	2009 (Putting People First)
Conquering internal enemy	Independence from class and sectoral interests	Fight against terrorism, corruption, diseases, illegal drugs, and destabilization	Stability in inflation, prices of goods, and basic necessities	Economy is on the take-off but politics and divisiveness hinders progress	Charter Change after GMA dodged impeachment	Make the Philippines one of the richest countries in 20 years	Emphasized global financial crisis	Reforms for better healthcare, more roads, strong education system
Nationwide unity	Strong institutions and strong bureaucracy	Special mention to small people who have done the right thing for the country	Kidnapping and Drugs are under control	Charter Change with the "Hello Garci" controversy	Bringing home OFWs in Lebanon who were caught in the war	Successful tax reforms	Enumerated subsidies and projects to be funded by taxes	Housing policies for the poor
Combat poverty (free enterprise, social equity, social bias toward the disadvantage, raise moral standards)	Restore macroeconomic stability	Improvements in education, health, land reform, taxes, employment, price of goods, energy and business	Lifestyle checks	Improvements in tax collection, infrastructure and housing construction, shelter, security for the urban poor and IPs, rice productivity	Condemned political killings but thanked Gen. Jovito Palparan (accused of perpetrating the political killings)	Investments in physical and human infrastructure	Defended VAT as an important component of development and as a shield to the financial crisis	
Employment, education, housing and food at every Filipino's table	Endorsement of Anti-terrorism bill	No mention of GMA's 2004 election aspirations	5 key reform packages	Economic growth (6%)	Successful collections to fund government projects	Decreasing hunger rate	Announced possible peace in Mindanao through MOA-AD	
			Problem on the budget deficit	4M jobs (last four years)	Pro-poor, pro-growth, pro-peace agenda	Development of Mindanao as food basket		
			Raise revenues, expand government services, cut costs Corporate corruption	Peace in Mindanao	Boost tourism especially in Central Philippines	Announced the distribution of Bugkalot's 100,000 ancestral domain in Aurora, Quirino, and Nueva Vizcaya		
			Abolish 30 offices under the office of the president	APEC anti-terrorism task force	Boom in the call-center industry	Developments in the North Luzon Agribusiness Quadrangle		
			Defending the decision to bring back Filipino soldiers stationed on Iraq	Power to the countryside		Developments in the Luzon Urban Beltway		
						Education and Safety Net		
						Fight terrorism and uphold human rights		
						Development of Central Philippines as tourism regions		

Source: ABS-CBNNews.com; http://www.gmanews.tv/story/109779/SONA-summaries/_/3/; Obanil, Rovik "SONA 2009: Huling El Bimbo o Tuloy ang Cha-cha," powerpoint presentation during SIPA 2009

PRESS RELEASE - IP SITUATIONER**Death and Displacement:
GMA's Legacy to the Indigenous Peoples**

Cagayan de Oro City – Indigenous Peoples leaders gathered at the Manresa Retreat Conference Center blasted this government's obsession with opening ancestral domain lands for corporate plunder. "There is an integral link between ancestral domains and our life, culture and livelihoods, but to the government our resource and biodiversity rich lands are only seen as sources for profit. We will remember the Arroyo administration for the rapacious greed that has brought deprivation, dislocation, and death to lumad communities", lamented Dulphing Ogan, secretary general of Katawhanung Lumad sa Mindanao.

Frustrated that the plight of indigenous peoples in the Philippines had never been reflected in any of President Arroyo's State of the Nation Addresses (SONA), indigenous peoples leaders have come together to hold their own State of Indigenous Peoples Address (SIPA) with the theme "Continuing the historical struggle for the right to self determination".

In her 2001 SONA, GMA promised to distribute 100 Certificate of Ancestral Domain Titles (CADTs) per year but instead of securing lumads in their ancestral domains, the SIPA participants felt more vulnerable now during her last SONA than they ever had been. "Puros kabalaka, puros kakuyaw alang sa kaugmaon para sa tribu ug sa mga teritoryo sa mga lumad ang nahatag sa mga proyekto ni Arroyo ngadto sa mga inahan." (Because of Arroyo's projects, we lumad mothers are always full of fear and anxiety for future of the tribe and our territory), shared Patricia Bulay of the Subanon Getaw Tasan from Midsalip, Zamboanga del Sur.

Another IP women leader, Bae Rose Undag of Kahiusaan sa mga Higanonon Incorporated (KHI) from Claveria, Misamis Oriental said this of the current woman president, "nine years of GMA presidency has given us lumad women nothing but utmost neglect.

Others protested the force, bribery and deceit used by the government and company personnel in the entry of extractive projects into IP territories and the break-up of communities and division among tribal leaders and members resulting from these. Specifically targeted is the National Commission on Indigenous Peoples (NCIP) that has become more identified with facilitating entry of corporate interests and in sowing disunity in IP communities rather than protecting indigenous peoples and their territories.

Photo by: Cheryl Polutan for LRC-KsK/FOE-Phils

Aside from displacement of communities caused by these projects, the resistance of IP communities had been dealt with violence and human rights violations. The Indigenous Peoples Rights Monitor has documented the killings of 137 IP community members from the year 2001 until May 1 of 2009, among these are 13 women (4 were pregnant) and 19 youth. 16 cases of extra-judicial killings of IP leaders were also documented.

For the SIPA participants this is the true state of their people – ever increasing violence in the corporate pursuit of the plunder of ancestral domains abetted by the government. "Ang among yutang kabilin wala nay nahibilin, unsa pa ang yutang mabilin para sa sunod na henerasyon" (There will be nothing left of our ancestral domains, what would we leave the next generation with?) added Duphing Ogan. "We will make sure this is GMA's last SONA. We will make her accountable for her offenses and crimes against us."

The SIPA is organized by the Legal Rights and Natural Resources Center (LRC-KsK/FoEI). Two conferences are being held simultaneously in Cagayan de Oro and at the University of the Philippines in Quezon City.



POLICY UPDATES

Enumerated are the relevant laws and policies on natural resources and marginalized sectors that were passed recently.

1. New guidelines on the Environmental Impact Statement (EIS) System

Memorandum No. 439 on New Processing Periods for the Environmental Impact Statement (EIS) System & Corresponding Guidelines dated 29 September 2009 further streamlines the EIS System by removing public participation in the EIS System and shortening the period of processing ECCs from 120 days to 20 days and CNCs from 15 days to 1 day.

However, the effectivity of the said Guidelines has yet to be confirmed since upon inquiry with the EMB Central Office, it was said to be for internal purposes only and its application on hold.

2. Climate Change Law

Republic Act No. 9729 or the Climate Change Act of 2009 mainstreams climate change into government policy formulations, establishes the framework strategy and program on climate change and creates the Climate Change Commission, which shall be the sole policy-making body of the government tasked to coordinate, monitor and evaluate the programs and action plans of the government relating to climate change.

3. Magna Carta for Women

Republic Act No. 9710 or the Magna Carta for Women recognizes, protects and promotes every woman's right to protection from all forms of violence, participation and representation, equal treatment, and non-discrimination.

4. Comprehensive Agrarian Reform Program Extension with Reforms (CARPER)

Republic Act No. 9700 or the Comprehensive Agrarian Reform Program Extension with Reforms (CARPER) extends the acquisition and distribution of all agricultural lands until June 30, 2014 and provides for its procedure, restrictions, support services, and appropriations.

5. Alternative Mining Bill

House Bill No. 6342 or the proposed Philippine Mineral Resources Act of 2009 regulates the rational exploration, development and utilization of mineral resources, ensures the equitable sharing of responsibility, resource management and benefits for the state, indigenous peoples and local communities, and effectively abolishes financial or technical assistance agreements.

6. National Integrated Protected Areas System (NIPAS) Revised Implementing Rules and Regulations (IRR)

DENR Administrative Order No. 2008-26 or the Revised Implementing Rules and Regulations of Republic Act No. 7586 or the National Integrated Protected Areas System (NIPAS) Act of 1992 provides for the establishment of a comprehensive system of integrated protected areas, and the rules governing the classification, establishment, disestablishment, administration and management of protected areas.

7. Rules on Alternative Dispute Resolution (ADR)

A.M. No. 07-11-08-SC or the Special Rules of Court on Alternative Dispute Resolution (ADR) promotes the use of alternative dispute resolution, and provides for the rules and procedures in the different modes of ADR, particularly arbitration and mediation.



BURNING Our FUTURE

(Maasim, Sarangani 200MW Coal Power Plant)

By Erwin Quiñones, LRC-Davao Regional Office

On September 2009, the Department of Energy (DoE) awarded 11 coal operating contracts (COCs) to seven¹ companies to explore and eventually extract the country's coal resources. The following month, another 5 COCs were awarded to three² companies.

As of January 31, 2007 alone, DoE have already issued 39 including that of Monte Oro Resources Energy Inc. in Catanduanes and 45 small scale coal mining permits as of April 17, 2007.

The aggressive issuance of coal operating contracts which will open thousands of hectares of lands to coal extraction that will feed coal fired power plants exposes further the bankruptcy of the government in dealing with climate change.

Coal, being primarily used in power generation, has been the number one source of carbon dioxide and other green house gasses (GHG) emissions that cause global warming and climate change.

Profit over land tenure, food security and environmental protection.

In Barangay Ned, Lake Sebu, South Cotabato the government entered into a contract with three (3)³ coal mining companies covering seven (7) thousand hectares. The area was earlier reported to have the potential of being the country's largest open pit coal mine with estimated coal deposits of more than 200 million tons.

Originally part of the ancestral territories of the T'boli tribe, three claimant organizations

1 Oriental Energy and Power Generation Corp., Titan Exploration & Development Corp., MS-SK Coal Corp., 3 Kings Sunrise Mining Corp., Lebach Mining Corp., Eoil and Gas Company Inc., and ASK Mining & Exploration Corp.

