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Philippines

Edgardo Tongson and Thomas McShane

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Securing Land Tenure for Biodiversity Conservation in Sibuyan Island, Romblon, Philippines

By

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Abstract

Many large intact forests in the Philippines designated as protected areas coincide with the ancestral claims of indigenous peoples. Central to the issue of conservation, development and fulfilling indigenous peoples' rights is tenurial security. This paper highlights the experience of non-government organizations in collaboration with government agencies in assisting the indigenous group Sibuyan Magyan Tagabukid of Sibuyan Island in securing tenure to their ancestral domain. The importance of forging partnerships in filling institutional gaps to fulfill the provisions of a progressive law is highlighted. Securing land tenure also lays the foundation for which local support for biodiversity conservation can be institutionalized and sustained.

JEL code: O17, Q23, Q15, Q56

1. The Setting

1.1 Philippine Forestry Policy

The forest cover of the Philippines declined from 70 percent of the country's total land area of 30 million hectares in 1900 to about 18.3 percent, or just over 5 million ha of residual and old-growth forest natural forests, in 1999 (ESSC 1999).

Continuing upland migration owing to scarce economic opportunities in the lowlands and high natural population growth rates exacerbate forest denudation and degradation.

The lack of operational and effective on-site management in many forest lands has led to open access to the forest commons. Only 19 percent of the country's 15.5 million classified forest lands are covered by some kind of on-site management system (Guiang 2000). The intensity of degradation suggests that de facto management systems are inadequate to stem forest loss, especially in open access areas.

Social forestry evolved out of the failure of state forest governance that promoted concessional logging, illegal logging, centralized management, ineffectual governance¹ and corruption, all of which contributed to the twin problems of forest degradation and upland poverty (Porter & Ganapin 1988, Repetto & Gillis 1988, Kummer 1992). With the dismantling of timber concessions, forest communities asserted their rights to access forest resources and manage the same under a community-based forest management (CBFM) framework.

To operationalize social forestry, the Department of Environment and Natural Resources (DENR) came up with policy issuances upholding community based forest management (Table 1). The operating principles found in the laws and legal issuances are participation, equity, empowerment, ecological sustainability, cultural integrity and gender equity.

1.2 Indigenous Peoples

The indigenous peoples, whose number has been reported in various official documents as 12 million, or about 18% of the Philippine population, are found in various forest, lowland and coastal areas, and are divided into 110 self-defined ethno-linguistic groups (NCIP 2004). They are among the poorest and most disadvantaged social groups in the country.

The indigenous peoples have long suffered from economic marginalization, socio-cultural displacement, and political disenfranchisement. A variety of factors are ascribed, including: (a) the lack of a common vision about development for and by indigenous peoples; (b) absence of mechanisms on procedures of consultation with the peoples concerned; (c) pressure on ancestral lands by economic and political

¹ Extensive research by social scientists on the forest commons shows that state ownership of lands has led to disastrous effects on the resources they were intended to protect (Dietz et al 2003). Decades of state administration of forest lands led to: (1) rejection of indigenous organizations and their efforts to sustain a resource, (2) poor monitoring of indigenous people's boundaries and harvesting techniques because many governments did not have the finances available to monitor the resources to which they asserted ownership, and (3) de facto open access situations resulting in a race to harvest the resources.

development; and (d) lack of consensus among indigenous peoples themselves about their development priorities, strategies and alliances (World Bank 1998).

There are some 2.5 million hectares or 8% of the total land area covered by ancestral land claims in the Philippines. Majority of these overlap with intact forests widely recognized for their biodiversity. Interestingly, all eight protected areas that make up the National Integrated Areas Program were implemented inside or are in areas overlapping with ancestral domains, as illustrated in Table 2.

1.3 The Indigenous Peoples Rights Act (Republic Act 8371)

The basic law, the 1986 Philippine Constitution, recognizes indigenous peoples' rights to their ancestral domain. The Indigenous Peoples Rights Act (IPRA 1997) was enacted to recognize, promote and protect the rights of the indigenous peoples including the right to ancestral domain and lands; right to self-governance and empowerment; social justice and human rights; and the right to cultural integrity. The IPRA establishes procedures for recognition of individual and communal ownership of 'ancestral domains' and 'ancestral lands'.

