



Graduate School of Development Studies

WHOSE LAND, WHOSE CONTROL?

Women's Changing Resource Access and Control in Titled Ancestral Domains: The Case of Mount Apo, Philippines

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List of Acronyms

ADSDPP	-	Ancestral Domain Sustainable Development Project Plan
AFRIM	-	Alternate Forum for Research in Mindanao, Inc.
ASEAN	-	Association of Southeast Asian Nations
CADC	-	Certificate of Ancestral Domain Claim
CADT	-	Certificate of Ancestral Domain Title
CALC	-	Certificate of Ancestral Land Claim
CALT	-	Certificate of Ancestral Land Title
CBNRM	-	Community-Based Natural Resource Management
DAO	-	Department Administrative Order
DENR	-	Department of Environment and Natural Resources
FGD	-	Focus Group Discussion
FPIC	-	Free, Prior, and Informed Consent
GED	-	Gender, Environment and Development
IBASMADC	-	Ilomavis-Balabag Apo Sandawa Manobo Ancestral Domain Claimants
ICC	-	Indigenous Cultural Communities
ILAI	-	<i>Idposokadoy ta Linubbaran ni Apao, Inc.</i>
IP	-	Indigenous Peoples
IPRA	-	Indigenous Peoples Rights Act
LGU	-	Local Government Unit
MADADMA	-	Manobo-Apao Descendants Ancestral Domain of Mount Apo
NCIP	-	National Commission on Indigenous Peoples
NGO	-	Non-Governmental Organization
PNOC	-	Philippine National Oil Corporation
PVG	-	Protection Volunteer Group
SRF	-	Social Relations Framework
WED	-	Women, Environment and Development

Introduction

THE LAND RIGHTS QUESTION

The indigenous peoples' right to land has gained recognition worldwide in the past decades. Land distribution programs covering ancestral lands have taken place in many countries in Latin America and Africa (Akram-Lodhi, *et. al*, 2007; Brunt, 1992; Deere and Leon, 2001; Izumi, 1999; McAuslan, 1998; Ortiga, 2004; Rangan and Gilmartin, 2002; Whitehead and Tsikata, 2003; Zoomers and Van den Haar, 2000). While it is important that actual policies recognizing the distinct rights of indigenous peoples have been established, experiences in actual implementation vary.

Privatization through individual ownership has become a common strategy for distribution within these programs. This has led to changes in land use that in turn have resulted in negative consequences for indigenous peoples and women's access and control of resources as they have become marginalized from owning land and utilizing it for productive purposes (Berg, 1997; Brunt, 1992; Deere and Leon, 2001; Mackenzie, 1995; Rangan and Gilmartin, 2002; Whitehead and Tsikata, 2003; Zoomers and Van den Haar, 2000).

Nevertheless, women also seem to be not better off in communal arrangements. Community-based natural resource management (CBNRM) is one policy instrument implemented for the purpose of managing common resources to which ancestral domains may also belong (Agrawal, 2007; Bauer, 1998; Dryzek, 2005). Various empirical data show that there remains state and centralized control of land ownership and program design as well as gender disparity in participation, access and control to resources and benefits in CBNRM implementation (Agarwal, 2001; Gauld, 2000; Lama and Buchy, 2004; Nygren, 2005; Twyman, 2000).

This scenario seems to create a gap for understanding indigenous women's rights to land as well as natural resources in titled ancestral domains under communal arrangement and which falls within the framework of CBNRM. This is the case in the Philippines which has seen a major land distribution program for indigenous peoples in recent years. How the literature on gender vis-à-vis land rights and resource management can explain indigenous women's access and control over resources in the context of a land rights policy for indigenous peoples in the

Philippines is not clear, or at least not obvious. It is this gap that has inspired this research.

Recognition of indigenous peoples' collective right to their ancestral domain in the Philippines is embodied in Republic Act 8371 or the Indigenous Peoples' Rights Act (IPRA). Various assessments done on this policy look at its relationship with other land policies such as land reform, difficulties in implementation, and tension between operation of extractive industries and sustainable resource management (ADB, 2002; Alejo, 2000; Amos, 2004; Ferrari and De Vera, 2003; Gatmaytan, 2001; Vidal, 2004). The gender dimension of IPRA's implementation, particularly the question of women's resource access and control, it seems is not taken up in the literature and in policy debates. Changes in gender relations among indigenous peoples as a result of environmental degradation and in relation to environmental management are analyzed (Alegre, 2004; Resurreccion, 1999) but outside the context of a land distribution policy for indigenous peoples. This research therefore attempts to contribute to a new understanding of IPRA – how indigenous women gain or lose access and control over resources within a collectively titled ancestral domain in the context of natural resource management.

This paper is organized into five chapters. The paper's analytical framework and methodology are taken up in Chapter 1. The second chapter discusses IPRA's framework in the context of environmental management and how this affects indigenous peoples, specifically women's, claim-making efforts for their ancestral domain. Chapter 3 introduces the Manobo Apao Descendants Ancestral Domain of Mount Apo (MADADMA), an organization of indigenous peoples of the Manobo tribe and its application for Certificate of Ancestral Domain Title (CADT). Chapter 4 details the case of MADADMA, how titling of their ancestral domain has affected women's access and control of their resources. The last chapter summarizes the findings of the paper and concludes that Manobo women continue to exercise individual rights over land and resources under the tribe's customary practice of individual ownership even after collective titling of the tribe's ancestral domain. Women's access to resources outside of their own property increases as a result of market's expanding control over natural resource use. Formal structures introduced to the community in the post-distribution period offer space for women's collective participation in tribal decision-making. Overall, collective titling of the ancestral

domain within IPRA's CBNRM framework has not transferred control over resource management to Manobo men and women.

Chapter 1

ANALYTICAL FRAMEWORK AND METHODOLOGY

Analytical Framework

Rather than developing a new analytical framework *sui generis* I will locate my research within the boundaries of a fierce debate as well as use conceptual tools that are outlined below. Following these is a description of the methodology adopted in this research.

Individual or Collective Ownership?

Literature on gender and land rights has long established that access to land is differentiated by gender and one area of contention is ownership. Agarwal (1994) argues for individual independent ownership on the basis of efficiency, welfare, and empowerment. Secured land rights motivate women to invest for sustainable use of the land and provide control over its produce. In relation to this, it helps to strengthen their bargaining power within and outside the household. Her positions are criticized by Jackson (2003) who argues against a blanket prescription for individual land ownership for women. Criticizing Agarwal's efficiency argument, Jackson counters that transfer of land to women may not improve production if lack of access to other factors affecting efficiency like labor, land quality, and input levels is not addressed.

On Agarwal's position that ownership of assets determines power relations, Jackson argues that land ownership does strengthen women's position but only to the extent to which this is legitimized in cultural interpretations. She cites as example one culturally bounded practice in South Asia where women manage to own land but transfer it to their sons as inheritance, leaving ownership in the hands of male family members. In some cases, application of customary laws can come in conflict with statutory laws (Castillo, 2002; Simbolon, 1997; Vidal, 2004). Another view criticizes the effects of both state and customary laws on women's access rights to land claiming that rights under customary laws are limited and that statutory laws may also weaken rights that women enjoy under traditional practices (Simbolon,

1997). This also challenges Agarwal's position which pushes for state legislation as a solution to women's lack of access rights to land (Agarwal, 1994: 248).

The experiences of women in programs distributing indigenous lands through individual titling also demonstrate these contested positions which show that individual land rights for better access and control of women over resources does not seem to apply in some contexts, such as in common resources like ancestral domains. For instance, in the case of *ejidos* in Mexico, indigenous women were seen to have had better access and control to land and benefit sharing when land was communally owned and managed than when market-oriented land reform was implemented (Brunt, 1992; Deere and Leon, 2000 and 2001). Several studies in Sub-Saharan Africa and South Asia discuss similar scenarios (Mackenzie, 1995; Rangan and Gilmartin, 2002; Rocheleau and Edmunds, 1997; Whitehead and Tsikata, 2003). These arguments are points of consideration in IPRA implementation. While Section 26 of IPRA specifically recognizes equal rights for women in ancestral domains (Republic of the Philippines, 1997), IPRA's recognition of legal pluralism and collective ownership indeed raises concern for indigenous women.

Endowments, Entitlements, and Institutions

The research finds useful Bina Agarwal's (1994) argument of access to land embodying elements of ownership and control where ownership of land does not necessarily equate to having effective control over it. Also, one cannot exercise effective control over an asset without successfully negotiating with other social actors. This relates to the concepts of endowments, entitlements, and institutions.

Sen (1984: 497) defines entitlements as "the set of alternative commodity bundles that a person can command in a society using the totality of rights and opportunities that he or she faces." The entitlements framework looks at how people use their endowments, for instance land, to gain entitlements that help develop their capabilities to ensure their well-being. I find more appropriate for this research the entitlement concept referring to legitimate effective command over endowments as proposed by Gasper (1993) and quoted by Leach, *et al.* (1999:233). Here, legitimate command covers both statutory and customary rights over a set of endowments while effective control corresponds to existing power relations between

social actors and their ability to utilize certain endowments. This research qualifies legitimate effective control to mean that women are able to own resources and decide how these are used as well as how benefits from resource utilization are distributed.

Institutions on the other hand are understood as “the rules of the game in society” while organizations are “groups of individuals bound together by some common purpose to achieve objectives” (North, 1990: 5). A modified definition adopted by this research looks at “institutions not as the rules themselves, but as regularized patterns of behavior that emerge from underlying structures” and which change over time (Leach, *et al*, 1999: 237). This research shows the interplay among institutions and power relations between men and women and how both influence women’s access and control over resources.

Looking at the context of IPRA, the policy emphasizes the element of ownership while the roles of social structures and institutions seem to be overlooked. This research locates its analysis on all three aspects but especially on how gender relations figure within social structures and institutions which affect women’s entitlements from land ownership. One basis of entitlement for women for instance, is their membership to the indigenous community as ancestral domain ownership is awarded to a community rather than individuals. One argument is that “access to land via membership in communities that have control over resources remains very important, most particularly lands for grazing and forestry” (De Janvry, *et al*, 2001: 10). However, this is inadequate as women need to negotiate within social structures and institutions to realize this right. Institutional arrangements and formal structures or organizations embodied in customary practices and legal requirements within IPRA present both prospects and hindrances to women in this respect.

Politics and Economics of Environmental Management

The question on individual ownership is also taken up in environmental management discourse. Agarwal’s efficiency arguments are supported by an economic rationalist position – that absence of proper ownership of rights to resources contributes to environmental degradation (Dryzek, 2005). Open access to

resources, it is argued, leads to the all too familiar tragedy of the commons where resources are degraded because of over-utilization. The economic efficiency argument therefore favors individual private property rights because people tend to invest and care more for properties they own privately than those held in common with others.

However, problems arise with individual ownership in the context of management of common resources. Individual private rights cannot be widely applied to public goods, which most common resources are. Other considerations include the scale of resource (i.e., forest resources) and management of mobile resources (i.e., fish in the river). Resources should also be viewed as integrated ecosystems that cannot be divided into small parcels and therefore can only be managed collectively (Agrawal, 2007: 119-120; Common and Stagl, 2005: 414). Cooperation among community members as well as setting-up of proper institutional arrangements is deemed necessary to make collective management effective (Forster, 2000; De Janvry, *et al*, 2001).

Efficiency in resource use is the main objective of many environmental policies such as CBNRM. It is operationalized by setting clear property rights through privatization and decentralization which supposedly corrects inefficiencies associated with state management. This approach, however, may disregard distributional outcomes based on gender or class, for instance, as communities are treated as homogenous groups. Decentralization of decision-making may be a positive component of this approach because it promotes participation of communities in managing natural resources, a key element distinguishing CBNRM from other environmental policy measures. Through CBNRM, there is expected partnership and transfer of control over resource management from central to local authorities and communities, promoting joint-management of resources by the state and communities as the form of institutional arrangement. It aims for increased people's participation, equitable access to resources, and distribution of benefits (Lama and Buchy, 2004).

Rules for resource use and management are supposedly decided at the state, community, and household levels with formal organizations assumed to be effective mechanisms to actualize these. Individuals have to participate in various levels of

decision-making and negotiate with multiple institutions to gain access to resources and share in its benefits. On the contrary, there is evidence that there remains centralized control as well as disparity in participation, access and control to resources and benefits in implementation under CBNRM arrangements (Gauld, 2000; Lama and Buchy, 2004; Nygren, 2005; Twyman, 2000).

