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Indigenous Peoples and the process of decentralization:

Conflicting interests regarding upland resource
management in Palawan Province/Philippines

Stefan Seitz (University of Freiburg)

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Stefan Seitz (University of Freiburg)*

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Abstract

In light of the ongoing decentralization reforms in the Philippines, the community forest management is one of the areas that has significantly benefited. This is especially important for the indigenous peoples, as the forest provides the livelihood for the majority of these minority groups. But the complex, partially overlapping laws originally intended for the conservation of the forest also create conflicts. To effectively be able to protect their rights as indigenous people and their claim on the forest resources, the forest dwellers are forced to interact with the responsible government institutions. The Local Government Code of 1991 opened up an opportunity for the indigenous people to actively participate in the planning and implementation of the forest management. The effective realization of their needs is however hampered by environmental countermeasures aiming at the protection of forest land and its biodiversity as well as by interferences of the majority population, as the example of Palawan illustrates.

Key words

Decentralization, Community Forest Management, Indigenous Peoples, Southeast Asia, Philippines, Palawan

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* Stefan Seitz is Professor of Social and Cultural Anthropology (retired) and Chairperson of the Southeast Asian Studies Program at the University of Freiburg, Germany. Email: stefan.seitz@ethno.uni-freiburg.de.

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Introduction

Even though the research community and politicians have mainly focused their debates on decentralization and development on Indonesia, it was the Philippines that first introduced decentralization reforms in Southeast Asia, namely with the approval of the Local Government Code (LGC) in 1991. This was an important step for an archipelagic state that is deeply divided geographically, consisting of more than 7,100 islands and, more importantly, culturally with around 110 ethnic groups and around 170 different linguistic groups (Balsacan, Hill & Piza 2007: 1; Ethnologue. Languages of the Philippines).¹

The quest for autonomy can be traced back to the country's pre-colonial history of numerous independent small chiefdoms. Enforced by its geographical set-up, the Philippines have been the natural setting for a decentralized form of government. It was under the Spanish colonial rule that a strong central government with seat in Manila has been established. Since then, the islands have always been ruled by means of a highly centralized, hierarchical administration.

The concentration of the government and power in Manila eventually resulted in an inequitable development among the different regions due to the difficulty of reaching and responding to the needs of remote areas. Consequently, there have been several attempts to decentralize power to the local level after independence in 1946, e.g. the Local Autonomy Act No. 2264 in 1959, the Barrio Charter Act, RA 2370 in 1959; the Decentralization Act of 1967, RA 5185, or the Local Government Code of 1983, Batas Pambansa Bilang 337 (Brillantes & Moscare 2002: 3-5). But in the end, these attempts turned out to exist only on paper. After the "people power" revolution in 1986, coinciding with the presidency of Corazon Aquino, the 1987 Philippine Constitution was proclaimed, which included particular policies to guarantee greater autonomy for local governments.

The genuine beginning of decentralization in the Philippines can be retraced to the enactment of the 1991 Local Government Code, also known as the Local Autonomy Act, where "decentralization can be defined as a process and a condition in which decision-making powers, functional competences and resources are devolved from the centre to lower levels of government" (Rüland 2012: 5).

It was connected with the hope not only of improving basic service delivery and strengthening participatory government, but also of protecting the interests of ethnic minorities (Malixi 2008: 7; Rüland 2012: 5). The latter was to be achieved by restructuring the natural resource management and by acknowledging their customary land rights.

The most important features of the Local Government Code were to strengthen local fiscal autonomy and to enhance government infrastructure. Local government units (LGUs) received greater financial resources through means of broadening their taxing powers, a higher share from the national taxes (40 per cent instead of 11 per cent) as well

¹ http://www.ethnologue.com/show_country.asp?name=PH, accessed 10 February 2013.

as the allocation of “a specific share from the national revenues exploited in their area” (Brilliantes 2002: 5,6). In return, LGUs became more responsible for basic service delivery, including primary health care, social services, education, environment and agriculture. Finally, the Code also aimed at a greater participation of civil society in local governance.

But the numerous decentralization measures have not resulted in a uniform impact across the local government units, but rather brought about considerable differences with regard to governance performance. While some studies find throwbacks provoked by enduring patronage, others point out the country’s economic growth, caused by local innovations. However, there is no clear evidence for the assumption that fiscal decentralization stimulates economic growth. The same applies to the area of people empowerment; here, too, there are no definite indicators of a successful cooperation between LGUs and people’s organizations (POs) or non-government organizations (NGO) in the decision-making process (Capuno 2005: 2; Balisacan & Hill 2007: 44; von Lübke 2012: 17).

There is, however, one area that has benefited significantly from the decentralization reforms, namely forest management (Colfer & Capistrano 2005, Larson 2005). This is especially true for community forestry, which is deeply connected to the livelihood of the majority of the minority groups in the Philippines.² This stands in contrast to the developments in Indonesia, where the government has slowly started to recentralize forest governments. Here, decentralization has triggered an excessive intrusion of new authorities and resulting legal confusion, which actually led to increased deforestation in the last years (Bullinger & Haug 2012). In the Philippines on the other hand, the devolution of authority to the local government level has led to innovative community forestry programs focusing on land entitlements of upland and particularly indigenous communities by a variety of tenure mechanisms. Besides securing access to resources, the empowerment of local government institutions following decentralization has also been crucial for the effective recognition of minority communities.

The consequences of the decentralization process of the resource management are estimated to have affected the livelihoods of up to 10 million people (cf. Jensen 2002: 5; 18 million people - migrant and indigenous – according to Novellino 2000a: 60) living in upland forest areas.³ Due to persistent land shortage and limited off-farm employment opportunities, members of both Christian Filipinos and the so-called Indigenous Peoples (IPs) continue to depend heavily on forestland and forest resources to sustain their livelihoods. However, from the perspective of the government and the lowland population, their agricultural technique of slash and burn is in direct conflict with the efforts to conserve the natural environment.

In the course of the decentralization reforms, a new approach to the utilization of

² The Philippines has an overall total of 7.1 Million ha of forest (2003, DENR 2009 Philippine Forestry Statistics).

³ The overall population of the Philippines is estimated to have reached about 103,7 Million people in 2011 (CIA – The World Fact Book. <https://www.cia.gov/library/publications/the-world-factbook/geos//rp.html> (22.10.12)).

forestland was established in 1996.⁴ With Executive Order No 263, the Community Based Forest Management Program (CBFM Program) was launched by President Ramos as the national strategy to sustainably protect and develop the country's forest lands. It formally ensures the participation of local stakeholders in all decision-making processes regarding the protection and management of forest resources.⁵

The protection of specific forest areas after the approval of the LGC had already begun in 1992, when the government passed the National Integrated Protected Areas System (NIPAS) Act (R.A. 7586/1992). The NIPAS Act was established as consequence of the UN Convention on Biological Diversity (UNCBD) which the Philippines had signed in 1992. Amongst others, the Act aims at preserving indigenous and local knowledge and at increasing the participation of local and indigenous communities in resource protection programs. It provides for the establishment and management of protected areas in the Philippines and constitutes the legal basis for the conservation of biological diversity.

Comparable to the NIPAS Act, but specifically dedicated to Palawan Province, the Strategic Environmental Plan (SEP) for Palawan Act (R.A. 7611/1992) was also implemented in 1992 in order to serve as an overall policy framework to protect the outstanding biodiversity of this province.

