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HUMAN RIGHTS AND FOREST MANAGEMENT IN THE 1990s

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I. INTRODUCTION

Summary

The Philippines' rich forests offer enormous economic rewards to those who can control them, making them both an object and location of intense conflict since the Philippines gained independence in 1947. The Philippine government claims and administers nearly all of the country's forests as public property, leasing the right to extract timber to private individuals and corporations. Logging practices have long been contested by a range of groups, including indigenous forest dwellers who fear displacement and the loss of traditional sources of livelihood, and environmental groups concerned with the long-term ecological effects of deforestation. Private individuals and government officials with links to logging have often reacted to such opposition with intimidation, threats and violence. These acts, and the relative impunity with which they have been carried out, have only heightened tensions and sparked further conflict. It is important to stress that human rights violations associated with logging have declined in the 1990s, due to a combination of factors, not the least of which is the emergence of effective local coalitions working to publicize the impact of logging, stop abuses and hold public officials accountable. Other factors were a halt on log exports and the diminishing strength of a guerrilla war that often provided the pretext for military-run logging operations. But the wealth of the forest is such that indigenous peoples and other forest dwellers are still confronting human rights violations as private companies, and military and civilian officials working in collusion with them, seek to gain control over the land. If, in the 1980s, the human rights violations of the forest were linked to logging, in the 1990s they were as likely to be linked to forest management projects and commercial tree farming.

This report documents a pattern of human rights abuse in the 1990s on government-administered forest lands in the Philippines. It examines areas where military operations, the collusion of private interests and government officials, or a combination of the two have led to broad and overlapping categories of human rights violations: (1) those associated with disputes over indigenous or ancestral land, (2) those associated with challenges to illegal logging, and (3) those related to counterinsurgency operations.

- Many timber concessions encompass or extend into lands populated by indigenous communities. Private actors, such as armed guards on logging concessions and timber plantations, have arbitrarily detained, killed, and forcibly displaced these and other forest dwellers. While the acts of these individuals are crimes, the government's consistent failure to prosecute the offenders constitutes a human rights violation.
- In several areas, local government authorities and members of the military involved in illegal logging (logging without a license) have, in their official capacities, harassed and punished officials and private individuals opposed to illegal logging.
- In forest areas where internal armed conflict has taken place, both sides have sought access to timber resources by targeting civilian populations, in violation of the laws of war. In the course of counterinsurgency operations in forest areas, government forces have committed human rights violations including the extrajudicial killing, mutilation, torture and rape of noncombatants.

In recent years, as noted, human rights abuses related to logging have declined. However, a program partially funded by the Asian Development Bank (ADB) to convert denuded or degraded forest lands into tree plantations called industrial forest management agreements, or IFMAs, has led to renewed intimidation and violence against forest dwellers. Through investigations in the Philippines, Human Rights Watch/Asia documented instances of extrajudicial killing and arbitrary detention, as well as the destruction and pillage of homes and property, by IFMA guards and by members of the military operating in collusion with IFMA holders.

This report is based on information gathered during two one-month visits to the Philippines, in September-October 1993 and June 1995. In the preparation of this report, Human Rights Watch contacted witnesses of human rights violations, journalists, environmentalists, church leaders, governmental and nongovernmental organizations, and other concerned individuals in Manila, the provinces of Cagayan, Palawan, Agusan del Norte, and Agusan del Sur, and

in Cagayan de Oro and Davao cities. Human Rights Watch was unable to gain access to the areas where some of the abuses documented in this report occurred due to their geographical isolation and the dangers posed by ongoing military conflicts. The logistics of gathering testimony from victims of abuse were further complicated by the fact that many of these individuals have been dispersed, often by force, and are now difficult to track. Where Human Rights Watch was unable to gather direct testimony, we have relied on reports by those Philippine human rights and legal aid organizations whom we believe to be consistently reliable and unbiased. The individual cases contained herein represent only a small portion of recent allegations of human rights violations linked to timber interests. They should not be taken as isolated occurrences, but rather as illustrating a larger pattern of abuse, and in fact were chosen for that purpose.

Summary of Recommendations

In light of the human rights violations that have been linked to logging and forest management practices, Human Rights Watch makes the following recommendations:

- The government of the Philippines must fully respect its obligations under the International Covenant on Civil and Political Rights to respect basic human rights, and make every effort to ensure that those who are responsible for intimidation and violence against environmentalists and forest dwellers, including guards on logging concessions and tree plantations, members of the military and government authorities, are brought to justice.
- In order to reduce the possibility that opposing land and resource claims will escalate into new conflicts and spawn further human rights abuses, the government should, before granting private individuals or corporations the rights to timber resources on public lands, ensure that all claimants have been allowed access to legal representation and the opportunity to have their claims adjudicated.
- In the granting of licenses to extract timber resources from public lands, the government must ensure that residents of the area to be affected are consulted regarding these projects. The government must also review the past human rights record of each applicant, and consider the legal and institutional frameworks for the protection of human rights available to communities to be affected by proposed projects.
- Considering the human rights abuses associated with IFMA projects, the Asian Development Bank should ensure that, as described in its August 1995 policy on "governance," genuine rather than pro forma consultations are held with indigenous and other communities to be affected by forest management projects and programs it funds. It should further ensure that these consultations are timely and meaningful, open to all concerned individuals and relevant nongovernmental organizations, and undertaken in an atmosphere free of coercion or fear.

II. LOGGING AND HUMAN RIGHTS: PATTERNS OF ABUSE

Many of the human rights abuses associated with logging have arisen from struggles to control the land. Upland forests, and in fact all lands which lie at a slope of over eighteen degrees, are claimed by the Philippine government as public property.¹ However, numerous minority ethnic groups, or "indigenous cultural communities" in

¹ Philippine courts have justified this claim based on the so-called Regalian Doctrine, which holds that all customary property rights of Philippine peoples were usurped by the Spanish Crown at an unspecified point in the sixteenth century, and thus all land resources are to be considered public until such time as the colonial state or its successor republics grant a documented property right. The Regalian Doctrine is enshrined in the 1987 Philippine Constitution, which specifies that "[a]ll lands of the public domain... forests or timber... and other natural resources are owned by the state." Owen J. Lynch, "Colonial Legacies in a Fragile Republic: A History of Philippine Land Law and State Formation," unpublished dissertation, Yale University School of Law, October 1991; The Constitution of the Republic of the Philippines, 1986, Article XII, Section 2.

Philippine government parlance, have lived on much of this land for generations.² Throughout the post-World War II period, these people have been subject to gradual economic and geographic marginalization as settlers from lowland areas moved into the hills and commercial logging intensified.³

Commercial logging in the Philippines is managed by a national ministry, the Department of Environment and Natural Resources (DENR), through a concession system. For a small royalty, private individuals and corporations have been granted the right to cut logs on the lands covered by their timber licensing agreement (TLA), usually ranging from 5,000 to over 100,000 hectares, for a period of twenty-five years. In the late 1960s and early 1970s, as commercial logging in the Philippines reached its heyday, many indigenous groups, who believed that generations of habitation afforded them the right to manage these same lands as ancestral domain, began to openly resist the operations of logging companies.

As documented in *Power from the Forest*, a study of the logging industry by investigative journalist Marites Vitug, TLAs were historically granted through a system of political patronage.⁴ The beneficiaries of this system included prominent politicians, members of the military, and scions of local elite families. In their efforts to gain access to timber, these logging interests frequently resorted to intimidation, coercion, and violence to displace indigenous communities that stood in their way.⁵ When members of indigenous communities resisted logging activities, in some cases taking up arms to protect what they believed to be their ancestral domain, whole villages and tribes were targeted for reprisal.

² These groups make up some 16 percent of the population, and are now commonly divided into seven large groupings: the Cordillera peoples of northern Luzon, the Mangyan people of Mindoro island, the Palawan hill tribes, the Lumad (the eighteen non-Muslim peoples of Mindanao), and thirteen distinct groups making up the Muslim, or Bangsa Moro, peoples.

³ Although commercial logging has been practiced since the Spanish and American colonial periods, it reached its post-war production peak in the 1960s. From the 1920s to 1960s, the Philippines exported more timber than any other Asian country, the majority of it going to the United States, and later to Japan. By 1991, only 6.46 million hectares of the country's estimated original 27.5 million hectares of forest land remained. Marites Vitug, *Power from the Forest* (Manila: Philippine Center for Investigative Journalism, 1993), pp. 12-13.

⁴ Vitug also describes how President Ferdinand Marcos was able to perfect the use of TLAs as a reward for supporters, a source of wealth for friends and family, and a lever to keep politicians under his patronage. Logging companies routinely paid "royalties" to government officials, made large political contributions, and got prominent politicians to sit on their boards to ensure that their licenses would be renewed. Vitug, *Power from the Forest*, pp. 11-37.

⁵ These same interests also frequently became involved in illegal logging activities, using their influence to gain access to new lands, avoid prosecution, punish those who questioned or exposed their involvement in such operations and, in the case of some TLA holders, to carry out logging outside of the boundary of their concession.

Although Human Rights Watch takes no stand on ancestral domain claims *per se* and does not condone the use of violence to protect any such claims, it does oppose the brutal tactics and disproportionate use of force which concessionaires have frequently employed to displace forest communities and gain access to the land. To protect and enforce forestry regulations on lands within their concessions, TLA holders are empowered by the state to employ armed guards. Units of company guards, which in some areas amount to small private armies, have intimidated, arbitrarily detained, tortured and in some cases killed residents of TLA concession areas and surrounding lands. In recent years, members of the official paramilitary force, CAFGU (Citizens Armed Forces Geographical Unit), have also served as security guards for logging companies under a 1989 Armed Forces of the Philippines directive setting up the “special CAFGU active auxiliary”.⁶ Special CAFGUs, selected by the companies in question, are armed, equipped, and trained by the Philippine army, with operational costs covered by the company. Like regular logging company guards, special CAFGUs have engaged in campaigns of violence against forest communities.

While employees of private companies may be responsible for these patterns of intimidation and violence, when the government fails to prosecute the offenders it becomes complicit in their acts. Furthermore, as TLA guards are empowered, and often armed and trained, by the state to protect public lands, the government is responsible to ensure that they do not abuse this trust. Instead, as a former senior DENR official explained in an interview with Human Rights Watch, in his view concession guards shooting at trespassers were only “doing their job too well.”⁷

Conflicts with loggers and other lowlanders created a base of ready support among indigenous communities for the guerrilla insurgents of the New People’s Army (NPA) during the 1970s and early 1980s.⁸ Upland forests provided ideal sanctuaries for NPA rebels, who attempted to organize tribal communities while, at the same time, collecting a substantial amount of revenue in “revolutionary taxes” on logging companies. The Aquino government reacted to the presence, or suspected presence, of rebel strongholds by launching increasingly large counterinsurgency operations in timber-rich areas throughout the late 1980s. Such counterinsurgency efforts often incorporated concession guards and paramilitary units paid by logging companies.