Scholars criticize mainstream CBNRM's conventional conception of a household composed of individuals cooperating to maximize joint welfare, with men acting as altruistic household heads who ensure that benefits accrue to other household members.¹ This unitary household model followed by CBNRM projects identifies males as the main beneficiaries of resource management projects which may contribute to further marginalization of women. Agarwal (1997) argues that the unitary household model disregards gender relations which influence decision-making processes within the household.

Cooperation within a homogenous community is likewise a flawed assumption of mainstream CBNRM efforts. This overlooks the inherent conflict based on class, caste, resource priority, and gender differentiation among community members that result in disparity in access and control over resources and benefit sharing (Agarwal, 2001; Agrawal and Gibson, 2001; Lama and Buchy 2004; Leach, 1992). Resource management projects fail to recognize this and support claim-making efforts of the marginalized and vulnerable members of the community, the women, poor, and lower caste. Instead of finding common grounds among the various interests and promoting complementary resource use alternatives, the implementation of environmental management programs turns lopsided in favor of male community members.

Women's contribution to productive and care work are not recognized in resource management projects which at times even result in increased reproductive tax and risk on women. For instance, various World Bank-funded environmental management programs such as Village Forest Joint Management, Community Forestry Groups, and Forest User Groups, prioritize men in project implementation

¹ Intra-household resource allocation is taken up in Haddad, *et al* (1997), which provides analyses of different household models, from the traditional unitary model conceptualized by Gary Becker to other collective models.

while it is in marginal economic activities where women participate (Agarwal, 2001; Lama and Buchy, 2004; Leach, 1992; Sarin, 2001). Agarwal (2001) documents women's exclusion from forestry projects in India where Community Forestry Groups and Village Forest Joint Management projects are organized to implement forest management programs on economic activities which mainly benefit the men. Lama and Buchy (2004) present a similar situation within a community forest management initiative in Nepal where women are discriminated against participating in Forest User Groups, preventing them from engaging in income generating activities.

Cases from the literature also show that installation of formal organizations for local resource management has only benefited the men in the communities (Agarwal, 2001; Lama and Buchy, 2004; Sarin, 2001). Informal arrangements that have previously accorded women rights for accessing resources are not respected by state-initiated projects. Although women get to participate in governing structures, their involvement remains limited. Agarwal (2001) discusses in detail the quality of women's participation in these formal organizations, showing women becoming nominal and passive participants.

Furthermore, CBNRM projects tend to promote a women in development approach, seeing that women-specific projects would have a better opportunity for addressing poverty and environmental protection. Security in household livelihood through women-specific credit and extension programs is identified as a contribution of CBNRM programmes in India and selected African countries (Sarin, 2001; Thomas-Slayter and Sodikoff, 2001). The case studies however, are not clear whether women have a say on what types of activities are implemented or if they remain in control of incomes generated from these projects. Leach (1992) argues that this approach is not necessarily effective in addressing women's needs and general concerns. She says that "[i]t is easy for 'women's projects' to become marginalised relative to those which affect a whole community" (*ibid.* 16).

In sum, CBNRM as it is adopted in state-initiated environmental programs place as norm "men's current life patterns" (Fraser, 1997: 48) such as using the unitary model of households in identifying beneficiaries, emphasis on income generation while neglecting care work in planning and implementing resource

management activities, setting-up of formal structures to ensure project management, monitoring, and distribution of benefits. Emphasis on women in development approach of some CBNRM projects (Leach, 1992; Sarin, 2001; Thomas-Slayter and Sodikoff, 2001) implies acceptance of gendered social structures and does not challenge unequal gender relations (Leach, 1992).

These concerns are also taken up in this research. Particular attention is given to problems associated with decentralization such as heterogeneity and power relations as well as conception of community as factors to be considered in analyzing gender relations in resource management. As Agrawal and Gibson (2001: 2) suggest, analysis of a community should focus on “the multiple interests and actors within communities, on the process of how these actors influence decision-making, and on the internal and external institutions that shape the decision-making process”.

Gender and Environmental Management

There have been shifts from early analysis of women’s links with the environment. One view applies a “women in development” approach that challenges development initiatives and natural resource management policies to realize women’s role as resource managers. This shifts to that which advocates a “gender and development” framework that tackles the issue of gender relations in access and control over resources from among various themes including participation and bargaining within formal and informal institutions (Agrawal, 2001; Lama and Buchy, 2004; Leach, 1992; Leach, 2007; Sarin, 2001; Thomas-Slayter and Sodikoff, 2001).

As Leach proposes, “[f]rom this perspective, the process governing the use of resources can be seen as sets of interests and opportunities differentiated by gender – some separate, some shared, some complementary, and some conflicting” (1992: 17). Leach (2007: 16) identifies this as the shift from ecofeminism/women, environment, and development (WED) approach to gender, environment, and development (GED) approach that is grounded on feminist political ecology. While she considers that the WED approach has waned, Leach warns of the prominence of gender-blind processes and points out the weak influence of gender perspective on “environmental relations in policy literature” where “issues of rights and resource access and control are now acknowledged, but not necessarily in relation to gender”.

The literature points out that CBNRM initiatives generally at best employ a WED approach in program design and implementation, emphasizing on income generation of unitary households in homogenous communities as a success indicator yet failing to question gendered social structures and institutions with regards to access and control of resources. In contrast, IPRA at first glance seems to provide women with a little more space to maneuver. Collective titling of ancestral lands embodies an element of universality. On the other hand, though land ownership is a leverage that women have, since IPRA is implemented through the framework of CBNRM (Abesamis, 2004; Gatmaytan, 2001; Hughes McDermott, 2001; Sajor, 1999), women may face problems of marginalization and exclusion associated with the implementation of this environmental policy instrument. The challenge is on overcoming gendered structures that may restrict their access to land especially because IPRA recognizes indigenous peoples' customary laws.

Social Relations

As a framework that analyzes gender inequalities in distribution of resources and power relations, the research further draws on the social relations framework to look at women's access and control over resources after collective titling of their ancestral domain. The SRF also looks at how institutions influence gender relations and become instruments in challenging or perpetuating inequalities between men and women. It locates institutions within the state, family/kinship, market, and community, the arenas that determine gender differentiated roles and claims. The SRF further classifies development interventions from being gender-blind to gender-redistributive, which either way impact on women's condition (Kabeer, 1994 and 1999; Miller and Razavi, 1998; UNDP, 2001: 62-67).

The SRF differs from the gender roles framework in its analysis of the concept of gender division of labor. The gender roles framework sees this concept as a "form of social separation" between men and women and gives premium on access to and reallocation of economic and material resources. The SRF on the other hand, analyzes division of labor as a process of cooperation and conflict between men and women. They are interdependent yet in conflict because of inequality in distribution of resources (Miller and Razavi, 1998: 1).

Aspects of social relationships that the research gives emphasis to are activities, rules, and power as they relate to issues of land use and resource management arrangements, productive activities, and decision-making processes in connection with mobilization and distribution of resources. These are analyzed in the context of various institutional arrangements with the state, market, community, and household.

The use of the social relations approach in this research emphasizes what is often neglected in CBNRM -- social and gender relations. The research focuses its analysis specifically on tenure arrangements, resource mobilization, governance, and environmental management, all in the context of the abovementioned institutional sites. Factors such as forms of land transfer, decision-making processes, gender differentiation in agricultural production and other economic activities, rules and processes in environmental management detail the analysis.

In sum, this research puts forward the position that individual private ownership is not the appropriate strategy to improve access and control by women over land, in a situation of common property rights over ancestral domains. It argues that in the case of indigenous peoples, it is possible for women to exercise “legitimate effective command” (Leach, *et al.*, 1999) over land and resources through collective private ownership. Jackson’s position that women’s control over land depends on how this is legitimized in cultural interpretations and institutions is very much relevant in the case of Mount Apo. Agarwal’s argument that individual titling facilitates the expansion of rural women’s capabilities and choices, thereby contributing to their empowerment, is argued to be flawed, while the goals behind that policy can also be obtained under a collective title as the case of Mount Apo shows.

Methodology

The paper is a result of qualitative research conducted from a gender perspective, involving the use of case study and a combination of methods to gather secondary and primary data. Methods used for gathering primary data are semi-structured interviews, key informant interviews, and focus group discussions (FGD). The research features the case of the Manobo community of MADADMA, which was

awarded ownership of some 3,100 hectares of ancestral domain in Mount Apo, Cotabato.

This research analyzes how collective titling of ancestral domain distributed within the framework of community-based natural resource management affects women's access and control over resources. Natural resource management within the ancestral domain is discussed in this research in relation to IPRA's policy framework. It looks into the rights and benefits over resources that indigenous women gain or lose with titling of ancestral domains. Understanding these issues in the context of a land policy for indigenous peoples hopes to respond to Leach's (2007) challenge of putting gender back in the environment and development policy discourse.

The elements of the social relations framework adopted by the research were analyzed through the following general questions which were further broken down into guide questions used in the individual interviews and FGDs:

- How are the community resources (e.g., human and natural) mobilized and distributed?
- How and why are the community land use and resource management arrangements gender differentiated?
- How and why do men and women differ in terms of engagement in productive activities?
- How do institutions govern the use and management of resources?
- How are decisions on resource use and management made?
- How was the resource management plan formulated and implemented?
- How do women relate with various institutions to assert their legitimate effective control over resources?

Having worked with the Manobo women on several occasions in the early years of their struggle for land as AFRIM's advocacy coordinator and gender focal person in the past, I have developed a personal knowledge of their situation and the issues surrounding them. This experience poses both an advantage and limitation.

Admittedly, on the one hand this may have influenced data interpretation and the tone of this paper, which is written through my perspective as a development worker and tends to have a bias against state actions and market intentions. On the other hand, my knowledge of the issues helped in contextualizing the data collected by my research assistants from their fieldwork. Cognizant of the need to gather other information to substantiate and cross-check what was gathered from the field, the views of implementing agencies through interviews with provincial officials of the National Commission on Indigenous Peoples (NCIP) and the Department of Environment and Natural Resources (DENR) as the primary state agents implementing environmental and land policies concerning indigenous peoples are also taken up in the paper. I also referred to official documents from various government agencies as well as published and unpublished materials on the subject.

An important issue to express here is that I did not execute the fieldwork myself, reflecting another limitation of this research. Fieldwork in the Philippines was conducted by three research assistants. In order to address this weakness, procedures were put in place to ensure proper methods of data collection (see Annex 3 for the process implemented on the field). Selected reading materials were shared with the research assistants to help them understand the concepts adopted in the research. I prepared the guide questions for the FGDs as well as individual interviews and discussed these with the research assistants, making sure that everyone levelled-off on their understanding of the guide questions. These were translated into the vernacular for easier reference while on the field. FGD participants and individual interviewees who were selected prior to the actual fieldwork included men and women tribal leaders, and women community (ancestral domain) members who belong to MADADMA. Daily communication with the research assistants through telephone conversations and email was ensured so that I could monitor the progress of the fieldwork.

MADADMA is composed of two indigenous peoples' organizations, the *Idposokadoy ta Linubbaran ni Apao, Inc.* (ILAI) and Ilomavis-Balabag Apo Sandawa

Manobo Ancestral Domain Claimants (IBASMADC), from the two *barangays*² covered by the ancestral domain. Each organization has its own set of leaders. MADADMA also has a separate leadership that is composed of the communities' tribal council of elders. Separate women's committees also operate under both IBASMADC and ILAI.

The ancestral domain of MADADMA covers 13 *sitios* that are spread in two *barangays*, Ilomavis and Balabag. Three *sitios* were chosen for the site of individual interviews based on their distance from the *barangay* center which is nearer to the city (the farthest and nearest the center) and population (most populated). A total of 15 women or five from each of the three *sitios* were selected for individual interviews (see Annex 1 for the profile of interviewees). Proximity to the city was chosen as part of the criteria because how the community relates to the market and state is a focus of the study. The research aimed to identify respondents from female-headed households to compose half of the interviewees but this was not possible because data on this are not available from AFRIM, one of the NGOs assisting the community and which conducted a household poverty survey in 2004. The interviewees were therefore randomly selected from the population in the identified *sitios*.