One year after the CBFM Program of 1996, the national government took measures to protect the customary rights of indigenous peoples and, in 1997, passed the Indigenous Peoples' Rights Act (IPRA). The objective of this law is to secure the rights of indigenous peoples to their ancestral domains through the issuance of Certificate of Ancestral Land Title (CADT). At the same time, the ordinance stipulates that indigenous peoples are responsible to protect these areas. Under the Certificate of Ancestral Domain Claims (CADC) of IPRA, indigenous peoples are granted the same rights as guaranteed by the CBFM Program, but do not face any restrictions regarding the time limit or the range of resources.⁶

All these complex, partially overlapping rules - CBFM, NIPAS, SEP and IPRA - intended for the conservation of the forest and the protection of the rights of indigenous forest dwellers - are causing many conflicts (see Canivel 2001: 59).

With an estimated 6.5 million members of indigenous people (Philippines Demographics Profile 2012), the Philippines represent an ethnically highly diverse society. As Indigenous Peoples (IP) or Indigenous Cultural Communities (ICC) are considered those peoples who perceive themselves as being distinct from the majority population. They are defined as communities "whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations. Self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups." It is the peoples' self-awareness of being indigenous or

⁴ For the Forest Policy of the Philippines see Kummer 1992, Pulhin 2002.

⁵ For CBFM see Guiang et alii 2001; Hartanto et alii 2003; Pulhin & Pulhin 2003; Pulhin et alii 2007; Dressler 2009b; Rebugio et alii 2010.

⁶ For the devolution process in the management of the Philippine forest, see Pulhin & Inoue 2008.

tribal which serves as the basis for the legal distinction (cf. Indigenous and Tribal Peoples Convention, 1989 [No. 169], Geneva, 76th ILC session). Indigenous peoples are organized communities who have lived on their ancestral lands since time immemorial, the ownership of which they claim by traditional and communal laws, but the connection to land does also apply to Christian Filipinos.

Most of the indigenous people live in the uplands, in mountain and forest areas, and depend on forest resources to sustain their livelihood. The government institution responsible for the indigenous peoples today is the National Commission on Indigenous People (NCIP). As the majority of the Christian Filipinos live in the lowland areas, Philippine society has gradually come to be divided into a lowland (modern Christian Filipino) and an upland (indigenous) society, a fact which is – according to Hirtz – also constitutionally enshrined (cf. Hirtz 2003: 898; Eder & McKenna 2004).

The resulting conflict between minority groups and majority population severely hampers the effectiveness of any legal measures, as the latter continue to dominate the government institutions responsible for regulating forest management. It is a conflict about the proper way public authorities should grant recognition to the indigenous peoples and their perception of themselves, namely being distinct from the majority population in terms of norms and lifestyles (cf. Hirtz 2003: 887).

The persisting dominance of the majority population is even more controversial since most of the indigenous communities live close to the poverty line and have to rely on the forest in order to secure their livelihood. As poverty reduction is one of the stated aims of decentralization, promoting indigenous peoples' rights is a crucial aspect for its success. However, at the same time, the conflict between upland and lowland population regarding forest protection and access to resources is enhanced by an increasing migration of lowlanders into ancestral habitats.

With the devolution of power and responsibilities to local authorities and an increasing participation of civil society, decentralization is expected to correct this bias and thus to increase the decision-making power of indigenous people.

Until now, this expectation has remained unfulfilled. One of the reasons for this failure is the overlap of the above mentioned programs and laws with the IPRA. The multiplicity of laws addressing resource degradation problems and the large number of public and private stakeholders involved has created a complex structure of overlapping jurisdictions, which negatively affects the successful implementation of the programs (cf. Hirtz 2003: 887). The decentralization of forest management is therefore falling short of many of its initial goals.

In addition, despite an existing indigenous legal system at the national level and the institution of the NCIP, the indigenous peoples still lack a proper representation at the local level. Especially with regard to access to forest resources, a local government is crucial for indigenous communities in order to effectively claim and defend their rights.

Until now however, the multitude of laws and regulations covering national and local forestry affairs are still largely issued by the majority population. In fact, of the legal

institutions mentioned above, only the CBFM and the IPRA are characterized by direct participation of minority groups, whereas NIPAS and SEP are administered by decision-makers of the majority population. The CBFM can be supported by either both groups together or exclusively by the minority groups. And the new instruments that are actually designed to improve the indigenous peoples' autonomy with regard to resource management are legally too complex to be handled by them. They therefore still have to rely on external help, if not by the government, but mostly by non-governmental organizations (NGOs).⁷

All of the above mentioned topics have already been discussed separately one by one. A synthesis of different perspectives on this subjects, integrating opinions from social sciences, law or forestry, however, has mainly been left out (cf. Hirtz 2003: 889).

With a focus on indigenous peoples of the province of Palawan, there has been a study on the impact of decentralization on the administrative structure, (e.g. Canivel 2005, Pulhin & Inoue 2008, Pulhin & Dressler 2009). There has also been research regarding the impact of decentralization on forest use from a forestry perspective (e.g. Contreras 2003, Dugan & Pulhin 2007, Pulhin, Inoue & Enters 2007); from a legislative perspective regarding the implementation of minority rights (e.g. McDermott 2001, Novellino 2000b, Novellino 2004, Novellino 2007a); and from a social anthropological perspective regarding the consequences of decentralization for the livelihood and lifestyle of the indigenous peoples (e.g. Novellino 2007b, Novellino 2008). I will now bring some selected aspects together.⁸

First, I will provide a brief overview on the historical process of the forest politics and legal framework of forest management in the Philippines before and after decentralization was implemented with the approval of the Local Government Code in 1991.

Second, I will highlight consequences of forest management with the example of Palawan. I will, third, continue by outlining the repercussions of the decentralization reform on minority groups and the minority rights over the last two decades, which is characterized by an ongoing conflict between efforts to pursue nature conservation and means to protect the interests and livelihoods of indigenous people.

Based on a case study in Palawan, the fourth and, last part, of the paper deals with the constraints and complexity of getting the devolved environmental functions to work at the local level. With this case study, I try to shed light on the various and often contradicting legal ordinances concerning Philippine forest management, the conservation of biodiversity and the protection of indigenous peoples' rights, focusing on the conflicting interests between minority and majority groups.

⁷ These NGOs are called GUAPOs (Genuine, autonomous people's organizations) and DJANGOs (Development, Justice, and Advocacy NGOs). See Magno 2001: 268; Hirtz 2003: 906.

⁸ I would like to thank Viola Bizard and Birgit Schubert for their kind assistance in the process of preparing this paper.

Forest politics and the legal framework of decentralizing forest management in the Philippines: LGC and CBFM

Since the colonial period, deforestation has plagued the country, reaching its highest level during the Marcos regime (1965 to 1986). During this period, the Revised Philippine Forestry Code of 1975 (Presidential Decree No. 705/1975) prohibited shifting cultivation nationwide, as it was blamed as one of the major drivers of deforestation. At the same time, the degree stated that forest dwellers, so-called *kaingineros*, labeled after their applied farming method of shifting cultivation, *kaingin*, and cultural minorities, who had been occupying the forestland before the law came into effect, “shall not be prosecuted” (Presidential Decree No. 705).