The IPRA law defines indigenous peoples as:

“a group of people or homogenous societies identified by self-ascription and ascription by others, who have continuously lived as organized community or communally bounded and defined territory, and who have under claim of ownership since time immemorial, occupied, possessed and utilized such territories, sharing common bonds of language, customs, traditions and other distinctive cultural traits, or who have, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and cultures, become historically differentiated from the majority of Filipinos.” Sec 3 (h), IPRA

The IPRA grants these people the ownership and possession of their ancestral domains and ancestral lands, and defines the extent of these lands and domain. The ownership given is the indigenous concept of ownership under customary law which traces its origin to “native title”.

“Native title refers to pre-conquest rights to lands and domains which as far back as memory reaches, have been held under claim of private ownership by the indigenous peoples, have never been public lands and are thus indisputably presumed to have been held that way since before the Spanish conquest.” (Sec 3 (l), IPRA).

1.4 National Commission on Indigenous Peoples

In implementing the Indigenous Peoples Rights Act, the National Commission on Indigenous Peoples (NCIP) was created merging the Office of Northern Cultural Communities and Office of Southern Cultural Communities as its organic offices.

“To carry out the policies herein set forth, there shall be created the National Commission on Indigenous Peoples (NCIP), which shall be the primary government agency responsible for the formulation and

implementation of policies, plans and programs to promote and protect the rights and well-being of the indigenous people and the recognition of their ancestral domains as well as their rights thereto” (Sec 59, IPRA).

Since the passage of the IPRA law in 1997, the NCIP was tasked to convert existing ancestral land claims called CADCs² into private collective titles called Certificate of Ancestral Domain Title (CADT). In processing these claims, the NCIP strictly applies the requirements under IPRA including geodetic surveys, gathering of anthropological records and testimonies and facilitation of community meetings to resolve conflicts. In its seven years of existence, the NCIP has granted 24 ancestral domain titles representing 543,000 hectares. The NCIP targets 56 more CADTs covering some 1.7 million hectares. The NCIP is staffed with 1200 personnel and is headed by a Chairman with six Commissioners.

The early forerunner of the NCIP dates as far back as the American period in the early 1900's. The pre-NCIP organizations were “integrationists” in their approaches whose main goal is to assimilate these groups into mainstream society and alleviate their poverty conditions. The office dispensed medicines, scholarships, relief goods and other material benefits to tribal members. Client groups were viewed as passive beneficiaries of assistance.

1.5 Role of NGOs

NGOs, on the other hand, serve as counterweight to traditional development thinking of their governments. From the standpoint of development NGOs, the indigenous peoples are not merely passive beneficiaries of development but means and ends of the development process. As human rights advocates, most NGOs view “development” from an alternative view of recognizing, attaining and fulfilling the rights of indigenous people.

The role of NGOs in development work was expanded during the Aquino presidency in 1986. The restoration of democratic space resulted in the rise of environmental NGOs responding to forest degradation and poverty³. The strength of NGOs lies in working with communities and ensuring that government programs conform to local conditions.

According to the World Bank, the key roles being performed by the NGOs include the following: creating social/institutional innovations at the community level, and, in

² Before the NCIP's creation, the task of recognizing, processing and granting ancestral land claims lies with the DENR through Department Administrative Order 2 of 1993 (Table 2). The DENR issued tenurial instruments called Certificates of Ancestral Domain Claims (CADC) granting usufruct rights to indigenous communities.

³ In an overview of environmental politics in Asia, Schubert (1993) affirms that in most Asian nations, NGOs are “the primary impetus for environmental protection and nature conservation.” According to Schubert, many of the thousands of environmental NGOs in Asia are “grass-roots movements of people concerned about specific conditions in local eco-systems”. Schubert (1993) reasons that despite good intentions, many governments lack sufficient funding, training, and enforcement to implement effective environmental protection policies and programs. Therefore, there is a need for NGOs to augment the environmental efforts of national governments. Schubert clearly states, “The insufficiency of resources available to most policy makers in Asian nations calls for, even necessitates, the active inclusion of NGOs in policy formulation, enactment and enforcement”.

that context, facilitating the delivery of services for rural development; developing communities as stakeholders, rather than as mere recipients, in project planning and implementation, thus facilitating the sustainability of programs at the community level once they are completed; and initiating new approaches for program/project development at the community level, and directly contributing to local capability building (World Bank 1998).