Human rights violations by government forces, as well as violations of the laws of war by both sides, were widespread during these operations. Philippine human rights and humanitarian groups, who have traditionally not reported on violations by the NPA, documented extrajudicial killings, mutilation, rape and torture of noncombatants by government forces. These actions violate Article 3 common to the four Geneva Conventions, and Article 4 of Protocol II to the Geneva Convention, which guarantee the humane treatment of noncombatants in internal conflicts.⁹ Such abuses also violate the Philippines’ “non-derogable” responsibilities to guarantee the right to life and physical integrity under the International Covenant on Civil and Political Rights.¹⁰

⁶ Human rights violations by CAFGU members in the southern island of Mindanao are documented in Asia Watch, *Bad Blood: Militia Abuses in Mindanao, the Philippines* (New York: Human Rights Watch, 1992).

⁷ Human Rights Watch/Asia interview, Manila, September, 1994.

⁸ The conflict between the government and NPA began in 1969, and reached its height in 1983-1987. Despite ongoing peace talks, it still continues in some areas, although at a much-reduced level.

⁹ The Philippines ratified the Geneva Convention in 1956, and Protocol II in 1986. For a discussion of the applicability of the “laws of war” to the Philippine conflict, see the Asia Watch, *The Philippines: Violations of the Laws of War by Both Sides* (New York: Human Rights Watch, August 1990), pp. 7-36.

¹⁰ The Philippines ratified the ICCPR in 1986. These acts are also in violation of the 1987 Constitution of the Republic of the Philippines, which states: “[N]o person shall be deprived of life, liberty, or property without due process of the law, nor shall any person be denied the equal protection of the laws.” Article III (1).

Philippine human rights and humanitarian groups have also documented cases of pillage, grave threats, extended food blockades, and the destruction of homes and granaries in forest areas by government forces, in violation of Articles 4, 13, and 14 of Protocol II. These abuses often precipitated the mass, and sometimes forced, evacuation of forest dwellers. Evacuations have, in some cases, preceded the expansion or resumption of logging activities in affected areas. Article 17 of Protocol II, prohibiting the forced movement of civilians, states that "the displacement of the civilian population shall not be ordered for reasons related to the conflict unless the security of the civilians involved or imperative military reasons do demand." Some of the most notorious violations of this principle were carried out by the Presidential Assistant on National Minorities or PANAMIN, an agency set up by President Marcos in 1975, ostensibly to oversee the interests of the minorities, and headed by a crony, Manuel Eliazalde, Jr. Under Eliazalde, PANAMIN forced thousands of tribal people into "strategic hamlets," ostensibly to protect them from the fighting, but often in practice to give Eliazalde free rein to pursue his logging and mining interests.¹¹

The Philippine government has consistently failed to respond to reports of such abuses in any meaningful way, and offenders are seldom brought to justice. This may be in part because, due to pay-offs, trickery and intimidation by private agents, government officials and members of the military, many cases are never reported. Commenting on a campaign of violence allegedly linked to guards on an industrial tree plantation in Sultan Kudarat in the late 1980s, the then director of the Office of Southern Cultural Communities, Marciano B. Serna Jr., noted, "In the case of killings, loggers pay the tribe [compensation]. Most of the tribes people are illiterate. They don't even know where to report these incidents."¹²

¹¹ R.J. May, "The Wild West in the South" in Mark Turner, R.J. May and Lulu Respall Turner, eds., *Mindanao: Land of Unfulfilled Promise* (Quezon City, New Day Publishers: 1992), p.132-33.

¹² Vitug, *Power from the Forest*, p. 142.

Even when the victims of abuses are aware of the investigative agencies and channels for legal remedy available to them, they have been given little reason to believe that reporting their experiences will have any concrete effect. Few concession guards, CAGU, or members of the military have been prosecuted by the Philippine courts for human rights abuses. While the constitutionally mandated Commission on Human Rights is charged to "investigate, on its own or on complaint by any party, all forms of human rights violations involving civil and political rights,"¹³ nongovernmental human rights organizations, and even some Commission on Human Rights officials interviewed by Human Rights Watch, feel that it is ineffectual as an avenue for justice.¹⁴ From January to December 1995, the Commission on Human Rights (CHR) investigated 1,241 cases and filed just over 40 percent of those cases in the courts.¹⁵ Likewise, prosecutions have begun in only twelve of fifty-one cases submitted in 1995 to the commission's regional office in Region X, comprising Agusan del Norte, Agusan del Sur, Misamis Oriental, and Bukidnon provinces and Cagayan de Oro City.¹⁶ If formal prosecutions are rare, convictions are even rarer: a 1994 list of actions on complaints filed with the commission since 1988 includes only six cases which resulted in convictions or administrative actions against CAGUs or members of the military.¹⁷

A Decline in Abuses?

There is consensus among Philippine human rights activists interviewed by Human Rights Watch that, since 1990, the number of reported human rights violations related to logging has declined. At the same time levels of alleged abuse vary greatly from one locality to another, and grave abuses associated with logging do continue. It appears that successful anti-logging activities in one province have prompted logging interests to shift across provincial borders, where abuses resume under a different jurisdiction.

Nevertheless, a decrease in human rights abuses by late 1993 would be consistent with other trends, including the general decline of logging in the Philippines. The rate of logging in the Philippines declined through the 1980s as the Philippine forest dwindled and export markets were filled with logs from Malaysia and Indonesia. Logging slowed further in the early 1990s when local and provincial governments, reacting to the drastic reduction of the country's forest cover, began to impose local moratoria on commercial logging. In 1992, the DENR, in an effort to protect the country's remaining primary forest (less than one million hectares by that time) imposed a ban on the cutting of virgin woods. In 1992-93, with support from a World Bank-funded "environment and natural resources sectoral adjustment loan," the government launched a series of sporadic, high-profile raids to crack down on illegal logging. At the same time, the DENR has phased out the TLA system, and is making efforts to establish in its place more community-based

¹³ 1987 Constitution of the Republic of the Philippines, Article XIII (18)(1). For more information on the Commission on Human Rights and other investigative agencies in the Philippines, see Lawyers Committee for Human Rights, *Impunity: Prosecutions of Human Rights Violations in the Philippines* (New York: Lawyers Committee for Human Rights, 1991).

¹⁴ Asia Watch, *Bad Blood*, p. 6; Human Rights Watch/Asia interviews, June 1995.

¹⁵ Eighty of the alleged perpetrators in these cases were members of the Philippine Army, forty were members of paramilitary forces, and 552 were members of the People's National Police. Of the complaints in which members of the military were the alleged perpetrators, thirteen were "murder/homicides," six were "arrest/detentions", and sixty-one were "other complaints." Of 1,241 investigated cases, 518 or just over 40 percent were filed with the prosecutor's office, 478 were closed, and 241 archived. Commission on Human Rights, *January-December 1995, Commission on Human Rights Accomplishment Report* (Manila), 1996.

¹⁶ Seventeen involved the People's National Police, only three involved members of the Philippine Army, and none involved members of paramilitary forces. Human Rights Watch/Asia telephone interview, Commission on Human Rights Region X office (Cagayan de Oro), February 29, 1996.

¹⁷ Commission on Human Rights, "1st Quarter 1995 Statistical Bulletin" (Manila), March 1995.

forms of forest management, as well as taking tentative steps towards recognizing and registering ancestral domain claims.¹⁸

However, many of the human rights concerns associated with the old TLA system have resurfaced in the implementation of a new industrial forestry program which, according to DENR officials in Manila and Davao, represents the best of its community-based approach.¹⁹ The industrial forestry management agreement, or IFMA, converts TLA lands which have been denuded or for which the license has expired, into timber plantations. The program, which is partially funded by the Asian Development Bank, is described as community-based in part because potential IFMA holders are required to carry out consultations with communities that will be affected by the projects. In fact, these projects have in some cases been carried out through trickery, coercion, and intimidation of local communities, often by the same individuals, including government officials and members of the military, responsible for abuses linked to TLAs in the past. The government has failed consistently to address these resurgent patterns of intimidation, violence and abuse, despite documentation and denunciations by humanitarian, church, human rights and indigenous peoples' organizations.

III. ILLEGAL LOGGING: LINKS TO LOCAL OFFICIALS AND THE MILITARY

¹⁸ A January 1993 administrative order, popularly known as "DAO2", provides mechanisms through which communities may obtain Certificates of Ancestral Domain Claims (CADC) upon presentation of evidence of long-term occupancy and delineation of the area claimed. According to DAO2, CADC-holders will have the right to exclusively manage the territory covered by the CADC. Foreign donor agencies, including the United States Agency for International Development (USAID), have claimed partial credit for the issuance of DAO2, having conditioned release of funds on its promulgation. Nevertheless, many indigenous groups remain agnostic regarding DAO2, feeling that it represents little more than a lease from the government on land that should be theirs by ancestral right. Legal Rights and Natural Resources Center (LRC), "Questions and Answers on the DENR Administrative Order No. 2 series of 1993" (Manila), 1993. LRC is a Manila-based nongovernmental legal research and advocacy institution dedicated to the recognition and protection of the rights of long-term occupants of the Philippine forests.

¹⁹ Human Rights Watch/Asia interviews, June 1995.

One reason that the Philippine government has consistently failed to address the violence and abuses endemic to the timber industry is that many members of the government are themselves heavily involved in logging. The enormous profits to be realized from even a modest operation have drawn members of Congress, DENR officials, local government authorities, and members of the military into both legal and illegal logging activities.²⁰ Even when they are not engaged directly in logging, government agents have profited by accepting bribes to turn a blind eye on illegal operations, or, in the case of members of the military and paramilitary groups, by offering armed protection to loggers. Those who campaign against illegal logging, or try expose the complicity or involvement of government officials in such operations, often find themselves the targets of harassment, threats and attacks.