Further, the Forestry Code maintained that “no land of the public domain on a slope of 18 per cent or more shall be classified as alienable and disposable.” In consequence, this means that the “18 per cent slope rule” deprived indigenous upland communities of all rights to acquire any form of security over their land and settlements” (Novellino 2000a: 59). The Forestry Code is still in effect.⁹

In the 1970s, the Philippine forestry policy under the authority of the Department of Environment, Energy and Natural Resources (DEENR) was marked by the adoption of some major people-oriented forestry programs such as the Forest Occupancy Management (FOM), the Family Approach to Reforestation (FAR) and the Communal Tree Farming (CTF) (Dugan & Pulhin 2007: 39).¹⁰ However, these initiatives were primarily geared to engage local communities in reforestation activities rather than considering them as equal partners in forest conservation and development (cf. *ibid.*; Jensen 2002). Given the tense political situation during this time, community forestry was also regarded as “a counterinsurgency measure to maintain political stability and order in the countryside” (Dugan & Pulhin 2007: 39; for the forestry during the colonial and post-colonial period see Pulhin 2002; Pulhin & Pulhin 2003).

Since the DEENR became increasingly aware that the problem of deforestation is foremost socio-political in nature and directly related to poverty (Jensen 2002:4; cf. Dugan & Pulhin 2007: 38,39), the 1980s saw the implementation of two major people-oriented forestry programs. While the Integrated Social Forestry Program (ISFP) consolidated the programs of the 1970s and recognized the vested rights of forest dwellers by establishing 25-year forest stewardship contracts (individual or communal),

⁹ In addition, the Forestry Code prescribed the establishment of a selective logging system, the successful implementation of which has, however, suffered from “patronage politics” (Jensen 2002: 4). Illegal logging, instead, has become rife (*ibid.*).

¹⁰ The Integrated Social Forestry Program entailed the involvement of the community, households, and NGOs. As a means of curtailing massive deforestation by slash-and-burn shifting cultivators, the *kaingin* Land Management began in 1971. This developed into the Forest Occupancy Management Program (FOM) in 1975, which authorized some communities to occupy specified forest areas. In 1978, FOM was transferred into the Community Tree Farming Program, which was designed to enlist the participation of cities and municipalities in tree farming and deforestation. The Family Approach to Reforestation developed in 1979 called for participation of households based on short-term contracts (Magallona & Malayang n.d.: 12).

the Community Forestry Program (CFP) extended the coverage of community forestry to natural forests.

Moreover, the Community Forestry Program authorized communities to commercially utilize forest resources. Thus, from mere laborers in reforestation activities, “local people were increasingly recognized as the *de facto* resource managers, hence, partners in forest development and conservation” (Dugan & Pulhin 2007: 40).

The end of the 1980s was also marked by the first institutional steps towards devolution within the forestry sector. In 1987, the Department of Environment, Energy and Natural Resources (DEENR) was reorganized and renamed Department of Environment and Natural Resources (DENR) (Executive Order No. 192/1987). Since then, the DENR has been the main government institution charged with the responsibility to “ensure the sustainable use, development, management, renewal and conservation of the country's forests, mineral lands, offshore areas and other natural resources, including the protection and enhancement of the quality of the environment” (Magallona & Malayang n.d.: 11). The reorganization comprised the transfer of the energy sector to the office of the President and the decentralization of bureaucracy to regional and field offices.

The essential move toward decentralized forest management took place with the approval of the Local Government Code under the Aquino Administration in 1991. As a result, in 1993, the control and supervision over upland resource management and its associated people-oriented forestry programs (ISF and CFP) were shifted from the DENR to local government units (provinces, cities, and municipalities) (ibid.: 12, 13). Local communities (people's organizations), NGOs, and academic as well as scientific institutions became direct partners in local resource management. “During Aquino's Administration, the goals and tactics changed, and more emphasis was placed on lobbying and networking for regional autonomy” (Bennagen 1996: 95).

But even though more decision-making power was transferred to the LGUs through the Local Government Code, this was not necessarily true for local communities. The latter still remained largely outside of the planning and implementation process of Community-Based Forest Management Projects (Pulhin & Inuoe 2008: 8).

Thus, the implementation of the Community-Based Forest Management Agreement (CBFMA) in 1995 by then President Ramos unified the various forestry projects of the 1970s and 1980s as well as the Administrative Orders of the DENR and set the legal basis for a joint approach between the DENR and community organizations to target poverty alleviation and environmental protection at the same time.¹¹ CBFM is therefore the only specific forest institution that allows for an autonomous administration by the minority groups; in practice, however, the lowland population remains involved in most of CBFM

¹¹ The CBFM was also the result of the DENR's inability to effectively deal with the co-existing problems of forest destruction and upland poverty, which caused public trust concerning the DENR's “credibility and moral authority to govern the nation's patrimony” to erode (Pulhin & Inuoe 2008: 5). In consequence, the DENR had to develop a new management strategy “to regain political legitimacy as the primary government body responsible for the conservation, management, development and proper use” of the national environmental resources (ibid.: 6). The adoption of the CBFM was an “offshoot of this new paradigm” (ibid.).

areas.

Under the CBFM, communities can apply for a 25-year land tenure, which gives them the right to access and use its forest resources. In return, the communities commit themselves to protect and preserve the forest lands granted to them (Pulhin & Inoue 2008: 7).

Novellino (2003: 280) shows, however, that the CBFM policy may likewise imply increased government control over indigenous peoples' lands if the closed contracts force indigenous groups to report any activities such as timber logging, *kaingin*, fire use, or illegal harvesting of certain forest products to the DENR. This in fact means that indigenous peoples have to refrain themselves from their traditional land use system.

The formal adoption of CBFM also structures the national strategy towards the reframing of the once corporate-controlled timber industry. Until the CBFM had been installed in 1996, policies on the commercial utilization of timber resources had constantly privileged the politically more influential concessionaires under the so-called Timber Licensee Agreements (TLAs), which had thus added to the political and socio-economic marginalization of the upland population as well as to the continuous degradation of the country's forest resources (Dugan & Pulhin 2007: 40; Pulhin & Inoue 2008: 4, 5).¹²

Besides promoting the sustainability of forest resources, it aims at democratizing forest resource access by increasing the involvement of upland communities and indigenous peoples in the management of these resources. The rights provided to the communities and LGUs include long-term co-production sharing agreements over 25 years, resource rights over timber and non-timber products and the right to transfer claims to close kin, community members or active people's organizations (Pulhin & Inoue 2008: 7; Pulhin & Dressler 2009a: 6).

Biodiversity conservation and the ecological implications for the indigenous peoples of Palawan: NIPAS and SEP

The National Integrated Protected Areas System (NIPAS) Act (R.A. 7586/1992), as a response of the signing of the UN Convention on Biological Diversity (UNCBD) in 1992, is also of importance for indigenous peoples' forest management. Similar to the CBFM, communities may receive "a 25-year tenure security over the land they occupy provided this will not pose a threat to the environmental integrity of the protected areas" (Pulhin & Inoue 2008: 7). In addition, the indigenous peoples are allowed to collect non-timber

¹² From 1972 till 1982, around 8-12 million ha of national forests, representing around 1/3 of the country's total land cover, were allocated to about 450-470 timber concessionaires (Pulhin 1996). Conversely, millions of forest dwellers, including the IPs, "were regarded as squatters in their own ancestral lands" (Pulhin & Inoue 2008: 4).