Three FGDs were conducted, one each for IBASMADC, ILAI, and the combined women's committees of the two organizations (see Annex 2 for the profile of participants). The research assistants likewise set interviews with the NCIP, the DENR, and Philippine National Oil Corporation (PNOC) officials, although the PNOC did not respond to a request for interview. PNOC is a government-owned corporation that is operating the geothermal power plant located within the ancestral domain of MADADMA. Interview with the Sustainable Livelihood Program Officer of AFRIM was done through personal communication.

Secondary data from published and unpublished materials were gathered from library and internet sources and other relevant documents from the NCIP, DENR, NGOs, and local governments. The poverty profile and strategic plan that the

² A *barangay* is the smallest unit of local government in the Philippines, equivalent to a village. It is composed of a group of smaller territorial enclaves called *sitio*. A group of *barangays* makes up a city or municipality.

community prepared in partnership with AFRIM and which the community implements was also used as reference because the ancestral domain sustainable development project plan (ADSDPP) required under IPRA has yet to be formulated.

Chapter 2

LAND RIGHTS TIED TO ENVIRONMENTAL MANAGEMENT

The discussion in this section takes up issues related to the recognition of indigenous people's right to their ancestral domain within a framework of natural resource management. It explores the policy design of IPRA as it relates to CBNRM and its implications on women's access to resources within ancestral domains.

Indigenous Peoples and Environmental Policies

Indigenous peoples comprise 8.25 million or around nine percent of the 88-million Philippine population (NCIP, 2008; NSO, 2008). In Mindanao³, the indigenous population number approximately 3.99 million (NCIP, 2008) and is divided into 18 Lumad⁴ tribes (Rodil, 1994).

Indigenous peoples mostly live in the uplands. In the past, the indigenous peoples' ancestral domains were classified as public lands owned by the state. As it was, they were displaced by 'development projects' in the 1960s through the 1970s such as dam constructions in Luzon and mining operations, logging concessions, and plantation expansion in Mindanao as they were considered squatters in government-owned lands (Gatmaytan, 2001: 22). It was a period when traditional management of natural resources dominated environmental management discourse, where natural resource extraction would serve human needs for economic development (Meffe, 2002).

Article 14, Section 17 of the 1987 Philippine Constitution calls for the state to "recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions. It shall consider

³ The Philippines is made of three major island groupings namely Luzon in the north, Visayas in the center, and Mindanao in the south.

⁴ Lumad is a local term in Mindanao for indigenous peoples, meaning 'of the soil'. This emphasizes how important land and natural resources are for the indigenous peoples.

these rights in the formulation of national plans and policies”. Also, Article 13, Section 6 mandates the state’s recognition of “the rights of indigenous peoples to their ancestral land” while Article 2, Section 14 promotes “equality between men and women before the law” (Republic of the Philippines, 1987b). The provisions are indeed major victories for indigenous peoples in general as these aim to correct injustices they have experienced in the past.

Gains in indigenous peoples’ struggle for their ancestral domain may be linked to shifts in state environmental policies, which in turn have been heavily influenced by socio-economic restructuring. Since the 1980s, through the World Bank’s influence, government policy to address environmental degradation focused on reforestation which likewise stressed on community participation, livelihoods, investments, and tenure security (Fox and Gershman, 2006; Sajor, 1999). Not surprisingly, CBNRM is the framework adopted in these environmental policies. In the Philippines, the DENR aims for:

“strengthening security of land tenure of indigenous peoples through recognition of ancestral land and domain claims and giving responsibility to them for rehabilitating, protecting, and sustainably managing the natural resources within their ancestral domain” (Sajor, 1999: 111).

This was concretized through various administrative orders related to forest management programs. It is likewise supported by legislation mandating the establishment and management of national integrated protected areas systems (Republic Act 7586) at the same time recognizing the role of indigenous peoples in environmental protection (Alejo, 2000; Gatmayan, 2001; Resurreccion, 1999; Sajor, 1999; Vidal, 2002).

The Department Administrative Order (DAO) 2 Series of 1993 accorded indigenous peoples a legal right to claim their ancestral domains although to a limited degree. It outlines how indigenous peoples could claim their territories. Delineation of territories as well as decisions when conflicts arise within the distributed ancestral domains and lands remained under the state’s authority (DENR, 1993).

Ancestral domains are differentiated from ancestral lands under DAO 2. The former include land and natural resources while the latter refer only to parcels of

land. While an individual, family or clan belonging to indigenous communities can claim an ancestral land through awarding of a Certificate of Ancestral Land Claim (CALC), ancestral domains are awarded only to communities with the issuance of Certificate of Ancestral Domain Claim (CADC) in which specific plots of land can be assigned to community members. However, ownership of land and resources on both cases rests with the state, the claimants enjoying only usufruct rights yet taking responsibility for management of the resources. Furthermore, the issuance of CADC or CALC would not affect existing tenure arrangements in the claimed area like leases or concessions until the terms of agreements expire (*ibid*).

IPRA Features and Issues

In 1997 came the Indigenous Peoples' Rights Act (IPRA) or Republic Act 8371 expanding indigenous peoples' rights over ancestral domains outlined in DAO 2 to include the right to ownership, right to redemption of land or property rights transferred to non-member of the indigenous group prior to titling, and right to free, prior, and informed consent (FPIC) before any activity in the ancestral domain can be initiated by non-members. Also a first is Section 26 of the IPRA, which recognizes equal rights for indigenous women. It states that,

“...women shall enjoy equal rights and opportunities with men, as regards the social, economic, political and cultural spheres of life. The participation of indigenous women in the decision-making process in all levels, as well as in the development of society, shall be given due respect and recognition” (Republic of the Philippines, 1997).

IPRA promotes indigenous peoples' rights and recognizes customary laws on property rights over ancestral domains. Indigenous communities receive certificates of ancestral domain title (CADT) or certificates of ancestral land title (CALT) as proof of their ownership of their ancestral domain or land. Indigenous peoples already holding CALC or CADC also qualify to apply and convert their certificates into titles. Section 3 of NCIP Administrative Order 1 Series of 1998 states that⁵

⁵ NCIP AO 1 (1998) is the Rules and Regulations Implementing Republic Act No. 8371 or IPRA.

“...ancestral domains are the ICCs/IPs’ [indigenous cultural communities/indigenous peoples] private but communal property which belong to all generations and shall not be sold, disposed nor destroyed. The present generation who are today’s occupants have the inter-generational responsibility of conserving the land and natural resources for future generations” (NCIP, 1998).

At the outset, IPRA may seem to offer space for indigenous peoples to exercise their right to their ancestral domains as it has encouraged them to claim ownership of territories that they occupy. “About 0.95 million hectares have so far been titled to indigenous peoples as ancestral domains, while a further 4,800 hectares have been allocated as (mainly individually or family owned) ancestral land titles” (Colchester and Fay, 2007: 20). A critical look at the literature however, shows IPRA’s limits and the challenges faced by indigenous peoples in engaging this policy.

Apart from providing “proof of their indigeneity” (Resurreccion, 2006: 376), indigenous communities are required to formulate their ADSDPP upon the awarding of CADTs. IPRA requires a council of elders to represent the community in dealings with the state and other actors and take charge of decision-making related to matters like CADT application, ADSDPP formulation and implementation, and resolution of conflicts pertaining to resource use and management. This requirement for a formal organization seems to give opportunity for elite capture and fuels conflict within the community. Sajor (1999) and Resurreccion (1999) argue that formal structures edge out traditional tribal practices of resource management as they cite the case of Kalanguya/Ikalahan tribes in northern Philippines where urban-based and educated members of the tribe became the appointed leaders at the onset of the application process. Furthermore, both the formation of organizations and recognition of traditional practices can work against women if leadership practices in the community are male-centered, as shown in the case study of this paper.

Other analyses take on the issue of legal pluralism applied by IPRA and how conflicting laws result in overlapping claims over the same territories. Conflict in the application of both statutory and customary rights in the enforcement of IPRA is analyzed by Vidal (2004). Another study looks into competing interests over resource use between the state and private sector on one hand and the indigenous peoples on the other. When government and private interests are at stake, the

application of legal pluralism limits the indigenous peoples' ability to exercise their right over their ancestral domain (Gatmaytan and Dagondon, 2004; Vidal, 2004).

Although a CADT translates to ownership of ancestral domains, "national interest" supersedes this property right. This happens for instance in conflicts between mining companies' application for exploration in CADT awarded areas or in the case of Mount Apo, the operation of a geothermal plant. This is the exploitative aspect of government's interest, which gives more weight to the economic value of natural resources. Conflict between the state and indigenous peoples also arises when the state imposes its "protective interest" over natural resources such as when traditional practices of hunting forest animals are restricted in protected areas (Gatmaytan and Dagondon, 2004: 42). It is a no-win situation for indigenous peoples, it seems.

Legal pluralism also has implications on women's access to land and other resources in ancestral domains. In some countries, state laws allowing individual land titling become detrimental to women's access to land and resources (Simbolon, 1997). In the case of the Philippines, women's right over ancestral domain resources is clearly recognized in official policy as IPRA acknowledges their equal rights to land and resources but evidence as to how IPRA's implementation affects women is mixed. From the experience of the Kalanguya tribe, men were the ones who benefited from its engagement with the state as they acted as "gatekeepers of resources and societies" in its CADC application under DAO 2 (1993) (Resurreccion, 1999: 286). In Mount Apo, evidence from the case study of the Manobo shows that though the tribe is male-centered in political leadership and there is gender differentiation in utilization and management of common resources, women historically have maintained individual access and control to land and certain resources. Women's access to resources has even increased now as a result of men's involvement in economic activities outside of own-farm production. Contrary to the case of the Kalanguya, the Manobo's engagement with the state and NGOs has allowed women to edge their way in community decision-making processes.

Another important provision of IPRA relates to FPIC as it claims to ensure indigenous peoples' protection from exploitative arrangements and ancestral domain encroachment by outsiders (non-tribe members) or even the state. Under the

principle of FPIC, no activity within CADT areas can be implemented by outsiders without undergoing the process of securing FPIC from the community. NCIP Administrative Order No.1 Series of 2006 even prescribes a 70-day period for FPIC-related community consultations. While the council of elders is the designated negotiator and decision-maker in the community, the indigenous peoples may opt to conduct individual voting during community meetings to arrive at decisions (NCIP, 2006).

Once the indigenous peoples give their consent, they can “enter into agreement with any legal entity, for the utilization, extraction or development of natural resources, subject to a limited term of 25 years, renewable at the option of the ICCs/IPs for another 25 years”.⁶ This provision, I would argue, threatens the indigenous peoples’ access and control over their resources as entering into long-term contracts virtually translates into selling of land as control is transferred to the contracting party. This arrangement also exposes the indigenous peoples’ resources to exploitation because investors opt for cash crops known for chemical-intensive production which may pose harm to biodiversity of resources. Indigenous peoples in Mindanao like the Talaandig, Subanen, and Higaonon and their surrounding environment in the provinces of Bukidnon and Zamboanga for instance, face the threat of plantation expansion activities for production of chemical-intensive export crops like oil palm and banana (De Leon and Escobido, 2004: 101-107; Deriquito, 2005).

IPRA’s Policy Framework

Several issues also arise in relation to the adoption of CBNRM in IPRA’s policy framework. Ensuring clear property rights for indigenous peoples is one way of transferring responsibility over the natural resources and promoting efficiency of resource use. Under IPRA, ownership of ancestral domains is considered communal. It fails to address nuances of cases like that of the Manobo in Mount Apo which shows a strong element of individual ownership.

⁶ *ibid*, Chapter 3, Part 2, Section 2.

The Manobo's situation substantiates the study of Gatmaytan and Dagondon (2004) on the Manobo and Higaonon tribes in Agusan, Bukidnon and Misamis Oriental which argues that these tribes practice individual ownership, contrary to other studies which claim communal ownership of ancestral lands and resources. This research also supports the authors' findings that the concept of ownership for the Manobo includes both land and resources.

But while indigenous peoples can claim collective titles and exercise individual ownership of land within ancestral domains, their control over utilization of resources remains insecure because traditional management of the environment instead of community driven management seems to be IPRA's focus. The indigenous peoples then become mere implementers of government-designed programs or worse, are displaced because of erroneous contracts signed with outsiders. The impacts of the DENR's foreign-funded environmental management programs or the policies on mining and logging have been documented and show the limits of this framework (Alegre, 2004; Fox and Gershman, 2006; Vidal, 2004).