2 Titan Exploration & Development Corp. (TEDC) covering the areas in the towns of Diplahan-Buug, Diplahan and Siay in the province of Zamboanga Sibugay; Blackgem Resources & Energy Inc. (BREI) in Tarragona, Davao Oriental; and Dell Equipment & Construction Corp. (DELL) in Sarangani and South Cotabato

3 (1) MG Mining and Energy Corporation (MGMEC) on February 23, 2005, whose rights and privileges under the contract was transferred to Sultan Energy Philippines Corporation on 2007. The contract covered 7 blocks equivalent to 7,000 hectares. The said COC for exploration was converted into a COC for development and production on February 23, 2009. (2) Daguma Agro-Minerals, Inc. (DAMI) on November 19, 2002. The contract covered 2 blocks or 2,000 hectares. The said COC for exploration has been converted into a COC for development and production on October 26, 2005 and was issued an Environmental Compliance Certificate (ECC) October 04, 2007. (3) Bonanza Energy Resources Inc. (BERI) on May 2005. The contract covers 8 blocks or 8,000 hectares. BERI and DAMI are sister companies.

belonging to the T'bolo Manobo S'daf Claimant Organization (TAMASCO), Taboli-Ubo Claimants Organization, (TUCO) and the Manubo-Tasaday Blit claimants are now processing their ancestral domain titles to secure what is left of their traditional boundaries within the barangay Ned.

The area was placed under the Baningo Resttlement Project established by then Ministry of Agrarian Reform(now department) in 1969. Settlers have since then established sustainable livelihood projects to ensure their food security and other socio-economic needs. They grow crops that support the food requirement not only of the Barangay but also of other places. The agricultural produce coming from Ned reaches other provinces and cities such as Davao;

Ned also forms part of the Watershed Forest Reservation of Allah Valley River System as declared under Proclamation No. 2455 issued on September 12, 1985, and Kabulnan Watershed Forest Reserve under Proclamation No. 214 issued on February 08, 2000. The area is the headwater of many rivers in the Provinces of Sultan Kudarat, South Cotabato and Sarangani, where low-lying communities depend much for a sufficient and clean water source for drinking, livelihood, and other uses.

Burning deals

On January 4, 2008, MG Mining and Energy Development Corporation, one of the three companies operating in Barangay Ned was acquired by Sultan Mining and Energy Development Corporation (SMEDC). SMEDC is engaged in mining and energy operations, including exploration, extraction, processing and marketing of mineral and coal reserves and the conversion of these reserves into power, either directly or through subsidiaries.

Recently, CONAL Holdings Corp. (CHC) has awarded SMEDC a 25-year coal supply deal (need to secure a copy) for the company's planned 200-megawatt (MW) coal-fired power plant in Mindanao.

CHC plans to build a 200MW Coal-Fired Power Plant (CFPP) in Maasim, Sarangani province. CHC, a 60-40 joint venture between the Alcantara Group of Companies and Thailand's EGCO International,



will be specially designing the power plant's boilers to burn the type of coal from Sultan Energy's mines.

Under the memorandum of agreement, CHC will remit a P50-million advance payment to Sultan Energy, representing supplementary funding in case this is needed for exploration and development activities in the coal site.

CHC will then buy 700,000 metric tons (MT) of coal a year for 25 years starting from the power plant's commercial operation.

MG Mining and Energy Corp also signed on August 2009 an P8-billion coal supply contract with Korea South-East Power Co., a subsidiary of Korea Electric Power Co. (KEPCO).

Under the 10-year coal supply contract, MG Mining will deliver 320,000 tons of coal to KSPC's 200 megawatt base load power plant in Naga, Cebu once it begins commercial operations sometime next year.

Burning threat

CHC 200MW Coal Fired Power Plant will be built in Sitio Tampuan, in Barangay Kamanga, Maasim, home to about 400 hundred families who might be displaced upon the operation of the project. They are mostly small fisher folk who depends on the bounties of the sea. The community is a mixture of Settlers, Moro and Indigenous Peoples of the B'laan and T'boli origin.

Aside from dislocation, residents also fear of environmental destruction posed by the wastes to be generated by the plant especially to the Sarangani Protected Seascape.

The coastal areas of Maasim is part of the said seascape aside from its own Kamanga

(Continued on page 22)

Photo by: Jean Marie Ferraris

SUN
CAGAYAN DE ORO
8 Pages
Cagayan de Oro City, Philippines
www.sunstar.com.ph/cagayan/

Sunday, July 26, 2009

INDIGENOUS PEOPLE'S SIPA 2009: To kick govt's butt

...sting the event is Manresa Compound in Upper Carmen

- IP groups have 118 tribes membership around the country
- Indigenous people are ready to articulate issues and criticisms of certain government policies

BY CONG B. CORRALES
Staff Reporter

INDIGENOUS people's (IPs) organizations of some 118 tribes in the country will commence their own State of the Indigenous Peoples Address (SIPA 2009) in time for the President's State of the Nation Address (SONA) this evening Monday.

The four-day event will start on Sunday (July 26), a day before President Gloria Arroyo's 9th SONA.

AFP full alert

THE Armed Forces of the Philippines (AFP) would be on its highest alert on Sunday a day before President Gloria Macapagal Arroyo delivers her State of the Nation Address (SONA).

AFP spokesperson Col. Ramon Hernandez Jr. said the military would be full alert to ensure that the event would take place without any interruption.

"If we are on Task 1, the system are intact, attendance is 100 percent inside the camp," he said.

On Wednesday, AFP officials led the most hundreds of troops in full alert to ensure the event.

IT'S AN OPEN BOOK that some...



Photo by: LRC Luzon



Participants in action during the State of the Indigenous Peoples Address (SIPA) held at UP Campus, Quezon City and Manresa Retreat House, Cagayan de Oro City last July 26-29, 2009.



Photo by: Cheryl Polutan for LRC-KsK/FOE-Phils



Photo by: EJ Talaroc



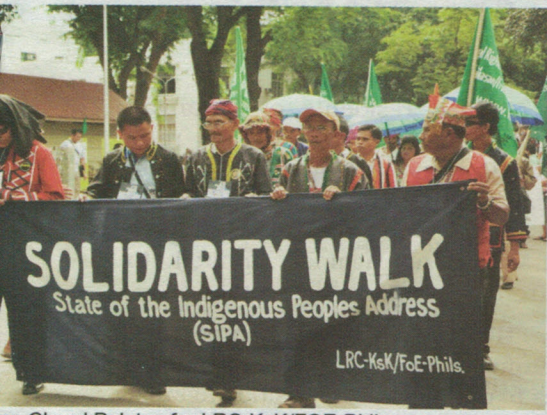
Photo by: Romel De Vera



Photo by: LRC Luzon



Photo by: Romel De Vera



SOLIDARITY WALK
State of the Indigenous Peoples Address (SIPA)
LRC-KsK/FoE-Phils.

Photo by: Cheryl Polutan for LRC-KsK/FOE-Phils



Photo by: Cheryl Polutan for LRC-KsK/FOE-Phils.



Photo by: LRC Luzon



Photo by: Cheryl Polutan for LRC-KsK/FOE-Phils



Photo by: Romel De Vera





(Continued from page 19)

Marine Protected Area, established in 2006 under Municipal Ordinance No. 06-020, "AN ORDINANCE ESTABLISHING A MARINE ECOTOURISM PARK AND SANCTUARY IN BGY KAMANGA, MAASIM, SARANGANI".

The 140 hectare area is home to various species including napoleon wrasse, eagle ray, jacks, unicorn fish, trigger fish, large schools of butterfly fish, sweetlips, snapper, turtle, barracuda, dugong bumpheads and spadefish, with pristine fans and corals. It is a habitat for many endangered species protected by International and Philippine Laws including green turtle, hawksbill turtle, dugong and napoleon wrasse.

From its own feasibility study, CHC revealed that the plant will generate an annual average of 1.7 billion kilograms of CO₂, 1.6 million kilograms of NO_x, 3.8 million kilograms of SO_x and .32 million kilograms of TSP (total suspended particulates).

Burning for Profits and Destruction

The government and power companies have been issuing warnings that "power crisis of serious proportions" would hit Mindanao if no new power generation facilities will be constructed. New power plant facilities with a total capacity of at least 850 megawatts that can start delivering electricity by 2014 have to be built as soon as possible.

The looming power crisis may be true but it must also be noted that foreign and local investors have long pressured the government to ensure enough power supply for their projects.

The Tampakan gold-copper

project for example would need daily more than 500 megawatts of power supply for its operations and processing activities by 2016. The Tampakan mine is operated by Sagittarius Mines Inc. (SMI), the local counterpart of Xtrata Plc. Alcantara and Sons (ALSONS), the mother company of Conal Holdings, has shares in the mining project.

Burning dissent

On 2006, concerned residents of Barangay Ned formed Sagip Kalikasan on 2006 to rally the people against the said coal mining projects. Two years later, on September 16, 2008 Sagip Kalikasan changed its name to Hublag Kontra Mina (HUKOM-Movement Against Mining) to emphasize its strong opposition to coal mining.

Since then, HUKOM actively campaigned against coal mining area and have conducted various activities to manifest its opposition against extractive industries. It has expanded its campaign into neighboring communities and municipality.

In Maasim, the Sta. Cruz Parish Against Pollution (SCPAP) was organized on July 12, 2008 to oppose the establishment of the Southern Mindanao 200MW Coal-Fired Power Plant (or SM200) in Barangay Kamanga, Maasim, Sarangani province. It started as a core group of Catholic Church leaders assisted by the Social Action Center of the Diocese of Marbel and LRC-KsK/FoE Phils.