Since the shift toward CBFM, the amount of forestland controlled by TLAs has gradually declined to the present 0.54 million ha due to the abolishment of non-compliant licensees and non-renewal of those that have expired. Meanwhile, CBFM has steadily increased from less than 200,000 ha in 1986 to 5.97 million ha of forestland in 2007, including 5,503 sites and directly benefiting more than 690,000 households (Dugan & Pulhin 2007: 40).

forest products (NTFPs) in particular zones of these protected areas.

NIPAS is under the overall control of the DENR and is locally managed by the Community Environment and Natural Resource Office (CENRO), which is subject to the Local Executive equipped with national mandate (cf. Magallona & Malayang n.d.: 9).

Comparable to the NIPAS law, the SEP is specifically dedicated to protecting the forests of Palawan Province where most of the country's biodiversity is concentrated and which is also the reason why Palawan has been declared a biosphere reserve by UNESCO. With a forest cover of more than 650,000 ha, Palawan's forest remains the largest one in the Philippines.¹³

For a long time, Palawan seemed to have been less affected by migration and logging activities, which has however changed in the last few decades.

All over Palawan, the Program has established several projects that are carried with the support of the respective local indigenous communities. The Palawan Council for Sustainable Development (PCSD) is in charge of the implementation and policy direction of SEP. As the PCSD is under the direct control of the Office of the President of the Republic of the Philippines, the SEP is still being carried out in a highly centralized form.

The Council controls the realization of the SEP and its associated Environmentally Critical Areas Network (ECAN). Within the SEP framework, ECAN is responsible for the island's land use planning and resource conservation. The main task of ECAN respectively the Council is hence the zoning of terrestrial and marine areas as well as so-called tribal ancestral domains (Novellino 2004: 181, 182). According to this mandate, the PCSD established eleven priority sites as Protected Areas (PAs) in Palawan (Lim 2012), corresponding to the National Integrated Protected Area System (NIPAS) in other parts of the Philippines.

Protected areas may not be exploited; "exceptions, however, may be granted to traditional uses of tribal communities of these areas for minimal and soft impact gathering of forest species for ceremonial and medicinal purposes."¹⁴

Even though SEP is covering Palawan only, it nevertheless constitutes a national law and therefore serves as a role model for other agencies concerned with provincial development. This however also means that the decisions of the PCSD are made and carried by members of the lowland population. Minority groups once again do not have any decision-making power within the PCSD except for one representative of the NCIP.

The issue of exploitation of resources for economic purposes, especially mining, is extremely urgent in Palawan. The effectiveness of the SEP is however threatened by its numerous overlaps and conflicts with other national laws that counteract the protection of Palawan's resource base. One example therefore is the Philippine Mining Law from 1995, which specifically states the importance of environmental considerations and the

¹³ The island's forests represent about 11.3 per cent of the country's total forest cover and approximately 46 per cent (2005) of the island's surface (Tropical Rain Forest of the Philippines. 2011).

¹⁴ See Palawan Council for Sustainable Development, available at: http://www.pcsd.ph/sep_law/ra7611.htm, accessed 10 October 2012

preservation of the rights of indigenous peoples with regard to ancestral domains. Nevertheless, DENR repeatedly disrespects these guidelines and SEP in order to accommodate mining in the province.¹⁵

Protecting land claims and forest resources of the Minorities: IPRA

While the Community-Based Forest Management Agreement already recognized the rights of forest dwellers to their forestlands, the Indigenous Peoples' Rights Act (IPRA) of 1997 specifically strengthened the role of indigenous peoples. The Act clearly defined and established indigenous peoples' rights related to the management of the natural resources found within their ancestral domains (Novellino 2000a: 61). In cases where these claims on customary land, so-called Certificate for Ancestral Domain Claim (CADC), have been recognized, the respective group receives a Certificate of Ancestral Domain Title (CADT) from the National Commission on Indigenous Peoples (NCIP).

The law provides indigenous communities with the right to self-governance and empowerment, including the right to use their customary juridical systems and conflict resolution mechanisms "as long as these are compatible with the national legal system and internationally recognized human rights" (Novellino 2000a: 61). Moreover, the act states that "the State shall protect the rights of ICCs/IPs to their ancestral domains to ensure their economic, social and cultural well being. [...] The State shall recognize, respect and protect the rights of ICCs/IPs to preserve and develop their cultures, traditions and institutions" (ibid.).¹⁶ So, like the CBFMA, the IPRA accepts the indigenous peoples as the "de facto" forest managers (Jensen 2002: 4, 5).

The CADT theoretically guarantees the entitlement over use of the land and its resources and therefore prohibits any logging activity without prior consent of the indigenous community (Free, Prior, Informed Consent - FPIC). The indigenous communities are hence able to effectively protect their traditional land from exploitation. Logging or mining companies therefore try to woo the concerned population into these agreements with various promises.

Ancestral domain does not only refer to areas traditionally inhabited by indigenous communities, but also to specific places or parts of land that have been important for religious and spiritual practices (Hirtz 2003: 899). Despite all this, the decision-making power of the majority population is pertained by the fact that all natural resources are proclaimed as property of the Philippine government.

¹⁵ Concrete examples are the areas of Gantong and Bulanjao, where more than 10,000 Palawan are living. The areas have been declared as core zones under SEP but are nevertheless threatened by approved mining operations. (<http://www.survivalinternational.org/tribes/palawan/miningthreat>, accessed 10 October 2012)

¹⁶ Further, the law "provides for equal protection and non-discrimination of indigenous people, in addition to the recognition of their distinctive characteristics and identity" (Novellino 2000a: 61).

Processing Ancestral Domain titles in the Philippines is a long and costly process. To speed up the procedure for a CADT, indigenous communities in Palawan have created a network of grant partners to combine their funds and thus to increase their bargaining power vis-à-vis national and local government institutions.¹⁷ With the support of several non-governmental institutions, they have also established direct communication to NCIP officials and personnel, as well as to the PCSD and LGUs. This serves as another way to shorten the processing time for ancestral domain titles by the NCIP. All functions over areas claimed as ancestral domains were transferred from the DENR to the NCIP.

Besides offering communication resources, local NGOs support the indigenous peoples in terms of technical assistance, especially providing legal and environmental expertise to improve their bargaining power.

The intricacy of the laws and the perception of decentralization among indigenous peoples

The Community-Based Forest Management (CBFM), the Indigenous Peoples' Rights Act (IPRA), and the National Integrated Protected Areas System (NIPAS) respectively the Strategic Environmental Plan (SEP) for Palawan are thus means to protect the natural environment and, theoretically, the rights of indigenous forest dwellers against the majority population. In practice, however, parts of these regulations often coincide, causing many difficulties and conflicts, making the management of the natural resources, particularly forestland, a task which the minorities cannot easily carry out by themselves. This is enhanced by the ever-growing complexity of the new instruments regarding forest management and ancestral domain claims, which force those indigenous peoples who depend on forestlands for their livelihood "to engage in legally sophisticated interaction with the government agencies" (Hirtz 2003: 908).

The forest governance is still perceived by the indigenous peoples of being controlled by central government agencies, despite the fact that over the last two decades, forest management in the Philippines has shifted from a purely centralized approach characterized by government-implemented programs toward more decentralized forms of forest governance. At the same time, the indigenous peoples' rights over their land resources were strongly assured. And although this process has been accompanied by a steady expansion and institutionalization of community forestry at the local level, i.e. a greater authority for local communities and, thus, for minority groups, this transformation has not been linked perceptually to the process of decentralization.

