

Securing indigenous rights and biodiversity conservation through partnerships in Sibuyan Island, Romblon, Philippines

Edgardo Tongson and Thomas McShane

Abstract. In the Philippines many large intact forests designated as protected areas coincide with the ancestral claims of indigenous peoples. There, security of tenure is essential to issues of conservation, development and fulfilling indigenous peoples' rights. This paper highlights the experience of non-government organizations that collaborated with government agencies and assisted the indigenous group Sibuyan Magyan Tagabukid of Sibuyan Island to secure tenure to their ancestral domain. We discuss the challenges we encountered and the emerging opportunities for co-management in the overlap areas between ancestral domain and protected areas. The paper highlights the importance of inter-organizational cooperation as demonstrated by the various actors— i.e., government, indigenous groups, non-government organizations and academia – which resulted in synergies instrumental in fulfilling the provisions of a progressive law. Securing land tenure lays the foundation where local support for biodiversity conservation can be institutionalized and sustained.

Philippine's 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 in 1999,¹ which represent just over 5 million ha of residual and old-growth natural forests. Continuing upland migration, due 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 areas 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.² 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. Previous policies promoted centralized management and logging concessions,

which ended up also engendering ineffectual governance, corruption and illegal logging, contributing to the twin problems of forest degradation and upland poverty.³ With the dismantling of timber con-

cessions, forest communities asserted their rights to access forest resources and manage the same under a Community-based Forest Management (CBFM) framework. The

new forestry policy responded to clamors by civil society groups for greater participation, equity, empowerment, ecological sustainability, cultural integrity and gender equity in the management of the forest resources. The state conferred tenure to forest communities through 25-year Community-Based Forestry Management Agreements.

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Indigenous Peoples

Indigenous peoples, whose number has been reported in various official documents as 12 million or about 18% of the total population in the Philippines, are found in various forest, lowland and coastal areas, and are divided into 110 self-defined ethno-linguistic groups.⁴ These 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 called to explain this, including the lack of a vision about development for and by indigenous peoples; the absence of mechanisms on procedures of consultation with the peoples concerned; pressure on ancestral lands by economic and political development; and lack of consensus among indigenous peoples themselves about their development priorities, strategies and alliances.⁵

Today, the ancestral land claims cover some 2.5 million hectares or 8% of the total land area in the Philippines, the majority of which overlap with intact forests widely recognized for their biodiversity. Not surprisingly, most protected areas prioritized for protection overlap with ancestral claims.



Picture 1. Members of the indigenous group Sibuyan Mangyan Tagabukid. (Courtesy Edgardo Tongson)

The National Integrated Protected Areas System

In 1992, the Republic Act 7586 sought the establishment and management of the National Integrated Protected Areas System (NIPAS).

The NIPAS law creates a network of protected areas in the country. Multi-stakeholder structures such as Protected Area Management Boards provide

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roles for civil society organizations and indigenous groups. The law recognizes the claims and rights of indigenous communities over ancestral areas found within protected areas and promotes partnership in formulating and implementing plans and policies. Tenured migrants living within protected areas are provided usufruct rights for sustainable livelihoods.

The Indigenous Peoples Rights Act

The Indigenous Peoples Rights Act (Republic Act 8371)⁶ was enacted to recognize, promote and protect the rights of the indigenous peoples including their right to ancestral domain and lands, their right to self-governance and empowerment, their social justice and human rights and their right to cultural integrity. The IPRA establishes procedures for recognition of individual and communal ownership of "ancestral domains" and "ancestral lands". The IPRA law (Sec 3 h.) 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 on 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, became historically differentiated from the majority of Filipinos."

In other words, the IPRA grants indigenous people the ownership and possession of their ancestral lands and domains, and defines their extent.

National Commission on Indigenous Peoples

To carry out the IPRA Act, the National Commission on Indigenous Peoples (NCIP) was created (Sec 59, IPRA) merging the Office of Northern Cultural Communities and Office of Southern Cultural Communities:

"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".

The NCIP is tasked to process ancestral land claims 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, proofs and testimonies and facilitation of community meetings to resolve conflicts. The NCIP is staffed with 1,200 personnel and is

headed by a Chairman with six Commissioners. The forerunner of the NCIP dates as far back as the American period in the early 1900s. The pre-NCIP organizations were "integrationists" in their approaches, whose main goal was 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.

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

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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 poverty. The strength of NGOs lies in working with communities and ensuring that government programs conform to local conditions. NGOs facilitate the delivery of services for rural development; developing communities as stakeholders, rather than mere recipients, initiating new approaches for project development at the community level and di-

rectly contributing to capacity building.⁷ NGOs working for indigenous rights promote an alternative development paradigm, based on indigenous territorial autonomy, self-determination and “self-development” or “ethno-development”. For indigenous people, the first condition for effective ethno-development is security of land tenure and local jurisdiction over natural resources within their territory. 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.⁸ 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

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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 and 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 assisted by indigenous advocate NGOs to secure tenure rights over their ancestral lands in Sibuyan Island.



Picture 2. Upstream the Cantingas river, voted the 2nd cleanest river in the Philippines. (Courtesy Edgardo Tongson)

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 and 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)— the only remaining mountain in the Philippines with relatively intact habitats along its entire elevation gradient. Mt. Guiting-Guiting’s plant and mammal biodiversity is amongst the richest in the world.⁹ In the midst of this natural lushness, however, live some 50,000 people, more than half of whom 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 population engages in subsistence farming and fishing. Decades of unregulated and unsustainable use have taken a toll on the island’s natural resource base.