In May 2009, the group became instrumental in organizing the Maasim People's Coalition on Climate Change (MP3C), a coalition of groups and organizations coming from various indigenous communities, church formations, academe, farmers, fisherfolks and the youth sector.

HUKOM and SCPAP are members of the SOCSKSARGEN* CAN (Climate Action Now), a broad alliance of communities, support groups, NGOs, church groups and individuals campaigning against SM 200 coal plant, coal mining, Xtrata-SMI's Tampakan gold-copper project and other extractive industries. SOCSKSARGEN CAN is also advocating Indigenous Peoples rights and community rights.

*South Cotabato, Sultan Kudarat, Sarangani, General Santos City




MENOVU TRIBE: Living in the edge of Danger

(The Proposed Pulangi V Mega Dam)

By Carl Cesar Rebuta, LRC-Cagayan de Oro Regional Office

In another wave of conflict and displacement brought about by internal development aggression, thousands of families will be yet again displaced from their homes due to the building of the proposed Pulangi V Hydroelectric Power Plant in Bukidnon. The proposed plant is said to be the biggest in Mindanao which would generate at least 300 Megawatts and the construction is expected to begin by 2010. The said project would inundate at least 22 Barangays in seven municipalities of Bukidnon and Cotabato provinces and would entirely submerge the entire ancestral lands of the Menovu People.

Bhobong Ampuan, Chairman of the NATABUK Federation, a federation of the Menovu tribe in Bukidnon lamented that, "The project will gravely impact and alienate our cultural rights over our ancestral lands and territories". The NATABUK federation is at the forefront of this struggle fighting for their ancestral lands from development aggression.



Navigating the sacred river of "Empamulangi" or the Center of the Land.

Such dislocation would also brought about the entire cultural annihilation of the Manobo tribe as the butrial site of their great ancestor, Apo Mamalu, will also be buried underneath the Pulangi site. "The burial site is a symbolic landmark for all the tribes in Mindanao, without Apo Mamalu we will not all be here", said Jack Amputuan of Kerenteken tribe of North Cotabato.

Apo Mamalu, is recognized as the great ancestor of the Manobo tribe. Mamalu was the brother of Tabunaway who was converted into Islam by Shariff Kabungsuwan. Mamalu remained loyal to the Manobo tribe and has furthered the law, culture, practices and population of the Manobo tribe, thus being regarded as their great ancestor.

But holding their lines and defenses against the First Bukidnon Electric Company (FIBECO) who initiated the project, at least 600 community leaders, women, baylans, children, youth from the Pulangiyan, Kirinteken, Kulamanen, Ilianen, and Ilentungen tribes of Manobo; Iranon and Maguindanaon of the Bangsamoro traveled to the tribal barangay of Mikasili, Damulog, Bukidnon

declaring the burial site of the supreme ancestor of the Mindanao people.

Bae Rosario Polao of Sanipon, Kibawe, Bukidnon also in great relief after the community leaders declared Apo Mamalu burial site its historical importance said, "all the women, children, youth & men are obliged now to protect this site, if this is destroyed, it's like destroying the cultural dignity of the whole tribes in Mindanao".

The Menovu tribes and the communities of Bukidnon gained also gained support from the Legal Rights and Natural Resources Center-Kasama sa Kalikasan/Friends of the Earth (LRC-KsK/FoE - CDO), in which the organization also aims to strengthen the cause of Indigenous Peoples and the protection of the Environment. "The Manobo culture prohibits the transfer of the burial site of their ancestors, especially of Apo Mamalu, their Great Ancestor. This site and their area are considered to be their last territory. Such annihilation of their lands will be the slow demise of one tribe, one culture, a part of our history," LRC-KsK said.

The group recalled that when Pulangi IV dam was constructed in the 80s, affected communities are "still waiting for their benefits to materialize." The Pulangi IV hydro dam project submerged at least 1,400 hectares of agricultural lands and displacing four barangays in the municipality of Maramag. Strong opposition of the people also hindered the construction of Pulangi I, II, and III in the subsequent years World Commission

on Dams (WCD) says that most big dams failed to evaluate the gravity of the implications of the construction, noting that projects of such magnitude can potentially

Photos during the community declaration of Apo Mamalu Burial Site as Cultural Landmark last October 19-20, 2009 in Mikasili, Damulog, Bukidnon, Mindanao





have negative impact on rivers, watersheds, water ecosystems.

LRC- CDO also said that “Fibeco has no justifiable reasons and concrete statistics” to validate the project, and that it may have been only conceived for “profit” and not on “providing quality energy.”

The struggle of the Menovu tribe continues as the development aggressions brought about by large companies are being deliberately pushed by the government into our own lands. With the building of the dam without any regard to the communities especially to the ancestral domains and the culture of the Menovu Tribe, the government has completely subjected the people to a monstrous atrocity that only this government is capable to do.

The fight for survival is still on for the hundreds of communities in the areas of Bukidnon and Cotabato, especially the Menovu tribe. But with the struggle comes with the



strength and nobility that the Manobo people, the Manobo warriors are known for. With the efforts and unity of the community, fundamental shifts in the government’s outlook towards the rights of the Indigenous Peoples and their ancestral domain may be changed to the way that they should govern. With justice and with peace.

The place is Barangay Didipio, in Kasibu, Nueva Vizcaya. Kasibu is home to the Addalam river watershed, which runs through 35,000 hectares of agricultural land. Barangay Didipio itself is home to approximately 2000 hectares of farms and fields. High grade citrus is grown in the fertile Malabing Valley. The municipality likewise enjoys a verdant forest cover, distributed over 30% of its total land area. Before large scale mining contracts were awarded, small scale mining such as gold panning had been an industry in the area since the 1970s.

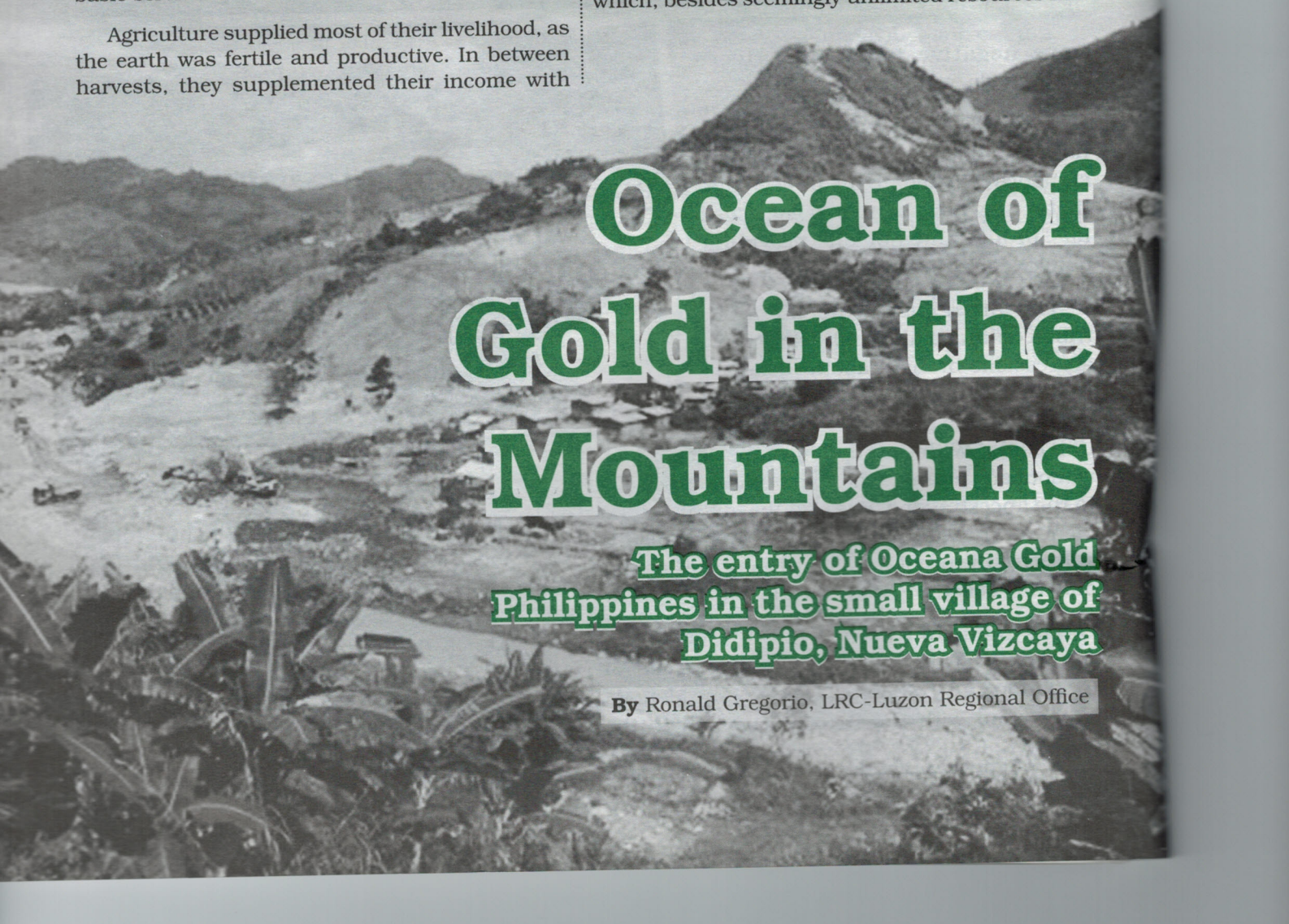
Didipio's forests and fields have been home to the Ifugao, who migrated to the area in waves when the Commission on National Integration opened the area to settlers in the 1960's. Manong Peter Duyapat, who was among the 2nd batch of migrants from Ifugao says, "I have never seen a place more beautiful than this." For more than 50 years, the community has tilled their farms and built their homes, even as the national government only saw to the barest of their needs in terms of basic services and infrastructure.