NGOs working for indigenous rights promote an alternative development concept, based on indigenous territorial autonomy, self-determination and “self-development” or “ethno-development”⁴. One of the most significant developments in the past thirty years has been pro-active initiatives undertaken by indigenous peoples and supportive NGOs to map and demarcate their own lands (Colchester et al 2001). In the Philippines, these independent surveys, verified by government surveyors, are accepted as a basis for land claims and the registration of land titles.

In 1996, the WWF adopted a statement of Principles on Indigenous Peoples and Conservation, which endorses the UN draft Declaration on the Rights of Indigenous Peoples. The statement accepts that constructive engagement with indigenous people must start with a recognition of their rights, upholds the rights of indigenous peoples to own, manage, and control their lands and territories to benefit from the application of their knowledge.

The premises contained in the WWF international statement of principles helped develop the partnership framework entered into by WWF-Philippines with the indigenous groups of Sibuyan Island and assisting indigenous advocate NGOs to secure tenurial rights over ancestral lands in Sibuyan island.

2. The Site

2.1 Site Description

Situated 350 kilometers south of Manila, Sibuyan is the second largest of among the seven islands that comprise Romblon Province in the Philippines (Figure 1). Today, the island is known as one of the few remaining centers of biodiversity and endemism in the country. It has a land area of approximately 45,600 hectares, about seventy percent of which is covered with forest. At the heart of Sibuyan Island is the Mt Guiting-Guiting Natural Park (MGGNP). It is the only remaining mountain in the Philippines with relatively intact habitats along its entire elevational gradient. Mt. Guiting-Guiting’s plant and mammal biodiversity is amongst the richest in the world (Heaney and Regalado 1998, Goodman and Ingle 1997, DENR 1997).

In the midst of this natural lushness however live some 50,000 people, more than half of which live well below the government-defined poverty level. In terms of the Human Development Index, Romblon province which includes Sibuyan island is ranked 64th out of the 77 provinces in the Philippines. The majority of the Sibuyan

⁴ Ethnodevelopment or self-development is about indigenous peoples themselves controlling the development process to recuperate, enhance and maintain livelihood security and quality of life according to their own priorities and pace. This bottom-up approach asserts that development can only progress if it builds on existing strengths and are consistent with local values and aspirations. For indigenous people, the first precondition for effective ethnodevelopment is security of land tenure and local jurisdiction over natural resources within an ethnic territory (Colchester et al 2001).

population engages in subsistence farming and fishing. Decades of unregulated and unsustainable use have taken a toll on the island's natural resource base.

2.2 Sibuyan Mangyan Tagabukid

Residing in and around the interiors and upland areas of the Mount Guiting-Guiting Natural Park (MGGNP) are the *Sibuyan Mangyan Tagabukid* (SMT). The SMT has managed to retain a culture and tradition distinct from the lowland Sibuyan culture. While there are no existing pre-historic data on Sibuyan and *Mangyan Tagabukid*, early Spanish accounts in the 1700's reported a considerable population of mountain dwellers along the mountain ranges of the Sibuyan Island to which present indigenous populations trace their ancestral origins (Padilla 2002, _____ 1925).

The SMT are primarily engaged in subsistence agriculture – making their living through swidden farming, charcoal making, gathering of minor forest products such as rattans, resins, vines and honey, and fishing for freshwater fish and shrimps in the numerous water channels and tributaries on the mountain (Tongson & Dino 2004). They practice rituals such as *paminhi* (pre-planting ritual) and *tugna* (pre-harvest ritual) denoting respect to the spirits that play an important role in Sibuyan Mangyan culture. Several generations of kin identified to have previously inhabited the area and improvements introduced by their ancestors attest to the longevity of the indigenous peoples in the area.

The ancestral domain of the SMT occupies an area of 7,900 hectares and straddles the mountain ranges of Sibuyan and the Mt. Guiting-Guiting Natural Park.

2.3 Park establishment and ICDP

In 1996, through the efforts of local government executives and a handful of NGOs, Mt Guiting-Guiting Natural Park was proclaimed under the National Integrated Protected Areas System Act. The Park covers some 16,000 hectares of strict protected area and an additional 10,000 hectares of buffer zone. It straddles the island's three municipalities of Magdiwang, San Fernando and Cajidiocan. In the same year, Mt Guiting-Guiting Natural Park was included in the European Union-funded National Integrated Protected Areas Programme (NIPAP), a five-year programme that aimed to establish protected areas in eight parks around the country.