Intimidation of DENR Officials

Philippine environmental and human rights groups describe a pervasive culture of corruption within the DENR, engendered in part by the rewards which illegal loggers can offer those who assist them, and the violence that faces those who cross them. Dr. Ben Malayang, then DENR Undersecretary for Operations, noted how the agency's lack of authority over local authorities and low salaries hampered its effectiveness and asked:

How can you expect a local CENRO or PENRO [community or provincial environmental and natural resources officers] who has no authority over a mayor or another local leader to stop illegal logging when he is under pressure from those same individuals to let it continue? If they are able to seize logs, a senator or congressman with connections to logging makes a few calls and has them released. Here they are, earning between 2,000 and 9,000 pesos [US\$77 to \$344] a year, and they get offered 10,000 [US\$382] pesos to allow one truckload of illegal logs to go through. When they do, then the loggers threaten to publicize [that they took] the bribe if they don't continue to let logs go through.²¹

Often this corruption grows in an atmosphere of intimidation and violence. Jose Gapas, former DENR executive director for Region X, noted in an internal agency memorandum that staff under his supervision were unwilling to testify against illegal loggers, who were in some cases members of the military, out of fear of reprisals.²² One DENR official in Mindanao described the dilemma as being forced to decide between "bread and dead," as those who turned down bribes to let illegal hauls through found themselves facing death threats.²³ Another official described how he and co-workers in the DENR Region X office in Cagayan de Oro regularly received anonymous threats over the phone and in the mail, including packages containing dead chickens, blood, or, in one case, a single bullet.²⁴

²⁰ "Illegal logging" refers to any logging carried out on public lands without, or outside of the terms of, a permit to cut. It can include small-scale "*carabao* logging," where a water buffalo, or carabao, is used to haul timber, or larger operations, where the owner of an illegal saw mill may rent chainsaws and other equipment to a number of loggers, or any cutting on TLA or IFMA lands by the licensee or subcontractors which violates the licensing agreement.

²¹ Human Rights Watch/Asia interview, Dr. Ben Malayang, undersecretary for operations, DENR, Manila, June 1995.. Dr. Malayang has since left government.

²² Memorandum from Jose Gapas, acting director, DENR Special Concerns Office, to the assistant secretary for legal affairs, July 14, 1992.

²³ Human Rights Watch/Asia interview, DENR, Cagayan de Oro, June 1995.

²⁴ Human Rights Watch/Asia interview, Descoro Milana, Region X technical director for research, DENR, Cagayan de Oro, June 1995.

In one 1994 case, an army sergeant personally involved in an illegal logging operation set out to intimidate a DENR volunteer who had discovered his involvement in the operation. In late 1994, a group of volunteer deputized environmental and natural resources officers, or DENROs, stopped an army truck loaded with illegally cut timber at a checkpoint in Mambuaya, near Cagayan de Oro. The DENROs eventually prepared affidavits linking the logs to an army sergeant. Shortly after the affidavits were filed, the sergeant called the DENROs to a meeting at a law office to discuss their disagreement. When they arrived, they were met by the sergeant and a small group of armed men, who informed them they could not leave the office until they signed papers formally withdrawing their accusations. One of the DENROs refused to sign the papers, and although he was allowed to leave the office, he was unable to return home that night because a small group of armed men had surrounded his home. The DENRO went into hiding. Through the intervention of Task Force Macajalar, a local coalition of environmental and community-based organizations, the sergeant was eventually placed in the stockade by his commanding officer. During a visit to Cagayan de Oro in June 1995, Human Rights Watch was unable to determine whether any further formal action had been taken against the sergeant, or if he was still being held in army custody. The DENRO, who by that time had come out of hiding, had recently received anonymous threats that if he returned to work, he "had better watch his back."²⁵

The violence implied in such threats is real. According to the Foundation for the Philippine Environment, at least sixty-one forest guards and environmentalists were murdered in the course of their work between 1979 and 1994.²⁶ In one case in northern Luzon, Leonardo Tindoc, the chief of a forest protection unit involved in raids during a military operation called Oplan ("operation plan") Jericho, was killed by an unidentified gunman in September 1993. The raids had resulted in illegal logging cases against Mayor Ramon Reyes of Alicia and *Barangay*²⁷ Captain Raymundo Paggao of Cunio, Angadanan, both in Isabela province.²⁸ Tindoc was said to have refused a bribery attempt intended to keep him from testifying against the mayor shortly before his death. Less than two weeks after Tindoc's killing, Leonardo Paat, the DENR executive director for Region II who was also active in Oplan Jericho, was subjected to anonymous mail and phone threats, and was informed that his name was one of ten on a hit list.²⁹

Faced with local government officials with close ties to logging, and a DENR unwilling or unable to enforce forestry regulations, Philippine environmental groups have often taken it upon themselves to bring an end to illegal logging and expose the corruption and lack of accountability that allow it to continue. As a 1991 case from the island province of Palawan and a 1992 case from Cagayan de Oro illustrate, their efforts can result in intimidation and attacks against them, their organizations and their families.

Harassment of Indigenous People and Environmental Activists, Palawan, 1991

²⁵ Human Rights Watch/Asia interview, Cagayan de Oro, June 1995.

²⁶ Foundation for the Philippine Environment press release, Manila, December 1994.

²⁷ Barangay is an administrative division, the closest English equivalent of which is town. Barangays are divided into smaller units called *sittios*, equivalent to villages or hamlets.

²⁸ "Forester in Isabela slain by lone gunman," *Manila Standard*, September 15, 1993.

²⁹ Human Rights Watch/Asia interview, Leonardo Paat, Region II executive director, DENR, Tuguegarao, Cagayan, September 1993.

In mid-January 1991, investigators from the environmental group Haribon-Palawan, with assistance from local Palawano people, exposed the illegal cutting and export to Malaysia of *kamagong*, a protected timber species, from Latud barangay in Rizal municipality. Barangay officials and marines (in the Philippines, a separate branch of the armed forces) were implicated in the scheme. On February 14, in a move that Haribon Palawan's chairman claimed was meant to discourage the organization from "exposing the collaboration among politicians, illegal loggers, and the military,"³⁰ People's National Police officers arrested fourteen Haribon members and staffers on subversion charges.³¹

From February 17-19, while the subversion investigation was underway in Puerto Princesa, the Palawano community in sitio Tegpas, Latud, was terrorized by a group of about thirty marines for cooperating with the Haribon investigators.³² According to news reports at the time, members of the 7th Marine Battalion Landing Team hung two individuals by their thumbs, ransacked fifty houses, and confiscated implements used for subsistence agriculture and hunting.³³ During the incident, the marines repeatedly threatened members of the tribe, accusing them of supporting the rebels and describing Haribon as a NPA front organization. Although the charges against Haribon members were eventually dismissed, in late 1993 a rural development worker who had recently returned from near Latud told Human Rights Watch that illegal logging and mistreatment of Palawanos by the marines was continuing.³⁴

Harassment of Environmental Activists, Cagayan de Oro, 1992

In late November 1992, more than 200 farmers and fishermen supported by students, priests, and journalists in Cagayan de Oro City set up barricades to stop truckloads of illegally cut logs and were harassed by members of the military who were allegedly working for the loggers.³⁵ On the second day of the action Orlando Ravanera, an environmental activist who led the organization of the barricades, received a written message that a grenade would be thrown at the protesters. That night, a group of about thirty men led by one Lt. Modesto Eleazar, an army intelligence officer in the 67th Infantry Battalion, arrived at the barricades, apparently to take possession of the trucks and logs that had been stopped. Eleazar's group left the scene on the second night of the blockade without further incident after a confrontation with police who were backing up the barricaders.³⁶

³⁰ Rainforest Action Network, action alert, April 1991.

³¹ By the time Human Rights Watch's visit to Palawan in 1993, Haribon Palawan staff had revised their evaluation of the 1991 arrests: while they still believed the subversion charges were related to the illegal logging case, they also saw them as part of a larger political crackdown being carried out on the island at that time. Human Rights Watch/Asia interviews, Puerto Princesa, September 1993.

³² Task Force Detainees of the Philippines-Palawan Unit, "Palawano Tribe Harassed in Palawan" (Puerto Princesa), February 28, 1991. Task Force Detainees of the Philippines (TFDP) is a Manila-based independent human rights monitoring group with regional, provincial and local chapters throughout the Philippines.

³³ "Palawan tribe threatened with extinction, says survey," *The Manila Chronicle*, March 20, 1991.

³⁴ Human Rights Watch/Asia interview, Puerto Princesa, September 1993.

³⁵ "Alcala orders log seizures in C. de Oro," *Philippine Daily Inquirer*, Manila, December 5, 1992.

³⁶ Froilan Gallardo, "Protesters Clash with Logging Truck Drivers, 2 Get Hospitalized," *Gold Star Daily* (Cagayan de Oro), December 3, 1992.

According to journalists and academics in Cagayan de Oro City, Lieutenant Eleazar was a notorious figure known to provide security for illegal logging associated with the Vicmar Development Corporation concessions based in Lanao del Sur.³⁷ An internal DENR memo described Eleazar as having “a number of followers within and outside the military...[and] he is prone to take direct action against those who act against his illegal activities.”³⁸

On the fifth day of the barricades, a military source passed a tip to Orlando Ravanera that he was a “target” of the illegal loggers. That night, Eleazar came looking for Ravanera with a group of armed men and questioned his family regarding his whereabouts. The next day, Ravanera fled to Manila, with Eleazar on the next plane. After months in hiding, Ravanera returned to his work in Cagayan de Oro.³⁹ According to one Cagayan de Oro journalist in mid-1995, Lieutenant Eleazar was still active in illegal logging in Lanao.⁴⁰

The patterns of violence and official corruption prevalent in many logging areas have created an environment in which illegal loggers can operate with relative impunity. As the cases above illustrate, when these operations are challenged, the logging interest, often a government official or member of the military, strikes out against those who oppose his activities. Such attacks have generally been carried out with the same lack of accountability as the logging operations themselves. Connections between loggers and government agents are also commonplace in legal logging operations, such as TLAs, and when TLA lands have become embroiled in the government’s counterinsurgency efforts, the loggers’ and military’s shared interest in clearing forest dwellers from these areas has resulted in widespread human rights abuses.

IV. SOLDIERS IN THE FOREST: LOGGING, COUNTERINSURGENCY AND INDIGENOUS PEOPLE

Logging interests and logging areas have frequently been caught up in the twenty-seven-year conflict between the armed forces of the Philippines and the guerrilla insurgent New Peoples Army.⁴¹ In Mindanao and northern Luzon, indigenous peoples’ disaffection with and resistance to the government’s forestry policies laid the foundation for links with the NPA. By the early 1980s, the NPA had turned this situation to its economic advantage, gaining substantial revenue from “taxes” on logging companies operating in upland areas they controlled. Those who refused to pay found their equipment burned, employees harassed, and executives threatened or killed. Conversely, the government’s counterinsurgency efforts often overlapped with its support for the opening up of public lands to logging interests, including the reopening of lands where indigenous resistance had previously brought logging to a halt. During stepped-up counterinsurgency pushes against NPA strongholds in the mid-to-late 1980s, indigenous communities suspected of supporting the NPA became the targets of military reprisals. These and other groups caught in the crossfire fled, and in some cases were forcibly evacuated, from their homes. Such mass dislocations, which could involve hundreds of families and leave affected areas virtually unpopulated, were frequently followed by the resumption of logging activities.