Agriculture supplied most of their livelihood, as the earth was fertile and productive. In between harvests, they supplemented their income with

small scale mining, preserving the livelihood cycle that their ancestors had maintained in Ifugao.

In 1994, the area was one of 30 barangays affected by the Financial and Technical Assistance Agreement (FTAA) awarded to the Climax Armco Mining Corporation for its Gold-Copper project. This award was particularly significant as it predated the passing of the Philippine Mining Act in 1995, making it the first FTAA ever allowed in the country. The FTAA spans 37,000 hectares of land traversing the provinces of Quirino and Nueva Vizcaya, and a wealth of mountain and water resources. For the local communities, this award marked the onset of division, harassment and escalating violence, in addition to the toll taken by mining operations on the area's natural resources leaving mountainsides flattened to give way to roads and mine sites that scarred the landscape.

And so Didipio's story became the story of a struggle. After the community's resistance successfully evicted the mining company Red Earth, which pre-dated the FTAA, it faced a new adversary, which, besides seemingly unlimited resources had



Ocean of Gold in the Mountains

The entry of Oceana Gold Philippines in the small village of Didipio, Nueva Vizcaya

By Ronald Gregorio, LRC-Luzon Regional Office



the advantage of a law which was crafted in its favor. And yet despite these odds, there was no surrender. Climax-Arimco and its predecessor, Australasian Philippines Mining Inc. eventually yielded to the community's overwhelming pressure.

Oceana Gold Philippines, a subsidiary of the Australian mining giant, took over the gold-copper project after Australasian Philippines bowed out. The Didipio Earth-savers Multi-purpose Association (DESAMA), the local people's organization met this new challenge head-on. As the company's human rights violations escalated, houses were taken apart burned to the ground, human barricades broken up in violent dispersals, and valuable farm to market roads fenced off, causing even pro-mining residents to withdraw their support from the company and its personnel. And when bribes failed, and threats were unavailing, the company had to resort to new tactics.

And so it became the story of a case. In January 2007, several DESAMA members received a "Notice of Violation and Summons" issued by Provincial Environment and Natural Resources Officer (PENRO) Roberto Apigo. This notice required them to attend an investigation regarding their alleged violation of the Revised Forestry Code. However,

Community Environment and Natural Resources Officer (CENRO) Romulado Villador filed a Complaint-Affidavit with the Office of the Provincial Prosecutor, Nueva Vizcaya, accusing 11 Didipio residents, including the 9 DESAMA members named above, of being illegal forest occupants. It was alleged that they were occupying lands classified as a forest zone, and that they had cut trees without a permit or license to do so.

during the meeting, representatives and the lawyer for the mining company Oceana Gold Philippines were also present. PENRO Apigo then informed the DESAMA members that instead of an investigation, negotiations would be facilitated regarding the sale and purchase of the Didipio residents' lands to the mining company. He said that these negotiations would be conducted so that criminal cases would not be filed against the community residents. The DESAMA members refused to accede.

Community Environment and Natural Resources Officer (CENRO) Romulado Villador filed a Complaint-Affidavit with the Office of the Provincial Prosecutor, Nueva Vizcaya, accusing 11 Didipio residents, including the 9 DESAMA members named above, of being illegal forest occupants. It was alleged that they were occupying lands classified as a forest zone, and that they had cut trees without a permit or license to do so. Provincial Prosecutor Edilberto Calip acted on this complaint, but did not ensure that the subpoenas were received by each of the accused, having relatives

and acquaintances pass the document along until it reached the accused, in clear violation of the Rules of Court, and with patent disregard for the seriousness of the matter.



In October 2007, Prosecutor Calip recommended the filing of a criminal case against the accused Didipio residents, and the corresponding criminal information was filed in March 2008. However, the residents did not learn of this charge against them until during a hearing for another of the community's cases, when the lawyer representing Oceana Gold Philippines informed the Court of the same.

The residents then filed a Petition for Review before the Department of Justice, asking the agency to revoke the Information issued against them. In addition, they also filed charges before the Ombudsman against Prosecutor Calip and PENRO Apigo. The Order from the DOJ denying the Petition for Review was received on October 26, 2009. The case will thus be returned to the Municipal Trial Court of Bambang, Nueva Vizcaya, which will then commence proceedings by issuing a warrant of arrest against the Didipio residents accused. Once the warrant of arrest is issued, any of the named accused can be taken into police custody at any time. Yet in the face of this threat, many of the accused have expressed willingness to go to jail in the name of their cause.

As troubling as the possibility of imprisonment is fine attendant in the offense charged. Section 79 of the Revised Forestry Code provides for the penalty for persons found guilty of entering,

occupying or possessing any forest land without authority to so, causes damage to the forest land or refuses to vacate the area when ordered to do so. A fine of not less than P500, and not more than P20,000 is prescribed along with imprisonment for not less than 6 months and not more than 2 years. In addition, these persons will be liable to pay 10 times the rental fees and other charges which would have accrued, had the occupation and use of the land been authorized under a license agreement, lease or permit.

The latter proviso could be problematic in Didipio's case, as the barangay is subject of an FTAA issued in favor of the Oceana Gold Mining Company. As such, should the accused residents be found guilty, they could be held liable for 10 times the fees that would have accrued had Oceana Gold been able to use the subject land for mining purposes.

In issuing and confirming the Information, the government agencies seem to have conveniently overlooked R.A. 3872, which amended C.A. 141, or the Public Land Act. Section 48 of the latter law was amended to read as follows:

Sec. 48. The following-described citizens of the Philippines, occupying lands of the public domain or claiming to own any such lands or an interest therein, but whose titles have not been perfected or completed, may apply to the





Court of First Instance of the province where the land is located for confirmation of their claims and the issuance of a certificate of title therefor, under the Land Registration Act, to wit:

•••

“(b) Those who by themselves or through their predecessors-in-interest have been, in continuous, exclusive, and notorious possession and occupation of agricultural lands of the public domain, under a bona fide claim of acquisition or ownership, for at least thirty years immediately preceding the filing of the application for confirmation of title, except when prevented by war of force majeure. Those shall be conclusively presumed to have performed all the conditions essential to a government grant and shall be entitled to a certificate of title under the provisions of this chapter.

“(c) Members of the national cultural minorities who by themselves or through their predecessors-in-interest have been in open, continuous, exclusive and notorious possession and occupation of lands of the public domain suitable to agriculture, whether disposable or not, under a bona fide claim of ownership for at least 30 years shall be entitled to the rights granted in sub-section (b) hereof”.

The invocation of the Revised Forestry Code makes this the story of a law. Section 79, criminalizing “illegal forest occupants” is an old one. This statute was enacted in 1975, and has in large part remained unchanged for the past 34 years. Among the most contentious provisions in this law is Section 15, which classifies lands 18% in slope or over as forest, or forest reserves, and thus not to be alienated or disposed. No stretch of the imagination is required to see the problems this would present, especially in mountainous areas such as the Cordillera and Nueva Vizcaya.

The interpretation given by the Supreme Court to this law, even in light of Section 48 of C.A. 141 has likewise been problematic. The Court in *Director of Land Management vs. CA*

(172 SCRA 1989) disregarded Section 48 (c), ruling against a “cultural minority” from Benguet, seeking registration of his parcel of land. Royo notes that “the phrase “whether disposable or not was interpreted as applying only to public agricultural lands, and not to forest lands, which is the classification of the applicant’s land,” thus creating a “pro-agricultural presumption of public lands” in the interpretation of the law (Royo, 1991, *Philippine Natural Resources Journal* Vol. 4, No. 1, p. 18).

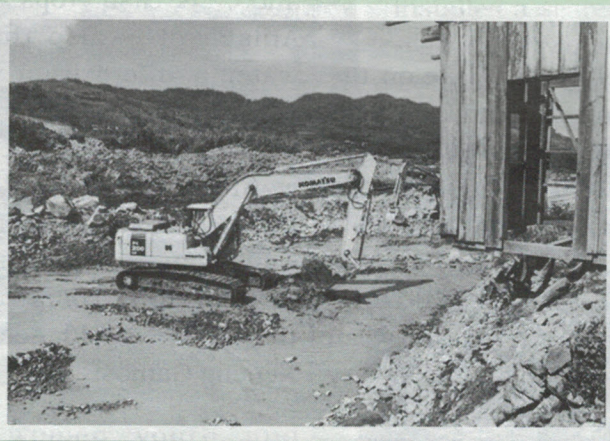
Cases such as this likewise further illustrate the inadequacy of laws such as PD 705. Traditionally, many indigenous people, the Ifugao included, have lived in forests, as they rely on its resources

for subsistence and livelihood. By providing that all lands with an 18-degree slope are forest lands, where people cannot reside, the law ignores the reality that many of the country’s indigenous people stand to be displaced and criminally charged by an arbitrarily imposed limitation.

Indigenous peoples’ right to land does not

always involve the question of ancestral domain. It is also a matter of resources and how these are used, developed and protected. The Ifugao of Didipio have worked on their lands for decades, raising their families there and keeping invaders out. This is so much so that there can be no justice in depriving them of their lands and homes simply because if an unjustified number and a label, imposed by the very laws that should protect them.

It is obvious that some of our laws and the attitude of governments toward indigenous peoples do not reflect their aspirations and most works against their culture, traditions and system of governance. It is likely that the Ifugao’s of Didipio will continue to struggle in the face of the aggressiveness of mining companies and governments to exploit the lands at the expense of the indigenous community, food security and environment.