Decentralization has also benefited - directly or indirectly - the indigenous peoples in various aspects such as acknowledging claims over land and its resources as well as securing indigenous rights and improving their access to health care and education.

¹⁷ The network members are: Nagkakaisang Tribu ng Palawan, Inc. (NATRIPAL), Indigenous Peoples Apostolate (IPA, before TFA, Tribal Filipino Apostolate), Bangsa Palawan Philippines, Inc. (BPPI), Marintub Ranao Sapang Tumarbong, Inc. (MRST) and Bayaan Kat Tagbanua Kat Barake, Inc. (BKT) (Mahanty & Soriaga 2007:22; see also Novellino & Dressler 2010).

However, the indigenous peoples themselves did not see this complex process as an enclosed, coherent procedure following a specific theme.

Changes at the local level evoked by decentralization have thus not been realized as such. Apart from members of NGOs, the term “decentralization” is familiar to hardly anybody, after my own observation, this is especially true for indigenous communities for which the changes following decentralization have not entailed a significantly greater autonomy in the decision-making process.

One of the reasons why measures carried out in the context of decentralization have been perceived by the indigenous peoples rather as a series of individual measures than as an overall concept is the continuing control of the majority population over the decision-making process. This control persists despite the fact that indigenous people have received more decision-making powers through the enactment of specific laws.

Administrative complexity and its interference with effective resource management: The case of the Batak in Palawan

Using the example of the indigenous Batak¹⁸ society, who has been of interest to several anthropologists as well as biologists and whom I have visited several times myself during the last three decades, I seek to outline how the various ordinances passed after decentralization hamper the living conditions of these groups.

Palawan has a population of 737,000 (National Statistics Survey 2000), consisting of eighty-one cultural groups of mostly Filipino immigrants. Roughly 18 per cent, i.e. 120,000 people, of Palawan’s population belong to autochthonous minority groups. Together with the Tagbanuwa and Palawenos, who constitute the largest number of the minority groups, the Batak are one of these indigenous groups.

The Batak society comprises around 300 individuals inhabiting seven valleys in central Palawan (Novellino 2000:2).¹⁹ They are physically and culturally distinct from both their lowland neighbors and the other indigenous groups of Palawan. Due to their phenotype (small stature, dark skin, and curly hair), the Batak are usually labeled as “Negrito,” i.e. as members of the first group of inhabitants of the Philippines (ibid.). The Batak community of Kalakwasan constitutes a well-studied example for the problems dealing with livelihood and forest resource management in view of the decentralization process.

Their livelihood is characterized by a mixed subsistence strategy with a strong foraging component. While most Batak households practice a semi-nomadic lifestyle characterized by high flexibility and seasonal mobility, some households have adopted a more permanent routine and have settled down in villages.

¹⁸ Comprehensive ethnographic documentations of the Batak can be found in: Boissière & Liswanti 2006, Cadeliña 1985, Eder 1987, 1997; Novellino 2003, 2008; Warren 1964.

¹⁹ Eder (1987: 110) estimated the Batak population to have comprised about 600-700 individuals in 1900, while in 1972 his complete census counted only 272 individuals with two Batak parents and 374 with one Batak parent. According to an account by Novellino (2008: 7), there were only 155 individuals with two Batak parents left in 2005. This equals a decline in the Batak “core” population of almost 57 per cent within a period of 33 years (ibid.).

Against their common portrayal as “pure hunters and gatherers,” the Batak, like the Tagbanuwa and Palawenos, also engage in shifting cultivation (*kaingin*) (Novellino 2008: 14, 2010: 185).²⁰ In addition, their livelihoods depend heavily on hunting as well as on the gathering of, e.g., edible fruit trees, wild tubers, mushrooms, and wild palms, as well as on fishing and the collection of fresh water molluscs.

Moreover, the collection of NTFPs, especially resin, *almaciga*, (*Agathis philippinensis*) tapping, honey, and rattan canes (*Calamus sp.*, *Daemonorops sp.* and *Korthalsia sp.*), plays an important role for both commercial and subsistence purposes.

Their way of living stands in sharp contrast to that of the lowland population of Tanabag, who mainly rely on fishing and dry-and-wet rice cultivation. As they also use the forest as a complementary source, they have to share the access to its resources with the Batak.

Through the cyclical combination of diverse livelihood sources, the Batak have been able to manage the resources of the surrounding forests in a sustainable way for a very long time. In contrast to the resource utilization practices of their lowland neighbors, the Batak never significantly degraded the natural environment (Eder 1997: 26; cf. Novellino 2004).

Still, in order to survive, they have been forced to mix with other groups of Palawan. However, the relationship with lowlanders and authorities has often been tense. Conflicts arose due to outsiders entering the Batak territory in order to hunt or collect forest products, due to the delimitation of a CBFM area despite the unwillingness of the Batak, and due to the unjust “business and power relations” with lowlanders of the neighboring Tanabag village (Boissière & Liswanti 2006: 19).

That said, in recent years the Batak have faced serious challenges to secure their existence. Not only have ecological factors (e.g. drought, overall environmental change) impacted negatively on their food production activities, but decentralization has also adversely affected local livelihoods and thus their cultural identity.

Already in 1970, the City Government of Puerto Princesa declared Kalakwasan as the Batak’s own territory. After conflicts with migrants, the Batak however left the area by the end of the 1970s and resided upriver and only returned to Kalakwasan in 1997/1998 (Novellino 2007: 90, 2008: 9).

After some initial attempts starting in the late 1980s, the Batak began to participate more actively in local politics and increasingly interacted with government and non-government agencies (Novellino 2010: 193).

The overall area managed by the Batak of Kalakwasan, the so-called Community Conserved Area (CCA), comprises 5,006 ha of forestland in the hinterlands of the lowland Tanabag village. Of this area, about 3,450 ha were approved as CBFMA in 1998 (Hartanto et alii 2005:3; Villanueva & Gamutia 2005).

The Batak CCA – CCA being a technical term without any legal implications – adjoins to

²⁰ Novellino (2008: 14-16) notes that the Tanabag Batak have a very complex and detailed mythology dealing with rice and elaborated swidden rituals.

the Adaptive Collaborative Management (ACM) site of San Rafael-Tanabag-Concepción, which is a CBFM area under the management of the San Rafael, Tanabag and Concepción Multi-Purpose Cooperative (STCMPC). This PO signed an agreement with the Department of Environment and Natural Resources in 1996 to manage an area of 1,000 ha under DENR's Community Reforestation Program (Villanueva & Gamutia 2005). The membership of this PO is comprised of both upland and lowland people.

The STCMPC has 433 members (2001), with about 300 actively participating in the work of the cooperation. However, financial problems and shortcomings in the organizational management hamper their efforts within the CBFM area. Many officers and directors are inactive and benefits promised to be received from the CBFM agreement are mainly enjoyed by selected members of the Board of Directors (Villanueva & Gamutia 2005: 3, 4).

In 1997, supported by a local environmental NGO called *Haribon-Palawan*, which has been active in the Batak community since 1991, and with assistance from the World Conservation Union (IUCN), the local organization SATRIKA (“Samahan ng mga Tribo sa Palawan”), which had been formed by the indigenous Tagbanua and Batak, applied for a CADT (Magno 2001: 268).²¹

However, when the Estrada government came into office in 1998, the Indigenous Peoples' Rights Act was frozen, and, thus, also the CADT became unavailable (cf. Ballesteros 2001: 13; Novellino 2004: 188 n6). Thereupon, the Batak community of Kalakwasan applied to the DENR for a Community-Based Forest Management Area within their existing CCA, which has been signed between the Batak and DENR in 1998 (Novellino 2008: 11).