In 1997, with funding support from the Netherlands Government, WWF-Philippines implemented an integrated conservation and development project (ICDP) on the island to complement park establishment and the protection efforts of the NIPAP project.

2.4 Objectives

The overall goal of the ICDP was to protect the biodiversity of Mt. Guiting-Guiting Natural Park through the development of sustainable livelihoods. Within this goal, a major objective was to improve the tenurial security of the indigenous group, *Sibuyan Mangyan Tagabukid*. Activities included strengthening their social organization, culture and customary laws as well as assisting them to become responsible stakeholders in the management of environmentally sensitive areas in which they live.

The key premise of the project approach was that land tenure security coupled with development and natural resource management interventions that are identified, designed and implemented by the indigenous community-based organization will ensure sustainability and responsible management of resources.

Project success was attained when there is evidence of indigenous community (1) consolidating their social organization, culture and customary laws; (2) improving their capability to manage natural resources in their territories; (3) protecting their biological resources; and (4) developing their management plan and monitoring and evaluation system for the ancestral territory.

WWF-Philippines, in partnership with indigenous peoples advocate NGOs such as Anthropological Watch (AnthroWatch), Legal Assistance Center for Indigenous Filipinos (PANLIPI) and the Philippine Association for Intercultural Development (PAFID), implemented a project to assist indigenous communities affected by the establishment of the Mt. Guiting-Guiting Natural Park in Sibuyan island in 1996.

The next sections describe the experience of WWF Philippines in assisting the *Sibuyan Mangyan Tagabukid (SMT)* in obtaining community title to their land and the impact of various field interventions on the community. This is followed by a discussion on the challenges encountered, and emerging opportunity for co-management in the overlap areas. Finally, the paper highlights the importance of inter-organizational cooperation as demonstrated by the various actors— i.e. government, indigenous groups, non-government organizations and academe – that resulted in synergies instrumental in fulfilling the provisions of a revolutionary law.

3. Methods

Field interventions consisted of anthropological research and documentation, participatory mapping and planning, capacity building, legal assistance, farm support and joint ventures. The procedures and steps in identifying and delineating the ancestral domain and applying for a community title are outlined in 13 steps under the IPRA law.

To summarize, the steps include: 1) filing for petition for delineation, 2) delineation proper, 3) submission of proofs, 4) inspection by NCIP representative, 5) evaluation and appreciation of proofs, 6) survey and preparation of survey plans, 7) identification of boundary conflicts, 8) submission of NCIP investigation report, 9) map validation, 10) public notification, 11) endorsement of claim to NCIP Ancestral Domains Office, 12) review and endorsement by Ancestral Domains Office to NCIP board; and 13) approval by NCIP board of the Certificate of Ancestral Domain Title (CADT) application.

In 1998, WWF facilitated the delineation of the ancestral domain as prescribed under the IPRA. WWF entered into partnerships with support NGOs for indigenous peoples. PANLIPI, being a legal NGO, had the responsibility of providing legal resources and assistance to the SMT in the delineation of their ancestral land and liaison work. AnthroWatch, an NGO comprised of anthropologists, was tasked to do the census of the indigenous people, conduct genealogy research, map indigenous territories and assist in establishing and collecting proofs to substantiate the petition

for delineation of ancestral domains of the SMT. PAFID provided training in the use of Global Positioning System (GPS) and in the preparation of 3-D maps and facilitated the delineation activities.

To hasten the processing of the ancestral claim, WWF, AnthroWatch and PANLIPI entered into a Memorandum of Agreement (MOA) with the NCIP. The MOA authorized the NGOs to delineate the ancestral lands of the SMT for and in behalf of the NCIP. For the NCIP, the collaboration created an opportunity to pilot test GO-NGO partnerships in processing ancestral land claims.

3.1 Delineation process

Before delineating the claim, the members of the indigenous community who would participate in the delineation activity would have to be identified and authenticated. A population census was conducted using genealogical mapping which put the number of applicant beneficiaries of the CADT at 315 households or 1,687 individuals.