Women: Defending the “Green Gold” Village

Brgy. Anislagan, Surigao del Norte, Mindanao, Philippines

By Carl Cesar Rebuta - LRCCdO

“This is a peaceful community, tension amongst us arises after the mining community encroached our village- narrated by Neneng Gamus, a mother of two children, a barangay councilor, and one of the mothers’ in the fore front of defending their land and life in Anislagan, Placer, Surigao del Norte, Philippines.’

Anislagan is an agricultural village on the southern Philippine island of Mindanao with two thousand residents has vowed to keep their land protected from one of the world’s largest mining conglomerates, Anglo American Plc., and free of mining projects. In March 2007, Kalayaan Copper Gold Resources (KCGR), a joint venture between Britain’s Anglo American and the Manila Mining Company (a subsidiary

of Lepanto) was awarded an exploration permit covering an area the approximate size of three hundred hectares.

In this community, women have an important role to till, plant, and harvest the fields where corn, rice, a diversity of vegetables, coconuts, and other cash crops are grown. Significantly, Anislagan is also the site of large spring water aquifers from which water is drawn and distributed to surrounding communities. Knowing that the development of a gold mine would mean an end to their agricultural livelihoods, and to their locally accessible clean water sources, residents have been determined to keep mining companies off of the green fields they consider gold. According to local councilor Neneng Gamos:





We know that gold lies underneath our farm lots and our water source...[that is] worth millions of pesos. But, we value more the lives of the people here in our small community, the lives around our community, and [the lives of] their children's children. These [lives] are unquantifiable by money.

As early as 2002, residents of Anislagan quickly mobilized themselves into a multi-sectoral environmental watchdog organization that became known as the Anislagan Bantay Kalikasan Task Force (ABAKATAF). This diverse collective includes village



councilors, farmers, women, youth, and parishioners from different churches, who have continued to mobilize together over the years. Their vision of Anislagan is for it to remain a productive agricultural zone that is free of mining, with clean water for drinking and irrigation--a resource of the 'commons' to be shared and protected. In particular, women activists in Anislagan, have tirelessly committed to protect the life, land and resources of all in their community.

Recognizing the intense level of village resistance, Anglo American, along with its Philippine business partners, initiated a "Community Technical Working Group" through which to plan corporate scholarship programmes, medical dispensary services, a community garden, and other promotional activities. In an attempt to further silence dissent, legal

actions--considered by the community and their allies to be "Strategic Law Suits Against Public Participation"--have been launched by the company against individual activists. Most of those targeted were women, who continue to be at the forefront of the struggle to keep mining companies out of their village.

Determined to stop drilling companies subcontracted by KCGR from entering Anislagan, a strong human barricade was established along the road leading to the Barangay in January 2008.

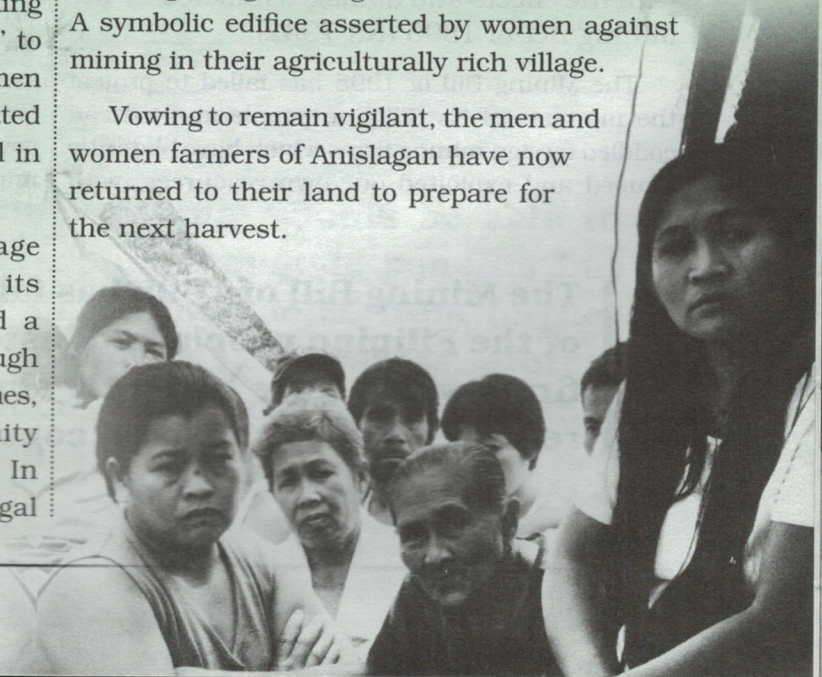
In December 2008, Anislagan residents installed a scarecrow that was 4.5 meters high in their communal rice fields to remind companies that mining will never be welcome



in their green-gold village.

A symbolic edifice asserted by women against mining in their agriculturally rich village.

Vowing to remain vigilant, the men and women farmers of Anislagan have now returned to their land to prepare for the next harvest.



NEWS bits

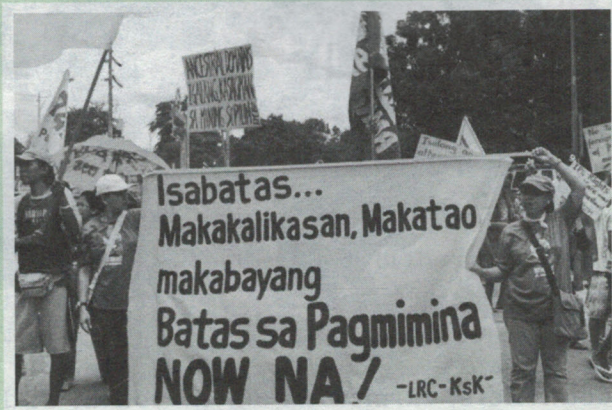
The Historic for the Alternative Mining Bill

The mining industry has been one of the most profitable if not one of the most corrupt businesses in the country. Numerous large foreign mining companies are exploiting nearly every bit of rich land in our country. But the for an alternative mining system which will be within the bounds of national development, for the benefit not only of our own economic interests but also that of the environment, is being led by congressman Lorenzo R. Tañada III and Akbayan Representative Riza Hontiveros-Baraquel. The Alternative Mining Bill by both representatives in Congress last May 13, 2009. Supporting such move was Cagayan de Oro second district Representative Rufus Rodriguez and Bukidnon Representative Teofisto Guingona III. The Alternative mining bill is an initiative and a product of years of consultation by the Legal Rights and Natural Resources Center-Kasama sa Kalikasan/Friends of the Earth Philippines (LRC-KsK/FoE) and its partners in the Alternative Law Group (ALG), with various sectors of society who are concerned with the effects and damages inflicted by the Mining Act of 1995 (RA 7942).

The Mining Bill of 1995 has failed to protect the interests of the Filipino people and instead coddled foreign mining firms which have blatantly abused and exploited our own resources, with



Mass action in various areas in Manila pushing for the Alternative Mining Bill (AMB)

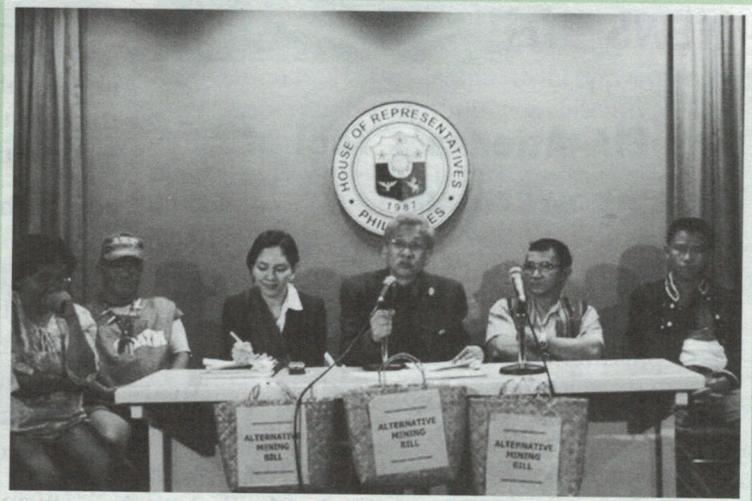


the open consent of the government. With the Alternative Mining Bill being passed to congress, this would impel the government, particularly the Arroyo administration, to adhere to the calls of various communities and the Indigenous Peoples to respect their rights and protect their lands. The for a 'responsible mining' should be able to help the government in reaping economic benefits but most importantly, it will shield the people from further

The Mining Bill of 1995 has failed to protect the interests of the Filipino people and instead coddled foreign mining firms which have blatantly abused and exploited our own resources, with the open consent of the government.

exploitative activities of the mining companies, protect their homes, and livelihood and guard against further environmental degradation.

As a parallel activity to the filing of the Alternative Mining Bill, LRC-KsK/FoE Cagayan de Oro also held a forum on the same day of the filing, May 13, 2009. The forum, entitled "Discussion on Alternative Mining Bill", was held at the Archbishop Patrick Cronin Hall in the compound of the St. Augustine Metropolitan Cathedral. It was aimed to raise



A historic moment: The launching and signing of the Alternative Mining Bill with Cong. Risa Hontiveros-Baraquel, Cong. Walden Belo with the community leaders across the islands



Tribal leader with Cong. Risa Hontiveros-Baraquel during the signing of the AMB.

awareness and to popularize the bill for further understanding.

In support of such activity and cause, various SAS also attended the motorcade around the city, in which it passed Xavier University, wherein Xavier University Center for Legal Assistance hosted a short program for them. The office of Balaod Mindanao and Kaisahan have hosted another short program where the motorcade also passed by.