³⁷ According to Marites Vitug, local officials in Bubong, near the Vicmar concession, have also complained that guards for the illegal loggers are “trigger-happy” and have been responsible for the forced evacuation and killing of local residents. Vitug, *Power from the Forest*, p. 191.

³⁸ This July 1992 memo, on which no action was taken, urged then DENR Secretary Fulgencio Factoran to suggest that the lieutenant be investigated by the Defense Department and suspended or transferred. *Ibid.*, p. 114.

³⁹ Human Rights Watch/Asia interviews, Orlando Ravanera, Manila, September 1993 and Cagayan de Oro, June 1995.

⁴⁰ Human Rights Watch/Asia interview, Cagayan de Oro, June 1995.

⁴¹ Logging has also played a role during the government’s long conflict with Muslim rebels on the island of Mindanao. During the Marcos years, the government frequently bought the allegiance of Muslim rebel returnees by granting them short-term permits to cut trees. Vitug, *Power from the Forest*, p. 14.

In recent years, the intertwining of military and logging interests has nowhere been more pronounced than in the so-called Tri-Valley region of northern Luzon. The Tri-Valley region is composed of the Marag, Zinundungan, and Paco valleys and spans the borders of Cagayan province in Region II and Kalinga-Apayao province in the Cordillera Autonomous Region. It encompasses lands claimed as ancestral domain by the Isneg, Aggay, Ilonaco, and Malaweg cultural communities. Large-scale counterinsurgency campaigns in the region in the late 1980s and early 1990s were marked by frequent and widespread human rights violations. In the Marag and Zinundungan valleys these operations were linked to efforts by logging companies to open up new areas for logging.

The Marag Valley, 1985-1993

In late 1992, a military commander in the Marag Valley, under whose command a number of human rights violations occurred, was implicated in a scheme to open access to lands for a logging company. Despite efforts by the commander, local government officials, and representatives of the company to suppress the exposure of their activities, a national scandal eventually erupted and commercial logging in the area was brought to a halt. However, as of October 1995, by which time nearly all the valley's civilian population had been forced out by successive counterinsurgency drives, logging had reportedly resumed in the Marag.

Logging has been a source of conflict in the Marag valley since the first logging road was opened into this timber-rich valley straddling the border between the provinces of Cagayan and Kalinga-Apayao in 1979.⁴² By the mid-1980s several logging companies were operating in the Marag, many of them benefiting from government patronage. One of these was United Timber Licensees, Inc. (UTLI), a company linked to former Cong. Leonico Puzon, which held a TLA for 75,000 hectares of land encompassing areas claimed by the Isneg and Aggay peoples as ancestral domain.⁴³ Disaffected by lowlanders' failure to recognize their land rights, the Isneg were perhaps predisposed to support NPA efforts to keep outsiders out. In exchange for payments of "revolutionary taxes," however, the NPA was willing to tolerate incursions by loggers into the area. Responding to skirmishes between the NPA and government forces during this period, the mayor of Luna Municipality, in Kalinga-Apayao, eventually declared the area a no-man's land in 1985. TLA holders halted their operations in the valley, although illegal logging did continue within some concession areas.

⁴² The Marag Valley, which lies along the borders of Pamplona township in Cagayan province and Luna township in Kalinga-Apayao province, contains the barangays of Macalino, Kalayukay, Calabigan, Cagandungan and Bucao.

⁴³ Leoncio Puzon, a Cagayan congressman who lost his reelection bid in 1992, was general manager and treasurer of UTLI for twenty years. His brother David was director of the company through 1991. According to Marites Vitug, UTLI received special treatment during the Marcos years, gaining permission to export *narra* and *almaciga* logs from its concession in a handwritten note from the president. Vitug, *Power from the Forest*, p. 94.

From 1985 to 1990, the government launched a series of counterinsurgency campaigns to clear the area of all NPA presence. These included Oplan Red Buster, Oplan Pegasus, Oplan Red Buster II, Oplan Pakilala, and Oplan Red Buster III. With each successive "clearance" operation, Philippine human rights groups reported new abuses against the Isneg, Aggay, and other civilian populations of the Marag, including numerous cases of arbitrary detention, extrajudicial killing, forcible relocation, destruction of homes and crops, and the bombing and shelling of civilian populations.⁴⁴ Those Marag residents who did not flee from the conflict gradually left the area due to severe economic hardship created by the military campaigns, exacerbated by army blockades preventing them from taking goods out to market or bringing food and medicine in.

In October 1990, the government launched another intensive counterinsurgency push into the Marag. This three-month division-sized operation, referred to as Oplan Nakilala-Salidummay, involved Philippine Constabulary, CAGU, and airforce components, as well as troops from the 501st, 502nd, and 503rd Infantry Brigades. It focused primarily on areas within the municipalities of Luna, Pamplona and Sanchez Mira in Cagayan province, many of which fell within or bordered the UTLI concession. In early 1991, Col. Roberto Manlongat, commander of the 503rd Infantry Brigade, was quoted as saying, "Military operations [in the Marag] are designed to open up the area for government's infrastructure projects, social development projects, and logging operations."⁴⁵ Indeed, as soon as the "clearance" operation of Oplan Salidummay-Nikala was deemed successful, UTLI resumed logging activities in the Marag.⁴⁶

In response to Marag residents' complaints of human rights abuses and appeals for medical assistance following Oplan Nakilala-Salidummay, the Ecumenical Movement for Justice and Peace (EMJP) and a number of other church and human rights groups organized a relief mission to the area.⁴⁷ The group was initially blocked from entering the valley in December 1990 by Gen. Homer Capulong and Maj. Gil Malamug of the 501st Infantry Battalion, who told mission participants that there was no reason to enter the Marag, as there were no civilians there. They also suggested that any food or medical supplies the group might want to bring into the area must, in fact, be meant for the NPA. The mission was rescheduled, and was eventually allowed to enter the area on January 9, 1991, despite continuing insistence by the military that there were no civilians in the Marag. The army only allowed the group in after confiscating most of the food and medical supplies it was carrying.

In interviews with Marag residents, mission participants documented two cases of extrajudicial execution, as well as six confirmed civilian deaths from bombing and shelling during Nakilala-Salidummay -- indicating that the army statements that no civilians remained were untrue.⁴⁸ The group also reported the destruction of over one hundred homes, many of them burned to the ground by soldiers, who also destroyed food supplies and crops. According to

⁴⁴ Tunay na Alyansa ng Bayan Alay sa Katutubo (TABAK), "Paradise Lost to Militarization," press release, 1993; Ecumenical Movement of Justice and Peace (EMJP), "Marag Valley History of Militarization," briefing paper, 1991. TABAK, or the Alliance of Advocates for Indigenous Peoples' Rights, is a Manila-based nongovernmental organization founded in 1985 to serve as an umbrella for indigenous peoples' groups and to support the rights of indigenous people of the Philippines. EMJP is a nongovernmental organization established in 1979 by leaders of various religious orders to advocate an end to the phenomenon of militarization and the human rights violations arising from it. Its headquarters are in Manila, with regional, provincial, and municipal chapters throughout the Philippines.

⁴⁵ ABS-CBN News, 10:00 p.m. edition, August 30, 1991.

⁴⁶ Human Rights Watch/Asia interviews, Tuguegarao, September 1993.

⁴⁷ EMJP, "Marag Valley Mercy Mission II," report of the relief and fact-finding mission to the Marag Valley, January 9-13, 1991

⁴⁸ All of the abuses documented by the mercy mission took place in barangays Calabigan, Kalayukay, Cagandungan, and Macalino.

press accounts and investigations by the Legal Rights and Natural Resources Center, at least 500 families, or close to 3,000 individuals, fled the area during the period from October to December.⁴⁹

⁴⁹ Gay Dumat-Ol, "Troops Bar Food, Drugs for Isnegs," *Philippine Daily Inquirer*, February 9, 1991; LRC internal report, January 1991.

About the same time, a government task force was formed in response to complaints by Marag residents about the lack of basic social and economic services in the valley. The task force was assigned to provide improved social and economic services in the area, and set about improving the road into the valley to facilitate this work.⁵⁰ The primary means of access into the area at that time was an old logging road that ran through the UTLI concession. The 514th Engineering Battalion, under the command of Colonel Manlongat, was assigned to widen and improve the road between Bucao and Luna municipalities.

While construction on the road got underway, forces under Colonel Manlongat's command were involved in another major counterinsurgency drive, Oplan Bugbog-Sarado. In the course of Bugbog Sarado, which lasted from January through August 1992, troops from the 503rd Infantry Brigade were again implicated in human rights abuses, this time in the area around Luna. An October relief mission, organized by EMJP and incorporating seventeen other national and regional human rights and humanitarian groups, documented the killing of three civilians and the wounding of another during a bombardment of sitio Candungan in January. The group also reported that in March and April, elements of the 50th Infantry Battalion (under the command of the 503rd Infantry Brigade), were responsible for the extrajudicial killing of nine residents of barangay Calabigan.⁵¹

According to testimony gathered by group members, on May 18, residents of barangay Calabigan found the bodies of seventy-two-year-old Proseso Palo and his son-in-law Felimon Mariano just outside of their village. Palo and Mariano had last been seen in Calabigan two days before when they were taken into custody by government soldiers. Palo's body bore a bullet in the neck, Mariano's was charred and showed signs of torture.

Abuses of this sort contributed to the continued flight of the area's indigenous population. In the first week of August 1992, Colonel Manlongat and Gen. Eduardo Batenga reportedly announced that they had successfully "liberated" the people of the Marag from the NPA forces.⁵² While military operations continued at a reduced level, the army announced plans to initiate rehabilitation programs for displaced valley residents.⁵³ By the end of the year, it was estimated that over half of the valley's residents had fled for safer ground.⁵⁴

⁵⁰ Vitug, *Power from the Forest*, p. 115.

⁵¹ EMJP, Medical Action Group, et al., "Mercy Mission Report," report of the October 24-29, 1992 relief and fact-finding mission to the Marag Valley. Other participating groups included the National Council of Churches in the Philippines, Task Force Detainees of the Philippines, and the Cordillera Resource Center for Indigenous Peoples' Rights, an independent indigenous peoples' rights group based in Baguio.

⁵² Ibid.

⁵³ During this period, the military maintained a "no escort, no entry" policy for nongovernmental groups intending to conduct investigative, relief or medical missions in the valley.

⁵⁴ Kalipunan ng mga Katutubong Mamamayan ng Pilipinas (KAMP or the National Federation of Indigenous Peoples in the Philippines), "Marag Valley," *Tibalyaw* (Manila), December 1993, pp. 38-39. KAMP is a Manila-based federation indigenous peoples' organizations founded in 1987.