The population census was followed by the gathering of proofs and other documents to support the claim. Various testimonials, written/historical accounts of SMT customs and traditions, anthropological data and historical accounts proving the existence of the SMT in Sibuyan island, pictures and descriptive histories of traditional landmarks such as Bula-bula falls and Cantingas river, write-up of names and places derived from the native dialect of the community, genealogy of elders, photocopies of Spanish and other historical documents taken from the National Archives and its English translation were gathered. These proofs were later submitted to NCIP Provincial Office for validation.

The indigenous members prepared indicative maps per cluster village that were then assembled and transposed into technical maps. The maps depicted the extent of their domain areas. WWF and its partner NGOs assisted the SMTs in preparing the survey plans, conducting the perimeter walk and preparing flat maps with the necessary technical descriptions. The resulting maps were consequently validated with the indigenous communities. Boundaries, markings and the names of places were re-checked and appropriate corrections made.

The delineation of the ancestral claim started in September 1998 when the SMT council of elders filed a petition with the NCIP. To promote wider participation in the delineation process, WWF and PANLIPI carried out community-wide information dissemination on the IPRA law.

The indigenous peoples played an important role in facilitating the formation of delineation teams that were tasked to properly manage the delineation of the ancestral domain. The teams came up with a strategy and detailed plans for the actual survey of the ancestral domain. Members of the communities, as well as government agencies, were invited to participate in the survey.

Two teams were formed for the field delineation and demarcation activity. The teams marked trees and used natural features such as stones and streams to demarcate the domain. After eleven days of surveying work, the two teams converged in San Fernando where the teams evaluated the whole process (De Guzman & Dinopol 2002).

The council of elders convened to identify the landmarks indicating the boundaries of their ancestral domains on a topographic 3-dimensional map. Sacred sites, worship areas, hunting, gathering, collecting and fishing grounds, swidden farms and residential areas were mapped. The process of 3-D mapping involved community gatherings and trainings that provided community members an opportunity to chronicle their culture, economy, history and struggle as a distinct community. The map used local dialect and traditional place names which demonstrated the communities' knowledge and predominant role as steward of the area.

The 3-D map was assembled and displayed in their tribal hall for use by the members. A community resolution attesting to the veracity of delineation and the content of the map of the ancestral domain was likewise drafted. The ancestral domain maps were published in the provincial newspaper. These maps were posted in prominent places within the locality such as municipal halls, barangay halls, and indigenous community centers. During the time of publication and posting, no petition of protest was submitted to the local NCIP office.

The proofs together with the maps with the technical descriptions and notices of publications were submitted to the NCIP Provincial Office for validation. In validating the claim, the NCIP Provincial Office conducted an inspection with the SMT, adjoining communities and other affected entities to verify the landmarks of the ancestral domain and the physical proofs supporting the claim.

After validation, the NCIP Provincial Office endorsed the Ancestral Domain Claim to the NCIP Regional Office for verification. After further review of the proofs and evidence, the claim was finally endorsed to the Ancestral Domain Office (ADO) of the NCIP. After establishing and acknowledging the veracity of the claim, the ADO endorsed the application to the NCIP Board for its favorable action.

3.2 Management plan preparation

The results of the delineation and research activities were fed into village workshops that led to the formulation of a comprehensive management plan, also known as the Ancestral Domain Sustainable Development and Protection Plan (ADSDPP). The preparation of the ADSDPP was formulated through a series of community consultations at local community clusters and an island-wide workshop. After its formulation, the ADSDPP was presented and explained in a community assembly.

Under the ADSDPP, the IPs agreed to ban the following: 1) logging except for subsistence use, 2) cutting of trees within 25 meters from river banks and streams, 3) use of poison and/or explosives in catching freshwater wildlife including but not limited to shrimps, eels and fish.

A community coordinator carried out organizational and institution-building activities to revive non-functional tribal councils and federate them into a CADT-wide organization that would implement the ADSDPP.

WWF and PANLIPI organized paralegal training activities and orientation seminars on existing laws (i.e. IPRA, NIPAS⁵, Fishery Code, Forestry laws). The project sponsored study tours, cross visits and made it possible for SMT leaders to participate in meetings, conferences and dialogues on indigenous issues. SMT cultural practices were documented and customary laws codified. The project initiated small-scale plantations (i.e. abaca, coffee, tree seedlings) through joint venture arrangements with tenure holders. The SMT presented their plans and concerns during consultation meetings with local government officials.