After the motorcade, the participants then attended the forum. A signature campaign supporting the bill followed in which the participants marched to the nearby City Hall to present their petition for the bill. Such efforts in expressing their support for the Alternative Mining Bill

The push for a 'responsible mining' should be able to help the government in reaping economic benefits but most importantly, it will shield the people from further exploitative activities of the mining companies, protect their homes, and livelihood and guard against further environmental degradation.



NEWS bits

The EIA-Atienza's Tool of Disempowerment

By Rhia Muhi, Research Policy Team Leader

In the wake of the financial crisis last year, Department Secretary Lito Atienza of the Department of Environment and Natural Resources (DENR) assured the public that the Philippines has a backup plan to survive the global meltdown. He was referring to the raw materials and natural resources he claimed that the country had in abundance. It is no surprise then that, by the middle of this year, on June 30, Atienza held a so-called consultation to discuss the proposed changes to the procedures of the Environmental Impact Assessment (EIA).

The EIA is the process by which the DENR determines whether or not a certain project would be given the go-signal that it is environmentally-compliant, either through the issuance of the Environmental Compliance Certificate (ECC) or a Certificate of Non-Coverage (CNC).

Atienza informed the attendees of the June 30 activity – mostly belonging to the mining sector and barely any from the civil society – that the Environmental Impact Statement System (EISS) shall be streamlined for the third time under the Arroyo administration, the first in 2002 and the second in 2003. Atienza claimed that the draft rules were already underway, but failed to provide the audience any document which would assist a better grasp of these proposed changes. He did make clear that these rules were being drafted to address the numerous complaints he apparently had been receiving from foreign investors, particularly those from the mining sector, that the Environmental Impact Assessment was too much long and costly a procedure to follow.

Thus, one of the major proposals made was the separation of the social acceptability from the environmental protection component of the EIA. Atienza proclaimed that the DENR was not an

office that should monitor social acceptability, its concern was limited only to environmental issues, and, local government units should therefore be the ones to conduct social acceptability activities for a particular project.

Another substantial introduction to the guidelines would be the decrease of the processing time for the EIA up to twenty (20) days or one (1) month when in the previous rules, the Environmental Compliance Certificate may be issued within 120 days from the submission of the Environmental Impact Statement. Meanwhile, CNCs should be issued in one (1) day.

During the opening of the Mining Philippines 2009 Conference on September 15, 2009, Atienza and Vice-President Noli de Castro proudly announced to the mining industry that the EIA processes were being revised to facilitate mineral investments.

Two weeks after the announcement, on September 29, 2009, the Atienza issued an internal memorandum implementing the policy changes he mentioned in June by ordering the Regional Directors and the Directors of the Environmental Management Bureau (EMB) the simplification of the application process. The EIA process shall no longer require public participatory activities, nor shall the presence of the EMB and the EIA Review Committee in the conduct of scoping activities. The ECC may now be issued without other government permits, endorsements, clearances and other documents. The memorandum, however, was kept from the public.

Soon after the internal memorandum was issued, a couple of weeks later, on October 14, 2009, an ECC was issued in favour of the Intex Resources Philippines, a subsidiary of the Norwegian corporation Intex Resources ASA, over the Mineral Production Sharing Agreement covering more than eleven thousand hectares of Oriental and Occidental Mindoro despite mining moratoria covering both provinces.

The ECC was later temporarily revoked on November 26, 2009 by Atienza after a hunger strike was staged by the Minoreños.



NEWS bits

CHR intervention on Dipidio Mining Case

By Justine Nicole Torres, LRC-Luzon Paralegal

Following a spate of human rights abuses in Barangay, Didipio, Kasibu, Nueva Vizcaya, allegedly perpetuated by mining company Oceana Gold Philippines and its agents, Commission on Human Rights chairperson Leila de Lima launched a top-level probe on these issues by personally visiting the community on November 5-6 2009 to investigate these violations.

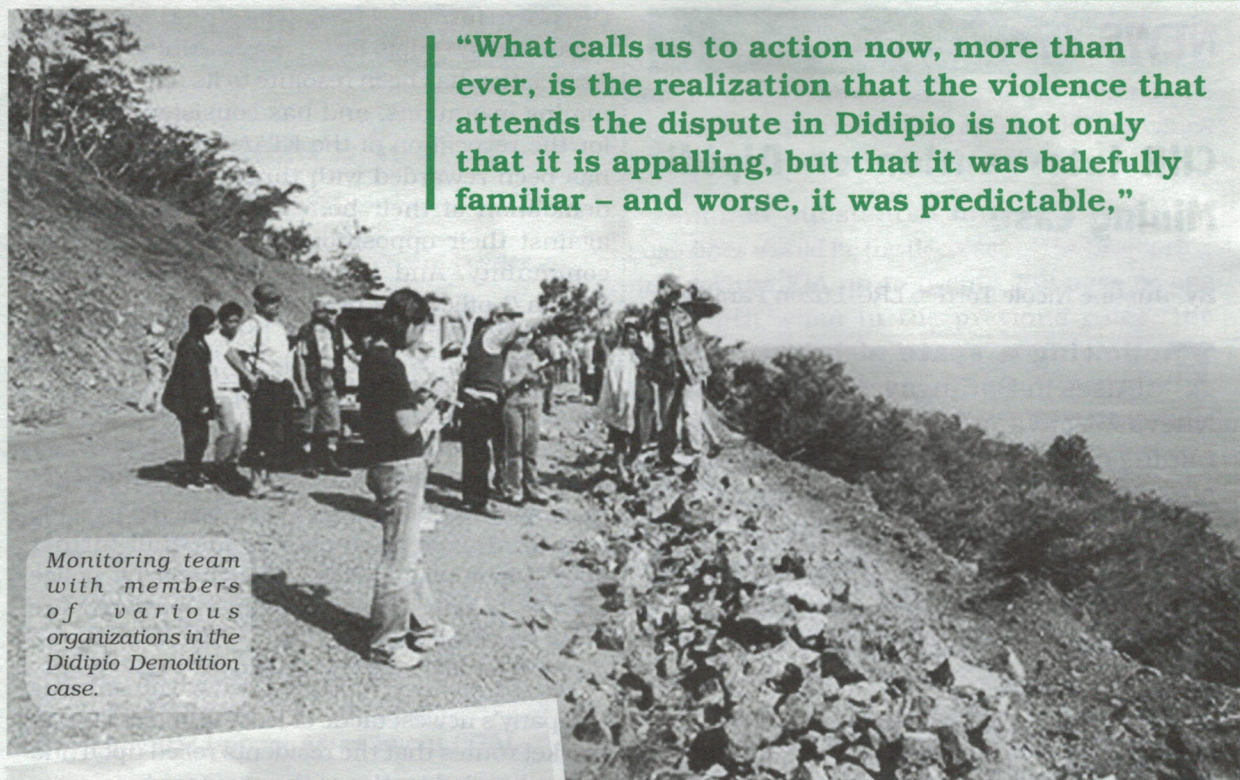
For the people of Didipio, de Lima's visit marked the fulfillment of a long-anticipated promise. Since a Financial and Technical Assistance Agreement was issued to Oceana Gold's predecessor, Climax-Arimco Mining

Corporation in 1997, the local people's organization Didipio Earth Savers Multi-Purpose Association has been resolute to its opposition to mining operations, and has consistently called for the revocation of the FTAA. This resistance has been rewarded with threats on their lives, demolition of their homes, strategic lawsuits against their opposition and division of their community. And through this all, the CHR-Region 2 office has been unresponsive to their pleas for assistance.

Most recent in Oceana Gold's string of violations left one house burned to the ground in the wee hours of the morning, and its owner beat up by unidentified men as he tried to save his home. The following day, a human barricade formed at Sitio Dinauyan to forestall further demolitions was violently dispersed by police officers heavily armed with high powered fire arms and tear gas.

These events, coupled with the mining company's newest tactic of fencing off the farm to market routes that the residents relied upon and heavy-handed tactics of the company's security personnel, led to a considerable withdrawal of the community's support for the mining project.

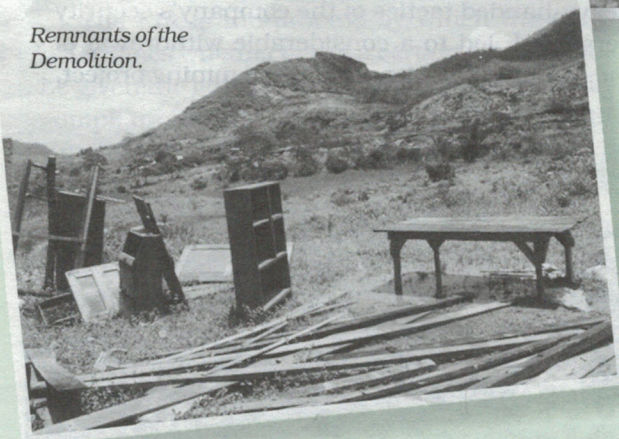




Monitoring team with members of various organizations in the Didipio Demolition case.

“What calls us to action now, more than ever, is the realization that the violence that attends the dispute in Didipio is not only that it is appalling, but that it was balefully familiar – and worse, it was predictable.”

Remnants of the Demolition.



Both former pro and anti mining factions united in their demand against Oceana Gold operations in Didipio. And at the press conference before de Lima's visit, the provincial, municipal and barangay governments were likewise one in their call against Oceana Gold, given the liabilities the mining company has incurred in terms of quarry taxes, local government consent and respect for local officials.

De Lima's visit included an ocular inspection of the Barangay, including the remains of the burned house, the demolition site in Sitio Dinauyan, and the proposed location of the mine's tailings dam.

The following day, at the provincial capitol building in Bayombong, the CHR contingent conducted a dialogue, where all the stakeholders, including representatives from the affected local government units, government agencies, the Philippine National Police, and residents of Barangay Didipio were given the opportunity to present their concerns and their side of the issues.