Besides the legal complexities just described, the living conditions of indigenous peoples in the Philippines are often additionally constrained by the NIPAS law, i.e. the installed protected areas under this ordinance. In this case, the Batak are affected by the Protected Area of the Puerto Princesa Subterranean River National Park, which has become an UNESCO World Heritage Site due to its underground river with limestone *karst* landscape (Dressler 2009a).²² This site, which lies on the other side of the mountains, opposite of Kalakwasan, overlaps with the Batak territory and incorporates the area of the neighboring Tagbanua minority group (Novellino 2008: 36).²³ Here, the

²¹ SATRIKA was supported by NGOs and POs. Other civil society groups that have often acted as intermediaries in social preparatory activities linked with forest management projects are the local church, academia, media, and donor agencies. They support forest-dependent people in organizing themselves, securing forest tenure, preparing annual work plans, initiating enterprise development schemes, and in negotiating with the government agencies (Magno 2001: 269).

²² The river is believed to be one of the longest navigable underground rivers in the world. Puerto Princesa Subterranean River National Park was declared by Proclamation No. 835 on March 26, 1971. It is located in the West Coast of Palawan, 81 km north of Puerto Princesa City. Two-thirds of the area is covered by tropical rainforest, and one-third is thinly vegetated karst limestone (PCSD, available at: http://www.pcsd.ph/protected_areas/stpaul.htm, accessed 22 October 2012).

²³ In this regard, the Batak were concerned by the so-called Palawan Tropical Forestry Protection Program (PTFPP), which was implemented as part of the SEPs conservation efforts. The Program was sponsored by the European Commission from 1995 till 2002 to conserve forests in Palawan through an area based program emphasizing community based sustainable and development strategy within the framework of NIPAS Act builds upon the Palawan Integrated Area Development Program.

situation of the Batak and the Tagbanua is less favourable, which is mainly due to greater competition from settlers and migrants regarding the ancestral domain claims.

All these different approaches to nature conservation and protection of indigenous peoples as well as the associated territorial delimitations did not solely cause considerable conflicts among the various stakeholders involved, lowland people as well as upland people. But these diverse environmental policies and project interventions of governmental as well as non-governmental organizations have also adversely affected the land use systems of the indigenous peoples, especially their practice of swidden agriculture and non-timber forest products (NTFP) collection (cf. Novellino 2007, 2008; Palao et alii 2010).²⁴

Moreover, against all expectations, decentralization has not led to local decision-making and thus to improved local resource management, but rather has complicated natural resource management at the local level, as the case of the Batak shows.

As shifting cultivation has always been regarded as one of the major drivers of deforestation, the government's forest policy has sought to restrict these activities. Consequently, various attempts have been undertaken by both local authorities and NGOs to replace swiddening with more permanent forms of cultivation.

The intervention of the majority population affected both the indigenous communities and the migrants inhabiting the upland areas with the intention to not only improve existing cultivation techniques, but to gradually adapt the lifestyle of the upland communities to that of the lowland population.

Already in 1969, first attempts were started to introduce wet rice cultivation among Batak communities and the Batak were requested to become more settled. The program was launched by PANAMIN, an agency, which was established under the Marcos government for the alleged protection of ethnic minorities. The resettlement and agricultural program however failed and the Batak returned to their traditional land use systems (Novellino 2008: 9).

Another attempt was undertaken by Haribon Palawan at the beginning of the 1990s. The supra-regional NGO aims at transforming communities into responsible stewards of the environment, focusing on equitable access to and sustainable use of its resources. It does so by conducting research and promoting community-based resource management strategies in different sites of the country. The NGO installed the Palawan-Batak Integrated Rural Development (PBIRD) project in Tanabag. The initiative's aim was to develop "food self-sufficiency by maximizing crop production through the

²⁴ Just for the San Rafael-Tanabag-Concepción CBFMA, Lorenzo (2001) lists *inter alia* the following external actors to be involved: diverse NGOs, two POs, SATRIKA, different levels of both the local government and the DENR, the PCSD, private concessionaires and other stakeholders with business interests. The San Rafael Tanabag and Concepcion Multi-Purpose Cooperative, Inc. has also been a beneficiary of the Adaptive Collaborative Management (ACM) research provided by CIFOR (Center for International Forestry Research). It aims at increasing the efficiency of the various policy programs and action plans with regard to forest management by bringing the different stakeholders together and collaboratively look for a suitable approach (cf. Esquera & Hartanto 2002, Hartanto et al 2003, Hartanto 2007).

implementation of backyard communal gardening, an irrigation system, pilot wet-rice plots, and sloping agricultural techniques” (Novellino 2008: 9).

Rather than contributing to food security, the project seemed to affect livelihoods negatively. The Batak complained that the amount of rice provided by the project in exchange for setting up and maintaining the paddy fields was not enough to meet their needs (Novellino 2008: 10). It seems that only the distribution of fruit tree seedlings, another contribution of the PBIIRD, has been accepted by the Batak community since it did not interfere with the local foraging pattern. During the years, these trees have become important productive assets and were in fact greatly helpful for the application on the recognition of their claims to ancestral land.

The indigenous agricultural system was even more severely affected; when the Mayor of Puerto Princesa, Edward Hagedorn, enforced a ban against swiddening in 1994. The ban had been made possible by the decentralized governance structure following the Local Government Code of 1991, which equipped LGUs with a mandate to implement local environmental regulations (Boissière & Liswanti 2006: 16; Novellino 2008: 22, 2010: 194).²⁵

As a result of the ban, Batak agricultural production fell dramatically, local rice varieties became extinct, and the community began to suffer from food shortages. Since the ban prohibited the conversion of secondary forest that “has grown back in old swiddens during long fallow periods” into swiddens, the Batak could no longer “replicate their traditional farming regime” (Novellino 2008: 28). As a consequence, people have either been forced to clear secondary forest “illegally,” and thus risk to be apprehended by forest guards, or to “apply short fallow periods (3/4 years) on their upland rice fields,” which, however, puts “the re-growth of natural forest and the full regeneration of soil nutrients” at risk (ibid.: 3, 23).

After a campaign by an international organization – Survival International –, the City Mayor admitted that the local farmers (including the indigenous people) had been “adversely affected by the policy” (ibid.: 23). In order to soften the effects of the ban, the government in 1996 issued the Controlled Burning Ordinance, which allowed upland farmers to conduct *kaingin* on certain plots of land and under specific conditions designed to minimize environmental damage (Eder 1997: 2).²⁶ This ordinance is still in effect today.

Moreover, in order to compensate for the economic hardship caused by the ban, the government assured the upland residents of providing for, e.g., food supplies and other livelihood alternatives.²⁷

The Batak agricultural system has additionally been affected by the installed CBFM. Just as other previous government and non-government initiatives, the CBFM aimed at

²⁵ Likewise, a ban on hunting certain animals, e.g. flying squirrel, wild chicken, and the bear-cat, has affected Batak livelihoods adversely (ibid.).

²⁶ According to Novellino, 2010: 194, this arrangement has not been formalized.