Formal structures created after land titling as required by IPRA displace existing informal institutions. They come in conflict with traditional practices that the law supposedly respects and may be prone to elite capture as shown by the Kalanguya/Ikalahan tribe experience. On the other hand, it may also benefit vulnerable sections of society which would otherwise not have a voice in traditional institutions. This seems to be true for the Manobo in Mount Apo where IPRA regulations worked in favor of women as these provided opportunity for them to organize and increase their involvement in community decisions. Prior to their engagement with the NCIP, women have already been participating in community actions such as during the Manobo's struggle against the establishment of the geothermal power plant but were not holding leadership positions. Awareness-raising activities conducted by NGOs helped nurture the women's assertiveness resulting in the community's recognition of their leadership capabilities as will be discussed in the succeeding chapters.

Chapter 3

TRACING THE APAO DESCENDANTS' CLAIM

Mount Apo's Diverse Resources

Mount Apo is the highest mountain in the Philippines and one of the ASEAN Heritage Sites. It is located in the province of Cotabato in Mindanao and overlaps with the boundaries of Davao City and Davao del Sur province. It is a dormant volcano with a land area of around 77,000 hectares, 54,000 hectares of which were declared part of the Mount Apo National Park in 1936. The land in Mount Apo is fertile, with closed canopy forests, some 28 rivers, streams, and waterfalls, 84 species of birds including the Philippine eagle, one of the two largest birds in the world. It also serves as watershed for Davao City and the provinces of Davao del Sur, Cotabato, and Bukidnon. Mount Apo is home to six Lumad groups, including the Obo-Manobo (or simply Manobo) in the Northwestern part covered by Kidapawan City (Alejo, 2000; MAFI, 2008; Royo, 2000).

The Community

Located about 12 kilometers from Kidapawan City, Cotabato Province are *Barangays* Ilomavis and Balabag, the site of MADADMA's ancestral domain (see Annex 4 for maps of the ancestral domain and research sites). The Manobo comprise around 90 percent of the *barangays'* population of 4,605 (Field notes, AFRIM interview, 15 September 2008; NSO, 2008).

The research concentrated on *sitios* Lumot, Sayaban and Umpan Village.⁷ Lumot is the farthest from the city and even *barangay* center, a one-hour hike up on the upper portion of *Barangay* Balabag. It is accessible only through horses or single motorcycles. While electricity and sanitation facilities are luxuries in the area, households have access to a natural spring located only a few meters from residences.

⁷ I benefited from my discussions with the research assistants for the description of the three *sitios*.

Originally, Umpan Village is the site of one of the communal farms of IBASMADC. Some tribal members from *sitios* Mawig, Pasong, and Lumot were relocated here because they do not have their own home plots and farms as their lands have been sold to other Manobo or to outsiders. Although located nearest to the *barangay* center of Balabag, the road here is impassable that it is accessible only by foot.

Unlike *sitios* Umpan Village and Lumot, *sitio* Sayaban in *Barangay* Ilomavis is very much accessible with most residents living near the highway going to the PNOC plant site. Of the three *sitios*, only Sayaban has both elementary and secondary schools. Vehicle passage and access to water and electricity are not problems in Sayaban. No wonder it is the most populated among the 13 *sitios*.

A typical Manobo household is extended and headed by a male. Early marriage is common in the tribe (AFRIM, n.d.a). Among the women interviewed for this research, two were aged 14 and 18 years old. Traditional practice dictates that no marriage should take place without the permission of both sets of parents. *Dumay* or polygamy is likewise prevalent in the old days but only the men are allowed to do this. A number of the older women interviewed like Gloria, Rosita, and Tabita say that *dumay* is not common anymore as majority have embraced the Christian faith as Protestant missionaries have successfully penetrated these areas since the 1950s. A number of the tribal leaders are now also Protestant pastors⁸ (Field notes, *sitios* Lumot and Sayaban interviews, 18 and 21 July 2008; IBASMADC and ILAI FGDs).

Travails of Claim-making

In the 1980s, Mount Apo was identified by government as suitable for geothermal exploration. A 701-hectare geothermal power plant was eventually constructed and operated by the PNOC. Thriving on the acquired land were crops like *pechay*, cabbage, carrots and *sayote* as it is said to be the most suitable land for farming. Lumad households within the identified project site were relocated to give way to the construction of the power plant (Field notes, IBASMADC FGD, 22 July 2008).

⁸ A pastor is an ordained minister of a Protestant church and holds a key religious position in the community.

The 701 hectares occupied by the power plant was exempted from the coverage of the National Park in 1992 (Alejo, 2000; Royo, 2000; Vidal, 2004).

In 2004, the ancestral domain title was awarded to the Manobo community represented by MADADMA, covering only 3,177 hectares or less than a fifth of their original claim. The 701-hectare geothermal plant has been excluded from the title as well as all areas already occupied by settlers with property claims of their own (AFRIM, 2004; Vidal, 2004). The geothermal plant is located in *Barangay* Ilomavis, right in the middle of the Manobo's ancestral domain.

Victory did not come easy for the Manobo just as indigenous peoples in other parts of the country also experience (Real, 1996; Resurreccion, 1999; Sajor, 1999; Vidal, 2004). Multiple claimants, with some reportedly having vested interests in exploiting the areas' natural resources, blocked the Manobo's claim. Even within the community, conflicts resulted in division of the original claimant organization, IBASMADC (AFRIM, n.d.b; Field notes, IBASMADC, ILAI, and women's committees FGDs, 20 and 22 July 2008; Vidal, 2004).

The Manobo occupy six tribal villages. They were represented by IBASMADC which originally applied for ancestral domain claim in 1997 on the basis of DAO 2, covering 20,000 hectares in the northwestern part of Mount Apo. This came as opposition to an earlier spurious claim on their ancestral land made by a certain *Datu* (clan leader) Aba who resides in the nearby municipality of Magpet, also in Cotabato (Vidal, 2004). IBASMADC's claim already included the site of the geothermal plant. Their claim came with a vision of regaining their 'lost' culture resulting from more than three decades of displacement and oppression from outsiders (Alejo, 2000). Further, their struggle for CADT also meant a struggle to reclaim their land from outsiders although they acknowledge that they would be faced with great difficulty in pursuing this (Field notes, IBASMADC and women's committees FGDs, 20 and 22 July 2008).

IBASMADC's application for claim encountered problems with some members led by *Datu* Simeon Serrano leaving IBASMADC and forming ILAI as another claimant organization, which expectedly delayed the application process. IBASMADC regarded this as PNOC's effort to stop the indigenous people's ancestral domain claim because the geothermal plant was included in the tribe's

claimed area. During this time, *Datu* Simeon Serrano was employed in PNOC (AFRIM, n.d.a; Field notes, IBASMADC and ILAI FGDs, 22 July 2008; Vidal, 2004).

Upon completion of the perimeter survey by the DENR, the claimed area was reduced to 3,753 hectares (AFRIM, n.d.a) and further down to 3,177 hectares in the awarded CADT. Processing of the CADT application stood still as the community remained divided on the claim. Realizing that pursuing their claims separately would not prosper, IBASMADC agreed to unify its application with ILAI after a series of negotiations and mediation sessions facilitated by the NCIP and NGOs (Field notes, IBASMADC and ILAI FGDs, 22 July 2008; AFRIM interview, 22 August 2008). In December 2002, the two groups decided to federate into one claimant organization, thus MADADMA was born. ILAI and IBASMADC maintained their independent status under MADADMA (AFRIM, n.d.a).

The CADT application proceeded after the two organizations unified. All this time, Manobo women had a very limited role in the tribe's claim efforts because their participation is not strictly imposed under IPRA. The policy lacks provisions or mechanisms guaranteeing that its provision on equal rights of women to access and control of their ancestral domain is upheld or that women's participation in claim-making ensured.

Only a handful of women from ILAI and IBASMADC were active during the CADT application process. They attended meetings and participated in consultations and activities documenting their claim from 1995 until 2004, when the CADT was awarded to the community. IBASMADC women members assisted in preparing the genealogy and land survey, acting as documenters or guides during the perimeter survey. It helped that these women have been organized and also active in the campaign against the geothermal plant construction in the 1980s. More women on the other hand, participated as cooks and servers during meetings or just listened during community consultations held in various occasions (Field notes, *sitios* Sayaban and Umpan Village interviews, 19 and 21 July 2008; IBASMADC, ILAI, and women's committees FGDs, 20 and 22 July 2008). Interestingly, four of the five women who were interviewed in *sito* Lumot did not have knowledge on the process

of CADT application nor had participated in ADSDPP-related activities as only their husbands were able to take part in community activities during this period.

The Ancestral Domain Management Plan

Four years after the community received their CADT, it seems that the NCIP has done little to help MADADMA formulate its ADSDPP. Citing budgetary constraints, the NCIP says that it is still only in the second phase of the process, which is gathering data for the community profile. So far, NCIP has held only two meetings with the community.

One sentiment common among the women in the FGD with women's committee members is that the CADT application and ADSDPP formulation are for leaders and men only, a clear indication that power relations in the political sphere are biased against women. Leaders of the women's committees have participated in these meetings but a majority of the women interviewed for this study say that only their husbands were able to attend meetings as they are tied to either house or farm work (Field notes, *sitios* Lumot, Sayaban, and Umpan Village interviews, 18-19 and 21 July 2008; FGD with women's committees, 20 July 2008). Even as it claims that women get to participate and are consulted in the process of ADSDPP formulation, NCIP confines 'women's concerns' to livelihood and health strategies (Field notes, NCIP interview, 31 July 2008).

Despite the absence of the state-sponsored ADSDPP, the community is already implementing a community development plan it has formulated in 2004 together with AFRIM. This document generally aims for poverty alleviation through economic and social development, environmental management, and organizational strengthening. Stereotyping of roles, however, is still evident in MADADMA's development plan as targets for women focus only on health and livelihood issues, similar to the NCIP priority areas (AFRIM, n.d.c; *ibid*).

The development plan now in place is not the officially recognized plan by the state. It is therefore difficult for the community to avail of support from government agencies. Implementation of projects and extension of support services for ancestral domain development seem to rest on the formulation of the ADSDPP

to be initiated by NCIP. This action by the state does not reflect decentralization in decision-making as espoused in CBNRM.

As shown in this section and as discussed in the succeeding chapter, challenges faced by MADADMA do not end with the awarding of CADT. Gaining ownership is but the beginning of an uphill battle for indigenous peoples, women especially.

Chapter 4

AFTER THE CLAIM: WHO'S IN CONTROL?

MADADMA's plight illustrates that claiming ancestral domain for indigenous peoples is indeed a tumultuous experience as they struggle to assert their rights over their ancestral domain in the midst of a labyrinth of actors within customary and legal structures. The following discussions analyze social relations within gendered structures and institutions as these affect women's access and control over their ancestral domain resources.

Ancestral Domain Governance

Kinship ties remain strong among the Manobo. A *datu*, is considered the leader of the clan, a position reserved for males (Field notes, *sitios* Lumot, Sayaban, and Umpan Village interviews, 18-19 and 21 July 2008; IBASMADC, ILAI, and women's committees FGDs, 20 and 22 July 2008). Several clans make up the community of Manobo, thus the community has a number of *datu*s.

In the past, women can be a *baylan* or community healer who use herbal medications, which are said to come from their various *anito* or deities. The *baylans* occupied a high position among tribal members until religious conversion and introduction to government medical services have eased them out of this position in the community. There are said to be only a few *baylans* left in the area (Field notes, NCIP interview, 31 July 2008). With government giving importance to the *datu* in presiding over formal political structures, the *baylan's* authority has been further eroded. There is also the *bae*, the title given to women who are highly regarded in the community, usually the daughter or wife of a *datu*. The *bae* though is almost only titular as they do not occupy leadership positions in community organizations unless appointed by the *datu* (Field notes, NCIP interview, 31 July 2008; IBASMADC FGD, 22 July 2008).

Tribal decision-making and leadership of the people's organization also remain the domains of men even as processes for decision-making have seen changes since the titling of the ancestral domain. The traditional conflict resolution practice of

putongkoy, for instance is discriminating against women. In *putongkoy*, the *datu* meet to resolve problems of the community. Women participate in these meetings only to prepare food and attend to the needs of the *datu*. They are only allowed to listen but not participate in the discussions.