In her opening statement to this activity, de Lima reiterated her commitment to immediate action on the issues confronting Barangay Didipio. “What calls us to action now, more than ever, is the realization that the violence that attends the dispute in Didipio is not only that it is appalling, but that it was balefully familiar – and worse, it was predictable,” de Lima said. “Make no mistake; the Commission on Human Rights is here to pursue all those who must be held accountable for the violations against human rights in Didipio. It must unavoidably come as a forewarning that grievous acts or omissions cannot be ignored,” she finished.

(As of press time, the CHR has convened in an en banc meeting, and is most likely to release its report on the Didipio situation in time for



NEWS bits

Philippine Delegation Seek Redress before the UNCERD

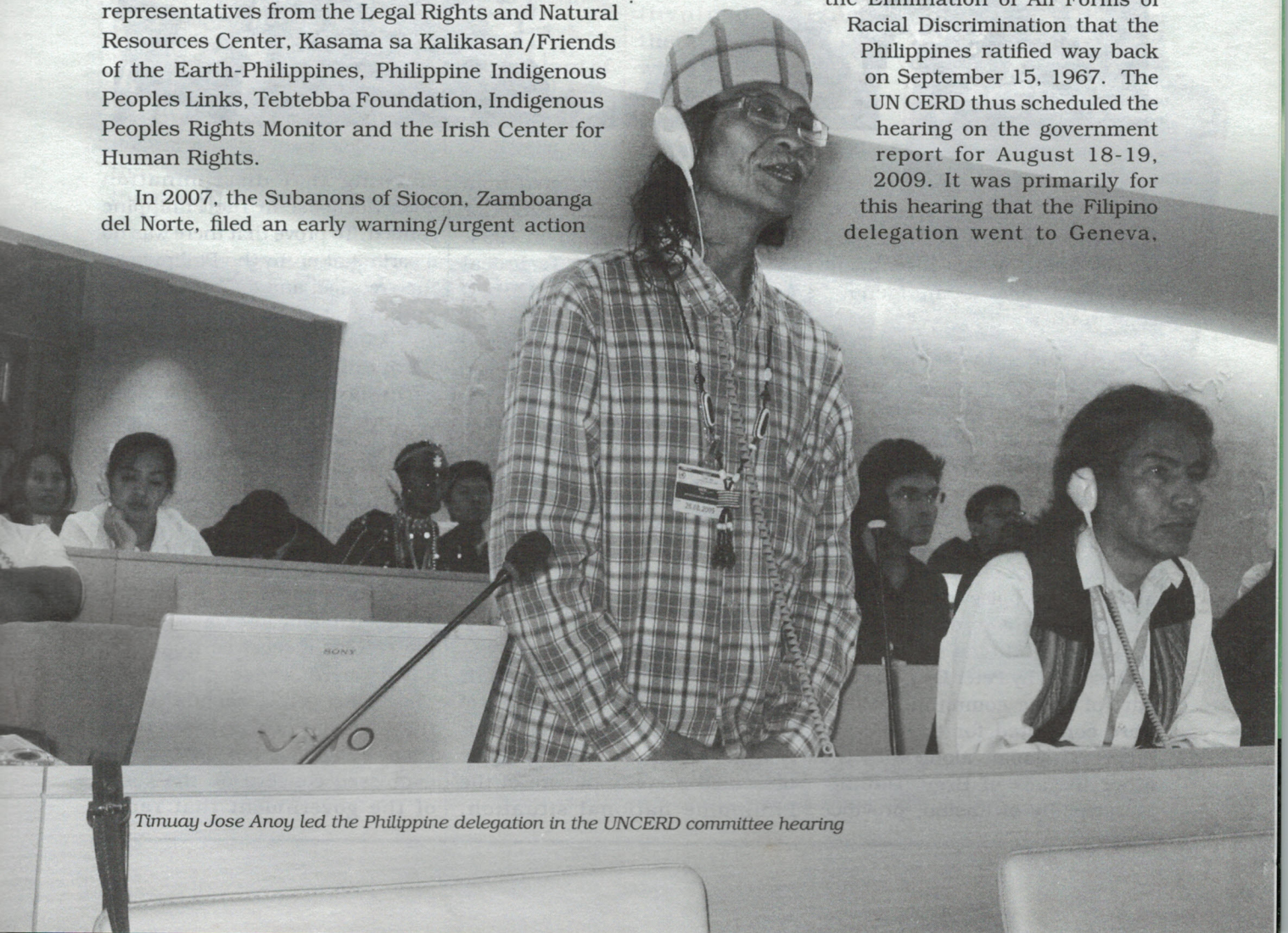
By Rhia Muhi, Research Policy Team Leader

From August 10-19 2009, leaders of indigenous communities flew to Geneva, Switzerland to seek redress before the United Nations. Peter Duyapat, the Ifugao leader of Didipio Earthsavers Movement Association, Timuay Lambo Noval and Timuay Jose Anoy, both Subanon leaders from Zamboanga del Norte, made sure that the UN Committee on the Elimination Against Racial Discrimination (UN CERD) was aware of the human rights violations that were inflicted against their communities brought about mining operations within their lands. They were accompanied by representatives from the Legal Rights and Natural Resources Center, Kasama sa Kalikasan/Friends of the Earth-Philippines, Philippine Indigenous Peoples Links, Tebtebba Foundation, Indigenous Peoples Rights Monitor and the Irish Center for Human Rights.

In 2007, the Subanons of Siocon, Zamboanga del Norte, filed an early warning/urgent action

complaint before the UN CERD, highlighting the violations to the community's free prior informed consent (FPIC) when the National Commission on Indigenous Peoples (NCIP) reportedly created a tribal council contrary to the customary rights of the Subanons, in order to facilitate the entry of TVI Resource Development, Inc. (TVIRD), a Philippine subsidiary of Canadian junior mining company Toronto Ventures, Inc. They also reported the destruction of their sacred mountain, Mt. Canatuan, for the mining operations and the non-observance of the community's customary laws. The Subanons, across the years, filed various cases to question both the Mineral Production Sharing Agreement (MPSA) issued in favour of TVIRD, and the violations against their FPIC. Failing to get any relief from these actions, the Subanons elevated their issues to the international community. The complaint filed by Subanons prompted the UN CERD to demand from the government a detailed explanation of its efforts to address the situation. The UN CERD further ordered the government to submit the 11-year delayed country report

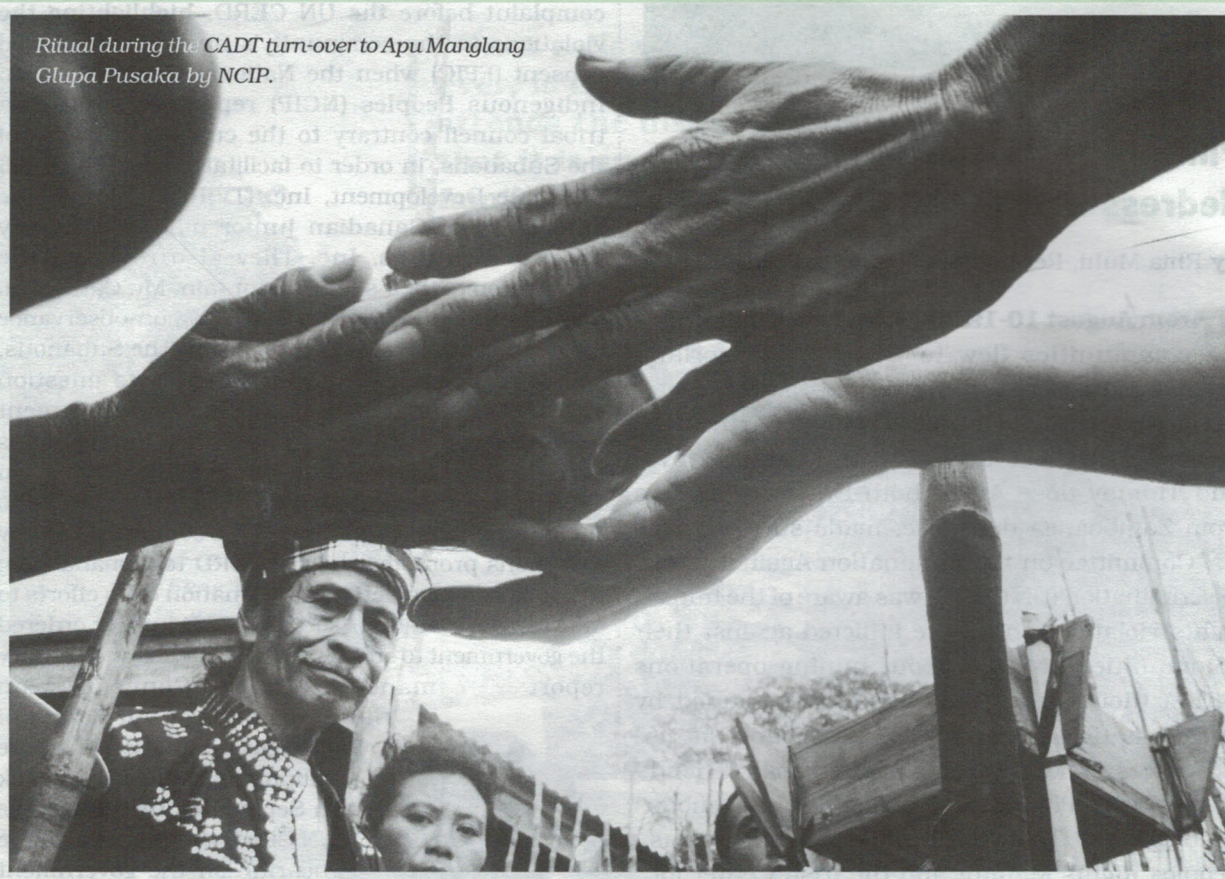
mandated by the Convention on the Elimination of All Forms of Racial Discrimination that the Philippines ratified way back on September 15, 1967. The UN CERD thus scheduled the hearing on the government report for August 18-19, 2009. It was primarily for this hearing that the Filipino delegation went to Geneva.