²⁷ Other measures included a cash-for-work-program, permanent mechanisms such as the water buffalo and tractor pools, the provision of seedlings, as well as the introduction of alternative farming methods (Novellino 2008:23).

establishing self-sustaining production systems by replacing the indigenous *kaingin* system with permanent forms of cultivation (Novellino 2008: 24).

The contract, which was drafted by the administrative staff which consisted mainly of members of the majority population, states that the indigenous “partners” should “immediately assume responsibility for the protection of the entire forestland within the CBFM area against illegal logging and other unauthorized extraction of forest products, slash and burn agriculture, forest and grassland fires, and other forms of forest destruction, and assist DENR in the prosecution of violators of forestry and environmental laws.” Once again, the administration is patronizing the minorities. The agreement in effect means “that the Batak must guard their area from their own practices, such as swidden cultivation” (Novellino 2008: 24).

In order to comply with the official requests for permanent agriculture, some Batak have converted their fields into agroforestry. However, yields remained low and could not compensate for the loss resulting from the many unfavorable environmental policies (Novellino 2008: 33, 34). In the end, Batak communities were forced to cope with the declining rice production, which was additionally exacerbated by El Nino and El Nina events in 1998 respectively 1999/2000, by increasingly engaging in the collection of NTFPs, particularly rattan, honey, and resin.

While before the 1950s, Batak livelihoods (and specifically their collection of NTFPs) had been relatively undisturbed, they underwent some major changes when the government enabled Filipino migrants to settle on Batak land (Eder 1987: 61; Novellino 2008: 8, 2010).²⁸

From the 1960s onward, the settlers started to engage more and more in the trade of NTFPs, primarily resin. By developing “privileged relations with the Batak” they sought to foster their position as middlemen. Besides, both influential politicians who had received legal concessions to extract the forest resources and “unauthorized concessionaires” increasingly gained control over the local NTFPs market (Novellino 2008: 9; 2010).

The local forest resources came even more severely under pressure, when the ban on swiddening was established. In order to cope with the reduced upland rice production, hundreds of forest dwellers, members of non-minority upland people, began to engage in the collection of NTFPs on the Batak CCA, leading to the depletion of many forest resources (ibid. 1999, 2007, 2008, 2010).

In the early 2000s, due to the dramatic decline of “agricultural production caused by the combined effect of El Niño/La Niña, the collapse of copra (dried coconut endocarp) prices in the national and international market, followed by the economic uncertainties of the Asian financial crisis,” even more migrants and coastal residents had to increase their collection of NTFPs (ibid. 2008: 24). As result, the number of illegal gatherers entering the Batak CBFM site respectively CCA rose significantly. The Batak blamed the Filipino gatherers for employing destructive tapping techniques, which caused many

²⁸ The immigration rose significantly after a road had been constructed in 1956 (Eder 1987: 61; Novellino 2008: 8).

Agathis trees to die. *Almaciga* resin, the most important livelihood source of Batak families, had been severely depleted (Novellino 2010).²⁹

However, the conflicts over the local forest resources were also the result of the overlapping forest management zones mentioned before, as the border area between the STCMP area and the adjoining Batak Community Conserved Area, both covered under CBFMA, shows (ibid.).

Not solely the defence of the boundaries of their CCA, but also the administrative management of this territory causes considerable difficulties for the Batak. The CBFMA require the submission of an Annual Work Plan (AWP), since 2004 replaced by a Five-Year Work Plan (Pulhin & Inoue 2008: 7), and Community Resource Management Frameworks (CRMF) to the Community Environment and Natural Resources Office (CENRO). These documents have to be written according to official standards (Novellino 2007: 93, 2008: 24, 25). Being illiterate, the Batak have not been able to complete the bureaucratic obligations of their CBFMA. Once, the DENR even withdrew the permits required for the Batak to be allowed to market NTFPs because the community could not manage to produce the requested reports (ibid.).³⁰ In his article about the Batak's understanding of *Kultura*, "their experience and perceptions of 'culture loss' and cultural revival", Novellino (2007:83) gives a detailed description of the difficulties the Batak face in their interaction with government authorities.

Moreover, the legally sanctioned rights listed in the Batak CRMF seem to be useless unless the beneficiaries possess the power to defend these rights within their CCA. Notwithstanding the fact that the Batak have been the legitimate holder of a Community Resource Management Area (CRMA), they have been unable to prevent the entry of illegal gatherers into their territory. Further, they lack the financial capacities and legal experience to negotiate with buyers on equal grounds and thus are likely to get lower reimbursement for their forest products. Hence, despite their "benignant definitions" (ibid.: 33), CBFMA does not necessarily seem to be a proper instrument for indigenous communities to manage their ancestral domain according to their traditional knowledge systems (ibid.: 33). The division of the natural environment into ecological zones is in fact not compatible with the ideology of the Batak and their perception of landscape, as Novellino (2006) nicely describes in one of his articles.³¹

Given these premises, the Batak sought to convert their CBFMA into a Certificate of Ancestral Domain Title.

²⁹ The impact on the forest resources within the Batak CCA can still be felt (Novellino 2008: 23).

³⁰ Lately, the buyers of *almaciga* and rattan have helped the Batak to produce the requested documents, allowing the Batak to legally harvest and sell their NTFPs. In turn, the buyers can accumulate larger amounts of NTFPs for export (Novellino 2008: 25).

³¹ CDAC and CALT applications take a very long time to process: "As of December 2008, only ninety-six CADTs covering 2.7 million hectares had been issued since the passing of the IPRA. Of these ninety-six CADTs, only nineteen were registered with the Registry of Deeds, corresponding to less than 0.6 million hectares. In other words, after 11 years of IPRA implementation, less than 8 per cent of the estimated 7.5 million hectares of ancestral domains have been registered (ICERD Shadow Report 2009)" (Carino 2010:29).

The result of a several years ongoing negotiation process with government officials over the management of the Batak CCA and the delimitation of the CBFMA shared with outsiders was that a portion of the CBFM area was transferred to the Batak under a Certificate for Ancestral Domain Claim (CADC), which should be converted into a CADT after the official affirmation has been obtained. Theoretically, this step improved the Batak's land rights and their relative position compared to their neighbors. Yet, in practice it has reduced the area the Batak claim as theirs and has led to just another overlap with the CBFM border zone, thus increasing the chances of further conflicts with lowland people (Boissière & Liswanti 2006: 32,33).

Furthermore, the legal recognition of the Batak land rights did not automatically result in an improved access to political and economic assets.³² Although over recent years communication with government bodies has much improved, the Batak still face opposition by local authorities and their migrant neighbors. LGUs can intimidate indigenous communities in different ways, for example through the collection of taxes.

Besides their share of national taxes administered to the LGUs by the Bureau of Internal Revenue (BIR), these locally-raised taxes and fees are the major source of revenue for the local governments (Asian Development Bank 2005: II).

One example of the many ways to collect local taxes is the collection of rattan. To legally collect rattan, the Batak need to apply for a license at the DENR. The accruing fee is however not directly collected by the City of Puerto Princesa, but by DENR, which transfers it to the National Treasury at the Department of Budget. The latter then redistributes the revenue back to the respective local government.

It thus becomes apparent that Batak resource management is strongly determined by environmental policies as well as conservation and development programs, whose objectives are not solely in conflict with each other, but which often constrain indigenous communities from acquiring the full benefits from their forest (Novellino 2008: 33).