Since MADADMA's unified application began in 2002, four *datu*, *Datu* Atawan Bayawan (Balabag area), *Datu* Adot Umpan (Balabag area), and *Datu* Lucio Serrano (Ilomavis area) and *Datu* Joseph Andot (Ilomavis area) have represented the four clans claiming the ancestral domain and who now also act as the tribal chieftains. *Datu* Adot is also the *Barangay* Captain of Balabag. The formation of a tribal council of elders is required with titling of the ancestral domain. It is composed of *datu* or those with royal blood from the tribe and headed by a tribal chieftain. The title of tribal chieftain is passed on to a son, not necessarily the eldest, of the present tribal chieftain. Male relatives can only assume the title if the tribal chieftain does not have a son. The chieftain has the authority to select who sits in the council as tribal elders from among his descendants (Field notes, AFRIM interview, 15 September 2008; IBASMADC and ILAI FGDs, 22 July 2008). The mere criterion of selecting *datu* for the leadership position already discriminates women and restricts opportunity for their participation in the future.

The governing structure in the ancestral domain at present includes the 10-member tribal council of elders plus the four tribal chieftains representing the four clans. This structure operates in consonance with the *barangay* council, the governing political body under the legal system that is headed by a *barangay* captain and seven councilors, all elected by registered residents of the *barangay*.

Another formal structure introduced at the onset of CADT awarding is the 83-member tribal council of leaders. Here, members are chosen based on their leadership skills and not necessarily through their bloodline, thus membership in the council of leaders is open to women. At present, 21 women are part of the council of leaders. The tribal leaders manage community projects such as lending for vegetable production and environmental protection activities (Field notes, AFRIM interview, 22 and 29 August 2008; IBASMADC, ILAI and women's committees FGDs, 20 and 22 July 2008).

Women's membership in the council of leaders is a welcome improvement on their status in the community which reflects the tribe's recognition of women's leadership capabilities. This offers limited space for improving women's position as their involvement is confined to economic concerns. While this may be a positive development, their absence in the council of elders only reveals their still limited political role in the community, and the limitation of the tribe's male-centered concept of leadership. It is in the council of elders where major decisions that bear on the whole tribe are taken up. Negotiations with the state, through various government line agencies, and the private sector are done at the level of the council of elders. Tribal policies on natural resource use and management are likewise decided by the elders. Here, the tribe's traditional practice of excluding women from political leadership, such as in *putongkoy*, clearly influence women's involvement in formal structures introduced by the state even though legal statutes accord equal status between men and women.

IPRA's generalized concept of homogenous community and the ensuing structures that promote communal control and management of resources challenge the Manobo's customs. In MADADMA's experience, the formal installation of the tribal council of elders not only is unfavorable to women but has become a source of conflict in the community as well. Whereas the *datu* of different clans were previously accorded the same level of authority, the formation and selection of council of elders has introduced hierarchy among the *datu*s where one is accorded the highest position of tribal chieftain. Whoever is favored by government and in MADADMA's case, the PNOC, apparently gets to take on the highest position. This undermines traditional practices such as *putongkoy* that is more egalitarian where there is no hierarchy recognized among the *datu*s although tends to be discriminating against women. Women are further marginalized through this new system since they have no chance of becoming part of the tribal council of elders, a structure higher than the council of leaders.

Tenure Arrangements

By virtue of the awarded CADT, the ancestral domain is now legally owned by the community and governed by the council of elders. In practice however, land is

owned first and foremost by a clan, which is headed by a *datu* rather than the whole community. The *datu* has the power to distribute land to families or individual members who are then treated as the new owners of the land. Ownership means having the right to access and control not only the land but also the resources within it as well as right to transfer their ownership to other family members or tribal members.

Within a household, the parents normally decide on how much land is given to each of the siblings, a custom referred to as *payasen*. The size of land received depends on the person's capacity to utilize and maintain the plots. Individual and jointly owned plots of respondents in this research range from 0.5 to 4 hectares (see Annex 1 and 2). Parents also get to decide which crops are planted first on the distributed land (Field notes, ILAI FGD, 22 July 2008). A common reply among the respondents on how and when can they be entitled to own land is "*kung kinsa'y nanginabanglan*" (who ever is in need receives land). Most often, offsprings are given land upon marriage, especially the women. If they do not get married, their share of land is still given to them as long as this is tilled (Field notes, *sitios* Lumot, Sayaban, and Umpan Village interviews, 18-19 and 21 July 2008). This practice is different from the concept of land ownership discussed by Garvan (1929) as cited by Gatmaytan (2001) which describes of collective ownership among the Manobo with individual members or families having only usufruct rights over land and resources.

Within a family, women have equal rights to land as males through inheritance. The size of plots inherited may differ depending on the need and capacity of the individual to utilize it. It was likewise clear which are women's lands, which belong to their husbands, and which are jointly owned, if there are any. Eight of the 15 women interviewed for this study have individual plots that they own which they inherited from their parents, some even before they entered into marriage. The rest have land which they jointly own with their husbands. Tabita from *sitio* Sayaban retained the one hectare land she jointly owned with her husband after she separated from him.

Decisions on individual plots rest on women. As Marissa who lives in *sitio* Sayaban and is the wife of a pastor relates, "*Mga babaye ang magdesisyon kung unsay itanom sa among yuta. Pero sa komunal namo, si pastor ang magdesisyon kung unsay klase nga*

mga isda ang ibutang sa fishpond (The women decide on what to plant on our plots. In the portion of the communal farm that we cultivate, it is the pastor⁹ (her husband) who decides what fish to put in the fishpond).” While this experience of having direct control over individually owned plots is generally shared by other women who were interviewed, Lorna in *sitio* Umpan says that she does not participate in farming. The 18-year old mother of one in fact does not own land and relies only on the generosity of her in-laws who allow her husband to cultivate their 3-hectare farm.

The males rarely intervene in women-owned plots. They have full control over decisions regarding their plots and sometimes in jointly owned plots. Among the respondents for this research, older women tend to have greater authority than younger women when it comes to jointly owned farms. They say that decisions such as which crops to produce and when are jointly decided with their husbands. Even farm work is jointly done but with men doing heavier tasks. Also, in cases where *duway* is practiced, participants in the IBASMADC FGD say that it is the first wife who exerts authority equal to that of the husband (Field notes, *sitios* Lumot, Sayaban, and Umpan Village interviews, 18-19 and 21 July 2008; IBASMADC FGD, 22 July 2008).

Individual land ownership for indigenous men and women was also historically practiced among the Subanen tribe in Zamboanga province. However, deforestation coupled with increased production of cash crops resulted in displacement of women from their land which they traditionally used for growing food crops (Alegre, 2004). This practice of individual ownership among some Lumad tribes differs from property rights arrangements in the family code under the legal system where ownership of properties belongs to both partners (Republic of the Philippines, 1987a).

Traditionally, land is transferred between individual Manobos outside of the family through barter, with the buyer acquiring land by exchanging horse, *agong* (brass instrument used in rituals) or any precious metal. Through community consensus, outsiders can be ‘adopted’ by the community who then become entitled

⁹ Marissa’s reference to her husband as “the pastor” signifies the power associated with this position, extending even to household decision-making.

to inheritance or exchange of land. This however, is only a way for the outsiders to gain access to land. There have been instances when the *datu*s would not consult the community over this decision (Field notes, ILAI FGD, 22 July 2008). With the awarding of land under IPRA, transfer of land to outsiders has become illegal yet as pointed out earlier, IPRA's provision allowing the signing of 25-year investment contracts, renewable for another 25 years, essentially equates to land transfer.

Overall, this section shows that the Manobo's customary notion of property rights contradicts the state's legal interpretation of communal ownership of land among indigenous peoples. Possession of a legal title is not necessary for the Manobo, men and women alike, to exercise individual ownership of land and resources. Individual ownership is strongly recognized among the Manobo with women having equal rights to land as men. Also, hierarchy in social relations is evident in the distribution and assertion of control over land. Within the community and household, it is the clan leaders (*datu*) and parents respectively, who have authority to transfer land ownership mainly through inheritance. While women are able to exercise legitimate effective control over their individually-owned lands, power relations favoring men dominate decision-making in jointly owned plots which is likewise influenced by age and position in marriage such as in cases of *dunway*.

Productive Undertakings

According to its community profile, the Manobo relied on hunting and gathering as well as swidden farming for their means of survival prior to the 1960s. They now practice agriculture. The shift is attributed to the loss of forest cover and animals from logging operations in the area as well as environmental policies prohibiting hunting within the National Park (AFRIM, n.d.a)

Making soft brooms from the dried flowers of *tabiti* (tiger grass) is a major but seasonal livelihood contribution for most households because the grass does not survive during the rainy months of June to September. Aside from *tabiti* cultivation, *amas* (a small variety of banana also called *señorita*) is also planted along with corn, coffee, rubber, rattan, and abaca. Backyard gardening, which women carry out on their individual plots, also provides income aside from meeting the households'

consumption needs. The Manobo also grow *sayote*, spring onion, ginger, string beans and root crops like *kamote* (sweet potato), *balangboy* (cassava), *gabi* (taro), and *bisol* (type of root crop similar to taro). Fruit trees such as durian, *marang*, jackfruit, and lanzones also bring income to them though seasonal (Field notes, *sitios* Lumot, Sayaban, and Umpan Village interviews, 18-19 and 21 July 2008; FGD with women's committees, 20 July 2008).

The interviews in the three *sitios* show interesting highlights. Agriculture in the community is gender-differentiated. Women take charge of vegetable production on their plots primarily for food consumption while the cash crops or fruit trees are grown mostly by men or in jointly owned farms. The women also maintain livestock like chicken and ducks. A few of them also raise goats. Aside from these, they also provide unpaid labor to the men's plots where they perform the lighter work of land clearing and weeding for coffee or banana production. In *sitios* Lumot and Sayaban, rubber trees in jointly owned plots produce 30-40 kilos of cup lump per month at PhP57 per kilo¹⁰. Though this is higher than the PhP7-8 per kilo¹¹ buying price for banana in all *sitios*, many prefer to plant banana as income from this is earned weekly. In fact, farms growing coffee are shifting to banana production. At present, coffee is grown for household consumption (Field notes, *sitios* Lumot, Sayaban, and Umpan Village interviews, 18-19 and 21 July 2008; FGD with women's committees, 20 July 2008).

Rarely do the Manobo go to the city to directly sell their produce in the market. They have regular buyers who give advance payments and who go up to the community to pick up the produce from farms the Manobo directly control. The respondents from the three *sitios* had mixed responses as to who negotiates with the buyers. Women take charge of marketing produce from female-owned plots while men control selling of produce from their plots. In jointly owned farms, they claim that both negotiate with buyers (Field notes, *sitios* Lumot, Sayaban, and Umpan Village interviews, 18-19 and 21 July 2008; FGD with women's committees, 20 July 2008).

¹⁰ Approximately 0.86 Euro (PhP66: 1 Euro)

¹¹ Roughly 0.12 Euro (PhP66: 1 Euro)

Although women grow diverse crops than what men plant, involvement in other economic activities is more varied for men. In *sitio* Sayaban, women like Elia, Marissa and Tabita earn extra income from non-farm activities such as tending small variety stores as well as sewing clothes. All the women interviewed in *sitios* Lumot and Umpan Village do not engage in non-farm sources of income. The men on the other hand, fish from the river, work in construction, or do carpentry. There is evidence that both women and men work in *burnal*¹², make charcoal, and do small-scale sand quarrying to produce hollow blocks. Not one among the women interviewed in *sitio* Sayaban participate in *burnal* in contrast to *sitios* Umpan Village and Lumot where either the women or men, or both, get income from *burnal*. Participation of men and women in *burnal* in *sitios* Lumot and Umpan Village has become a necessity because of scarcity of land for farming especially in Umpan Village (Field notes, *sitios* Lumot, Sayaban, and Umpan Village interviews, 18-19 and 21 July 2008).

Since the construction of the geothermal plant, a number of Manobo, mostly men, have found employment within the plant and reforestation projects initiated by PNOC. They perform odd jobs like bagging nursery seedlings for reforestation, actual reforestation, and road maintenance. This has left the women to tend the farms (Field notes, *sitios* Lumot, Sayaban, and Umpan Village interviews, 18-19 and 21 July 2008).

Suffice it to say that men earn more than women from farming cash crops and other economic activities more so because men receive higher wages from their involvement in *burnal*. Men receive PhP130 daily¹³ from this work as opposed to women's P80-100 daily¹⁴ wage. Women's wage is higher in *sitio* Lumot (PhP100 a day) than what is received by women in *sitio* Umpan Village (PhP80 a day).