Timuay Jose Anoy led the Philippine delegation in the UNCERD committee hearing



Ritual during the CADT turn-over to Apu Manglang Glupa Pusaka by NCIP.



taking the opportunity to meet with the UN CERD members, presenting to them real examples of discrimination that government committed against indigenous communities.

With the submission of the Philippine government of its country report before the UN CERD, a consortium of civil society organizations and more than forty (40) indigenous communities submitted a shadow report providing a clearer and more concise picture of the condition of indigenous peoples in the country, debunking the government country report. The Ifugao community represented by Peter Duyapat was part of those communities that were consulted for the shadow report. Duyapat, along with the other Ifugaos of Brgy. Didipio, Municipality of Kasibu, province

of Nueva Vizcaya, migrated from Hungduan, Ifugao in the 1950s for better livelihood options. In 1994, the first Financial or Technical Assistance Agreement (FTAA) was issued in favour of the 100% Australian-owned Climax Arimco Mining Corp. covering Brgy. Didipio. The FPIC of the community was not secured, neither were they consulted. Since the entry of the mining operations, numerous human rights violations have been inflicted against the community. Furthermore, the NCIP claimed that, since the Ifugaos in the area were migrants, they did not have the right to FPIC.

The Philippine government delegation, under the leadership of Ambassador Basilio and NCIP Chair Eugenio Insigne, not surprisingly presented a pretty picture of the Philippine national situation,

claiming that discrimination does not exist in the Philippine context. To prove that there was no discrimination in the Philippines, they recalled and enumerated the number of indigenous peoples and Moros who were part of the Philippine government even as early as the start of the 20th century. They further accused civil society organizations using the indigenous peoples for funding opportunities.

On August 28, 2009, the UN CERD came out with its Concluding Observations on the Philippine situation, taking into consideration the reports it received from both government and civil society. The CERD, while acknowledging the passage of the Indigenous Peoples Rights Act of 1997 (IPRA), expressed concern on the claim of the government that racial



NEWS bits

The Subanen: Free Prior and Informed Consent

By LRC-CdO

It is of moral and ethical value that one asks for consent or permission when entering a house or taking something from a person. It is a sign of respect when one practices this timeless act which is founded upon the precepts of being a civilized human being. Throughout time immemorial, the various Indigenous Peoples tribes are of no exception to this practice. Theirs was even more sublime in essence as they respect the environment and ask permission from it also regarding their everyday life.

With the Arroyo administration's program of re-launching and revitalizing the mining industry, the importance and value of respect have lost its meaning, reflective of the kind of governance that her administration has practiced. With the rise of the mining industry, the simple act

of asking permission and consent from the various communities when entering into such areas was completely disregarded and was made useless. Through the National Commission of Indigenous Peoples (NCIP) creation of the 2006 guidelines for the FPIC (Free Prior and Informed Consent) guidelines, 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.

Traditional Subanen leaders and chieftains of Zamboanga Peninsula, together with the Legal Rights and Natural Resources Center-Kasama sa Kalikasan/Friends of the Earth, gathered November 21-22 in Pagadian City to draft their guidelines for Free and Prior Informed Consent (FPIC), an inherent right of indigenous peoples to be respected and for prospective corporations to comply with before they could start utilizing the Lumads' ancestral domains.

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



Tribal leaders from Zamboanga Peninsula for the Subanen Conference on the FPIC.





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.

But even with the FPIC guidelines set by the government, it fails to deliver the security and protection of the IPs lands and their social, political and economic upliftment. It also outright ignored their right to self-determination and self-governance.

Ronald Gregorio, team leader of the Legal Rights and Natural Resource Center/Friends of the Earth, Philippines explained that the activity was in "response to the frustration of indigenous peoples (IP) communities in Zamboanga to the FPIC Guidelines of 2006 which only led to the increasing incidence of development aggression in Subanen territories brought about by extractive industries." he further stated that,

development projects in our ancestral lands based on our customs and tradition. Consequently, we want the government to acknowledge and respect the result of this process as an expression of our right to self-determination".

Similarly, the Mangyan tribe of Mindoro suffers from the unjust and oppressive process of the NCIP. The NCIP facilitated the FPIC process with the Mangyans in the island of Mindoro in favor of mining company Crew Minerals. The impact area covers almost the entire ancestral domain of the Mangyan indigenous peoples, disenfranchising a big majority of the affected indigenous people.

The activity highlights the Subanen's critique to the 2006 FPIC Guidelines which ranges from serious allegations against NCIP to simple ignorance in appreciating indigenous cultures, traditions and systems of governance. The NCIP have been accused of transacting with illegitimate tribal leaders by cooptation and corruption;

NCIPs 2006 FPIC Guidelines undermines the right to self determination of the indigenous peoples for it does not recognize Subanen's long entrenched traditional customs, traditions and system of governance.

"The drafting of FPIC guidelines was "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 had 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". NCIPs 2006 FPIC Guidelines undermines the right to self determination of the indigenous peoples for it does not recognize Subanen's long entrenched traditional customs, traditions and system of governance.

Heading the delegates from Zamboanga del Sur, Timuay Semion Codium emphasized that, "In this conference we will try to consolidate and institutionalize among ourselves on how should we as a community appreciate the entry of

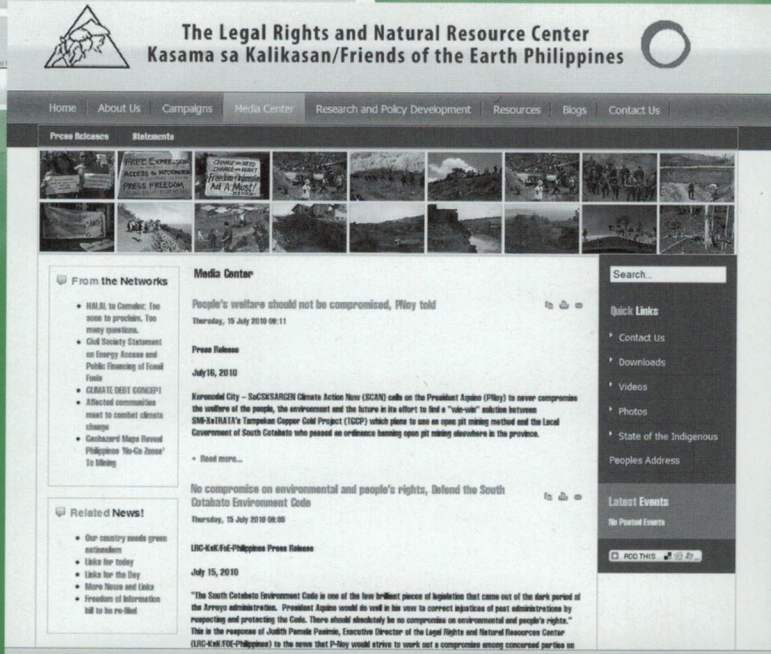
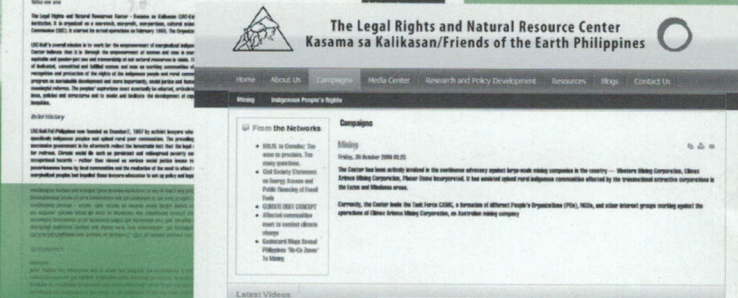
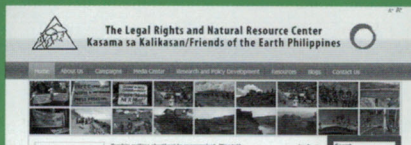
executing and facilitating FPIC processes which is leading and with the obvious agenda of the proponent mining company at hand. What is also clearly missing in the 2006 FPIC Guidelines is the spiritual aspect in the consent process inherent with the Subanen tradition for example which only a legitimate leader or balyan (religious leader) can only execute.

With this collective effort and initiative of the Subanen tribe, it hopes to impart and to call upon other Indigenous Peoples tribes to unite and address the looming issue of Free-Prior-and-Informed Consent. In helping create and construct specific guidelines coming from the tribes itself, it would finally assert and uphold their rights and protect their lands. It would then truly convey the true meaning of respect, as what the tribes of Mangyans and Subanens truly deserve.

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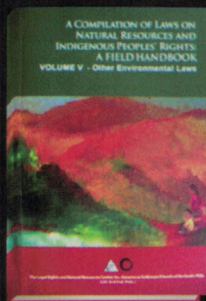


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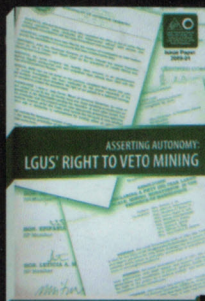
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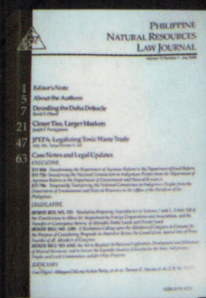
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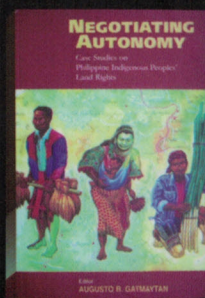
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