4. Results

Socio-economic monitoring of sampled indigenous members show positive improvements in the social, economic and political conditions of the indigenous community (Table 3). Results from focused group discussions show perceived reductions in interpersonal conflicts, gambling, wife-beating and alcohol drinking. Male members are now more involved in planting root crops, i.e. *gabi*, *camote*, *bondo*, and other productive ventures such as *abaca* (Manila hemp fiber) farming supported by the project. The female members participated in enforcement actions and proved effective in dissuading mostly male poachers from entering their territories.

These positive changes in the community can be attributed to the empowerment approaches employed by the NGO partners in promoting indigenous rights as the focus for development. The transformation was far reaching and enhanced further their social capital.

In 2001, the NCIP approved the application for a Certificate of Ancestral Domain Title covering some 7905 hectares that would benefit some 335 indigenous households. With the awarding of their ancestral domain, the indigenous people of Sibuyan emerged in a very powerful position being able to confront and negotiate with other traditional power wielders, e.g. loggers, parks, politicians, mining, hydro-electric power company and other interests.

These new found rights have encouraged the SMT to become more vigilant over their domain and to regulate access by outsiders. Illegal logging in the forest overlap has been significantly reduced as a result. Despite institutional conflicts between the park management board and the indigenous community over jurisdiction in the protected area overlap, WWF has facilitated close collaboration between the indigenous people and the park rangers to combat illegal logging and to monitor biodiversity resources. Both parties have planned and executed joint operations to apprehend illegal loggers – a turnaround from their previous engagement which can be described as adversarial.

On the other hand, opposition to the ancestral land claim spontaneously emerged from the pro-environmental lobby in the island consisting of different sectors – i.e. local government officials, forestry department, park management board, and local environmental groups. Most of the opposition stemmed from the fact that sixty-

⁵ National Integrated Protected Areas System Act. A law enacted in 1992 creating a network of protected areas to be administered by the Department of Environment and Natural Resources (NIPAS 1992).

percent of the ancestral claim overlaps with the protected area – most of the overlap consists of intact forest.

Of the 7905 hectares covered by the Ancestral Domain, approximately 5000 hectares of the forest overlap with the eastern portion of the protected area. How did this overlap come about?

During the delineation of park boundaries, the Protected Area Office failed to appreciate the definition of the ancestral domain that goes beyond the mere existence of settlements and farm lots (see Chap II Sec 3 (a) of IPRA). The park delineation activity erroneously trespassed on the burial grounds, sacred sites, hunting and harvest areas of the indigenous community and included these within the park boundaries.

These conflicts between the indigenous people and the park authorities had their beginnings in 1996 where initial efforts in park establishment led to the loss of access by indigenous people to non-timber forest resources. The overlapping area consisting of old-growth forests had been the traditional source for non-timber forest products- rattan, honey, almaciga resins – for the indigenous community. The restrictions resulted in denial of their rights and created hostilities toward the park authorities.

Fortunately, the premises behind the recognition of ancestral lands under both the NIPAS and IPRA laws are similar if not identical. Both plans prepared by the park and the indigenous community highlights the importance of protecting the forests found in the overlap area. However, the difference lies in the SMT's desire to retain the rights of the indigenous people to access non-timber forest products which have been their traditional source of livelihoods. These convergences provided an opportunity for the indigenous people and the park authority to develop a collaborative or co-management framework where complementation instead of conflicts could prevail.

In a workshop to discuss the merits of a co-management agreement with the park, the SMT developed a set of guidelines that would be proposed in succeeding negotiations, to wit: 1) full recognition and respect for the rights of the SMT; 2) adherence to ADSDPP and their customary laws; 3) free and prior informed consent of the community; 4) right to select members to the co-management board; 5) funds and income-sharing from activities within the protected area; 6) transparency; 7) official designation of SMT as forest guards; 8) indigenous justice system to be applied; 9) transfer of knowledge, skills and technologies; 10) disposition of equipment and facilities after expiration of co-management agreement; and 11) right to revoke agreement in the event of violation or deviation from the plan.