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), who 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 1700s reported a considerable population of mountain dwellers along the mountain ranges of the Sibuyan Island to which present indigenous populations trace their ancestral origins.¹⁰

The SMT are primarily engaged in subsistence agriculture – making their living through slash and burn farming (a land preparation method used in tropical countries that involves clearing land by burning the vegetation before the rain season begins), 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.¹¹ 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.

Park establishment and related 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.

The overall goal of the ICDP was to protect the biodiversity of Mt. Guiting-Guiting Natural Park through the development of sustainable livelihoods. A major objective within this goal was to improve the tenure security of the indigenous Sibuyan Mangyan Tagabukid people. Activities included strengthen-



Picture 3. Busay falls in the Panangcalan watershed provides drinking water to the town of San Fernando. (Courtesy Edgardo Tongson)

ing 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's 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. 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.

Field activities

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, namely: 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.

Delineation and demarcation of ancestral domain

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—an NGO with legal orientation and skills— 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.

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

The members of the indigenous community who participated in the delineation activity were identified and authenticated. A population census was conducted using genealogical mapping

which put the number of legitimate claimants 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, 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. 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.¹²

The council of elders convened to identify the landmarks indicating the boundaries of their ancestral domains on a topographic 3-dimensional map. Sacred sites, burial 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



Picture 4. Foothills leading to the ancestral domain. (Courtesy Edgardo Tongson)

places within the locality such as municipal halls, barangay halls, and indigenous community centers. 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.

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Preparing a management plan

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 indigenous peoples agreed to ban logging (except for subsistence use), the cutting of trees within 25 meters from river banks and streams, and the 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 PAN-LIPI organized paralegal training activities and orientation seminars on existing 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 some of the members. The SMT presented their plans and concerns during consultation meetings with local government officials.



Picture 5. Proposed weir site for a future 1 MW mini-hydroelectric project. (Courtesy Edgardo Tongson)

Results

Socio-economic monitoring of sampled indigenous members show positive improvements in the social, economic and political conditions of the indigenous community. Results from focus-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.

In 2001, the NCIP approved the application for a Certificate of Ancestral Domain Title covering some 7,905 hec-

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tares that would benefit some 335 indigenous households. With the awarding of their ancestral domain, the indigenous people of Sibuyan emerged into a very powerful, position being able to confront and negotiate with other traditional power wielders, e.g.

loggers, parks, politicians, mining, hydroelectric power company and other interests.

These new found rights have encouraged the Sibuyan Mangyan Tagabukid 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 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.

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 highlight 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.

Discussion

The IPRA law is considered a revolutionary law as it goes against existing power structures. The process involves

the awarding of ancestral domain titles to *bona fide* 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 oper-

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ating principles of participation, equity and empowerment. Several provisions in the IPRA implicitly embody these principles. First, the act promotes self-delineation, i.e. delineation of ancestral boundaries by the indigenous people 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 tenure instruments which only covered their houses and farms. And, 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 IPRA mandate, the NCIP bureaucracy has to deal with its prevailing mindset in order to shift from "integrationist" approaches to empowerment as the ends of development. Notwithstanding the mindset change, funding constraints hampered NCIP capacities to implement the law. 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.

Realizing the fruits from this initial collaboration in Sibuyan Island, the NCIP now considers the Sibuyan experience as a template to guide processing of future land claims and engendered working relationships with civil society organizations and other "non-formal" sectors.¹³ The IPRA provides the platform upon which both government and NGOs can share the mandate and pool their resources to implement the law. 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.¹⁴

Conclusion

The Sibuyan experience shows that partnerships between government and non-government organizations (and among NGOs) based on mutual cooperation, respect and shared aspirations can indeed achieve objectives beyond the means and capacities of any single organization.¹⁵ The support shown by

the NGO, academia, 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.¹⁶

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 un-

... recognizing, fulfilling and protecting the traditional rights of indigenous peoples over their resources and unlocking their capacities to manage them... less 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 example presented in this paper highlights many of the issues and challenges that link 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 them, indigenous peoples can indeed become powerful allies in the fight to protect biodiversity.

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Notes

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Tigers, people and participation—where conservation and livelihoods go hand in hand

Ashish Kothari and Neema Pathak

"We are sharing power with the communities, and becoming stronger in the process". These words of a forest official kept ringing in our heads as we headed out of Periyar Tiger Reserve in Kerala, after a brief but eye-opening visit. Over the four days we were there, we had seen living proof of the success that a participatory approach could bring, and the transformation that can be achieved by a small dedicated group of people.

Till about five years back, Periyar was faced with the same conflicts that plague most other wildlife protected areas in India. Relations between the Reserve officials and local rural communities were tense, to say the least. At least a hundred cases of illegal activi-

ties were registered every year against the villagers, large scale smuggling of sandalwood and poaching of wild animals was a common occurrence. As one of India's premier tiger reserves, it had a substantial budget, and a much larger staff than many less privileged protected areas... yet these were not adequate to

"We are sharing power with the communities, and becoming stronger in the process"

stop the illegal activities. Conversely, people who had lived in the area for decades and had a customary claim to its resources for their livelihoods, faced a constant battle to get access to such resources because of wildlife and forest laws. Their alienation from the forest was undoubtedly partly responsible