In late 1992, it was discovered that the military had enlisted UTLI to assist in its road-building efforts and had given the company permission to recover logs felled during the road construction process. Seven CAFGU members assigned to the area later attested that UTLI equipment was used to gravel the new road, which was eventually discovered to have sixteen switch and branch roads, many more than the local population needed.⁵⁵ According to the CAFGU members' testimony, these branch roads were built by UTLI to gather and cut additional timber outside of the right-of-way granted to the company. UTLI denied that it had built these roads, while Colonel Manlongat claimed that the military had indeed constructed several branch roads along the route for security reasons, including access roads to a fire base and helipad being established in the area, and that several branch roads had also been constructed along the route for security reasons.⁵⁶ Regardless of which of the conspiring parties was responsible for the actual construction of these roads, they provided a bonanza of logs for UTLI.

As aspects of the road-building scheme came to light, civilian and military officials involved in the effort attempted to suppress local protest. A Luna-based environmental group, the Luna-Apayao Movement for Environmental Protection (LAMP), released a statement in August 1992 describing a number of forestry code violations by UTLI, including the irregularities associated with the building of the road. When LAMP protested the connection of Mayor Bienvinido G. Verzola to these illegal activities, the home of one of its leaders, Zoilo Balliesteros, was strafed by machine-gun fire.⁵⁷ In August, Gen. Batenga, Colonel Manlongat, Mayor Verzola, and a UTLI manager visited a local lawyer who was active in the anti-logging movement in Cagayan and made threatening allusions to the dangers of his "NDF sympathies."⁵⁸ The military also warned Luna residents not to stage any anti-logging demonstrations during the visit of Armed Forces Chief of Staff Gen. Lisandro Abadia in late 1992.⁵⁹

Despite efforts to suppress protest, a national scandal did eventually erupt, implicating Colonel Manlongat as well as local government and DENR officials. Investigations were initiated by the military, DENR, and national politicians. Manlongat was transferred, and UTLI operations within the Marag Valley were temporarily suspended. By the time of a Human Rights Watch visit in September 1993, however, Manlongat had been promoted to brigadier general, and was serving as deputy commander of the Northern Luzon Command. In an interview with Human Rights Watch, he denied any involvement in the scheme, stating that he had no knowledge of the irregularities, and that in any case he was not authorized to enforce forestry regulations. Also by 1993, UTLI operations had resumed in Kalinga-Apayao, with logging suspended only in the Marag Valley areas traversed by the road.

Reports coming out of the Marag Valley in 1993 indicated that the military presence in the area continued to result in human rights violations. A March 1993 fact-finding mission reported that elements of the 50th Infantry Battalion were responsible for arbitrary arrests and an incident of indiscriminate firing in which one Marag resident, an Aggay child, was wounded in February of that year.⁶⁰ Both of these incidents occurred in and around barangays Calabigan and Kalayukay. Shortly after the investigative mission left Kalayukay, soldiers from the 50th Infantry

⁵⁵ DENR order dated April 23, 1993.

⁵⁶ Ibid.

⁵⁷ Human Rights Watch/Asia interviews, Baggao, Tuguegarao, September 1993.

⁵⁸ Human Rights Watch/Asia interview, Tuguegarao, September, 1993. The National Democratic Front, or NDF, is a leftist coalition which counts among its members the Communist Party of the Philippines and NPA. Until 1992, membership in the Communist Party was illegal and the practice of "red-labelling", or targeting alleged critics and opponents of the government as "subversives", placed members of lawful nongovernmental organizations at risk of extrajudicial execution, disappearance and arbitrary arrest.

⁵⁹ Ibid.

⁶⁰ Center for Relief and Rehabilitation Services (CRRS), "Fact-Finding Mission Report, March 8-11, 1993," unpublished report, 1993.

Battalion entered that community and told residents that they should go to Bucao "for a better life", and that refusal to leave would result in the construction of a military base in the area around which they would have to rebuild their houses.⁶¹

⁶¹ Ibid.

A July mission that same year documented the burning of homes and fields and killing of two civilians in barangay Calabigan, also by soldiers from the 50th Infantry Battalion.⁶² Both missions reported that Marag residents continued to flee the area in search of safer ground, and that by mid-1993 there was no one living within barangay Macalino.

The Zinundungan Valley, 1993-1995

Prior to early 1993, there had been no logging activity in the Zinundungan Valley for at least a decade. Immediately following an anti-NPA "clearance" operation by the 65th Infantry Battalion (501st Brigade), however, La Villa Resource Corp (LVRC), a logging company connected to a local mayor, entered the area near Santo Nino, Rizal, and began logging operations.⁶³ According to a senior DENR official, LVRC's logging equipment was guarded by some one hundred uniformed soldiers and CAFGU forces.⁶⁴ These detachments become targets of NPA attack, and several pieces of equipment were burned.

On February 18, 1993, the 65th Infantry Battalion ordered the evacuation of barangay Lagum following the arrest of six residents on suspicion of aiding the NPA. Some fifty-five families were forced to relocate to the village of Lipatan for more than a month, ostensibly for their own safety during clearance operations. In the course of negotiations with civilian and military officials to allow them to return to their village, these families were each offered twenty hectares of land and 1,000 pesos [US\$38] if they would agree to be resettled to another barangay.⁶⁵ In the weeks before the evacuation, Lagum residents had noted LVRC employees accompanied by elements of the 65th Infantry Battalion conducting surveys in the surrounding area.⁶⁶ During the actual relocation, residents of nearby Bural observed an LVRC survey team entering Lagum. According to DENR officials, the company had applied at that time for permission to open a new logging road in the area, and a military engineer had lobbied the department to approve the plan.⁶⁷ The DENR denied the request.

In an interview with Human Rights Watch/Asia, Major Cesar Javier, commander of the 65th Infantry Battalion, admitted that his troops had been deployed to guard logging equipment, but suggested that he was merely acting on orders from higher up. He knew of the road survey that took place in Lagum but stated that the road had not been constructed because the plans had not proven feasible.⁶⁸

⁶² EMJP, KAMP, TABAK, et.al., "Marag Valley Mission Report, July 6-9, 1993," unpublished report, 1993.

⁶³ Human Rights Watch/Asia interview, Baggao, September 1993.

⁶⁴ Human Rights Watch/Asia interview, DENR, Tuguegaro, September 1993.

⁶⁵ Commission on Human Rights Region II memorandum, "Dialogue on alleged hamletting of the residents of Lagum, Sto. Nino, Cagayan," March 22, 1993.

⁶⁶ Human Rights Watch/Asia interview, Baggao, September 1993.

⁶⁷ Human Rights Watch/Asia interview, DENR, Tuguegarao, September 1993.

⁶⁸ Human Rights Watch/Asia interview, Major Cesar Javier, 65th Infantry Battalion headquarters, Alcala, September 1993.

In June 1993, a coalition of governmental and nongovernmental groups, including representatives of the DENR, the governmental Commission on Human Rights, LRC, the Philippine Center for Investigative Journalism, and Cagayan Anti-Logging Movement, conducted an investigative mission to the area. The group documented several violations of LVRC's operating permit.⁶⁹ As a result of the report, the DENR regional office suspended the company's operations in July of that year. Within less than a month, the military presence in the Zinundungan had been reduced by one third. In September 1993, however, LVRC was reported to be operating across the provincial border in Kalinga-Apayao, which is under the jurisdiction of a different DENR regional office in the Cordillera Autonomous Region.

Counterinsurgency operations in the Tri-Valley region have essentially come to an end. In both the Zinundungan and Marag valleys, military abuses declined in the face of public outrage when human rights, humanitarian, indigenous peoples' and environmental groups exposed human rights violations, including the army's involvement in efforts to open up land for logging. However, nearly a decade of intensive counterinsurgency drives contributed to the flight of the area's indigenous and other forest populations. By 1995, logging had resumed on the lands where they once lived. Meanwhile, a pattern of human rights abuse similar to that found in the Tri-Valley region has begun to emerge on several former logging concessions that have been converted into tree plantations, as will be described below.

V. IFMAS: PATTERNS OF ABUSE ON TREE PLANTATIONS

While allegations of human rights abuses related to commercial logging have declined in recent years, at the time of Human Rights Watch's visit to the Philippines in June 1995 a program funded by the Asian Development Bank (ADB) to convert TLA lands into tree plantations called industrial forest management areas (IFMAs) had become the source of both renewed conflict with indigenous communities and new human rights violations.

The IFMA program is a continuation of the industrial tree plantation lease agreement (ITPLA) program initiated in 1975 to ensure a stable and continuous supply of resources for wood-based and energy industries. Like its predecessor, the IFMA program allows for "re-greening" degraded and denuded forest lands, putting them into productive use through the planting of harvestable trees. These agreements run for an initial period of twenty-five years and are renewable for another twenty-five years. They can range in size from several hundred to a maximum of 20,000 hectares, with most larger IFMAs covering lands formerly logged under timber licensing agreements (TLAs). In fact, by February 1995, excluding the Autonomous Region of Muslim Mindanao (ARMM), there were only thirty remaining TLAs in the Philippines, whereas by the end of 1994 there were at least 229 active IFMAs and ITPLAs outside the ARMM. Many of these are now operated by the same individuals or corporations who were responsible for abuses linked to TLAs in the past.⁷⁰

⁶⁹ Logging permit violations documented by the mission included the unauthorized construction of new switch roads into virgin forest area, logging operations outside LVRC's concession area, and the presence of logging equipment owned by other TLA holders in the LVRC concession, suggesting illegal subcontracting.

⁷⁰ DENR "List of Active Timber Licensing Agreements (As of 1 February 1995)," and "List of Existing ITPLAs/IFMAs as of 31 December, 1994, Regions 1 to 12 and CAR." TLAs reached their highest numbers in the mid to late 1970s, by which time there were as many as 230 of them. Including short-term, "special permits" to fell trees that were issued under Marcos, however, the actual number of licenses during that period totals over 450. Vitug, *Power from the Forest*, p.14.

The DENR views IFMA projects as part of its new policy of community-based development, in part because the application process requires potential IFMA holders to carry out consultations with communities that will be affected by their projects. In practice, however, these projects have been carried out with little or no community consultation. In some cases, barangay or municipal leaders in communities closer to lowland population centers or major thoroughfares are consulted, while leaders of more isolated communities, who opposed logging in the area in the past, are not informed.⁷¹ Often the first information they have of an IFMA is when company employees, accompanied by armed guards, begin clearing trees, widening roads, and uprooting residents' crops in preparation for tree planting. These practices have led to conflicts within indigenous communities, as well as between members of these communities and IFMA holders, and subsequent military involvement. As a consequence, the IFMA program has generated the full range of human rights violations associated with logging in the past.