5. Discussion

The IPRA law is considered a revolutionary law as it mandates revolutionary reform. The process involves the awarding of ancestral domain titles to authentic indigenous communities; developing their capabilities and empowering them to manage their ecosystems and resources for self-sustenance and self-governance, preserving their indigenous knowledge systems and traditions, and protecting their rights and their culture.

Already, there have been violent incidents and deaths among indigenous communities who have crossed powerful interests. The law seeks to tilt the power structures traditionally biased toward mining, hydro-electric power, agro-industrial and environmental interests. Fulfilling the provisions of the IPRA would mean observing the operating principles of participation, equity and empowerment. There are several provisions in the IPRA that implicitly embody these principles.

First, the act promotes self-delineation, i.e. delineation by the indigenous people of ancestral boundaries by themselves without outside interference. Here, the domain boundaries extended to the foraging areas, burial grounds, sacred places and swidden farms. This new definition of ancestral territory covered larger areas unlike older tenurial instruments which only covered their houses and farms.

Second, the IPRA guaranteed the right of indigenous people to give their free and prior informed consent to any development project initiated by outsiders within their ancestral land. Parks, mining interests, researchers, hydropower companies and bio-prospectors have to obtain consent before they can operate within the domain.

The institutional fit between NCIP and IPRA are still far from desirable. Under their new mandate under IPRA, the NCIP bureaucracy has to deal with “intangible” issues and approaches, i.e. empowerment, self-determination and self-development – a significant departure from their “integrationist” approaches in the past. How deep the new paradigm is embedded into the present organizational mindset and culture remains a big question.

After IPRA was enacted, funding constraints hampered NCIP capacities to implement the laws’ provisions. This resulted in gaps that were filled by NGOs and supported by outside development agencies. A collaborative agreement between the NCIP and the NGOs was deemed necessary to effectively implement IPRA.

Realizing the fruits from this initial collaboration in Sibuyan island, the NCIP now considers the Sibuyan experience as a model and template for future land claims and in establishing working relationships with civil society organizations and other “non-formal” sectors (Pasag, pers com). The IPRA provides the platform upon which both government and NGOs can share the mandate and pool resources to assist indigenous groups in pursuing their land claims.

In its seven years of existence, the NCIP has granted 24 ancestral domain titles representing 543,000 hectares, of which titling for 106,000 hectares or one-fifth of this area was supported by NGOs (Padilla, pers com). The NCIP targets 56 more CADTs covering some 1.7 million hectares for which it says it can provide some funding and can implement or complete the titling process. For 2004, the budget allocation of the NCIP amounts to PhP 28 million. At a surveying cost of PhP 1,000 per hectare, the NCIP can only survey 28,000 hectares or 1.6% of their target. Clearly, the resources of the NCIP are not enough to meet their targets.

6. Conclusion

The Sibuyan experience shows that partnerships between government and non-government organizations (and among NGOs) that is based on mutual cooperation,

respect and shared aspirations are key factors in achieving common objectives – the accomplishment of which are beyond the means and capacities of any single organization (cf. Barrett et al. 2001; McShane 2003; McShane and Wells 2004). The support shown by the NGO, academe, government and international donors is cause to celebrate, as it represents the social capital that is a vital resource to ensure the effective operationalization of the IPRA law (Dee 2002).

To conservationists and development planners worldwide, it has been postulated that the conservation of biological diversity in the developing world will not succeed in the long term unless local people perceive those efforts as beneficial to their economic and cultural well-being. By securing their tenure rights, the foundation has been laid for the long-term management of the forest resources and its biodiversity. The examples presented in this paper highlight many of the issues and challenges that exist between indigenous peoples and protected areas. By recognizing, fulfilling and protecting the traditional rights of indigenous peoples over their resources and unlocking their capacities to manage the same, they can be powerful allies in the fight to protect biodiversity inside their territories.