Surprisingly however, the general response as to who controls the family income is the women even as men take charge of production-related decisions. Husbands turnover their incomes to their wives because women control the

¹² This is a term for a group of seasonal workers who work the farm in groups of six to 10 people. The group is hired by a landowner to perform farmwork especially during planting and harvesting.

¹³ Approximately 2 Euros (PhP66: 1 Euro)

¹⁴ Approximately 1.20-1.40 Euros (PhP66: 1 Euro)

household budget. Three of the women interviewed in *sitios* Lumot and Umpan Village say that their husbands only ask money for buying cigarettes and liquor (Field notes, *sitios* Lumot and Umpan Village interviews, 18-19 July 2008). Loreta from *sitio* Sayaban sums up the women's experience in saying that "*Akong bana ang magbuot kung unsay itanom niya pero ako nay magbuot sa pagbaligya ug modesisyon sa pag-apid-apid sa gibayad* (My husband decides on what crops he wants to plant but I make decisions in marketing the produce and distributing the income)."

During the FGD with members of the women's committee, the participants said that one *datu* opposes women's involvement in farm management as he favors men to be the family provider, arguing that in the past, decisions at household and farm levels rest on men. This observation is confirmed by the participants in the IBASMADC FGD who claim that in the past, only the men were allowed to decide on family and community affairs and that women were confined to household work.

Participants in the FGD with women's committee members perceive that women's control over production and household income is also seemingly strengthened now that men are slowly withdrawing from work in family farms, leaving the women and other household members in charge of production. This may be true if one follows Sen's bargaining model, which describes interaction within a household as characterized by both conflict and cooperation and that decisions are influenced by those who have more bargaining power, equated as having more economic capacity (Kabeer, 1999: 109-113).

I argue that this trend serves to increase women's burden as they carry out additional unpaid productive work especially since men do not take on reproductive work that women remain responsible for. Men on the other hand continue to earn income as they shift from working in their own farm to participate in *burnal*. This change also does not sway decision-making in production to favor women as men continue to choose which crops to plant on these plots.

The Manobo women's experience counters Agarwal's (1994) point that individual ownership helps strengthen women's position even outside of the household. Limited rights can be associated with Manobo women's ownership of land as their control does not seem to extend beyond their own plots. There is also

no evidence in the case study linking individual land ownership to their control over household finances.

Gender equality in property rights in the case of the Manobo does not extend to relations in the productive sphere. Gender differentiation among the Manobo can be seen in division of labor in agricultural production, differentiation in crops produced, and involvement in other economic undertakings. Power relations also seem to privilege men when it comes to decisions concerning jointly owned plots. This situation however, is slowly being challenged as a result of the increasing role of markets in controlling land and resources, particularly those that are owned by men. This changing institution and the perceived improvement in women's control over production is a consequence of this trend.

State and Market in Command

Limited External Assistance

I have so far argued that individual ownership of land for women does not automatically lead to women's increased control of land and resources beyond their own plots nor does it help them challenge existing power relations in the household. In this section, the case study shows that women's engagement with actors outside of the community such as the state and NGOs offers opportunities for change but the WED approach employed in institutional arrangements also limits the possibilities for women to maximize their land entitlement.

NGO and government projects for MADADMA focus on economic activities that target women as beneficiaries. Through the initiative of the women's committees, Manobo women are able to access an interest-free PhP1,000-loan¹⁵ extended by AFRIM as capital for vegetable production, an economic activity where women exercise sole direct control. Priority was given to women in *sitio* Umpan Village to help them resettle and build livelihoods (Field notes, AFRIM interview, 22 August and 15 September 2008; *sitio* Umpan Village interviews, 19 July 2008; FGD with members of women's committees, 20 July 2008). Women also have access to

¹⁵ Approximately 15 Euros (PhP66: 1Euro)

micro-credit services available from the NGO *Kabalikat para sa Maunlad na Bubay*, Inc. Although this credit facility specifically targets women, it is doubtful whether women can control actual decisions on how the loan is spent. What is clear though is that they are responsible for repayment (Field notes, *sitio* Umpan Village interviews, 19 July 2008; FGD with women's committees, 20 July 2008).

Livelihood skills trainings of government and NGOs also prioritize women. More than 30 women have participated in trainings on sustainable agriculture technology, indigenous farming systems, fishpond and livestock raising, herbal medicine production, coffee production, and even *shiatsu* massage (Field notes, NCIP interview, 31 July 2008; FGD with women's committees, 20 July 2008). A number of women produce simple herbal medicines and sell them to community members. Women have found useful the agriculture-related training especially for their vegetable and communal farms. Admittedly, some of the trainings given to them were not those they identified themselves.

These training initiatives contribute to improving the women's human capital. It is not clear however, how these could be leveraged by women into entitlements as income sources especially when there are no follow-up activities after the trainings (FGD with women's committees, 20 July 2008). With limited opportunities available in the market and those provided by the state, women cannot capitalize on the skills they have acquired. *Shiatsu* massage and herbal medicines for instance, have very narrow clientele base. The state and even NGOs seem to consider women as passive recipients of projects as these are pre-designed and implemented without proper skills and needs assessment of women beneficiaries.

The types of support that women have so far received, save for the agriculture-related training, do not facilitate access to resources in their ancestral domain. Neither do they address existing gender inequalities related for instance to women's increasing involvement in agriculture-related activities. One good thing about the NGO's financial assistance for vegetable production is that it prioritized poor women and not those enjoying leadership positions. Going back to Agarwal and Jackson's debate on efficiency, the women's experience illustrates the importance of support services, among other factors outside of land ownership to ensure efficiency in production on women's own lands.

Still on a positive note, one important change resulting from the Manobo's engagement with NGOs is the organizing of women that led to the formation of women's committees within IBASMADC and ILAI and their inclusion in the tribal council of leaders. Manobo women leaders say that this initiative has seen gains (Field notes, FGD with women's committees, 20 July 2008). Their increased awareness on their rights under IPRA has encouraged women to assert and exercise roles in political actions of the community in relation to control of their resources such as in claiming royalty payment, recovery of lands 'sold' to outsiders, formation of and participation in the protection volunteer group for environmental management. Livelihood initiatives also reflect environmental awareness as they promote the practice of sustainable agriculture such as adoption of the sloping agriculture land technology and production and use of organic fertilizers.

Expanding Land Market

A further challenge to the Manobo's stake over their ancestral domain and unity of the organization is the seemingly increasing role of outsiders in terms of control of productive agricultural areas. Long before the awarding of CADT to the Manobo, there have been reported cases of land sold or leased to outsiders which were allegedly sanctioned by the *datus*. Participants in the three FGDs acknowledge the prohibition on land selling now that their ancestral domain has been titled. However, they also say that this illegal practice still remains and poses a danger of eating up what little is left of the prime land located on the lower elevations of the ancestral domain. (Field notes, IBASMADC, ILAI, and women's committees FGDs, 20 and 22 July 2008). As this happens, there are talks now among the Manobo about negotiating with the outsiders to reclaim some of the land sold, a right they possess under IPRA (Field notes, Lumot, Sayaban, and Umpan Village interviews, 18-19 and 21 July 2008; IBASMADC and women's committees FGDs, 20 and 22 July 2008).

During the FGDs conducted with ILAI and IBASMADC, the participants had a common opinion that by selling the land, at least the cost and risks of production is transferred and they would still have ready cash for their daily needs by participating in *burnal*. It is mostly men who "sell" lands. Women do not resort to this, probably to protect the household's consumption needs. Land occupied by women may

likewise be unattractive to investors as these are planted to vegetables and root crops unlike those owned by men that already have cash crops planted on them.

Only these may be minor considerations because nothing could stop investors from converting the lands should women agree to illegally sell their properties. Asked about jointly owned lands, they say that both men and women decide on whether land is sold (Field notes, FGD with women's committees, 20 July 2008). These practices show that women are able to assert their rights over their properties.

Illegal selling of land has become the last resort for the Manobo as they have very scarce sources of financing for production. Unproductiveness of land and high cost of production are the common reasons why the Manobo dispose of their lands (Field notes, IBASMADC and women's committees FGDs, 20 and 22 July 2008; AFRIM interview, 22 August 2008). While IPRA legally prevents these new "owners" to exercise ownership rights over the land, experience shows that they exercise full control over how these lands are utilized. Presently, production of vegetables or coffee is giving way to banana and possibly oil palm. In IBASMADC areas, there is still strong resistance against investors wanting to convert their land for oil palm production. AFRIM relates this problem to the lack of provision for support services under IPRA in order to ensure productivity of land after distribution (Field notes, AFRIM interview, 22 August 2008). Furthermore, the law seems to promote market access to ancestral domains and lands by allowing outsiders to enter into investment contracts with indigenous communities holding CADTs to utilize their land. In doing so, the indigenous peoples give up control over their land and other resources, not to mention the dangers these investments such as plantations, and in some areas, mining operations, pose on the environment.

While the Manobo interviewed for this research would not talk about on-going rates for land transactions, one household in one of the *sitios* covered by the case study reportedly paid PhP15,000 for a 200-square meter lot they bought from a fellow Manobo. Some families in Ilomavis are also said to receive land rental from PNOC because portions of their properties have been included in PNOC expansion areas. In cases where their plots have been sold or leased out to outsiders or the company, the Manobo become tenants on the land or mere agricultural workers participating in *burnal* (Field notes, in *sitios* Lumot, Sayaban, and Umpan Village

interviews, 18-19 and 21 July 2008). Displacement of men from farm production then puts more pressure on women as food producers.

“Selling” of lands though has become more difficult now especially since the *datu*s have become more aware of the indigenous people’s rights over their ancestral domain and the environmental implications of letting outsiders have access to their resources. Tribe members and reportedly even some *datu* however, continue to “sell” lands to outsiders, those coming from the nearby Kidapawan City or municipality of Magpet, also in Cotabato Province. These outsiders now control a large part of the remaining productive areas (*ibid*). The NCIP seems to condone this practice since this is only considered lease or partnership, as long as the Manobo consent to the arrangement and they continue to have sources of livelihood (Field notes, NCIP interview, 31 July 2008). Never mind if the Manobo lose control of their ancestral domain and become workers on their territory, seems to be their opinion.

When the CADT was awarded, the four tribal chieftains agreed that the tribe would ensure that this illegal practice would be stopped. This apparently has not been honoured even by some of the *datu*s. According to AFRIM, only *Datu* Adot Umpan of IBASMADC now openly campaigns against this. In fact, IBASMADC has reportedly boycotted the consultations of NCIP for ADSDPP formulation for fear that the process might only lead to further subdivision of their ancestral domain. The NCIP allegedly promotes the subdivision of the ancestral domain and the issuance of CALT to the clans. This would reportedly facilitate easier access of outsiders and even the PNOC to their ancestral domain (Field notes, AFRIM interview, 22 and 29 August 2008).

The setting up of communal farms is one of the earlier responses of the community to this problem. Even prior to the awarding of CADT, IBASMADC has initiated in 1998 the setting-up of two 2.5-hectare communal farms, one each in Balabag and Ilomavis. The farms were allotted for *tabiti* and vegetable as well as fishpond production. This had, in one way, become a coping mechanism for the tribe because of decreasing productive land that they could utilize for farming. The communal farm also served as demonstration areas on the use of sustainable agriculture.

At the same time, IBASMADC has used this as a strategy to promote cooperation among the clans. *Pintakasi*, the practice of community members cooperating to conduct an activity such as community farming, building a house or constructing a road is still very much alive among the clan members of MADADMA and was practiced in the communal farms. The way it worked, clusters of households were assigned to do farm work on rotation. Income from harvest went to the organization as its fund for community activities. Men and women would take part in farm work in the communal farms but overall management was handled by *Datu* Adot as head of IBASMADC (Field notes, AFRIM interview, 15 September 2008; IBASMADC and ILAI FGDs, 22 July 2008).

Even now, gender-division of work is evident during *pintakasi*. Men do all the heavy work of construction, for instance, while women help in food preparation. In farming, however, work is equally shared between men and women (Field notes, FGD with women's committees, 20 July 2008).