Land Conflicts and Military Abuses Along the Maasam River, 1991-1995

Since 1991, elements of the Philippine army in north-central Mindanao engaged in counterinsurgency operations along the Maasam river have been responsible for repeated human rights abuses against members of an indigenous community that has historically opposed and resisted logging and IFMA activities in the area. The victims are members of the Banwaon cultural community in San Luis Municipality, Agusan del Sur, whose homes and farms fall within a number of intersecting IFMA projects.⁷² In the course of these counterinsurgency operations, members of the military have pillaged and destroyed homes, crops and livestock in Banwaon villages, as well as intimidating their residents. These campaigns and their attendant abuses, which have often been closely followed by the commencement or resumption of logging or IFMA activities in affected areas, have also led many of the Banwaon people to flee their homes. Members of the military and local officials have also, in their official capacities, conspired to cover up reports of human rights abuses.

The major timber interests along the Maasam are Provident Tree Farms Incorporated (PTFI), which holds IFMAs for 20,700 hectares in San Luis and another 11,500 hectares in the nearby municipality of Talacogon, and Woodland Domains Incorporated (WDI), formerly Kalilid Wood Industries, which manages 8,000 hectares in San Luis under an IFMA, and 72,600 hectares in Talacogon and neighboring Comuta under a TLA. PTFI's holdings in San Luis are divided into two sections: the northern section, designated as Side One, covers roughly 6,000 hectares within an area claimed by the Banwaon people as their ancestral domain. WDI's IFMA lands also overlap with Banwaon territories, as do 5,000 hectares managed under an IFMA by Casilayan Softwood Development Corporation (CSDC).⁷³

⁷¹ This situation is further complicated by the overlap of national and tribal systems of leadership in many of these areas. A majority of indigenous groups maintain a traditional system of community leaders known as datu, who in some cases also serve as elected or government appointed officials. Conflicts over IFMA projects often pit those officials and datu who are affiliated with the government, and support the project, against datu with no government links.

⁷² Affected sitios include Balit, Minapoga, Kiamo, Lanapan, Kinayang, Kalusisi, Kimata, Kinatutungan, and Kandiisan, all within the jurisdiction of barangay Mahagsay.

⁷³ CSDC provides wood for Royal Match Incorporated, which also maintains an IFMA covering 5,500 hectares IFMA in Talacogon and La Paz.

As in many other regions in Mindanao, the timber industry in Agusan del Sur has traditionally been linked to political interests. Agusan del Sur Gov. Democratio O. Plaza's network of logging, manufacturing, and management companies includes Agusan Wood Industries, the Mainit Lumber Corporation, and the Western Timber corporation.⁷⁴ Cavite Cong. Renato Dragon is the former president of Kalilid Wood Industries and now serves as a consultant to WDI. He is also the former president of the Philippine Wood Products Association.⁷⁵ CSDC and its affiliate, Royal Match Incorporated, are owned by former senator and current Cagayan Cong. Ponce Enrile's Jaka group of companies.⁷⁶

Logging in the Maasam river area was heaviest during the 1960s and 1970s. In the early 1980s, Banwaon community leaders, responding to what they saw as the destruction of their land and livelihood, as well as the displacement of their people by logging companies, often through intimidation and force, began to fight back. They activated their *alimoang* (armed defensive units responsible for protecting tribal leaders and their territory), and as a result, brought commercial logging in the area, including operations on the Kalilid Wood Industries concession, to a standstill. In response, the government branded Banwaon Supreme Datu Mario Napungnahan, the leader of the opposition, and his followers as members of the NPA.

In the course of counterinsurgency operations carried out from 1985 to 1990, army troops and members of Civilian Home Defense Force (CHDF) paramilitary groups regularly targeted Banwaon civilians for attacks. According to the Butuan-based indigenous peoples' organization SILDAP-Sidlakan, the worst abuses were carried out by the 23rd Infantry Battalion and a CHDF under the leadership of a PANAMIN-affiliated Higaonon chief, Lavi Manpatilan.⁷⁷ Sister Mary John Dumaog, a Catholic nun who has worked in area for seventeen years, describes how, in a seven-month period in 1985 and 1986, members of Manpatilan's CHDF terrorized Banwaon communities, murdering at least twenty-six civilians, six of them by hanging.⁷⁸ In 1988, another large counterinsurgency campaign was launched, affecting at least seven Banwaon communities including Balit, Mahagsay, Santa Rita, and Kinayang, which all bordered or fell within the PTFI or WDI claims. Intensified army and paramilitary operations continued through the early 1990s; bombing, shelling, and strafing destroyed homes and other property, and many Banwaon fled into the forest. According to indigenous peoples' organizations, throughout this period the army and paramilitary groups regularly abducted and killed area residents, burned their houses and crops, and pillaged or destroyed their livestock and possessions.⁷⁹

⁷⁴ Democratio Plaza's sister-in-law is the congressional representative for the first district, Agusan del Norte. Eric Gutierrez, *The Ties That Bind: A Guide to Family, Business and Other Interests in the Ninth House of Representatives* (Manila: Philippine Center for Investigative Journalism, 1994), p. 225.

⁷⁵ Ibid., p. 133; Marites Vitug, "Is There a Logger in the House," in *Saving the Earth: The Philippine Experience* (Manila: Philippine Center for Investigative Journalism, 1993), p. 133.

⁷⁶ Enrile, who has served as the secretary of defense, secretary of justice, and customs commissioner, also sat on the board of the Wood Industries Development Authority, which was responsible for the granting of TLAs, in 1985 and 1986. Ibid., p. 68; Gutierrez, *The Ties That Bind*, pp. 140-141.

⁷⁷ In organizing their campaign, Manpatilan and other CHDF leaders played upon traditional enmity between the Higaonon and Banwaon. SILDAP-Sidlakan, "Banwaon Communities Evacuate Due to Military Operation," *Yawos-Silatan* (Butuan) July 1, 1991, p. 5. SILDAP-Sidlakan is a Butuan-based indigenous peoples' group.

⁷⁸ Human Rights Watch/Asia interview, Sister Mary John Dumaog, Religious of the Good Shepard (RGS) Mission House, San Luis, June 1995.

⁷⁹ TABAK, "Logging: Back After a Decade," press release (Manila), 1993; KAMP, "The Banwaon Odyssey," *Tibalyaw*, December 1993, p. 18.

In August 1993, hearing reports of increased logging activities in the area, members of the Banwaon community reiterated their strong opposition to logging on the WDI concession and operations by PTFI and other IFMA holders. During a meeting to air this dispute, PTFI chief concession guard Tata Perater was reported to have said, "Whether you agree or not, the company will pursue its operations. We can request any infantry battalions we want."⁸⁰

⁸⁰ KAMP, "The Banwaon Odyssey," p. 18.

Late 1993 saw the full resumption of logging and IFMA activities around Banwaon communities. Simultaneously, military operations intensified. On September 15, less than a week after PTFI moved heavy equipment for road clearing and widening operations into Side One, three truckloads of soldiers from the 36th Infantry Battalion occupied Balit, a Banwaon village that borders Side One. The detachment, under the command of Lt. Col. Reynaldo Pardillo, set up checkpoints around the community and imposed food and travel restrictions on its residents, closing off access to Mahagsay and other nearby communities.⁸¹ Gunshots were heard repeatedly in the surrounding area in the following days, and a number of residents of nearby Mahagsay, Kinayang, and Santa Rita fled into the forest. Soldiers who were billeted in Balit homes destroyed and looted livestock and other property.⁸² On September 25, troops pulled out of the area, while road clearing and logging operations continued.

Lieutenant Colonel Pardillo denied allegations that the 36th Infantry Battalion had moved into the area to protect TLA and IFMA holders, saying that he was after Mario Napungnahan and NPA guerrillas. In late 1993, Pardillo told a *Philippine News and Features* reporter, "We are not protecting anybody except the interest of the government."⁸³ However, soldiers from his battalion who requested anonymity told the same reporter that the logging company provided them with sardines, rice, and gasoline. San Luis and Mahagsay residents interviewed by Human Rights Watch claim that timber interests regularly provide members of the military stationed in the area with food and other supplies.⁸⁴

In November 1993, in response to reports from LRC about the ongoing conflict in Side One, the Asian Development Bank cut a loan PTFI had applied for by one third. The loan, which was designated for tree-planting operations along the Maasam river, was reduced from 150 million pesos [US\$5,729,565] to 100 million pesos [US\$3,819,710] "subject to the condition that the loan coverage excludes the area claimed as ancestral domain by the Banwaon Indigenous Cultural Community."⁸⁵

⁸¹ Human Rights Watch/Asia interviews, San Luis, June 1995.

⁸² Ibid.

⁸³ "Gentle Forest People Forced to Fight Loggers," *The Sunday Chronicle* (Manila), December 12, 1993.

⁸⁴ Human Rights Watch/Asia interviews, San Luis, June 1995.

⁸⁵ In a letter to LRC, the Asian Development Bank admitted that the reduction of the loan amount and coverage "had no impact on the present boundaries of PTFI's IFMA lands, the modification of which remains the prerogative of DENR and PTFI." The letter added that the DENR had assured the bank that it would always respect the rights of the area's residents in the implementation of the concerned IFMA. Letter to A. Gatmaytan, Legal Services Director, LRC, from M.S. Rao, Manager, Social Dimensions Unit, ADB, dated December 1, 1993. On file at LRC.

Nevertheless, PTFI's operations in Side One continued in 1994, as did counterinsurgency operations and reports of abuses against Banwaon residing in the area. According to two young women from Mahagsay interviewed by Human Rights Watch, sixty soldiers moved into their community in late April 1994, occupying houses, enforcing restrictions on movement, imposing food controls, uprooting crops, and stealing or destroying livestock and other property.⁸⁶ The women also described how the soldiers repeatedly directed sexually threatening comments and gestures towards local women, and threatened one of them with rape.⁸⁷ According to a report released by local church leaders who led a relief mission to the area, the soldiers, members of the 30th Infantry Battalion under the command of Lt. George Banzon, repeatedly threatened and intimidated men and women in Mahagsay throughout their six-week operation in the village. The report describes how soldiers told residents they would be "butchered" and their houses would be burned if they tried to leave the village, that pits being dug would be their graves, and that it would be easy to "declare anyone who caused trouble as missing."⁸⁸ Less than a week after military operations started in the village, twenty-seven Banwaon families fled to nearby Balit, and eight others went into hiding in the forest. At the end of May, the 30th Infantry Battalion pulled out of Mahagsay, and village residents were beginning to return to their homes. Many found their homes damaged and livestock and other properties missing or destroyed.