Unlike in other parts of the country, where many of the Community Conserved Areas (CCAs) are seriously threatened, the City Government of Puerto Princesa keeps up the ban of any mining activities in its municipality. It is for this reason that the territory of the Tanabag Batak is still intact today and has the potential to serve as a role model for successful community conserved areas in the Philippines (Tanabag Batak Philippines Report ICCA 2011).

Concluding remarks

With the approval of the Local Government Code in 1991, the Philippines have introduced a number of decentralization reforms. One of the major aims of these reforms was to address the problem of environmental degradation, especially with regard to the

³² In spite of years of NGOs promoted training, the Batak's technical skills to manage bureaucratic affairs are still weak. Novellino (2008: 29) however notes that these trainings are usually held in town rather than in the field.

country's biodiversity and forestlands. As most of the indigenous peoples of the Philippines are forest dwellers living in upland areas, these reforms have also greatly affected their livelihood. The Community-Based Forestry Management and the ancestral domain (CADT) recognition are two important examples, as they have broken “the State's monolithic control” over the Philippine natural resources of the minorities (Ballesteros 2001: 25).

But the perception of decentralization and their effects on the indigenous peoples regarding their access to resources is only slightly perceived as greater autonomy within this area of decision-making.

There seems to be a lack of awareness of the purpose of decentralization per se: Knowledge among government officials and ordinary people about both the meaning of the term and the processes of decentralization is almost absent. Field observation suggests that the idea of decentralization is still not fully understood, particularly by the indigenous peoples. This might in part be due to the low degree of literacy and education among indigenous peoples, but is very likely also a result of inefficient awareness campaigns from the side of the government.

By means of the minority rights (IPRA) and decentralized forest management (CBFM), indigenous people are enabled to exercise their rights to exploit the natural resources found within their own domains. This gives indigenous people more freedom, both socially and economically.³³ Hence, like Ballesteros (2001: 27) aptly formulated, “IPRA is a Constitutional directive aimed at social justice, albeit with ecological implications, and the CBFM is a strategy for ecological protection, albeit with a social justice dimension.”

Decentralization has therefore indeed proven beneficial for indigenous communities by increasing tenure security, improving access to forest resources and by allowing for greater self-governance. However, there still remain significant weaknesses, especially with regard to forest management (cf. Pulhin & Inoue 2008: 20).

Even though lowland Filipinos extend their help to the indigenous peoples through NGO assistance, they also continue to dominate local politics, which is still regularly used to implement land use policies disadvantageous to the indigenous communities. It sometimes seems as if local authorities lack the will to effectively empower the indigenous peoples and therefore prevent them from becoming equal partners in the decision-making process.

And in spite of this devolution of functions to the LGUs, the national government, through the institution of the DENR, is still keeping its control over the Philippine forest resources, including the authority to issue and suspend any rights of forest resource utilization at the expense of forest dwellers (Pulhin & Inoue 2008: 14).

Another drawback was the frequent administrative changes in forest policies by the LGUs as well as the DENR. For instance, the suspension by the DENR of local communities' rights to harvest certain forest products as well as the annulment of

³³ However, indigenous communities not holding a CADT are subject to sanctions of the DENR implemented by the CENRO.

Community-Based Forest Management Agreements (CBFMA) caused local people's trust in the forest authorities to fade away (Pulhin & Inoue 2008: 22).³⁴

The power monopolies of the lowlanders are still in place. Stakeholders responsible for the implementation of the forest policies have not entirely “discarded the traditional ‘monopolistic role’” in resources management (Jensen 2002:7). Although the government is supposed to control timber extraction, due to the prevalent corruption illegal logging, against expectation, decentralization has not reduced corruption at the local level (Hadiz 2007: 879, 883).

And even though some members of indigenous peoples have started to engage in local (*barangay*) politics, their political marginalization still persists. And with little or no experience in administrative matters, indigenous peoples have difficulties to effectively manage and to fully utilize their allocated political functions.

One reason is the educational deficit of members of indigenous groups and the resulting lack of respected leaders. This has also been identified as a primary task by many NGOs in order to ensure the efficient use of indigenous peoples' rights gained by decentralization.

Despite all expectations, decentralization has not led to a reduction of bureaucratic requirements for indigenous peoples. On the contrary, they are now confronted by an even greater degree of bureaucratization, which in the absence of literacy renders them incapable to fulfill the required administrative obligations.

The large variety of laws governing the protection of forestland, ecosystem and access to forest resources, as well as the overlap of different conservation and land right zones additionally constrain indigenous peoples' capacity to actively practice sustainable resource management.

Novellino (2004:186) assumes a very critical position by saying that in the Philippines, the implementation of these various environmental laws cannot be interpreted as “the product of a new political awareness but rather a cosmetic move to shift the terrain of discourse, so that national sovereignty becomes a form of ‘caring for’ rather than ‘controlling’ indigenous communities and their natural resources.”

Hence, if decentralization was properly implemented, indigenous people would greatly benefit from it. However, like the case of Batak resource management has illustrated, due to the above listed problems and the inconsistent interpretations of the government ordinances, indigenous peoples have not fully profited from decentralization yet.

It is nevertheless a fact that the Philippines would hold the best legislation with respect to decentralization, minority rights, and biodiversity preservation if they were finally able to erase the gap between legal norm and practical implementation. Major reasons for the existing discrepancy right now are a lack of financial capital to efficiently implement the policies, as well as persisting corruption and the time span necessary for such a major endeavor.

³⁴ For more details, please see Pulhin & Inoue (2008: 13).

Abbreviations

ACM	Adaptive Collaborative Management
AWP	Annual Work Plan
CADT	Certificate of Ancestral Domain Title
CALT	Certificate of Ancestral Land Title
CBFM	Community-Based Forest Management
CBFMA	Community-Based Forest Management Agreement
CENRO	Community Environment and Natural Resources Office
CCA	Community conserved areas
CFP	Community Forestry Program
CIFOR	Center for International Forestry Research
CRMA	Community Resource Management Area
CRMF	Community Resource Management Frameworks
CTF	Communal Tree Farming
DEENR	Department of Environment, Energy and Natural Resources
DENR	Department of Environment and Natural Resources
DJANGO	Development, Justice, and Advocacy NGO
ECAN	Environmentally Critical Areas Network
FAR	Family Approach to Reforestation
FOM	Forest Occupancy Management
GUAPO	Genuine, autonomous people's organization
ICC	Indigenous Cultural Communities
IP	Indigenous Peoples
IPRA	Indigenous Peoples' Rights Act
ISFP	Integrated Social Forestry Program
LGC	Local Government Code
LGU	Local Government Unit
NCIP	National Commission on Indigenous Peoples
NIPAS	National Integrated Protected Area System
NTFPs	Non-Timber Forest Products
PBIRD	Palawan-Batak Integrated Rural Development

PCSD	Palawan Council for Sustainable Development
PO	People's Organization
PTFPP	Palawan Tropical Forestry Protection Program
SEP	Strategic Environmental Plan for Palawan Act
SATRIKA	Samahan ng mga Tribo sa Palawan
STCMPC	San Rafael, Tanabag and Concepción Multi-Purpose Cooperative
TLA	Timber License Agreement
UNCBD	UN Convention on Biological Diversity

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Southeast Asian Studies at the University of Freiburg

Information & Contact

E-Mail: mail@southeastasianstudies.uni-freiburg.de

Web: www.southeastasianstudies.uni-freiburg.de

Participating Departments

Politics: www.politik.uni-freiburg.de

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