When MADADMA was organized, management of the farms was divided between ILAI for the Ilomavis farm and IBASMADC for the Balabag farm. *Pintakasi* in the communal farms has slowly vanished though. Only the farm in Ilomavis, located in *sitio* Nabunturan, is still operating as the one in Balabag has been converted in 2006 into *sitio* Umpan Village, a relocation site for landless Manobo. Households interested in cultivating the farm in *sitio* Nabunturan should secure the approval of *Datu* Lucio Serrano, the head of ILAI. Only four households can utilize the farm at the same time and a sharing system of 75/25 in favor of the tiller is applied between the household and ILAI. Those who intend to use the farm should seek permission from *Datu* Lucio (Field notes, AFRIM interview, 15 September 2008; ILAI and IBASMADC FGDs, 22 July 2008). It appears that the original purpose of the farm has been commercialized, with the farm serving as a property for lease by ILAI. Of the five women interviewed in *sitio* Sayaban, three are able to access the fishpond in the communal farm and a plot for planting cassava and *sayote*.

To sum up, the trend of increasing control of outsiders over productive areas in the ancestral domain is a negative consequence of land distribution. It has emboldened the men to illegally sell their land since under the law, it is the community that owns the land and there seems to be no sanctions for this action

within IPRA. In fact, even IPRA seems to promote these transactions under the guise of partnership for resource utilization. It shows another contradiction on the way CBNRM is adopted in IPRA. Instead of strengthening joint management of resources between the state and community, the state seems to pass on to the market its responsibility. Also, economic efficiency has become the focus instead of environmental protection.

One can see an indication of the strength of women's control over their property with regards to illegal land selling. They are able to hold on to their land to ensure the household's food sufficiency. Then again, one may also look at this in another way. Women's responsibility over reproductive work hinders their participation in land markets which becomes accessible only to the men. Women will not be able to fully participate in *burnal* or other employment activities should they sell their land because they are tied to housework. However, since majority of the women interviewed for this research own land and at the same time engage in other on-farm and off-farm activities despite taking charge of reproductive work, I would argue that Manobo women are able to exercise full control over retaining their properties amidst the possibilities of engaging the market.

Environmental Management

Institutional arrangements for management of the ancestral domain's common resources currently employed by the state and community have similar and contrasting characteristics. Both recognize the advantage of collective over individual management of resources. On the other hand, they also fall on the trap of seeing the community as a homogenous unit as seen in their introduction of formal structures that seem to create community elites and limit women's participation.

While state-initiated actions marginalize women altogether, the community's efforts have more potential for change because it is more inclusive, allowing women's participation. It still falls short of its objective though because gender inequality in the reproductive sphere is not addressed.

The environmental awareness developed among the Manobo seems to be limited to leaders, both men and women. This leads one to question whether the NGOs, state, and even private sector interventions target the community elite or

lead to the creation of elites, in the sense that this group captures the knowledge on sustainable management and consciousness in environmental protection.

Lastly, the state's actions reflect centralized planning coupled with a state-market alliance contrary to the community-state partnership that CBNRM envisions. This and the abovementioned arguments are substantiated by the discussion in this section that further shows friction between state-community relations, making the latter's control over resources insecure notwithstanding possession of a collective land title awarded through IPRA.

Zoning of the ancestral domain was done by the DENR as part of the process of MADADMA's CADT application. As a result, some areas were identified as off limits to economic activity and classified as sacred ground and reforestation areas. A large portion of the ancestral domain estimated to be 1,970 hectares of forest areas has likewise been off-limits to the Manobo since the title has been awarded to them. Only 20 percent or 635 hectares have been set aside for economic activities while the rest, 572 hectares, are for settlements, roads, and other infrastructures that the Manobo share with other settlers (AFRIM, 2004).

After the CADT was awarded to them, only three policies in place were repeatedly mentioned by the Manobo during the FGDs -- no cutting of trees, no hunting, and no selling of lands, with the first two imposed by the DENR. Although their ancestral domain is rich in natural resources, the Manobo have little control over them as state policies prohibit many of the Manobo practices such as deer and boar hunting, cutting of trees, and sand quarrying, among others.

While they appreciate government's efforts to protect the environment, the leaders of ILAI and IBASMADC find these policies restrictive and criticize government for its biases. Whereas the state sees the indigenous peoples as contributing to degradation because of hunting and cutting of trees, the Manobo consider the outsiders as the cause of environmental degradation because of logging, geothermal plant, and banana plantation operations that allegedly make use harmful chemicals. They counter that their practices of hunting and cutting of trees are not for commercial purposes but for consumption like building their houses.

Restrictions are imposed on the Manobo, such as prohibition on getting soil and sand from the lake area, yet the PNOC was able to develop Lake Agko into a

resort that is open to the public. The lake is considered one of the sacred grounds of the Manobo. Not only is the construction of the resort a desecration and violation of their beliefs, they fear that the entry of tourists would contribute to pollution and degradation of the environment (Field notes, IBASMADC, ILAI, and women's committees FGDs, 20 and 22 July 2008). The company is said to have promised as compensation to one of the women interviewed for this research who owns the land, PhP50,000 worth of scholarship¹⁶ for the college education of three of her children. The resort is now operational yet she still has to receive the said payment. It is likewise unclear whether the amount will be paid annually or will be a one-time payment (Field notes, *sitio* Sayaban interviews, 21 July 2008; AFRIM interview, 15 September 2008). Also, government has not blocked efforts of the PNOC to expand its coverage. At present, the PNOC is said to be either buying off or renting land from individual households in *sitios* covered by its expansion sites in *Barangay* Ilomavis (Field notes, AFRIM interview, 29 August 2008).

The DENR for its part favors the presence of PNOC in the area because of the latter's efforts at environmental protection (Field notes, DENR interview, 30 July 2008). PNOC is said to maintain a forest tree nursery, implements a forest restoration project, and employs Manobo men as forest guards for 105 hectares of forest reserve within the area occupied by the geothermal plant. According to the DENR, PNOC has helped in educating the Manobo on environmental conservation and sustainable natural resource management, a role that should be played by the DENR.

Decisions with regards to environmental protection seem to remain in the hands of government and PNOC. The DENR's *Bantay* Apo task force was organized primarily to monitor violations of environmental policies in the National Park. Only men are chosen as task force volunteers. No details could be given by the DENR on the task force's initiatives because lack of budget reportedly limits its activities (*ibid*).

Circumstances leading to the conversion of the Balabag communal farm also showcase state control over resource access and management within the titled

¹⁶ Approximately 756 Euros (PhP66: 1 Euro).

ancestral domain. IBASMADC originally negotiated with the Gawad Kalinga for the construction of houses for landless members of the tribe living in *sitios* Mawig, Pasong, and Lumot. Gawad Kalinga would provide the building materials and help in construction while the beneficiaries provide the land as counterpart. The DENR opposed this move and filed a case against *Datu Adot*, arguing that land use conversion is not allowed in the protected area. IBASMADC, with the support of the city local government, countered that as owners of the land, the tribe had the right to utilize the resources and build homes for its members. The project was eventually shelved in exchange for the withdrawal of the case against *Datu Adot*. The relocation was still implemented and the Manobo built their houses, settling for available materials around the area instead of the concrete houses planned under the shelved housing project (Field notes, AFRIM interview, 15 September 2008).

Because of the many restrictions imposed by government and even PNOC, the Manobo say that they could not readily access forest products or practice *payasen*, for instance because there is very little land to distribute. Despite these limitations, MADADMA continues to assert its right to manage resources within their ancestral domain, implementing independent initiative for environmental protection and management. It formed a 20-member protection volunteer group (PVG) to ensure management of the natural resources in their ancestral domain through tree planting, monitoring against poachers and illegal loggers and ensuring that the Manobo as well as non-tribe members are not violating environmental policies. The PVG performs monitoring activities twice during the summer months of March to May, once at the onset of mountain-climbing season and another at the end. It has not received support from the DENR and NCIP because of reported budgetary constraints. Through its own initiative, the PVG has accessed funding support from NGOs for the purchase of gears like boots and coats as well as seedlings for reforestation but only men have access to these because there are no women PVG members.

AFRIM considers the women to have a deeper understanding of environmental issues and the need to manage their resources sustainably than the men. The Manobo's increased awareness of environmental issues, especially the women comes with the realization of the need to protect and sustainably use and manage their resources. However, traditional practices of gender division of work in the community limit their potential to participate and even lead in environmental

resource management of the ancestral domain. For instance, although the PVG does not prohibit women from participating, women could not afford to allocate time for its activities (Field notes, AFRIM interview, 22 August 2008). Doing so means they would have to either sacrifice or double their time performing household and farm work. Add to this the government's narrow perception of women's roles and needs which translates into limited economic projects that it implements in the community.

A sentiment shared by the FGD participants is that the state and even the PNOC impose rules that restrict their access to their own ancestral domain (Field notes, IBASMADC, ILAI, and women's committees FGDs, 20 and 22 July 2008). Participants in the FGD with women's committee members say that "*Sa pagbabinhabin sa yuta sa una nga wala pa mi CADT, equal sharing bisan lalaki o babaye, depende sa ginikanan* (Accessing land was much easier before when we did not have the CADT, women and men had rights to equal share depending on the decision of our parents)" (Field notes, FGD with women's committees, 20 July 2008). This view is echoed in the ILAI FGD where one participant mentioned that "*Katong sa una nga daghan pa ang yuta kung motrabaho ang lalaki o babaye, hatagan siya og yuta. Labi man karon kay kontrolado naman tanan sa gobyerno* (When land was still abundant, men and women could receive land as long as they cultivate it. It is different now because government controls everything)" (Field notes, ILAI FGD, 22 July 2008).

Despite the indigenous people's possession of ancestral domain title, the state's strong role in ancestral domain management is further strengthened through IPRA. As stated in Chapter 8, Section 62 of IPRA, the NCIP and regular courts have the power to decide on cases of disputes if customary practices fail to settle them (Republic of the Philippines, 1997). The Manobo seem justified in lamenting that the state ultimately is still the one in control of their ancestral domain. According to participants in the IBASMADC FGD, "*Dili na mi makadesisyon sumala sa pagdumala sa yuta kay giusab naman sa gobyerno. Karon murag na-belong na sa gobyerno ang tanang yuta.* (We do not have the power to decide on how to manage our land at present because government has changed the rules. Now, it seems that all the land belongs to government.)" (Field notes, IBASMADC FGD, 22 July 2008).

Chapter 5

CONCLUSIONS

Strong positive features of IPRA are the provisions giving collective ownership of ancestral domains to indigenous peoples as well as recognition of women's equal rights to these resources. It is in this context that this paper looked into Manobo women's access and control over their ancestral domain after a collective certificate of ancestral domain title (CADT) was awarded to their tribe in Mount Apo.

Reflecting on the women's land rights debate where I locate this research, MADADMA's case demonstrates that women's ownership and control over land and resources are possible within the context of collective titling in contrast to Agarwal's position of individual private titling as a necessary condition to improve women's effective control over land. The introduction of the collective title as a legal instrument has not affected women's customary right to inherit properties of their own and exercise ownership and control rights to jointly owned plots as well.

These rights over individual and jointly owned lands however do not extend to gender equality in utilization and management of common resources. Women's individual ownership of land does not seem to help strengthen women's position in the community, which validates Jackson's argument. Traditional practices of male-centered tribal leadership, gendered social norms, gender differentiation in economic activities, and inequality in decision-making related to production and resource management at the household and community levels hinder women from claiming their rights to access and manage common resources. These male privileges are reinforced in new institutional arrangements established through various institutional sites after land titling. The manner by which IPRA adopts CBNRM has influence on these – treating the community as a homogenous group, promoting a unitary household and following WED principles.

Thomas-Slayter and Sodikoff (2001) identify capital formation as an enabling indicator for women to increase their bargaining power and become visible in the public space and therefore reduce marginalization. This WED approach is adopted by NGOs and the state, with their interventions focusing on providing livelihood

and increasing women's income. These tend to reinforce gender differentiation in resource utilization and management, assigning males for more general environmental management while stereotyping women as food providers and therefore limiting their participation in ancestral domain management.

Various studies illustrate cases of CBRNM projects managed by formal organizations that marginalize women from participating in project implementation and benefit sharing (Agarwal, 2001; Lama and Buchy, 2004; Sarin, 2001). Another consideration is the representation of women where class and geographical location are ensured. Such is the case of women in *sitio* Lumot, who had very little or no participation in either CADT application or ADSDPP formulation.

Still, there are opportunities for manoeuvring towards assertion of Manobo women's right to common resources within the above scenario and within the formal structures installed in the community after land distribution. The women's emerging role as community leaders, though at present are confined to economic concerns, indicates shifts in power relations in the public sphere.