Members of the military and local government authorities not only dismissed complaints of abuse from displaced Mahagsay residents but appear to have actively sought to keep any complaints off the public record. As area residents began to return, the families that had fled to Balit decided to go back as well. They were planning to do so on May 31 but delayed their departure after Balit town council members told them food and supplies were to be distributed the following day. On June 2, members of the municipal council of San Luis arrived in a military jeep and instructed two Banwaon community leaders who had previously complained of human rights abuses in Mahagsay to accompany them to San Luis, where Mayor Jose Chua was to meet with them. At the mayor's office they were met by two other community leaders who had also been brought there, the mayor and small group of armed soldiers, including one Gen. Sergio Belleza. Mayor Chua asked them to describe the situation in their village. They recounted the events described above and were eventually given an affidavit to sign. The four men, who were unable to read the document, were informed that it was an account the abuses they had just described. They decided to sign it only after the vice mayor told them that if they were "on side of the government" they would sign. That afternoon, the "affidavit," which was in fact a statement denying that any abuses had taken place in their communities, was broadcast over the local radio station.⁸⁹

While PTFI's activities continued during the military operations in April and May, the burning of a bulldozer and other heavy logging equipment, widely assumed to be carried out by one of the alimoang, led to a halt in clearing and tree-planting in June 1994.⁹⁰ However, by November of that year, amid rumors that PTFI was scheduled to resume operations in Side One in January 1995, concession guards entered the area again, surveying and marking out trees to be cleared. During this period, an alimaong reportedly stopped a group of PTFI employees and confiscated surveying equipment.⁹¹

⁸⁶ Human Rights Watch/Asia interview, San Luis, June 1995.

⁸⁷ Ibid.

⁸⁸ Report of a RGS Tribal Filipino Ministry-organized investigative and mercy mission, June 1-4, 1994.

⁸⁹ Affidavit signed by twenty-seven Mahagsay residents, June 3, 1994.

⁹⁰ Human Rights Watch/Asia interviews, Sister Mary John Dumaog, Father Ben Alforque, RGS Mission House, San Luis, Agusan del Sur, June 1995.

⁹¹ Ibid.

January 1995 saw the resumption of intensive military operations in and around Side One, which would last through mid-March. Joy Gumansil, wife of the late Datu Manhumagpay, reported to investigators from LRC, Task Force Detainees and local church groups that her house was burned to the ground after she and other residents of sitio Kiamoa fled when soldiers moved into the village.⁹² All possessions in her house, including an antique spear of priceless cultural value to the Banwaon, were destroyed. According to testimony gathered from other residents by the investigators, clothing, blankets, farm tools, household items, native necklaces, and cash were all reported as either stolen or destroyed during the military operation. Iway Mambalalay, a Banwaon farmer, was arrested by an unidentified Scout Ranger unit on February 17 for possession of a World War II vintage firearm. For six days he was held at the 36th Infantry Battalion headquarters in Bayugan, where he was forced to carry packs during the day and kept tied at night. He was eventually transferred to a municipal jail in San Luis, where, he later stated, he was forced to admit to being a member of the NPA before he was finally released on March 7 through the intervention of local church groups.⁹³

On May 12, 1995, four special investigators from the Region X office of the Commission on Human Rights went to investigate reports of abuses during the three-month operation. After a meeting with Lieutenant Colonel Pardillo of the 36th Infantry Battalion in Don Alejandron, San Luis, the group determined that the army had several engagements with "armed insurgents" in the area. They reported Lieutenant Colonel Pardillo as saying that the NPA had been "exploiting natives by training them and providing them with weapons, using them as a frontline against the military." The group also met with San Luis Mayor Jose Chua, who reported that he had not been informed of any military operations in Mahagsay but that he was aware that several families from Kiamo and Mahagsay had been displaced by a recent flood. The local church groups that initially reported the abuses claim to have informed the mayor and the office of the Social Welfare and Development Agency of these evacuations and their true cause. According to the commission's investigators, this agency also denied having been informed of any displacements due to military activities. Based on such interviews, the investigators concluded that because the alleged abuses were first reported to the human rights group Task Force Detainees, and not to the local government, there must be a "hidden agenda, political or otherwise" behind the claims of abuse, and that those who reported the abuses must be "sympathizers of the insurgency" because they did not seek out the help of the civil authorities. The case was declared closed by Commission on Human Rights Regional Executive Director Rudolfo M. Tan on June 6, and, as is normal procedure, was forwarded to Manila for review. There the national CHR office upheld the determination of the regional office and declared the case to be "closed and terminated."

Conflict in Talaingod, Davao del Norte, 1991-1995

In 1994, tensions within the Ata-Manobo indigenous community in Talaingod, Davao del Norte, over the implementation of an IFMA project erupted into a *pangayao* or tribal war. A company called C. Alcantara and Sons, locally known as Alsons, applied for an IFMA in Talaingod in 1989 when its TLA in the area expired. In 1990 the company was granted a 19,000-hectare forest management area, later expanded by an additional 10,000 hectares under a grant to Alsons' affiliate Davao Industrial Plan, Incorporated (DIPI). Alsons obtained a loan for 350 million pesos [US\$13,368,984] from the ADB through the Land Bank of the Philippines and began to survey the area for tree planting.

Tree-planting activities proceeded normally in areas near the town center of Talaingod, but when operations reached outlying communities in and around sitio Butay in barangay Nasilban, Alsons met with opposition from tribal leaders who claimed the area as ancestral domain. The first that Butay residents heard of the IFMA was in July 1991 when Virgilio Tutor, operations manager for Alsons and later vice-mayor of Talaingod, began to hold individual

⁹² LRC, RGS Tribal Filipino Ministry, et al., "Renewed Military Operations in Maasam," report of a fact-finding mission to Mahagsay which included representatives of the RGS Tribal Filipino Ministry, LRC, and Task Force Detainees' Agusan del Sur Unit, March 8-10, 1995.

⁹³ Ibid.

meetings with tribal leaders to inform them that the company would be reforesting the area.⁹⁴ The Ata-Manobos opposed to the project maintain that the consultations staged by Alsons were held merely to inform them of the implementation of the IFMA, not to allow them an opportunity to comment on or express opposition to the project.⁹⁵ When asked if proper consultations had been carried out in these contested areas before the IFMA was granted, the DENR's chief reforestation officer for the region told Human Rights Watch that the mayor of Talaingod, Jose Libayao, had indeed been consulted regarding the IFMA application in meetings with Alsons and the DENR.⁹⁶ Libayao, before becoming mayor of Talaingod, was Alsons' chief operations officer.

⁹⁴ LRC internal memorandum, June 29, 1992.

⁹⁵ LRC, KAMP et. al., "Ancestral Domain Rights and the IFP" (Manila), December 1994.

⁹⁶ Human Rights Watch/Asia interview, Pelegio Nalja, Jr. chief, reforestation section, DENR Region XI (Davao City), June 1995.

By November 1991, Alsons employees had conducted surveys in the area around Butay, extended the roads in the area, cleared away bananas and cacao that the locals had planted, and had begun to plant trees. In mid-1992, tribal leaders in the contested area informed LRC investigators that Alsons supervisors accompanied by armed guards frequently visited lands cultivated by Ata-Manobo farmers, telling them to abandon the area.⁹⁷ As the expansion of Alsons operations continued, accompanied by threats to farmers who stood in its way, twenty-five datos met in barangay Tibukag to coordinate their opposition to Alsons and form Salugpungan Ta Tana Nigkannuhon (Lumad Unity in Defense of Ancestral Domain) and pledged to defend their ancestral domain "to the death."

Tensions between Salugpungan and Alsons continued to build through the end of 1993, and reports of the conflict began to find their way into the national press. In one account, Salugpungan leader Datu Gibang Apoga charged that Alsons field officials had threatened his people saying that Paul Dominguez, presidential assistant for Mindanao and former head of Alsons, would order bombing operations in the area. Alsons dismissed the charges as propaganda.⁹⁸

In early February 1994, elements of the 64th Infantry Battalion under the command of the 602nd Brigade arrived in the contested area, ostensibly to flush out NPA guerrillas. Ata-Manobos from the communities where the 64th Infantry Battalion carried out operations complained of looting, destruction of livestock and property, and illegal searches of their homes.⁹⁹

In August 1994, in response to an increasing military presence in the area, 570 Ata-Manobos from seventeen villages fled Talaingod. After a month spent in an evacuation center in Davao City, they returned to Talaingod following the signing of a Memorandum of Understanding by Alsons, the 64th Infantry Battalion, Salugpungan, and the municipality of Talaingod. In the memorandum, Alsons pledged to defer from the use of force to implement its development plans and to respect the decision of Ata occupants who refused to have the lands they occupy be taken for IFMA purposes.¹⁰⁰

Five days after the signing of the agreement, Salugpungan reported that Alsons bulldozers, accompanied by armed concession guards, had once again begun to clear roads, including in the contested area.¹⁰¹ In early October, Alsons also broke a moratorium on expansion of its IFMA that it had agreed to at a September 29 meeting with government agencies, the military, provincial and local governments, and Salugpungan. Although Alsons had agreed at that meeting to suspend logging activities until an accurate delineation of ancestral claims in the area had been made, just three days later it brought ninety workers into sitio Butay to resume clearing operations.¹⁰²

⁹⁷ LRC internal memorandum, June 29, 1992.

⁹⁸ LRC, KAMP et. al., "Ancestral Domain Rights and the IFP."

⁹⁹ Ibid.

¹⁰⁰ "Memorandum of Agreement," August 26, 1994 (on file at CHR Region XI office in Davao City).

¹⁰¹ LRC, KAMP et al., "Ancestral Domain Rights and the IFP."

¹⁰² Ibid.

Tensions broke on October 20, 1994 when a group of Ata-Manobo warriors attacked a group of Alsons workers, leaving three dead and six others wounded. Claiming that the NPA had initiated the attack, local government officials called for a military solution. Arrest warrants were issued against Datu Lucendo Lesoro, Gibang Apuga, and other leaders of Salugpungan who went into hiding with close to one hundred families from the contested area. Members of the armed forces and Mayor Libayao accused NGOs and the NDF of being the "unseen hands" pushing the Ata-Manobo to take up arms against the company.¹⁰³

Shortly thereafter, the 602nd Brigade announced that it had created a group called "Task Force Lumad" to prevent further hostilities in the area. The group was composed of personnel from the army's 641st Battalion, Davao del Norte Provincial Police Command, Department of Social Welfare and Development, and Talaingod Mayor Jose Libayao.¹⁰⁴ According to Col. Roy Cimat, commanding officer of the 602nd Brigade, the task force would stay in the areas until the deployment of a CAFGU which was then being trained -- and which included Ata-Manobo men.