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Table 1. Government policies supporting community-based forestry management

1987 Constitution	Enjoins the state to enter into co-production, joint venture, or production agreements vis-à-vis natural resource management with empowered communities
Executive Order (EO) 192, 1987	Reorganizes the environment and natural resources sector, and mandates the DENR to conserve, manage, develop, properly use, license and regulate the use of natural resources
Department Administrative Order (DAO) 123 (1989)	Promotes community participation in the rehabilitation, protection, improvement and management of degraded and productive residual forests, brushlands, virgin forests and marginal lands.
Local Government Code of 1991	Devolves central government functions, such as natural resource management functions of the DENR, to local government units (LGU)
National Integrated Protected Areas System Act (1992)	Allocates forest lands and forest resources as protected areas for purposes of biodiversity conservation, habitat preservation, watershed protection and maintenance of ecological balance
Department Administrative Order (DAO) 2 (1993)	Department of Environment and Natural Resources (DENR) gives interim recognition of indigenous rights to land by issuance of Certificates of Ancestral Domain Claims (CADC), to afford protection against unilateral expropriation or exploitation of lands subject to ancestral claims until ownership can be determined.
Executive Order 263 (1995)	Declares Community Forest Based Management (CBFM) as the country's national strategy for sustainable forest management
Department Administrative Order (DAO) 96-29 (1996)	Provides the Implementing Rules and Regulations of EO 263; paved the way for the granting of resource use rights to communities; and allows the transfer of tenure as well as their limited division through such mechanisms as joint venture and contracting.
DENR Memorandum Circular 97-12 (1997)	Adopts the DENR Strategic Action Plan for CBFM
Indigenous Peoples Rights Act (1997)	Recognizes, protects, and promotes the rights of indigenous peoples, and paved the way for the individual or communal titling of ancestral forestlands.

Table 2. NIPAP Protected Areas and Ancestral Domain overlaps

Indigenous Group	Tenure Instrument	Protected Area
Calamian Tagabanwa	CFSA, CADC, CADT	Coron Island, Coron, Palawan
Tagbanwa	Pending CALC	El Nido, Palawan
Tagbanwa	CADC, CALC	Malampaya Sound, Palawan
Sibuyan Mangyan Tagabukid	CADT	Mt Guiting-guiting, Sibuyan Island, Romblon
Buhid, Tau Buid, Tadyawan Mangyan	CFSA, CADC	Mt Iglit-Baco, Oriental Mindoro
Agta Tabangnon, Agta Cimarron	CADC	Mt Isarog, Camarines Sur
Subanen	CADC	Mt Malindang, Misamis Occidental
Kalanguya, Ibaloi, Kankana-ey, Karao, Ifugao	CADC	Mt Pulag, Benguet

Source: NIPAP Final Report 1995-2001.

CADC (Certificate of Ancestral Domain Claim); CADT (Certificate of Ancestral Domain Title);

CFSA (Community Forestry Stewardship Agreement); CALC (Certificate of Ancestral Lot Claim)

Table 3. Focus Group Results on the Impact of Land Tenure Interventions.

Problems	Desired Results	Interventions	Impact
<ul style="list-style-type: none"> • Illegal activities by lowlanders and uplanders • Lack of food security and livelihoods • Lack of law enforcement • Vices (drinking, gambling and smoking) 	<ul style="list-style-type: none"> • Stop or minimize illegal activities • To protect the forest • To possess a CADT • To improve incomes to support expenses • Peace and order in the community 	<ul style="list-style-type: none"> • Orientation on laws and rights (IPRA, NIPAS, Forestry, Fishery) • Organized Paralegal teams • Research on indigenous culture and practices • CADT application • LGU orientations on IP issues • MOA with NCIP • Survey of ancestral domain and mapping • Preparation of the ADSDPP • Cross-visits to Bakun and Coron • Organized tribal councils • Register the ATSMT with the SEC • Developed the annual plan based on ADSDPP • Codification of customary laws • Joint venture projects 	<ul style="list-style-type: none"> • Illegal logging reduced because of enforcement by the indigenous community • Sense of identity • Increased sense of ownership through CADT • Greater appreciation on the importance of protecting our own territory • Gambling and drinking were reduced • Many more occupied in planting <i>gabi</i>, <i>kamote</i> & <i>bondo</i> • There is respect and agreement for one another • Disputes and problems are now resolved within the community • The indigenous cluster villages hold regular & special meetings

LGU, local government units

MOA, memorandum of agreement

ADSDPP, ancestral domain sustainable development and protection plan

ATSMT, Tribal Association of Sibuyan Mangyan Tagabukid

SEC, Securities and Exchange Commission

CADT, Certification of Ancestral Domain Title

Figure 1. Map of Sibuyan Island