The formation of the women's committees and women's membership to the council of leaders are advances that help improve their position at the community level. It would serve the women well if these avenues are enhanced to expand women's involvement in management of common resources and capacitate them to challenge existing gender inequalities in social, economic, and political structures. As Lama and Buchy (2004: 301) propose in the context of community forestry management, the focus of resource management should be effecting social change as "harmonious' management" cannot take place "without a genuine sharing of power".

On the whole, the indigenous peoples' possession of a collective land title has afforded them with only limited rights. Their control over their common resources remains precarious because of the increasing role of the market and continued state-centered decision-making in resource utilization and management. Collective titling of the Manobo's ancestral domain within the context of CBNRM framework of IPRA has not resulted in transfer of effective control over resource management to the community. A strong state-community partnership anchored on gender, environment and development principles is imperative for CBNRM to succeed.

These are lacking in the case of Mount Apo where environmental management is externally driven, reproduces gender inequalities, and extends token participation to the community in general and women in particular.

One important negative consequence of the awarding of land title to the Manobo is that this has opened their ancestral domain to the land market. They see the CADT as a means of protection from displacement and leverage for bargaining with outsiders. It provides them security of tenure, that even if they “sell” their own plots, they could not be driven out of the territory. This illegal selling of lands may bring short-term economic gain to the Manobo but may also have long-term negative consequences in terms of the indigenous people’s control over their resources and environmental implications because of crop conversion.

As a result of this trend, women improve their access to land outside of their own plots. Yet, this enhanced access to land does not necessarily translate to women’s better control of jointly owned farms or other land. Control is increasingly captured not by men in the tribe but by outsiders to the community through the growing role of market in resource utilization resulting from illegal selling of men’s farm plots. Men are marginalized from accessing and controlling their individual farm plots but retain control over jointly owned plots. Economically speaking, men may not be at a disadvantage because they continue to earn income as hired labor in outside farms, leaving women to work on jointly owned farms. This happens through extraction of women’s unpaid labor which consequently creates pressure on them as household food providers as well as adds burden to their already multiple responsibilities in the household.

Manobo women seem to have more secured property rights within MADADMA’s collectively titled ancestral domain as opposed to men. The bigger challenge now for women is to capitalize on this to improve their position in the household and community as well as push for equality in the larger arena of community resource management.

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Annexes

Annex 1

Profile of Respondents for Individual Interviews

A. *Sitio* Sayaban

Name of Interviewee	Profile
Marissa	31 years old; married with 2 children; finished 1 st year high school; member of women's committee; wife of a pastor who is also a <i>barangay</i> councilor
	jointly owns a 2-hectare farm with her husband; sources of income are banana and <i>tabiti</i> production which she shares with her husband; she also works as a seller at a small variety store; has access to communal fishpond
Gloria	59 years old; married with 12 children; finished grade 5; jointly owns with her husband a farm in municipality of Alamada, Cotabato
	owns a 1-hectare farm; sources of income are <i>sayote</i> and string beans production, selling of vegetables, and abaca and <i>tabiti</i> production in the communal farm
Loreta	40 years old; married with 8 children; finished grade 2
	owns a 1-hectare farm; sources of income are <i>tabiti</i> , banana, vegetable (string beans, <i>sayote</i> , onion) production and selling; also works in <i>burnal</i>
Elia	54 years old; married with 10 children; finished grade 5; wife of a pastor
	owns a ½-hectare farm she uses for vegetable production; sources of income are sewing clothes and selling vegetables; her husband works as a carpenter and helps in the farm
Tabita	56 years old; separated from her husband; has 5 children; finished grade 6
	owns a 1-hectare farm; farm remains idle except for vegetables planted for consumption as she tends a small variety store and sews clothes for a living

B. *Sitio* Umpan Village

Name of Interviewee	Profile
Analyn	14 years old; married but has no children; lives with parents and has 6 other members in the household; finished grade 6
	owns a 1/2-hectare farm and cultivates this together with her mother; sources of income are charcoal making, livestock raising and vegetable, <i>tabiti</i> , and abaca production; her husband works in <i>burnal</i> but also helps in her father's farm
Maricel	22 years old; married with 2 children; finished grade 6
	jointly owns a 1-hectare farm with her husband; source of income is vegetable, banana, abaca, and <i>tabiti</i> production
Rosie	36 years old; married with 5 children; finished grade 4
	jointly owns a 1-hectare farm with her husband; her husband works in <i>burnal</i> and do fishing so she solely cultivates the farm, producing banana, <i>tabiti</i> , cassava; she also works in <i>burnal</i>
Linda	39 years old; married with 5 children; finished grade 3
	jointly owns a 1-hectare farm with her husband which her husband plants with banana while she works in <i>burnal</i> ; she also grows vegetables and raises ducks for household consumption only
Lorna	18 years old; married with 1 child; finished third year high school; does not own land; parents in-law own a 3-hectare farm which her husband cultivates; does not participate in farming

C. *Sitio* Lumot

Name of Interviewee	Profile
Rosita	45 years old; married with 8 children; finished grade 6
	jointly owns a 2-hectare farm; source of income is banana and vegetable production and poultry raising; her husband produces banana while she grows vegetables
Josephine	29 years old; married with 5 children, 2 are deceased; finished grade 2
	owns a 1/2-hectare farm; sources of income are livestock raising, and production of abaca, <i>tabiti</i> , banana, cassava, taro, vegetables

Beñanita	31 years old; married with 4 children; has 7 other household members; finished grade 3
	jointly owns a 1-hectare farm with her husband; she and her husband work in <i>burnal</i> ; the land they own is used for producing taro and vegetables for household consumption
Bienvenida	37 years old; married with 5 children; finished grade 3
	owns a 1-hectare farm; jointly owns five other lots with her husband but leased to outsiders; sources of income for the couple are rubber production and <i>burnal</i>
Luzviminda	38 years old; married with 6 children; finished grade 2
	owns 1/2 -hectare farm; sources of income are rubber and fruit trees; she and her husband also work in <i>burnal</i>

Annex 2

Profile of Participants in the Focus Group Discussions

A. Women's Committee

Name of Participant	Profile
Gemma	member; 30 years old; married with 2 children; owns a 1-hectare farm
Arlene	member; 36 years old; widow with 3 children; owns a 1-hectare farm
Lily	member; 38 years old; married with 3 children; owns a 1.5-hectare farm
Susan	member; 28 years old; married with 2 children; owns a 1.5-hectare farm
Edith	IBASMADC board member and women's committee chairperson; 54 years old; widow with 5 children; owns a 2-hectare farm
Winnie	women's committee treasurer; 36 years old; married with 3 children; jointly owns a 4-hectare farm with her husband, <i>Datu</i> Eduardo Umpan, chairperson of IBASMADC

B. ILAI

Name of Participant	Profile
Mauricio	board member; <i>datu</i> ; 57 years old; married with 7 children; owns a 2-hectare farm; elementary graduate
Romeo	member; 35 years old; pastor; married with 3 children; owns a 1-hectare farm; elementary graduate
Marcelo	member; 46 years old; pastor; married with 5 children; owns a 2-hectare farm; elementary graduate
Saturnino	member; 33 years old; married with 2 children; has a second wife; owns a 2-hectare farm; elementary graduate
Betty	member; 26 years old; married with 1 child; owns a 1-hectare farm; high school graduate
Anna	member; 23 years old; married with 1 child; owns a 1-hectare farm; high school graduate
Rosario	member; 50 years old; married with 4 children; owns a 1.5-hectare farm; elementary graduate

Lyn	member; 20 years old; married with 1 child; jointly-owns a 2-hectare farm with her husband; high school graduate
Romeo	member; 42 years old; married with 4 children; owns a 1.5-hectare farm; high school graduate
Jun-jun	member; 26 years old; single; owns a 2-hectare farm; reached college level
Elias	member; 24 years old; married but has no children; owns a 1.5 hectare farm; elementary graduate

C. IBASMADC

Name of Participant	Profile
Flora	member; 52 years old; married with 5 children; owns a 3-hectare farm; finished grade 5
Anita	board member; 59 years old; widow with 10 children; owns a 2-hectare farm; finished grade 5
Darius	member; 58 years old; pastor; married with 8 children; owns a 1.5-hectare farm; finished grade 3
Landingan	member; 96 years old; widower with 8 children; owns a ½-hectare farm
Inarion	member; 45 years old; married with 3 child; owns a 1.5-hectare farm; finished 3 rd year high school
Marcelo	member; 43 years old; married with 7 child; owns a 1-hectare farm
Esteban	board member; 59 years old; married with 9 children; owns a 2-hectare farm; elementary graduate
Melchor	member; 29 years old; married with 2 children; owns a 2-hectare farm; college graduate
Sheryl	board member; 39 years old; pastor; married with 2 children; owns a 2-hectare farm; high school graduate
Eduardo	chairperson; <i>datu</i> and one of the tribal chieftains representing Balabag; Barangay Captain of Balabag; 43 years old; married with 3 children; jointly-owns a 4-hectare farm with his wife; reached college level

Annex 3

The Process of Gathering Data from the Field

Prior to the research assistants' actual conduct of individual interviews and FGDs, the community was visited by the research assistants on the 13th of July to meet with the leaders of MADADMA to discuss the study as well as finalize the schedule of the actual fieldwork in *Barangays* Balabag and Ilomavis. Fieldwork in the community was done from 18 to 22 July. The Ilomavis portion of the ancestral domain has nine *sitios* – Sayaban, Nabunturan, Sudsuhayan, Anggi, Agko (Relocation), Kallay, Inanapo, Sungungan, and Tinago. *Sitios* in Balabag include Mawig, Umpan Village, Pasong, and Lumot. *Sitios* Sayaban, Lumot and Umpan Village were selected as the research sites. The individual interviewees (see Annex 1 for the profile of interviewees) were visited in their homes on 18 July in *sitio* Lumot (farthest from the barangay center), 19 July in *sitio* Umpan Village (nearest to the center), and 21 July in *sitio* Sayaban (most populated). The semi-structured interviews lasted between one to two hours.

Initially, one FGD was targeted each for IBASMADC, ILAI, and MADADMA. However, the MADADMA FGD was not conducted because the same leaders of IBASMADC and ILAI compose the MADADMA leadership. The members of the women's committees of the two organizations were also combined to participate in one FGD. Six women participated in one FGD for the women's committees, which was held at the *barangay* hall in Balabag on 20 July 2008 (see Annex 2 for the profile of participants). The FGD for ILAI was done in *sitio* Anggi on 22 July 2008 and attended by 7 males and 4 females. Only one ILAI officer participated in the FGD (see Annex 2 for the profile of participants). For IBASMADC, 8 males and 2 females representing both leaders and members participated in the FGD conducted at the *barangay* hall in Balabag on 22 July 2008 (see Annex 2 for the profile of participants). The three FGDs took longer to conduct than the interviews, with each FGD taking more than 3 hours to finish.

Interviews with government and NGO officials were done on separate occasions. The research assistants were able to meet with NCIP and DENR provincial officials on 30-31 July. The interview with the Sustainable Livelihood Program Officer of AFRIM was done through personal communication on 22 and

29 August and on 15 September. These interviews were conducted later than the community schedule because the availability of the said officials was followed.

Annex 4

Maps of MADADMA's Ancestral Domain and the Research Sites

Figure 1. Resource map of MADADMA's ancestral domain in Mount Apo (source: AFRIM)

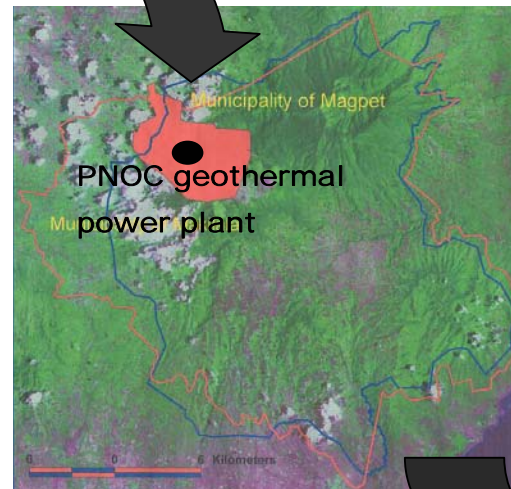


Figure 2. Satellite map of Mount Apo in Cotabato Province (source: AFRIM)

Figure 3. Philippine Map (www.phildippineomain.com)