The Ata-Manobo community of Talaingod was left deeply divided by the conflict. At the time of Human Rights Watch/Asia's visit to Davao City in June 1995, the members of Salugpungan and their supporters were still living in hiding. According to NGOs and journalists that had contact with the group, they were in poor health and lacking food due to a full blockade and stepped-up counterinsurgency operations in the area.¹⁰⁵ In addition, Salugpungan members found themselves in armed conflict with other Ata-Manobo who supported the IFMA. In response to continued pressure from indigenous and human rights NGOs that had contact with Salugpungan, the DENR ordered Alsons to suspend its IFMA activities in February 1995. In March, however, an investigative and humanitarian mission organized by TABAK, KAMP, and other NGOs was blocked from entering the area where Salugpungan members were in hiding by a group of Ata-Manobo, armed with machetes, who refused to let them enter or pass through the town of Talaingod. After a prolonged lobbying effort by Mayor Libayao and other members of the Ata-Manobo community who were dependent on Alsons for their livelihood, the IFMA was reinstated in May 1995.

Cases Related to Other IFMA Projects

- In June 1995, members of the Tiruray tribe complained to members of the press that guards hired by timber tycoon Victor Consunji had been trying to force them off their ancestral lands in Maguindanao. A tribal leader told a correspondent for the Manila-based newspaper *Today* that Consunji's Integrated Tree Products Incorporated (ITPI), which had applied for an IFMA for that area, wanted them to leave "so they can prove to the DENR that this is a no-man's land."¹⁰⁶ Members of the tribe also alleged that guards for ITPI and for Cotabato Timberland Company Incorporated, another Consunji holding, had destroyed farmlands and strafed houses in the area to intimidate residents into leaving. The DENR office for the Autonomous Region of Muslim Mindanao decided in June 1995 not to act on the application, but only to forward it to Manila for consideration.

¹⁰³ "No militarization in Talaingod - AFP," *The Mindanao Daily Mirror* (Davao City), November 6, 1994.

¹⁰⁴ "Army Brigade Clarifies Stand on Talaingod Row," *The Mindanao Daily Mirror*, November 7, 1994.

¹⁰⁵ Human Rights Watch/Asia interviews, June 1994.

¹⁰⁶ Allan Nawal, "Maguindanao Tribe Blocks Log Firm's Application for License," *Today* (Manila), June 12, 1995.

Guards working for Consunji operations have been linked to numerous abuses against indigenous populations in the late 1980s and 1990. During the late 1980s, a 3,000-man private army maintained by Consunji's Magsaysay and Sons company on an industrial tree plantation in Esperanza, Sultan Kudarat, was responsible for a three-month reign of terror against Teduay, Dulangan Manobo, and Lamabangian peoples who resisted the company's tree-planting activities. A series of fact-finding missions to the area in late 1989 and early 1990 documented widespread instances of extrajudicial killing, destruction of property, and forced evacuation of residents who refused to plant trees for the company.¹⁰⁷ In one case, a resident of sitio Balatian, who returned to his village shortly after it was evacuated in late 1989, was captured by Magsaysay and Sons guards, tied hand and foot, beaten, and beheaded.¹⁰⁸ In November of that year, Magsaysay and Sons' application to convert its ITPLA to an IFMA was granted by the DENR. Consunji was also granted other IFMAs for lands in Zamboanga City in 1991 and Sultan Kudarat in April 1993.

- According to investigations conducted by LRC in 1993, PHELA Resources Corporation obtained control over lands covered under its three IFMAs in South Cotabato, totaling over 2,000 hectares, through "manipulation and intimidation" of the local B'laan indigenous communities.¹⁰⁹ B'laan who live in the area consider the land to be their ancestral domain. They reported to LRC's investigator that they had not been consulted concerning PHELA's planned IFMA operations. In fact, the majority did not know what an IFMA was, merely that they were forbidden by the IFMA operator to enter or pass through the plantation site. Those who refused to sell the rights to their lands were threatened with imprisonment for any fires on IFMA lands that might be inadvertently be caused by burning for shifting cultivation. Fearing imprisonment, a number of families gave up their lands for 500 pesos [US\$19] per hectare.
- In another case investigated by LRC, an infantry battalion created specially to protect a government-owned tree plantation was found to have threatened and detained Manobo farmers who would not agree to sign away their rights to the land and plant trees for the company. The ITPLA, held by the Philippine Industries Corporation of the Philippines (PICOP), covers roughly 54,000 hectares of land in Surigao del Sur, Agusan del Sur provinces, and Davao del Norte Provinces.¹¹⁰ According to interviews conducted by LRC in 1991, armed members of the PICOP Infantry Battalion threatened residents with harm if they would not enter into a "social forestry" agreement with the company requiring them to plant trees on the land for eighteen months, and thereafter renounce all claims to the land.¹¹¹ Many area residents entered into the agreement fearing that they would be arrested on charges of violating forestry codes for cultivating their crops and home gardens if they did not sign. In one such case documented by LRC, an elderly datu was arrested by the battalion and held in

¹⁰⁷ Alyansa ng mga Lumad sa Habagatang Mindanao alang sa Demokrasya (ALUHAMAD, or Alliance of Tribal Filipinos of Southern Mindanao for Democracy) et al., fact-finding mission report, December 1989; ALUHAMAD et al., investigative and medical relief mission report, February 1990. Besides ALUHAMAD members, the December 1989 mission also included representatives of the Philippine Center for Investigative journalism, LRC, KAMP, Task Force Detainees, and eleven other church, indigenous peoples' and humanitarian organizations. The February 1990 mission included representatives of ALUHAMAD and the Manila-based Ecumenical Committee for Displaced Families and Communities.

¹⁰⁸ Ibid.

¹⁰⁹ LRC, field report, 1993.

¹¹⁰ PICOP's ITPLA was eventually converted to an IFMA in 1992. The company maintains two TLAs in Surigao del Sur which adjoin its IFMA and cover over 230,000 hectares of land combined. It also maintains a 14,000-hectare IFMA in Davao Oriental.

¹¹¹ LRC internal memorandum, May 21, 1991.

detention for two years until a judge ordered his release finding that there had been no forestry code violation.¹¹²

The implementation of IFMA projects, often without the consultation of affected communities, has in some areas led to conflicts within indigenous groups, as well as between members of these groups and IFMA holders. IFMA holders have used the threat of prosecution, intimidation, violence and the destruction of crops and property to force forest residents off the lands where they intend to plant trees. In at least one case investigated by Human Rights Watch, military operations on IFMA lands have achieved the same goal. As a consequence, the IFMA program has generated the full range of human rights violations associated with logging in the past, and despite documentation and denunciations by humanitarian, church, human rights and indigenous peoples' organizations, the government has consistently failed to address these patterns of abuse.

VI. RECOMMENDATIONS

Human Rights Watch/Asia makes the following recommendations:

To the Philippine Government

The Philippine Government must fully comply with its obligations under the International Covenant on Civil and Political Rights to respect basic human rights. In its counterinsurgency operations, the government must also adhere to all provisions of Article 3 common to the Geneva Conventions regarding the humane treatment of civilian populations. In addition, it should:

- Make every effort to ensure that TLA or IFMA holders, guards they employ, members of the military, or government authorities responsible for acts of intimidation or violence are brought to justice;
- Immediately disband the paramilitary CAFGUs and special CAFGUs, which continue to be responsible for human rights violations.

In light of the serious human rights abuses which have been associated with the implementation of TLAs and IFMAs, and in order to reduce the possibility that opposing land and resource claims will escalate into new conflicts and spawn further human rights abuses, the government should, before granting private individuals or corporations the rights to timber resources on public lands, ensure that all claimants have been allowed access to legal representation and the opportunity to have their claims adjudicated. In addition, the Philippine government should, in the appraisal of all applications for IFMAs and other forestry management agreements, investigate and take full consideration of:

- Whether communities to be affected have been consulted regarding these projects in a manner that allows all parties full access to information and allows all points of view to be expressed freely, in an atmosphere free from coercion, intimidation or violence.
- Whether any individuals affiliated with applicant in the past (including armed guards) who may have previously been responsible for human rights abuses are still employed by the applicant.
- Whether communities to be affected have access to institutional and legal frameworks for the protection of human rights to which they can turn without fear of harassment or reprisals.

The government, in consultation with relevant nongovernmental and community-based organizations and representatives of the timber industry, should draft a human rights "code of conduct" to be incorporated in all forest management agreements. Following the adoption of such a code, the government's Commission on Human Rights, in cooperation with nongovernmental human rights organizations, should regularly review IFMA holders' human rights

¹¹² Ibid.

records and make recommendations to the DENR to suspend the operating licenses of those licensees found to be responsible for human rights abuses in violation of the code.

To the Asian Development Bank

In August 1995 the Asian Development Bank adopted a policy on “governance,” which it defines as “the manner in which power is exercised in the management of a country’s economic and social resources for development.”¹¹³ To encourage “good governance,” or sound development management, in its donor countries, the bank has undertaken to promote greater accountability, participation, predictability and transparency in bank-sponsored programs and projects. Within this context, the bank views consultative mechanisms, including consultations with groups to be affected by bank-funded projects, as increasing all of four factors in both policy formulation and implementation.¹¹⁴ However, in light of the serious human rights violations which have arisen in areas affected by IFMAs, a bank-sponsored program in which consultations were mandated, Human Rights Watch recommends that the bank:

- Ensure that all consultations with communities affected by forestry projects are carried out in a manner that is timely and meaningful, are open to all concerned individuals and relevant nongovernmental organizations, and take place in an environment free of coercion or fear.
- Evaluate the degree of accessibility to institutional and legal frameworks for the protection of human rights available to populations affected by projects and programs it funds, and ensure that these protections are respected in practice as well as on paper.
- Ensure that adequate funding has been provided to fairly compensate residents who may be involuntarily displaced. In many cases, the ADB is not the financing agent for the actual acquisition of land, but to the extent that land acquisition is a component of programs or projects receiving bank funding, the ADB has a responsibility to ensure that compensation is paid by the corporations that acquire the land.

To International Donors

The Philippines’ bilateral, as well as multilateral, aid donors should encourage the government to incorporate human rights concerns into its forest management policies to prevent further abuses against forest populations, fully respect its obligations under the International Covenant on Civil and Political Rights, and ensure that those responsible for human rights abuses, including TLA or IFMA guards, members of the military, and government authorities, are brought to justice.

¹¹³ Asian Development Bank, “Governance: Sound Development Management” (Manila), August 1995, p. 1.

¹¹⁴ *Ibid.*, p. 23.

VII. ACKNOWLEDGMENTS

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Human Rights Watch/Asia

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